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C L A R I O N

MEMORANDUM

TO: Municipality of Anchorage Planning Staff
FROM: Clarion Associates
DATE: June 28, 2004
RE: Module 3 of New Title 21 – PUBLIC REVIEW DRAFTS

We are pleased to transmit to you Module 3 of the new Anchorage Title 21. This module contains materials relating to development and design standards, subdivision standards, signs, nonconformities, enforcement, and definitions, and includes drafts of Chapters 21.07 through 21.13 (not including 21.09, Girdwood, which is going through a separate review process). The chapter numbering is slightly different than what was proposed in the Annotated Outline; we have placed the newly adopted sign ordinance, which is lengthy, into its own new chapter.

These drafts are for public review. Earlier, as was done with Modules 1 and 2, a staff draft of each chapter was prepared and thoroughly reviewed and discussed by a staff committee. These new public drafts reflect changes and suggestions from staff. Clarion is scheduled to present this module to the Advisory Committee and others during the week of July 12.

The remainder of this cover memorandum highlights some of the more significant new materials that appear in this set of materials.

GENERAL COMMENTS

Footnotes. In order to have the main text appear as clean and easy-to-read as possible, we have placed a large amount of important supplemental information into footnotes. These footnotes contain information on the origin of various provisions, alternative approaches (where appropriate), and outstanding issues for further discussion. There are many footnotes throughout all chapters and these should remain in the document throughout the drafting process to serve as a reference aids.

Illustrations. We have included some draft illustrations from the existing Title 21 or from other codes for ease of reference. These illustrations will be updated and many new illustrations prepared for the final draft. While illustrations would help users understand the draft code provisions, it is not efficient to prepare illustrations until the regulatory language is finalized.

CHAPTER 21.07: DEVELOPMENT AND DESIGN STANDARDS

This draft chapter has a slightly different order of topics than the order suggested in the Annotated Outline. We believe this new order is easier to follow, starting with environmental controls and site design issues and then moving into building- and use-specific issues.

21.07.020: Natural Resource Protection. This chapter contains a variety of new provisions relating to protection of natural resources. This topic is emphasized in Anchorage 2020, but the current code contains relatively few standards in this area.

- **Stream, Water Body, and Wetland Protection.** This section is based loosely on the existing Section 21.45.210, *Stream protection setback*. However, we have made major changes, including: a new purpose statement; a new applicability statement; consolidation of standards for wetlands and streams; increases in the setback requirements; and a suggested new water body setback requirement.
- **Steep Slope Development.** These are suggested new, generally applicable standards that limit development on sites with average slopes of over 20 percent. This new section is intended to replace the existing Sections 21.80.360 (Hillside lots) and 21.80.370 (R-10 District).
- **Avalanche Areas.** This is a new section, not yet reviewed by staff, that prohibits development in “High Hazard Avalanche Zones” and restricts development in “Moderate Hazard Avalanche Zones.” We understand that mapping of such areas already has been undertaken in Anchorage, though these precise terms are new in this draft.
- **Wildlife.** This section contains a set of brand new, relatively simple performance standards to ensure that the presence of wildlife habitat is considered as part of the development review process.
- **Wildfire Hazard Areas.** This is a new section that simply cross-references the Urban-Wildland Interface code, which the fire department has developed and which we understand they will seek to have adopted in a separate part of the Anchorage Municipal Code.
- **Tree Retention.** This is an entirely new section. This section takes a simplified approach to tree protection that has worked elsewhere – a percent canopy retention requirement that is easy to determine from readily available aerial photos. This section and the section on *Landscaping, Buffering, Screening, and Fences* cover related issues and should be read together. In general, applicants should read this section first to answer the question “How much of my parcel must I leave undeveloped to protect existing trees?” Areas that are left undeveloped for tree protection may remain private property and do not need to be made open to the public. After determining which areas of the lot must be kept undeveloped for this purpose, the applicant should read the *Landscaping, Screening, and Fences* section to answer the question “What areas do I need to landscape, either to enhance the appearance of the property, or to screen views of certain areas of the property, to provide a buffer from adjacent land uses?” Tree protection areas also can be used to meet other requirements such as open space, landscaping, etc.

21.07.030: Open Space. This section contains standards and requirements for two types of open space: 1) public open space dedications, and 2) private, common open space.

21.07.040: Drainage, Stormwater Runoff, Erosion Control. As indicated in the Annotated Outline, this section consolidates several related topics from various places in the current code. However, based on our discussion with staff in January 2004, we have not yet made any major substantive changes to this material. Our understanding is that staff currently is conducting pilot projects to determine new drainage and stormwater standards for the Municipality, and that those new standards will be incorporated in a new version of the technical manuals, which are referenced in this section.

21.07.050: Utility Distribution Facilities. This section simply contains the existing requirements for locating utility distribution facilities underground.

21.07.060: Transportation and Connectivity. This is a substantially new section that contains suggested standards for vehicular, pedestrian, and bicycle connectivity. There are cross-references to technical standards in the subdivision chapter and in external documents, and also to related material in the new draft parking area standards.

21.07.070: Neighborhood Protection Standards. This is a suggested new section emphasizing the types of conditions that may be placed on development approvals to minimize impacts on adjacent neighborhoods. This authorization, in combination with the wide variety of new development standards in this chapter, provide significantly more protection for neighborhoods than exists in the current code.

21.07.080: Landscaping, Screening, and Fences. Rather than attempting to improve make targeted improvements to the existing Anchorage landscaping requirements, we elected to draft an entirely new section instead. This new section should be read in conjunction with Section 21.07.090.G.9 (*Parking Lot Landscaping*) and Sec. 21.07.020, (*Natural Resource Protection*), since those sections address the need to protect certain areas of the site from development and (in some cases) to landscape those areas. Wherever these provisions overlap (e.g., two or more provisions attempt to protect or landscape the same areas) the provision that results in the greatest amount of landscaping or protection shall be applied.

21.07.090: Off-Street Parking and Loading. This section contains a comprehensive rewrite of the Anchorage parking standards. This draft section was prepared as part of a separate project overseen by the Anchorage Traffic Department. Key new features include a complete new table of off-street parking ratios, a new emphasis on alternative parking arrangements, and a new set of parking lot design standards.

21.07.100: Northern Climate Design. Northern climate design issues are woven through many parts of Title 21. Examples include the subdivision design standards to ensure solar access, the building design standards to allow for high snow loads, and the snow storage provisions in the parking standards. Rather than force 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. We have inserted this brief section here, however, to emphasize the importance of northern climate design in the Anchorage development process.

21.07.110: Residential Building Standards. A suggested new section. These are fairly simply standards to administer and enforce, but they get at some of the key issues that we see throughout Anchorage. Many standards have been suggested by staff.

21.07.120: Public/Institutional and Commercial Building Standards. Suggested new standards. Again, the approach is quite simple and is designed to be both easy to administer and politically palatable, yet also substantive enough to get at some of the key design issues in Anchorage.

21.07.130: Large Retail Standards. This section drafted by staff, based on work done with another consultant on the Retail Design Standards Manual.

21.07.140: Exterior Lighting. This section drafted by staff. Parking lot lighting is exempt from the requirements of this section and instead has to comply with separate lighting requirements in the parking section.

21.07.150: Operational Standards. A suggested new section. Relatively simple performance standards intended help protect adjacent properties from the impacts of intensive uses.

District-Specific Development Standards. New standards for development in MU districts, based partly on the draft standards submitted with Module 2. Also, the district-specific standards for the downtown, which are relatively unchanged pending the separate project to update the plan and zoning for the downtown.

SOLAR ACCESS MEMO: Integrating solar access issues into the code could require a number of edits to various sections, including to some chapters in Modules 1 and 2 that have already been sent out for public review. Also, some of the standards that we propose may be more involved than the Municipality is interested in. Before we move ahead with all the various proposed edits, we have prepared a background memo with suggested ordinance text for review. Because staff was unsure how much of the material should be folded in the new Title 21, we have continued to keep this material in a separate memo. The community should review the memo and provide feedback as to which issues should be addressed in Title 21.

CHAPTER 21.08: SUBDIVISION STANDARDS

This chapter contains the design standards for new subdivisions. While this chapter is based heavily on existing standards, various, relatively minor changes have been made and are indicated with footnotes. A new conservation subdivision option is proposed.

CHAPTER 21.09: GIRDWOOD

(The public draft of this chapter has already been delivered under separate cover.) This chapter contains requirements and standards that are specific to Girdwood, and is based on the Girdwood Area Plan and numerous working drafts of Title 22 prepared by staff.

CHAPTER 21.10: SIGNS

This chapter contains the newly adopted Anchorage sign ordinance. Only minor changes have been made to adapt the formatting to the rest of the new Title 21. No major substantive changes have been made.

CHAPTER 21.11: NONCONFORMITIES

This chapter consolidates all provisions on nonconforming uses, structures, lots, and signs. The general intent is to continue the Municipality's existing policies toward nonconforming uses, structures, lots, and signs, which are set forth in Chapter 21.55 of the current code. This policy generally is to allow nonconformities to continue, but not expand. We have tightened the language throughout the chapter (e.g., the new purpose statement is more succinct than the current 21.55.010, Intent.)

CHAPTER 21.12: ENFORCEMENT

Enforcement provisions are found in the current Title 21 in Chapter 21.25. This new draft chapter updates the existing provisions in a variety of ways, including: more specifically identifying the types of violations of the Title that can occur; adding a broad range of civil and criminal penalties allowed by state law; and clarifying enforcement procedures for both public and private enforcement actions. The use of incentives throughout other chapters of the code encourages code compliance generally and introduces some flexibility into the enforcement process.

CHAPTER 21.13: DEFINITIONS

This chapter contains the general rules of construction for all terms used in Title 21; establishes that the Director has final authority for the Municipality to determine interpretations and usage of terms; and consolidates all other defined terms.