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C L A R I O N

MEMORANDUM

TO: Municipality of Anchorage
FROM: Clarion Associates
DATE: June 21, 2005
RE: Complete Revised Draft of New Title 21 for Public Review

We are pleased to transmit to you a complete revised draft of the new Anchorage Title 21. This significantly modified draft consolidates all chapters of the new code and reflects hundreds of edits – some major and some minor – to all chapters.

The Anchorage planning staff received hundreds of comments on the public drafts of all chapters over the past two years. All segments of the community demonstrated an impressive level of commitment by conducting such a thorough review of the proposed new land use regulations. The staff consolidated and organized all comments received. An executive committee of staff members reviewed all comments and, in cases of inconsistency, made recommendations as to which comments should be followed. Clarion Associates then received marked-up versions of each chapter that contained all comments submitted, with specific requests for edits from the staff executive committee. Where Clarion had questions or concerns about staff recommendations, we held teleconferences to discuss specific issues and came to agreement as to what language should be included in the public review draft. In some cases, we have highlighted (with footnotes) issues that are controversial and may not yet be resolved.

Because there are so many changes in this new draft, we did not track every change from prior drafts. Doing so would have made the documents almost unreadable. Instead, we highlighted all key changes with footnotes labeled “2005 NOTE.” We also kept in place all the original footnotes, to assist new readers in understanding the origins of the language in the new code.

The remainder of this cover memorandum provides a relatively brief capsule summary of the key changes in this new draft, versus prior drafts. Clarion is scheduled to present this new draft to the Assembly, the Boards and Commissions, the project Advisory Committee, and others in mid-July 2005.

CHAPTER 21.01 GENERAL PROVISIONS

21.01.030 PURPOSE OF THIS TITLE. This section has been streamlined based on numerous comments. We’ve tried to remove all redundancies while at the same time keeping enough purpose statements to convey the wide range of issues addressed in Title 21.

CHAPTER 21.02 BOARDS, COMMISSIONS, AND MUNICIPAL ADMINISTRATION

21.02.020 BOARDS AND COMMISSIONS GENERALLY. Various edits to the summary procedures table have been made based on comments received and to conform the table to new text of Chapter 21.03. The table is intended as a summary of the major procedures – not an exhaustive list of every procedural action that might be possible under Title 21.

CHAPTER 21.03: REVIEW AND APPROVAL PROCEDURES

21.03.020 COMMON PROCEDURES

Community Meetings:

- Further discussion is needed on the applicability of such meetings. Now that the development and design standards have gone through a first draft, there should be a better sense by the public of whether such meetings will be necessary. They add time to the process and thus could in some cases pose a barrier to economic development, and so the net for such meetings should not be cast unnecessarily wide. We recommend further restrictions on the applicability of this requirement, probably by adding size and or location requirements to the conditional use and major site plans required to go through the process.
- There is strong disagreement about whether the MOA or the developer should be responsible for payment of the staff time, if staff is directed to attend the meeting. The current text removes the fee requirement.

21.03.030 COMPREHENSIVE PLAN AMENDMENTS. This section has been significantly streamlined and simplified in the 2005 draft.

21.03.040 AMENDMENTS TO TEXT OF TITLE 21. This section has been rewritten in this draft to contain criteria better suited to text amendments.

21.03.050 REZONINGS (ZONING MAP AMENDMENTS)

- The criteria have been rewritten in the 2005 draft to focus more on rezoning issues and less on site planning issues.
- The Boards and Commissions advisory committee requested that the authorization for Special Limitations rezonings continue to be carried forward in this draft pending further discussion.

21.03.080 SITE PLAN REVIEW. There is a new section describing the procedure for major and minor amendments to approved site plans. The former are handled by the original decision-making body, and the latter are handled administratively.

21.03.090 PUBLIC FACILITY SITE SELECTION

- Public facility site plan review has been removed from this section. The intent is to have public facilities be reviewed through the Major Site Plan Review process and be treated the same as private facilities. The generally applicable development standards in Chapter 21.07, including landscaping, are intended to apply to both public and private facilities and will be reviewed as part of the site plan process. We heard numerous comments on the previous draft that, currently, public facilities are held to a higher and vaguer landscaping standard than private projects, and that such requirements

ultimately make little sense because the entities lack the long-term funding to maintain the landscaping properly.

- Numerous comments suggested that the existing site selection criteria for public facilities are too loose, yet it is very unusual to codify detailed site selection criteria in a land use code. Minor modifications have been suggested.

21.03.130 SIGN PERMITS. This proposed new content is based on Section 21.10.110, the “Administrative Provisions” section of the signs chapter.

21.03.140 TEMPORARY USE PERMITS. The six-month limit for most such permits is new; the previous draft had no specific time limit.

21.03.180 MINOR MODIFICATIONS. In the 2005 draft, the authority to grant minor modifications has been extended to the UDC, since they have authority for major site plans.

21.03.190 VARIANCES. This section has been extensively revised to more closely mirror the current variance procedure and standards.

21.03.200 APPEALS

- This draft limits the authority to initiate appeals to any “party in interest.” The previous draft carried forward current policy, which is to allow anyone who is “adversely affected” to appeal a decision. We heard strong support in favor of changing the policy in this manner.
- A number of edits have been made to this section to reflect recently adopted ordinance AO 2004-126(s).

21.03.220 ASSEMBLY ALCOHOL APPROVAL. This process is carried forward from the existing Section 21.50.160 “Conditional use standards--Uses involving sale of alcoholic beverages,” and on the respective district sections of the existing Chapter 21.40 “Zoning Districts.” In the previous draft, this material was submitted as part of Module 2. We have rewritten some language, per staff request, to clarify that this is not a conditional use permit but rather a separate type of approval.

21.03.230 ADMINISTRATIVE PERMITS. This is a new permit in the 2005 draft, carrying forward the existing 21.15.055. We originally thought this would be unnecessary, but further discussions suggest that it continues to be an important tool for uses such as B&Bs and roominghouses that require such permits.

CHAPTER 21.04 ZONING DISTRICTS

Generally: There have been numerous major and minor text edits throughout this chapter to the general purpose statements, the district purpose statements, and some district names. Because of the volume of edits, all specific text changes are not individually tracked with footnotes, though major changes are noted.

21.04.020 RESIDENTIAL DISTRICTS

- In the R-3 district, the requirements for a mix of housing types have been removed per numerous comments and replaced with a suggested new incentive for a mix of housing types.

- The existing R-7 district has been added back into the code. It originally was proposed for elimination in the Title 21 rewrite project, but now is proposed to be carried forward in its current form.

21.04.030 COMMERCIAL AND OFFICE DISTRICTS

- The “GC district” from the prior draft now is proposed to be called the Auto Commercial Corridor (AC) district. The proposed new name is intended to emphasize the district’s focus on auto-dependent uses.
- The names of the three downtown districts have been changed in the 2005 draft. All requirements relating to the CBD districts are otherwise unchanged from the current code (except for as noted below). The Municipality is undertaking a new downtown plan and will update the downtown zoning as part of a separate project.
- Several comments complained about existing requirements prohibiting certain uses on the ground level in the CBD-1 district, noting that they would prohibit some current Anchorage buildings (like the ACVB and the Performing Arts Center). In response, we have suggested some minor text edits to address this concern. Again, the intent is simply to encourage more pedestrian-friendly retail at the street level in the downtown.
- A new Office district is proposed.

21.04.040 INDUSTRIAL DISTRICTS. A new Industrial/Commercial district is proposed.

21.04.050 MIXED-USE DISTRICTS

- There are two neighborhood-scale mixed-use districts in this draft, versus one in the prior draft. NMU-1 is based on the C-1 district from the previous draft. NMU-2 was called simply “NMU” in the prior draft.
- For most of the mixed-use districts, notes are included – purely as examples -- to suggest where such districts might be appropriate in the future. Such examples help code users understand the intended character differences of the new mixed-use districts.
- A new Midtown Mixed-Use district is proposed, to distinguish Midtown from other areas where the new regional mixed-use designation might be applied. Midtown deserves a distinct designation because more office uses and taller building heights are intended for the area.
- The mixed-use development standards are carried forward in this chapter; they were in the development standards chapter in the prior draft. Echoing an earlier point, it will important to ensure that the standards are not so stringent that they discourage development in the mixed-use districts.

21.04.060 OTHER DISTRICTS

Airport District: There is continuing, strong disagreement regarding the need for and purpose of this district, with state and airport personnel saying that state-owned airports are not subject to local planning and zoning. The topic must be discussed further by municipal and state officials.

Antenna Farms District: To clarify, this existing AF district is not the only place in the municipality in which towers could go. However, there are new standards in Chapter 21.05 to help soften the visual impacts of new towers, wherever they are approved.

Open Lands District: Numerous comments requested clarification on the intended nature of this new district, and specifically its relationship to the PLI district (and now the new parks district). Open lands have been removed from the PLI district. Also, the new land use plan map should help clarify the intended function of this new district.

Public Lands and Institutions District: This is based on the existing PLI district. However, the intention is to remove most utility and industrial-type uses from the district and place them into industrial zones. The language about reserving lands has been removed from the purpose statement, to reduce confusion with the new OL district.

Parks and Recreation District: This is a new district in the 2005 draft.

21.04.070 OVERLAY ZONING DISTRICTS

Neighborhood Conservation District: The purpose statement has been rewritten for clarity in response to several comments. A number of other minor changes are suggested to the district.

CHAPTER 21.05 USE REGULATIONS

21.05.010 TABLES OF ALLOWED USES

- There are numerous suggested changes to the use tables from the previous draft. All edits have been made at the recommendation of staff.
- New uses have been suggested for the new districts introduced in the 2005 draft.
- Some new uses have been added based on comments received (e.g., “rail yard”).
- Because of the number of districts, the table has been divided in two: (1) residential and (2) all other districts.
- Some cells now have multiple abbreviations, indicating that different types of review procedures are applicable depending on factors (such as size) identified in the code.

21.05.040 PUBLIC/INSTITUTIONAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS

Assisted Living Ordinance: Many changes have been made to uses such as “habilitative care,” “adult care,” and “health care,” based on the substantially revised version of the Municipality’s working document known as the “assisted living ordinance.”

Schools: There is a new size threshold that determines which schools are subject to the minimum acreage requirements in the code. This is intended to allow smaller schools to fit into smaller sites if necessary in more urban areas.

Telecommunications: Industry representatives submitted extensive comments on this section and are having ongoing discussions with Municipality representatives regarding whether to keep and modify this new approach, or to return to a modified version of the current standards. A modified approach based on the existing requirements and Clarion’s proposed new requirements is included in this draft.

21.05.050 COMMERCIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS

There are a number of relatively minor changes suggested to the uses in this section.

- The terminology referring to what is now called “fueling stations” has been simplified.
- This draft collapses the former small, medium, and large retail uses into one use type. The special standards for “large retail establishments” in the development standards chapter, along with size thresholds for retail uses in some districts, takes away the need for the small/medium/large distinction.

21.05.070 ACCESSORY USES AND STRUCTURES

- Several uses have been changed from primary uses to accessory uses in this draft (e.g., computer-aided learning center, dormitory).
- The section on accessory keeping of animals has been revised to reflect the standards of the current code, waiting for any revisions that may be proposed by the Large Animal Ordinance. The Municipality received many comments that objected to the suggested standards in the prior draft.
- All provisions on satellite antennae have been removed at the direction of the Legal Department.

21.05.080 TEMPORARY USES AND STRUCTURES

- This section has been reorganized to put the general standards at the end and list the allowed temporary uses up front.
- There were strong comments on both sides of the issue of prohibiting cloth garages as temporary uses in residential districts. Staff recommends keeping the prohibition for small lot residential districts.
- A new six-month time limit for all temporary uses is suggested for discussion purposes. It is a default in case no specific limit is provided.

CHAPTER 21.06 DIMENSIONAL STANDARDS AND MEASUREMENTS

21.06.010 DIMENSIONAL STANDARDS TABLES. A number of changes are suggested in these tables in the 2005 draft in response to numerous comments. Only the most significant changes are noted.

21.06.020 MEASUREMENTS AND EXCEPTIONS

- This section has been significantly simplified and revised based on numerous comments. Many sections have been rewritten. All the district-specific material (e.g., height requirements in the airport overlay) has been moved to Chapter 21.04.
- The requirement that the handicap access ramp be temporary has been removed.

CHAPTER 21.07 DEVELOPMENT AND DESIGN STANDARDS

21.07.010 GENERAL PROVISIONS

Northern Climate Design: A separate section addressing northern climate design issues is not included in the revised draft. This is because northern climate design issues are woven throughout many parts of Title 21, especially chapters 21.07 and 21.08. Examples include the subdivision design standards to ensure solar access, the building design standards regarding roof form and building orientation, and the snow storage provisions in the parking standards. Rather than consolidate such unrelated provisions into one section, we have decided to

separate those sections out into the code in the places where they make the most sense. For example, the revised section on commercial building design has a core area of standards that focuses on many aspects of northern climate design.

Alternative Equivalent Compliance. The name of this procedure has been changed from the prior “alternative compliance.” The purpose section has been revised to make clear that alternative compliance must be **equivalent** and is not intended as a substitute for a variance or administrative modification. The list of standards to which the section applies has been expanded. Generally, standards related to site and building design will be eligible for alternative compliance, but not those related to natural resources and the environment. The procedure section has been expanded to clarify the process.

21.07.020 NATURAL RESOURCE PROTECTION

Avalanche Area Protection. The section on avalanche area protection has been removed at the suggestion of staff. They note that the relevant maps are not current and will not be updated in the near future for funding reasons. Further, existing municipal policies address much of what the draft section intended to accomplish, and the Municipality intends to continue implementing such policies.

Wildlife Habitat. The prior standards were considered unworkable because they relied on outdated mapping. This proposed new section is an attempt at compromise between groups who favor strong new land-use controls in this section (primarily to minimize conflicts with bears) and other groups who are concerned that unnecessarily stringent standards will harm economic development.

21.07.030 OPEN SPACE

Public Open Space. The public open space dedication and fee in-lieu requirements have been removed in this draft.

Private Common Open Space. There are suggested new percentages for private common open space. The threshold for residential development has been raised (i.e., the number of developments that will meet the requirement is smaller). The industrial requirement has been deleted. A new in-lieu option is suggested for downtown and “designated infill and redevelopment areas.”

21.07.040 DRAINAGE, STORMWATER RUNOFF, EROSION CONTROL. The prior language has been removed. PM&E is working on a new ordinance to address these issues, and it should come up for review sometime in summer 2005.

21.07.050 UTILITY DISTRIBUTION FACILITIES. The revisions in this and subsequent subsections reflect amendments adopted by the Assembly in AO No. 2005-2.

21.07.060 TRANSPORTATION AND CONNECTIVITY

Streets and On-Site Vehicular Circulation: To replace the more rigid standards in the initial draft regarding connectivity, cul-de-sacs, and related issues, this draft suggests a more flexible approach known as a connectivity index, which has been used successfully in many other communities. The index affords developers significant flexibility in laying out streets, connections, and cul-de-sacs in a development if a certain overall level of connectivity is

achieved, which is based on a numerical index. Staff has tested the index on several existing developments and believes it is workable in Anchorage.

21.07.080 LANDSCAPING, SCREENING, AND FENCES

- Parking lot landscaping has been incorporated into this section.
- The scope of tree retention has been greatly reduced and moved to this section; tree retention is now an option (new plantings can be provided instead), rather than a requirement.
- A new lower level of landscaping, less than any level in Module 3, is proposed for some situations in highly urbanized areas.
- The requirement for dumpster enclosures to be roofed has been removed, and the suggested amortization period has been increased from two to five years.

21.07.090 OFF-STREET PARKING AND LOADING

- Various changes have been made to Schedule A, which specifies the minimum required parking ratios for most uses. Specific ratios have been set for most uses that previously referred to Schedule B, and Schedule B has been changed to set ratios for mixed-uses.
- The maximum number of parking spaces was changed from a flat percentage to a sliding scale, depending on parking lot size. A provision was added to allow large parking lots to exceed the maximum if they provide more interior lot landscaping.
- Computation of the number of required parking spaces is changed so that when the required number is a fraction, commercial uses can round down. Residential uses still round up.
- Standards for location of parking lots was revised to state zoning districts, rather than phrases like “infill” and “greenfield”, which were open to misinterpretation.
- The requirement for a designated snow storage area was limited to apply only to multi-family residential development.

21.07.100 RESIDENTIAL BUILDING STANDARDS

Extensive changes are suggested to the residential building standards, based on the December 2004 workshop and numerous other comments received.

Standards for Single-Family and Two-Family Residential Dwellings. The standards requiring a mix of housing models have been revised. The size requirements for garage doors have been relaxed, and there is a larger menu of tools available to minimize the visual impact of garage doors.

Standards for Multi-Family Residential (Four or Fewer Stories). These standards now apply just to multi-family residential of four or fewer stories; larger buildings must comply with the public/ institutional standards in the following section. Other specific changes are noted in the section. The menu of tools for meeting various requirements in this section has been lengthened.

21.07.110 PUBLIC/ INSTITUTIONAL AND COMMERCIAL BUILDING STANDARDS

Extensive changes are suggested to these standards, based on the December 2004 workshop and numerous other comments received.

This is a substantially different approach from the earlier draft. Instead of setting out a list of required standards, the draft allows applicants to choose options from a set of four core areas.

We recommend that applicants be required to satisfy at least TWO standards in each core area to prevent “shopping” for the weakest standard in each area—which has been the experience with other “point” systems like this. In addition, we have extracted several standards from the four core areas and kept them mandatory (weather protection, height transitions, snow storage). We feel strongly that these are design elements that should not be optional because of public safety or neighborhood protection reasons.

21.07.120 LARGE RETAIL ESTABLISHMENTS

In a similar fashion to the Public/Institutional and Commercial Building Standards, the draft allows applicants to choose options from a set of six core areas. A few important standards have remained as mandatory requirements.

21.07.130 EXTERIOR LIGHTING

- Parking lot lighting has been incorporated into this section.
- Many suggestions from local lighting engineers have been incorporated.

CHAPTER 21.08 SUBDIVISION STANDARDS

21.08.040 DEDICATION

Trails: Extensive public comments suggest requiring the Municipality to prepare an inventory of current and historic access points to Chugach State Park to help implement the trail access provision.

21.08.050 IMPROVEMENTS

Improvement Areas Defined: The existing “urban,” “suburban,” and “rural” designations were considered confusing and thus have been replaced by the new “Class A” and “Class B” designations. The table has been updated to reflect changes in the zoning districts in the new draft.

21.08.070 CONSERVATION SUBDIVISIONS

New language clarifies a key reason why conservation subdivisions are considered an attractive development option: They may include one or more lots that do not conform to the minimum lot size or lot width requirements of Chapter 21.06.

CHAPTER 21.09 GIRDWOOD

The Municipality is handling the Girdwood chapter through a separate review and approval process.

CHAPTER 21.10 SIGNS

Pole wrap provisions were adjusted to allow for supports on the outside of a sign to be thicker than the sign face.

CHAPTER 21.11 NONCONFORMITIES

Only very minor changes are suggested for this chapter, and these are noted with footnotes.

CHAPTER 21.12 ENFORCEMENT

21.12.050 PROCEDURES FOR PUBLIC ENFORCEMENT ACTIONS

Criminal remedies appeared in the previous draft; they have been removed in this 2005 draft.

21.12.060 PROCEDURES FOR PRIVATE ENFORCEMENT ACTIONS

- This section continues to be controversial. Several commentators say a private enforcement mechanism is unnecessary. Others argue the procedure itself is fine, but should be located in Title 14 or elsewhere, not Title 21. Still others are happy with the procedure in Title 21 but want to further simplify it to encourage greater use. We have kept the section in this draft and made targeted edits, per direction from staff and pending further discussion. Additional streamlining may be possible. Again, this section proposes a slightly modified version of the existing private enforcement action process.
- Should the ability to file a private enforcement action be made consistent with the new appeals language in 21.03? That new section limits the right of appeal to “parties of interest,” defined for a particular application to include the applicant, the owner of the subject property, the owner of property within the notification area for the subject application, and anyone that presented oral or written testimony at a public hearing on the application.

CHAPTER 21.13 RULES OF CONSTRUCTION AND DEFINITIONS

Dozens of changes have been made to this chapter based on comments – new definitions added, some deleted, some revised, etc. Specific major changes are noted.