

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 11-21-00

Submitted by Chairman of the
Assembly at the Request
of the Mayor
Prepared by Planning Department

For Reading OCTOBER 31, 2000

ANCHORAGE, ALASKA
AO NO. 2000-138(S)

AN ORDINANCE AMENDING ORDINANCE 92-105 FOR DEVELOPMENT AREAS A, B, D, E, F, G, H, AND I REGARDING DWELLING STYLES, MINIMUM LOT WIDTHS FOR CLUSTER, TOWNHOUSES AND ROW HOUSES, MINIMUM LOT DEPTH AND AREA; AMENDING DEVELOPMENT AREAS F AND G REGARDING ROAD STANDARDS, HEIGHT, ROAD SETBACKS, DENSITY AND PLATTING AUTHORITY; AMENDING DEVELOPMENT AREA H REGARDING SIZE OF THE COMMERCIAL AREA AND USES; AMENDING DEVELOPMENT AREA I REGARDING BUILDING HEIGHT AND AMENDING THE ZONING MAP AND THE SOUTHPORT PLANNED COMMUNITY PC (PLANNED COMMUNITY DISTRICT) AFFECTING 141 ACRES OF LAND LYING WITHIN SECTION 14 AND 23, T12N, R4W, S.M., ALASKA, GENERALLY LOCATED SOUTH OF WEST 100TH AVENUE AND WEST OF VICTOR ROAD TO TURNAGAIN ARM.

(Case 2000-086)(BAYSHORE/KLATT COMMUNITY COUNCIL).

THE ANCHORAGE ASSEMBLY ORDAINS THAT

SECTION 1. That Ordinance 92-105 is amended to affect only property described in

Section 2. of this ordinance

SECTION 2. The zoning map is amended by designating the following described property within the Southport PC (Planned Community District) affected by this amendment:

Tracts 1 & 2, Seclusion Bay Subdivision, Plat No. 2000-111,
Parcel #1: / ~~Tract E-G, Southport Tracts Subdivision, according to the Official~~
~~Plat No. 96-42,~~ located in Anchorage Recording District, Third Judicial District,
State of Alaska.

Parcel #2: Tract H-1A, Southport Tracts Subdivision, according to the Official
Plat No. 96-42, located in Anchorage Recording District, Third Judicial District,
State of Alaska.

Parcel #3: Tract I-5A, I-5B, and Tract I-4, Discovery Heights Phase 2 and 3,
according to the Official Plat Nos. 97-2 and 97-128, located in Anchorage Recording
District, Third Judicial District, State of Alaska.

Parcel #4: Tract E-2, Southport Subdivision Area E, according to the Official
Plat No. 97-79, located in Anchorage Recording District, Third Judicial District,
State of Alaska.

Parcel #5: Tracts A and B, Mariner Point at Southport Phase 3, according to the Official Plat No. 96-116, located in Anchorage Recording District, Third Judicial District, State of Alaska.

~~Parcel #6: Tracts A3-1 and A3-2, Hidden Cove Phase 2, according to the Official Plat No. 98-122, located in Anchorage Recording District, Third Judicial District, State of Alaska.~~

Parcel #7: Tract B-1, Southport Subdivision, according to the Official Plat No. 86-83, located in Anchorage Recording District, Third Judicial District, State of Alaska.

Parcel #8: Tract A5, Southport Subdivision Addition No. 2, according to the Official Plat No. 92-142, located in Anchorage Recording District, Third Judicial District, State of Alaska.

SECTION 3. Development of Planned Community District shall proceed in substantial conformance to the amended Master Development Plan for the Southport Community, prepared by the Hanover Group, dated December 1982, revised March 1983, September 1983, February 1984, April 1984, September 1986, March 1992, entitled Sheet #P1, as amended by November Lounsbury & Associates, dated March, 2000, entitled Sheet P1, and as modified by this Ordinance. Said Master Development Plan map is a part of this Ordinance.

SECTION 4. The zoning map amendment described in Section 2 is subject to the following special limitations regarding use of the property:

The maximum number of residential dwelling units to be erected within Southport shall in no event exceed a total of 1,660.

2. ~~Dwelling unit styles [LISTED] in all development areas shall conform to the specified zoning of each section in this ordinance. Cluster housing designs shall conform to 21.50.210. The minimum lot width shall be 34 feet, the minimum lot depth shall be 90 feet, and the minimum area shall be 3,000 S.F. Townhouses, row houses, and other common wall developments designed for individual dwelling unit ownership shall conform to 21.50.110. The minimum lot width shall be the dwelling width for attached units. The appropriate side yard shall apply for end units. The minimum lot depth shall be 90 feet. There shall be no minimum lot area requirement. Each unit shall have 400 S.F. of useable yard space.~~

In addition to the type of dwelling unit allowed in the individual development areas, special development zones not presently defined in Title 21 may be utilized following full public hearing site plan review by the Planning

and Zoning Commission and approved by the Municipal Assembly

- 3 Unless otherwise provided by this ordinance, all residential or commercial subdivisions within Southport PCD shall include sidewalks as required in Title 21 or a primary bikeway/trail as approved in the Southport Master Development Plan Map. The sidewalks or bikeways shall connect to the Southport Parkway Biketrail system. Sidewalks, bikeways or trails shall be included as part of the subdivision agreement for the adjacent residential or commercial development area. All common open space areas shall remain undisturbed unless improvements within the common area are specifically related to subdivision development, such as utilities, dikes, etc., and approval has been obtained from the appropriate reviewing body through a non-public hearing site plan review.
- 4 All improvement to and within the common open space with undesignated uses such as the identified recreation areas are to be left undisturbed unless related to subdivision development such as utilities, dikes, etc. unless a specific use is petitioned for to the Planning and Zoning Commission.
- 5 Any improvement of the open space not in conjunction with the development areas as approved in 4 above shall be approved by the Director of [ECONOMIC DEVELOPMENT AND PLANNING] the Planning Department.
- 6 Fill material may be placed within open space areas designated for active permit recreation (areas designated RA and Southport Park on the Master Development Plan map) only after a fill has been issued by the [DEPARTMENT OF PUBLIC WORKS] Department of Development Services and reviewed and approved by the Parks and Recreation Department and the Planning and Zoning Commission in a non-public hearing site plan review. Placement of fill material within the Southport PCD Recreation Areas (RA) and park shall be permitted only after receipt of a fill permit or by incorporation into a subdivision agreement. Application for a fill permit shall include all information required by 23.05 and 23.15 and additionally will include a drainage plan, addressing both on-site and off-site hydrologic conditions and impacts, to ensure that adjacent residential and commercial development areas are not adversely impacted by drainage resulting from the fill; and a revegetation plan, indicating the final graded slopes and vegetation types, that assures that after filling operations cease, the site will be left in a safe, stable and aesthetically acceptable condition.
- 7 The Platting Board will act as the Platting Authority for all subdivisions containing a single zoning/development style and proposed mixed uses in Area F/G. Where development is proposed with mixed uses (single-family and multi-family dwellings outside of Area F/G, or residential and commercial dwellings) the Planning and Zoning Commission shall be the Platting Authority for

Area H.

8. See page 12 for amendment.

SECTION 5. Development Area A shall be restricted to the following development and design standards:

Total Acreage: 36

Total Number of Dwelling Units: ~~288~~ 170

Dwelling Unit Style: [CONDOMINIUM FLATS, TOWNHOUSES, AND
CONVENTIONAL SINGLE FAMILY SUBDIVISION] All ^{one and two family residential} dwelling styles
and design techniques allowed by the underlying zoning.

Development shall conform to the R-3 (Multiple Family Use District), Section 21.40.050.
Supplementary Standards: Minimum lot width shall be 36 feet, minimum lot
depth shall be 85 feet, and minimum lot area shall be 4,000 square feet.

SECTION 6. Development Area B shall be restricted to the following development and design standards:

Total Acreage: 6

Total Number of Dwelling Units: 60

Dwelling Unit Style: [CONDOMINIUM FLATS, TOWNHOUSES, AND
CONVENTIONAL SINGLE FAMILY SUBDIVISION] All ^{residential} dwelling styles
and design techniques allowed by the underlying zoning.

Development shall conform to the R-3 (Multiple Family Use District), Section 21.40.050.

See attached attorney's opinion.

~~SECTION 7. / Development Area C shall be restricted to the following development
and design standards:~~

~~Total Acreage: 6~~

~~Total Number of Dwelling Units: 24~~

~~Dwelling Unit Style: [CLUSTERED MIX-PLEXES AND CONVENTIONAL SINGLE
FAMILY SUBDIVISION] All dwelling styles and design techniques allowed by the
underlying zoning.~~

~~Development shall conform to the R-1 (Single Family Use District), Section 21.40.030.~~

~~Supplementary standards: Maximum building height shall be 30 feet or two stories
within 300 feet of Bayshore Blvd.~~

SECTION 8. Development Area D shall be restricted to the following development and design standards:

Total Acreage: 24

Total Number of Dwelling Units: 95 93

Dwelling Unit Style: [CLUSTERED INDIVIDUAL HOMES, TOWNHOUSES, AND CONVENTIONAL SINGLE FAMILY SUBDIVISION] All dwelling styles and design techniques allowed by the underlying zoning. All single family residential dwelling styles.

Development shall conform to the R-1 (Single Family Use District), Section 21.40.030.

Supplementary standards: Maximum building height shall be 30 feet or two stories within 300 feet of Bayshore Blvd. Minimum lot size shall be 6,000 square feet

SECTION 9. Development Area E shall be restricted to the following development and design standards:

Total Acreage: 42

Total Number of Dwelling Units: ~~240~~ 180

Dwelling Unit Style: [CLUSTERED INDIVIDUAL, ATTACHED HOMES, AND CONVENTIONAL SINGLE FAMILY SUBDIVISION] ^{residential} All dwelling styles and design techniques allowed by the underlying zoning.

Development shall conform to the R-1 (Single Family Use District), Section 21.40.030.

Supplementary standards: Minimum lot size shall be 6,000 square feet

SECTION 10. Development Area [F] F/G shall be restricted to the following development and design standards:

Total Acreage: [16] 29.618

Total Number of Dwelling Units: [86] ~~237~~ 182

Dwelling Unit Style: [TOWNHOMES, MULTIPLE FAMILY, AND CONVENTIONAL SINGLE FAMILY SUBDIVISION] All dwelling styles and design techniques allowed by underlying zoning. ^{residential}

Development shall conform to the R-3 (Multiple Family Residential Use District), Section 21.040.050. The Platting Board shall be the Platting Authority for mixed development styles (single and multi-family developments) within Area F/G.

Supplementary Standards: ^{See page 12 for amendment.} ~~A setback of [50] 30 feet along the existing right-of-way of Bayshore Drive at the westerly end of the development area shall be provided. No building within 100 feet of this setback shall exceed [20] 35 feet or two stories in height.~~

SECTION Section 11 of AO 92-105 is hereby repealed. Area G is now combined

with Area F/G, see Section 10. [DEVELOPMENT AREA G SHALL BE RESTRICTED TO THE FOLLOWING DEVELOPMENT AND DESIGN STANDARDS:

TOTAL ACREAGE: 12

TOTAL NUMBER OF DWELLING UNITS: 96

DWELLING UNIT STYLE: TOWNHOMES, MULTIPLE FAMILY AND CONVENTIONAL SINGLE FAMILY SUBDIVISION.

DEVELOPMENT SHALL CONFORM TO THE R-3 (MULTIPLE FAMILY RESIDENTIAL USE DISTRICT), SECTION 21.040.050.

SUPPLEMENTARY STANDARDS: A SETBACK OF 50 FEET ALONG THE EXISTING RIGHT-OF-WAY OF BAYSHORE DRIVE AT THE WESTERLY END OF THE DEVELOPMENT AREA SHALL BE PROVIDED. NO BUILDING WITHIN 100 FEET OF THIS SETBACK SHALL EXCEED 35 FEET OR TWO STORIES IN HEIGHT.]

SECTION 12. Development Area H shall be restricted to the following development and design standards:

Total Acreage: [28] 26.017

Total Number of Dwelling Units: [236]-~~284~~ 280

Dwelling Unit Style: [POINT TOWERS (HIGH RISE), CONDOMINIUMS, TOWNHOMES, CLUSTERED AND CONVENTIONAL SINGLE FAMILY SUBDIVISION] All dwelling styles and design techniques allowed by underlying residential zoning.

Residential Development shall conform to R-4 standards, Section 21.40.060. Village Center Development shall conform to R-O (Residential Office), Section 21.40.130, and B-1A (Local and Neighborhood Business), Section 21.40.140.

Supplemental Standards: Any residential structures within 200 feet of the Southport Parkway center line above three stories shall be subject to site plan review by the Planning and Zoning Commission with a public hearing. Structures above five stories in the balance of this area shall be subject to the same review as stated above. Such site plan shall include architectural studies, site line investigations, and other similar analyses and shall address buffering of single family areas, open space access, location and size of building, parking demands, traffic circulation, seismic conditions, and provisions for active recreation area open space. The Village Center plans shall be subject to a public hearing site plan review by the Planning and Zoning Commission. The Village Center shall be located within the north one-half of Area H.

Village Center

The Village Center will provide convenience commercial uses, professional offices, and institutional/governmental facilities on a scale fitting to the community and also visitor-serving uses will support the scenic overlook/trails recreation destination, including an inn/motel with dining, reception and meeting rooms, and shops and services for outdoor recreation.

a. Area of Site: [8] 4 Acres

Approved density of 12 dwelling units per acre may be utilized to adjust density based on elimination of or reduced Village Center site of [8] 4 acres up to the original approved density of ~~336~~ dwelling units.

b. Gross Floor Area:

| | | |
|--------------------------|-----------|--------------------|
| Retail | [50,000] | <u>25,000</u> S.F. |
| Office, <u>including</u> | [20,000] | <u>15,000</u> S.F. |
| <u>Medical/Dental</u> | | |
| [MEDICAL/DENTAL | | 10,000 S.F. |
| Recreation Destination: | [50,000] | <u>25,000</u> S.F. |
| TOTAL | [130,000] | <u>65,000</u> S.F. |

c. Building Height:

-3 stories; (average height, 2 stories)

d. Building Coverage: [73,000] 36,500 S.F., or 20% of development project area.

e. Suggested parking standards (to be analyzed further upon submission of precise development plan):

Retail: 3.6 spaces/1000 S.F. * x [50,000] 25,000 S.F. = 90

Office: 2.5 spaces/1000 S.F. * x [20,000] 15,000 S.F. = 38

[MEDICAL/DENTAL: 2.0 SPACES/1000 S.F. * X 10,000 S.F. = 20]

Recreation Destination: 3.0 spaces/1000 S.F. * x [50,000] 25,000 S.F. = 75

TOTAL 203 parking spaces

* Developer may elect to use full standards if detailed investigation does not support feasibility of reduction.

f. Permitted uses in Village Center

Group

Health/Exercise Center
Liquor Store
Sporting Goods Store
Video Rental and Sales
Garden Supplies
Smoke Shop
Auto Parts Store
Antiques
Naturalist Supplies

Indoor Mini-Storage, no closer than 200' to Southport Drive

~~Outside Storage, no closer than 200' to Southport Drive~~

See page 12 for amendment.

* Note: Group 1 uses are permitted uses in addition to those listed in the B-1A and R-O zoning districts.

Group 2

Grocery stores, delicatessens and food specialty shops
Meat and seafood markets
Retail bakeries
Hardware stores
Shoe repair shops
Bookstores and stationery stores
Drugstores

| | |
|----|--|
| 2 | Self-service laundry and self service dry cleaning |
| 3 | Beauty shops and barber shops |
| 4 | Restaurants, tearooms, cafes, |
| 5 | and other places serving food |
| 6 | food or beverages conducted entirely |
| 7 | within fully enclosed buildings, |
| 8 | but specifically excluding any |
| 9 | drive-in eating facilities |
| 10 | Knit shops, yarn shops, dry goods, |
| 11 | dressmaking and notion stores |
| 12 | Small appliance repair shops |
| 13 | Photography studios, art studios |
| 14 | Post Offices |
| 15 | On-premise dry cleaning establishments using |
| 16 | perchloroethylene process or similar |
| 17 | non-flammable, non-aqueous |
| 18 | solvent, provided, however, that |
| 19 | large commercial and industrial |
| 20 | laundry and dry cleaning plants |
| 21 | are prohibited |
| 22 | Laundry and dry cleaning pickup stations |
| 23 | Noncommercial parks, playgrounds, and |
| 24 | government buildings in keeping with |
| 25 | the character of the district |
| 26 | Libraries |
| 27 | Medical and dental offices; offices of |
| 28 | attorneys, accountants, engineers |
| 29 | and other professions regulated by |
| 30 | State law |
| 31 | Family residential care, day care and 24-hour |
| 32 | child care facilities |
| 33 | Insurance and real estate offices |
| 34 | Department or variety stores: 4,000 S.F. |
| 35 | Clothing store: 3,000 S.F. |
| 36 | Furniture and home appliance stores: |
| 37 | 3,000 S.F. |
| 38 | Catalog showroom: 2,000 S.F. |
| 39 | Music and record store: 1,400 S.F. |
| 40 | Hobby store 1,400 S.F. |
| 41 | Florist: 1,200 S.F. |
| 42 | Gift and Card shop: 1,000 S.F. |
| 43 | Bank or similar financial activity with |
| 44 | predominant service to local |
| 45 | depositors and customers, not |
| 46 | including drive-in facilities: |
| 47 | 3,000 S.F. |
| 48 | Frozen food locker: 1,400 S.F. |
| 49 | Local administration offices for charitable |
| 50 | and eleemosynary agencies of a |
| 51 | non-commercial nature: 1,000 S.F. |
| 52 | Gasoline service stations |
| 53 | Off-street taxicab stands |
| 54 | Drive-in banks with sufficient off-street |
| 55 | area for maneuvering and waiting |
| 56 | automobiles |
| 57 | Churches and synagogues, along with the |
| 58 | customary accessory uses, including |
| 59 | parsonages, day care and meeting |
| 60 | rooms |
| | Off-street parking spaces or structures |

Museums, historical and cultural exhibits
and the like
Mechanical car wash, if operated in
conjunction with a gasoline
station

Group 3

Hotel, motels, and motor lodges, provided
that principal access to such uses
shall be from streets of Class I or
greater designation on the Official
Streets and Highways Plan
Private clubs and lodges
Parks, playgrounds and playfields, municipal
buildings in keeping with the
character of the district
Private employment agencies,
placement services, temporary
personnel services
Hotels, motels, or motor lodges having 20 or
more rental units, may include
establishments and restaurants
which are clearly incidental to the
operation of the permitted
principal use
Townhouses, row houses and office buildings
build to a common wall at side lot lines

SECTION 13. Development Area I shall be restricted to the following
development and design standards:

Total acreage: 58

Total number of dwelling units: ~~390~~ 136

Dwelling Unit style: [CONDOMINIUMS FLATS, TOWNHOUSES AND CLUSTERED
OR CONVENTIONAL SINGLE FAMILY SUBDIVISION] ~~All dwelling styles-~~
~~and design techniques allowed by the underlying zoning-~~ All single family residential
dwelling styles.

Development shall conform to the R-3 (Multiple Family Use District) 21.40.050.

Supplemental Standards:

- a. Development plans for Area I shall show continuity with the coastal trail and the Southport Overlook Park area.
- b. No building construction shall be permitted within 50 feet of the bluff with the exception of visitor-serving (non permanent occupancy) facilities facing the Overlook Park. Such development may be authorized by the Planning and Zoning Commission only after full public hearing site plan review. In addition to the site plan submittal contained in 21.15.030, the petitioner shall provide a detailed report on soils conditions showing that soil conditions are sufficiently stable for proposed development.
- c. and d. See page 12 for amendment.

SECTION 14. Development plans for Area J shall be restricted to the following
development and design standards:

Total acreage: 22

Total number of dwelling units: 76

Dwelling Unit style: [CLUSTERED INDIVIDUAL HOMES, TOWNHOMES,
CONDOMINIUM FLATS AND CONVENTIONAL SINGLE FAMILY SUBDIVISION]
All dwelling styles and design techniques allowed by the underlying zoning.

Development shall conform to the R-3 (Multiple Family Residential Use District) Section 21.40.050.

Supplemental Standards:

- a. Development area plans for Area J shall show continuity with the coastal trail.
- b. No building construction shall be permitted within 50 feet of the bluff with the exception of visitor-serving (non-permanent occupancy) facilities facing the Overlook Park as may specifically be authorized by the Planning and Zoning Commission upon application for approval of such facilities. Nothing in this approval binds the Municipality to permit any particular development without submission by the applicant for development area plan approval, of a detailed report on soils conditions at a depth showing that soil conditions are sufficiently stable for the proposed development.
- c. The Planning Commission shall be the Platting Authority for the subdivision of land including any proposed towers, unless by its consent agenda waives this right to the Platting Board or Platting Officer.

SECTION 15. The special limitations set forth in this ordinance prevail over inconsistent provisions of Title 21 of the Anchorage Municipal Code, unless specifically provided otherwise. All provisions of Title 21 of the Anchorage Municipal Code not specifically affected by a Special Limitation set forth in this ordinance shall apply in the same manner as if the district classifications applied by this ordinance were not subject to special limitations.

SECTION 16. The Director of [ECONOMIC DEVELOPMENT AND PLANNING] the Planning Department shall change the zoning map accordingly.

SECTION 17. The ordinance referenced within Sections 2 through 14 above shall become effective 10 days after the Director of the [DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING] Planning Department has determined in writing as submitted to the Municipal Clerk that the special limitations set forth in Sections 2 through 14 above have the written consent of the owner of the property within the areas described in Section 2 above. The Director of the [DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING] Planning Department shall make such a determination only if evidence is received of the required consent within 120 days after the date on which this ordinance is passed approved

PASSED AND APPROVED BY THE Anchorage Assembly this

21st day of November, 2000.



ATTEST:


Municipal Clerk

(Case 2000-086; Tax ID.# 019-161-14; 019-181-23; 019-171-67; 019-091-82; 019-171-40; 019-161-34; 012-543-68; 012-543-69; 012-532-55; 012-532-56; 012-531-76; 012-541-90.)

Assembly Amendments:

Section 4, add a new special limitation to read:

- 8. Mobile homes and prefabricated dwellings are not permissible structures in any development area, except only temporary trailers used in conjunction with a construction project located in Southport.**

Section 10, add Supplementary Standards to read

- a) A 30 foot wide vegetated tract with a screening fence will be provided between the developed area and Bayshore Drive.**
- b) No building within 100 feet of this tract, as described on sheet P-1 shall exceed 30 feet in height as measured using the measurement established by AMC 21.45.050A.**
- c) Minimum lot width shall be 34 feet, minimum lot depth shall be 90 feet, and minimum lot area shall be 3060 square feet.**
- d) 30% of the site shall be open space, unless all lots have an average width of 50 feet.**

Section 12, add to subsection .f, Group 1

Vehicle storage yard, no closer than 200' to Southport Drive. “*Vehicle storage yard*” means the outdoor storage of non-commercial automobiles, boats, and recreational vehicles. For this definition, “*automobiles*” means cars, trucks, sport utility vehicles, vans and similar vehicles weighing less than 12,000 pounds gross vehicle weight. For this definition, “*non-commercial*” means for private use and not for use primarily for commerce, business, or trade; not shall the vehicles be available for rent, lease, or hire. The yard may not be used to display or advertise vehicles for sale. No salvaging, dismantling or disassembly of vehicles is permitted in a vehicle storage yard. Site plan review required prior to construction.

Section 13, add Supplementary Standards to read:

- c. No building within the 150 foot height restriction area shown on the Master Development Plan Sheet P1 shall exceed 30 feet in height as measured using the measurement established by AMC 21.45.050.A., however, buildings located on the lots developed in the areas described by lots 11, 12, 13, 22 and 29, Block 5 under the approved preliminary plat as shown on Platting Board file S-10623, may be measured using the measurement established by AMC 21.45.050.A.1 regardless of whether such reference datum is more than ten feet above lowest grade.**
- d. The minimum lot size shall be 6,000 square feet.**



MUNICIPALITY OF ANCHORAGE
OFFICE OF THE MUNICIPAL ATTORNEY
MEMORANDUM

DATE: December 12, 2000

TO: Lejane Ferguson, Municipal Clerk

THRU: William A. Greene, Municipal Attorney

FROM: Dennis A. Wheeler, Assistant Municipal Attorney

SUBJECT: AO 2000-138(S)(as amended); Southport rezone

RECEIVED
Office of Municipal Clerk

DEC 18 2000

P.O. Box 196650
Anchorage, Alaska 99519-6650

The approved ordinance as amended included language that has the potential to create confusion. The Department of Law provides this analysis for attachment to the approved ordinance.

I. AO 92-105(as amended) provides at Section 7 as follows:

Development Area C shall be restricted to the following development and design standards:

Total acreage: 6

Total number of dwelling units: 24

Dwelling Unit style: Clustered mix-plexes and conventional single family subdivision

Development shall conform to the R-1 (Single Family Use District), Section 21.40.030

II. Section 7 of AO 2000-138 and AO 2000-138(S) proposed the following amendments:

Dwelling Unit Style: [Clustered mix-plexes and conventional single family subdivision] All dwelling styles and design techniques allowed by the Underlying zoning.

Supplementary standards: Maximum building height shall be 30 feet or two stories within 300 feet of Bayshore Blvd.

Since the Supplementary Standards did not appear in the original AO (AO 92-105 (as amended)), the modification to the Supplementary Standards (building height) was not properly shown as an amendment, using the legislative format, but was obviously intended and considered as part of the amendments.

AO 2000-138(S)(as amended)

III. The sheet of amendments to AO 2000-138(S), as approved by the Assembly, states:

Section 7, page 4, lines 28-43. Delete all revisions.

The Department of Law concludes that "Delete all revisions" means delete all revisions to Section 7 of AO 92-105(as amended) as proposed by AO 2000-138(S), including the building height standard. Thus, Section 7 of AO 92-105(as amended) remains unchanged. It reads as provided in I., above.

Please make the appropriate revisions to AO 2000-138(S)(as amended) and attach this thereto.

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