

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading: January 25, 2005

CLERK'S OFFICE

APPROVED

Date: 3-1-05 Anchorage, Alaska
AO 2005- 9

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.35.020 TO REVISE OR ADD DEFINITIONS FOR DORMITORY, ROOMINGHOUSE, AND LODGINGHOUSE, AND TO AMEND SECTION 21.40.020 REGARDING CONDITIONAL USES IN THE PLI (PUBLIC LANDS AND INSTITUTIONS) DISTRICT, SECTION 21.40.200 REGARDING CONDITIONAL USES IN THE I-1 (LIGHT INDUSTRIAL) DISTRICT, AND SECTION 21.45.080 TO ESTABLISH MINIMUM OFF-STREET PARKING REQUIREMENTS FOR DORMITORIES.

(Planning and Zoning Commission Case 2004-155)

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code subsection 21.35.020B. is hereby amended as follows (*the remainder of the definitions are not affected and are therefore not set out*):

21.35.020 Definitions and rules of construction.

B. The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dormitory means [ANY ROOM INTENDED OR DESIGNED TO BE USED FOR SLEEPING PURPOSES GREATER THAN 200 SQUARE FEET OF NET FLOOR AREA] a building(s) used as group living quarters for students, religious orders, employees and the like directly affiliated with schools, colleges, convents, or similar institutional uses, or directly affiliated with a permitted principal use.

Lodginghouse means a building or group of buildings containing between 6 and 19 guestrooms, or up to 60 beds, for overnight lodging for compensation, where at least one meal per day is provided to the guests, there is a central meeting room or lounge available to all of the guests, and there are

no shared kitchen facilities. A lodge, lodging, inn or any other facility that falls within this definition is a lodginghouse.

Roominghouse means any dwelling in which four or more guestrooms are available for compensation which is paid on a daily, weekly, or monthly basis. A roominghouse may offer dining services only to its tenants and their guests. A quasi-institutional facility, hotel, bed and breakfast and any other facility which licensed or regulated by this title is not a roominghouse. A boardinghouse, [LODGINGHOUSE,] single-room occupancy facility which is not in a residential zone, tourist home or any other facility that falls within this definition is a roominghouse.

(GAAB 21.05.020; AO No. 77-355; AO No. 78-16; AO No. 78-28; AO No. 78-171; AO No. 78-231; AO No. 79-214; AO No. 80-42; AO No. 81-67(S); AO No. 81-97; AO No. 81-180; AO No. 82-54; AO No. 82-167; AO No. 83-91(S); AO No. 84-14; AO No. 84-52; AO No. 85-58; AO No. 85-159; AO No. 85-91, 10-1-85; AO No. 85-216; AO No. 86-19; AO No. 86-78; AO No. 86-90; AO No. 86-171; AO No. 88-172; AO No. 88-171(S-1), 12-31-88; AO No. 89-35, 4-7-89; AO No. 88-147(S-2); AO No. 90-50(S); AO No. 91-35; AO No. 90-152(S); AO No. 91-90(S); AO No. 91-184; AO No. 92-7(S-2); AO No. 92-26; AO No. 92-93; AO No. 92-128(S); AO No. 92-129(S); AO No. 93-58; AO No. 93-148, § 1, 11-16-93; AO No. 94-62, § 2, 4-12-94; AO No. 95-68(S-1), §§ 2, 3, 8-8-95; AO No. 95-173, § 1, 11-14-95; AO No. 96-41, § 1, 3-5-96; AO No. 96-131(S), § 1, 10-22-96; AO No. 98-106, § 1, 7-21-98; AO No. 98-160, § 3, 12-8-98; AO No. 99-62, § 2, 5-11-99; AO No. 2000-119(S), § 8, 2-20-01; AO No. 2001-79(S), § 1, 5-8-01; AO No. 2001-80, § 1, 5-8-01; AO No. 2002-101(S), § 2, 4-9-02; AO No. 2002-109, § 2, 9-10-02; AO No. 2002-117, § 4, 1-28-03; AO No. 2003-62(S-1), § 3, 10-1-03; AO No. 2003-97, § 1, 9-30-03; AO No. 2003-132, § 1, 10-7-03; AO No. 2003-124(S), § 1, 1-20-04)

Editor's note: The definition of fallout shelters contained in this section was formerly codified in the 1977 Code as the first sentence of subsection 21.45.060A.

Cross references: Definitions and rules of construction generally, § 1.05.020.

Section 2. Anchorage Municipal Code section 21.40.020 is hereby amended as follows
(the remainder of the section is not affected and is therefore not set out):

21.40.020 **PLI public lands and institutions district.**

D. Conditional uses: Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

20. Dormitories.

(GAAB 21.05.050.A; AO No. 77-355; AO No. 79-25; AO No. 81-67(S); AO No. 81-178(S); AO No. 82-24; AO No. 83-78; AO No. 84-34; AO No. 85-18; AO No. 85-28; AO No. 85-78; AO No. 85-23; AO No. 85-91, 10-1-85; AO No. 86-19; AO No. 86-90; AO No. 88-7(S), 7-4-88; AO No. 90-152(S); AO No. 92-93; AO No. 93-148, § 3, 11-16-93; AO No. 95-68(S-1), § 4, 8-8-95; AO No. 96-131(S), § 3, 10-22-96; AO No. 99-62, § 3, 5-11-99; AO No. 99-131, § 6, 10-26-99; AO No. 99-149, § 1, 12-14-99; AO No. 2002-109, § 3, 9-12-02; AO No. 2003-132, § 2, 10-7-03)

Cross references: Zoning map; districts designated, § 21.40.010A.1.

Section 3. Anchorage Municipal Code section 21.40.200 is hereby amended as follows
(the remainder of the section is not affected and is therefore not set out):

21.40.200 I-1 light industrial district.

D. Conditional uses: Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

14. Dormitories.

(GAAB 21.05.050.O; AO No. 77-355; AO No. 79-95; AO No. 81-67(S); AO No. 82-105; AO No. 84-57; AO No. 85-91, 10-1-85; AO No. 85-95; AO No. 86-50; AO No. 86-90; AO No. 87-32; AO No. 88-147(S-2); AO No. 90-50(S); AO No. 92-114; AO No. 95-68(S-1), § 11, 8-8-95; AO No. 95-76, § 1, 4-4-95; AO No. 95-194, § 1, 1-2-96; AO No. 98-160, § 9, 12-8-98; AO No. 98-173, § 5, 11-3-98; AO No. 99-62, § 24, 5-11-99; AO No. 2001-80, § 8, 5-8-01; AO No. 2004-5, § 1, 1-20-04)

Section 4. Anchorage Municipal Code section 21.45.080 is hereby amended as follows
(the remainder of the section is not affected and is therefore not set out):

21.45.080 Off-street parking requirements.

C. Roominghouses, [AND] boardinghouses, lodginghouses, and dormitories. One parking space is required for every two guestrooms. If no guestrooms are provided, one parking space shall be provided for every two beds.


(GAAB 21.05.060.G; AO No. 77-355; AO No. 78-118; AO No. 81-106; AO No. 81-178(S); AO No. 82-69; AO No. 84-90; AO No. 84-117(S); AO No. 85-91, 10-1-85; AO No. 87-31, 7-18-87; AO No. 89-30; AO No. 90-152(S); AO No. 93-172, §1, 11-16-93; AO No. 96-68, §1, 5-28-96; AO No. 99-131, §12, 10-26-99)

Editor's note: The last sentence of subsection A of this section was formerly codified in the 1977 Code as the last sentence of subsection 21.35.020B.69.

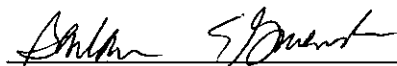
Cross references: Business licenses and regulations, title 10.

Section 5. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 1st day of March, 2005.


Chair of the Assembly

ATTEST:


Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2005- 9

Title: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.35.020 TO REVISE OR ADD DEFINITIONS FOR DORMITORY, ROOMINGHOUSE, AND LODGINGHOUSE, AND TO AMEND SECTION 21.40.020 REGARDING CONDITIONAL USES IN THE PLI (PUBLIC LANDS AND INSTITUTIONS) DISTRICT, SECTION 21.40.200 REGARDING CONDITIONAL USES IN THE I-1 (LIGHT INDUSTRIAL) DISTRICT, AND SECTION 21.45.080 TO ESTABLISH MINIMUM OFF-STREET PARKING REQUIREMENTS FOR DORMITORIES.
Planning and Zoning Commission, Case 2004-155.

Sponsor:

Preparing Agency: Planning Department

Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)			
	<u>FY05</u>	<u>FY06</u>	<u>FY07</u>	<u>FY08</u>	
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					

PUBLIC SECTOR ECONOMIC EFFECTS:

Approval of this ordinance amendment should have no significant impact on the public sector.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of this ordinance amendment should have no significant economic impact on the private sector.

Prepared by: Jerry T. Weaver Jr., Zoning Administrator

Telephone: 343-7939



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 36 -2005

Meeting Date: January 25, 2005

From: Mayor

Subject: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.35.020 TO REVISE OR ADD DEFINITIONS FOR DORMITORY, ROOMINGHOUSE, AND LODGINGHOUSE, AND TO AMEND SECTION 21.40.020 REGARDING CONDITIONAL USES IN THE PLI (PUBLIC LANDS AND INSTITUTIONS) DISTRICT, SECTION 21.40.200 REGARDING CONDITIONAL USES IN THE I-1 (LIGHT INDUSTRIAL) DISTRICT, AND SECTION 21.45.080 TO ESTABLISH MINIMUM OFF-STREET PARKING REQUIREMENTS FOR DORMITORIES.

1 The ordinance updates existing definitions by adding dormitories and lodgishouses, adds the
2 use of dormitories as a conditional use in PLI and I-1 Districts, and establishes parking
3 standards for dormitories.
4

5 The purpose of the amendments is to allow non-profit charitable and other similar
6 organizations to provide temporary, on-site sleeping facilities to employees for a short period
7 of time. The ordinance began because the main offices, training rooms, cafeteria and storage
8 facilities for Hope Resources is located on property near Arctic Boulevard and 54th Ave.
9 Hope Resources brings employees to Anchorage on a regular basis for training. Currently,
10 Hope Resources houses employees at various locations around town, and the employees must
11 be transported daily between the training facility and where they sleep. This is inefficient and
12 expensive.
13

14 Hope Resources property is zoned I-1, and this dormitory type of sleeping facility is not
15 allowed. The sleeping facility can best be defined as dormitory or lodgishouse. The
16 ordinance updates the definitions for these types of sleeping facilities and permits them, by
17 conditional use, in the I-1 and PLI zones. The I-1 district allows hotels and motels by
18 conditional use, but the definitions of hotel and motel do not reflect the type of sleeping
19 facility needed by Hope Resources and other similar businesses.
20

21 The proposed changes are mostly definitional housekeeping changes, and additional impacts
22 from traffic, incompatible land uses, etc. are not anticipated. If approved, Hope Resources
23 plans to build a two story, 60-room dormitory on vacant property adjacent to the main offices
24 of Hope Resources.
25

26 The Planning and Zoning Commission unanimously supported the ordinance.

1 THE ADMINISTRATION CONCURS WITH THE PLANNING AND ZONING
2 COMMISSION'S DECISION AND RECOMMENDS APPROVAL OF THE ANCHORAGE
3 MUNICIPAL CODE AMENDMENTS TO TITLE 21 SET OUT IN THE ORDINANCE.
4

5
6 Prepared by: Jerry T. Weaver Jr., Zoning Administrator,
7 Planning Department
8 Concur: Tom Nelson, Director, Planning Department
9 Concur: Mary Jane Michaels, Executive Director,
10 Office of Economic and Community Development
11 Concur: Denis C. LeBlanc, Municipal Manager
12 Respectfully submitted, Mark Begich, Mayor
13

**MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2004-072**

A RESOLUTION RECOMMENDING APPROVAL TO THE ASSEMBLY OF AN ORDINANCE AMENDMENT TO ANCHORAGE MUNICIPAL CODE SECTION 21.35.020 TO MODIFY THE DEFINITION OF "DORMITORY" AND "ROOMINGHOUSE" AND TO ADD A DEFINITION FOR "LODGINGHOUSE" AND SECTION 21.40.020 REGARDING CONDITIONAL USES IN THE PLI (PUBLIC LANDS AND INSTITUTIONS) DISTRICT AND 21.40.200 REGARDING CONDITIONAL USES IN THE I-1 (LIGHT INDUSTRIAL) DISTRICT AND 21.45.080 TO ESTABLISH AN OFF-STREET PARKING REQUIREMENT.

(Case 2004-155)

WHEREAS, a request has been received from Hope Community Resources to allow sleeping facilities for Hope staff members at property adjacent to the Hope administrative offices, and

WHEREAS, the sleeping facility use for Hope staff members most closely resembles a dormitory, and

WHEREAS, the subject property is zoned I-1 (light industrial), and

WHEREAS, the subject property is in an area designated as Industrial Reserve by Anchorage 2020 and it would be inappropriate to rezone the property to a district which allows sleeping facilities, and

WHEREAS, the proposed use and the existing definitions, and the parking standards in the Anchorage Municipal Code are either outdated or non-existent, and

WHEREAS, the Planning and Zoning Commission wishes to allow for sleeping facilities in appropriate locations, and

WHEREAS, a public hearing was held on November 1, 2004.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Planning and Zoning Commission that:

A. The Commission makes the following findings of fact:

1. Lodginghouse is not currently defined in Title 21 and there is no parking standard for lodginghouse or dormitory.
2. The definitions for dormitory and roominghouse are outdated.
3. The use of short-term (a few days to several months duration) sleeping facilities for employees most closely resembles a dormitory.

4. Dormitory use is appropriate in the PLI and I-1 districts when subject to a conditional use permit review.
5. All responding review agencies had no comment at the time of this public hearing. No comments from the public had been received.
6. The Planning Department has researched definitions and parking standards from around the country and the proposed ordinance reflects current thinking on the subject.
7. The Planning and Zoning Commission recommends approval to the Assembly of an Ordinance Amending AMC 21.35.020, 21.40.020, 21.40.200 and 21.45.080 to modify dormitory and roominghouse definitions and to add a definition for lodginghouse and to add parking standards.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission this 1st day of November 2004.



Tom Nelson
Secretary

Don Poulton
Chair

(Case 2004-155)

ab

DRAFT

PLANNING AND ZONING COMMISSION MEETING

**Assembly Chambers
Z.J. Loussac Library
3600 Denali Street
Anchorage, Alaska**

**MINUTES OF
November 1, 2004
6:30 PM**

A work session on the Proposed MOA 2005 Capital Improvement Budget/2005-2010 Capital Improvement Program was conducted at 5:30 p.m.

A. ROLL CALL

Present Don Poulton, Chair
Johnny Gibbons
Greg Jones, Vice Chair
Nancy Pease
Jim Lottsfeldt
Bill Wielechowski
Art Isham

Excused Toni Jones

Unexcused Megan Simonian

Staff Cathy Hammond
Mary Autor
Angela Chambers
JoAnn Contreras

CHAIR POULTON explained that municipal regulations state that any action by the Commission require a favorable vote of a majority of the fully constituted Commission, except when others may be excused due to conflicts voiced during disclosure. Therefore, an affirmative vote by 5 of the 7 members present at this meeting is necessary for the approval of any action. If this caused concern, petitioners could request postponement.

B. MINUTES

COMMISSIONER G. JONES moved for approval of the minutes of September 13, 2004 and September 20, 2004.

COMMISSIONER LOTTSFELDT seconded.

COMMISSIONER ISHAM also supported the motion, believing this ordinance would not place a burden on ACS, given their cost per mile to underground. He felt that giving the Planning Director strict guidelines on variances is appropriate. He noted that if someone is dissatisfied with the Planning Director's decision, they could appeal.

CHAIR POULTON did not support the motion because he was not comfortable that the question of inequities had been satisfactorily addressed. He explained he would like to see the cost figures so he could understand the impact of the ordinance on electric and telecommunication's utilities.

COMMISSIONER PEASE asked whether Mr. Gibbons would withdraw his motion pending the receipt of the financial information requested by Mr. Poulton. COMMISSIONER GIBBONS did not believe that this information would add to the discussion and did not withdraw his motion.

AYE: Isham, Pease, Gibbons

NAY: Poulton

ABSTAIN: G. Jones, Lottsfeldt, Wielechowski

FAILED

2. 2004-155

Municipality of Anchorage. An ordinance amending Anchorage Municipal Code subsection 21.35.020b amending the definition of dormitory and rooming house, adding a definition for lodging house, amending section 21.40.020 regarding conditional uses in the PLI (public lands and institutions) district, amending section 21.40.200 regarding conditional uses in the I-1 (light industrial) district, and amending section 21.45.080 to establish minimum off-street parking requirements for dormitories.

Staff member ANGELA CHAMBERS explained that the Commission asked the Municipality to bring forward this petition, but there is reference to Hope Community Resources. The request is an amendment to Title 21 to change the definition of the term "dormitory" and to add the use to a conditional use permit as an adjunct facility to a permitted use in the I-1 and PLI districts, to establish minimum off-street parking requirements, and to provide a separate definition of "lodging house." The Department did provide a revised ordinance definition to the Commission this evening. MS. CHAMBERS explained that the Commission heard an Appearance Request by Barbara Kraft representing Hope Community Resources on

July 12, 2004. They wish to construct a new building to provide temporary sleeping facilities for some employees. The Department did not review this issue in terms of this situation in this location, but overall similar uses in the PLI and I-1 districts. They were requesting that lodging and lodging house be approved as an appropriate conditional use and as adjunct to a principal use in the I-1 district. It was originally discussed that lodging is not synonymous with rooming house and that it should include employee housing. Those terms are not clearly defined in the code. The Department found that the use proposed by Hope Community Resources more closely resembled a dormitory, however, the current definition is somewhat dated. There are more clear and appropriate definitions in other communities. The Department has also provided a more clear and updated definition of lodging house and rooming house in the proposed land use regulations for Girdwood. The Department proposes to modify the definition of dormitory to allow it to be affiliated with a principal use, but not necessarily on the same lot. The Department found that dormitory-style accommodations should not be limited to educational or religious institutions, as currently allowed, but that on a site-by-site basis through a conditional use process and as related to a principal use, dormitories may well be appropriate and necessary. The conditional use process would allow the Commission to analyze the appropriateness of the location and an opportunity to mitigate any potential negative aspects.

COMMISSIONER PEASE asked why the definition of dormitory is more general than that of lodging house or rooming house. She was looking for something that would clearly differentiate these terms. She asked why the definition of dormitory does not mention fees, whether it is available to the general public, what number of guests could be accommodated, what is the frequency of food service, whether there is a dining facility versus a private kitchen, and whether there is a shared versus private bath. MS. CHAMBERS explained that when definitions are included in a specific use district, that definition is used, but if something is unclear, the definition that most fits it is used. The primary issue in this case is that lodging houses, rooming houses, hotels, motels are commercial operations. Dormitories are for the support of the use with which they are directly affiliated. Frequently, fees for dormitories are to help offset the costs of providing that supportive housing, but it is not for the purpose of having a purely commercial operation. Each dormitory is unique in terms of layout, food service, and charges. This request brought forward the fact that there may be uses that wish to provide housing that are not universities or religious operations. This is a frequently used definition among communities. COMMISSIONER PEASE noted that the definition for lodging house does not refer to a fee. She thought that dormitory had a limited duration of use and is not a permanent residential situation. MS. CHAMBERS explained that lodging house is a commercial situation so

the terminology "available for compensation" could be inserted after "building or group of buildings" in that definition. The time frames for dormitory residence can vary, so the Department attempted simply to define the type of use.

COMMISSIONER LOTTSFELDT stated the motion made by the Commission was for Staff to define the term "lodging" in AMC 21.35.020.B and that the definition include staff housing for nonprofit organizations. He asked if this ordinance does that in essence. MS. CHAMBERS replied in the affirmative; the intent from the Commission's discussion was to look at the situation of employee housing and, upon investigation, other issues arose that the Department believes are addressed in the proposed ordinance.

The public hearing was opened.

BARBARA KRAFT, representing Hope Community Resources, introduced John Lever, Deputy Director of Hope Community Resources. She stated she has been working through this issue with Planning Department Staff to develop an ordinance to address Hope's needs, while not creating something that only helps one entity. There are other entities who have a need for temporary housing of this nature and the ordinance addresses them; universities are currently out of compliance in the PLI zoning district and this addresses that situation as well.

MS. CHAMBERS suggested amending the definition of "lodging house" to include "for compensation" after "overnight lodging."

COMMISSIONER PEASE asked if the term "pillows" in the definition of "lodging house" is defined and commonly used. MS. CHAMBERS explained that this term in the proposed revisions to Title 21 and the Girdwood regulations as well. It is a technical term referring to a sleeping accommodation for one individual. COMMISSIONER PEASE asked if "beds" could be used rather than "pillows." MS. CHAMBERS replied that this would be appropriate.

The public hearing was closed.

COMMISSIONER PEASE moved for approval of the draft ordinance with two revisions: under the definition of "lodging house" replace the word "pillows" with "beds" and after the first clause insert "for compensation" after "overnight lodging."

COMMISSIONER GIBBONS seconded.

COMMISSIONER PEASE supported the motion because she felt the Staff addressed the issue in a broad sense and the ordinance brings into compliance

instances where lodging facilities are necessary and appropriate, but are not allowed under the current code.

AYE: Isham, Pease, Gibbons, Poulton, G. Jones, Lottsfeldt, Wielechowski

NAY: None

PASSED

3. 2004-157

Seven C Investments, Inc. A request to rezone approximately 0.86 acres from R-O (Residential Office) to B- 3SL (General Business with Special Limitations). Arlon Subdivision, Lot 3A. Located at 9138 Arlon Street.

Staff member MARY AUTOR stated 254 public hearing notices were mailed, 2 were returned in favor, 4 were returned against, 16 were received as undeliverable and no comment was received from the community council. This request involves rezoning from R-OSL to B-3SL a property located between Golovin and Arlon Streets on the north side of Abbott Road. Under construction at this site is a two-story medical office building. This property was seen by the Commission in 2002 when it dealt with a site plan and rezoning from R-5 to R-OSL. The Assembly, in approving the R-OSL zoning, had also approved the site plan. The special limitations on the existing R-O included a number of design requirements and the development on the site did follow those recommendations. The special limitations also prohibited pole signs and certain uses such as hotel lodging and alcoholic beverages. The request is to rezone to B-3SL with a special limitation to complete the construction in conformance with the site plan associated with the temporary certificate of occupancy. The rezoning would prohibit drive-up facilities and would allow certain retail office uses in a mixed use manner, but would prohibit certain more objectionable uses from the B-3. The Department finds the request conforms with Anchorage 2020. The property is located within an area identified as a town center, as well as a transit-supported development corridor. It does comport with the required goals and objectives of Anchorage 2020, as well as the standards for approval in AMC 21.15.080. The property would be used as currently developed, but would allow certain retail uses. The Department is recommending not eliminating the pole sign special limitation. The Department further recommends that any redevelopment of the property would have to comport with the same standards for the site plan development. The Department proposed that the prohibited uses would be those found in the R-O district, including drive-up facilities that have a queuing of vehicles, outdoor display of

MUNICIPALITY OF ANCHORAGE
PLANNING DEPARTMENT
MEMORANDUM

DATE: November 1, 2004

TO: Planning and Zoning Commission

THROUGH: *TN* Tom Nelson, Director

FROM: *AB* Alfred Barrett, Senior Planner

APPLICANT: Planning and Zoning Commission

REPRESENTATIVE: MOA

SUBJECT: **2004-155:** an amendment to Title 21 to change the definition of the term DORMITORY and to add the use, through a conditional use permit, as an accessory use to a principal permitted use in the I-1 (Light Industrial) district and PLI (Public Lands and Institutions) district, to establish minimum off street parking requirements for dormitories, and to provide a separate definition of lodginghouse, in effect removing it from the definition of roominghouse.

LOCATION: The Code amendment for dormitory would apply to all I-1 and PLI districts; the lodginghouse amendment does not impact the use districts where it is currently allowed, as it only allows for a separate use from roominghouse. The specific property which has brought this issue forward is located at 540 International Airport Road and is zoned I-1. Please refer to the map on the next page.

TAX PARCEL NO. 009-233-32

Background:

The Planning & Zoning Commission heard an appearance request by Ms. Barbara Kraft of Davis, Wright, Tremaine, representing Hope Community Resources (HOPE), on July 12, 2004. The minutes are attached. HOPE wishes



Scale 1:8000

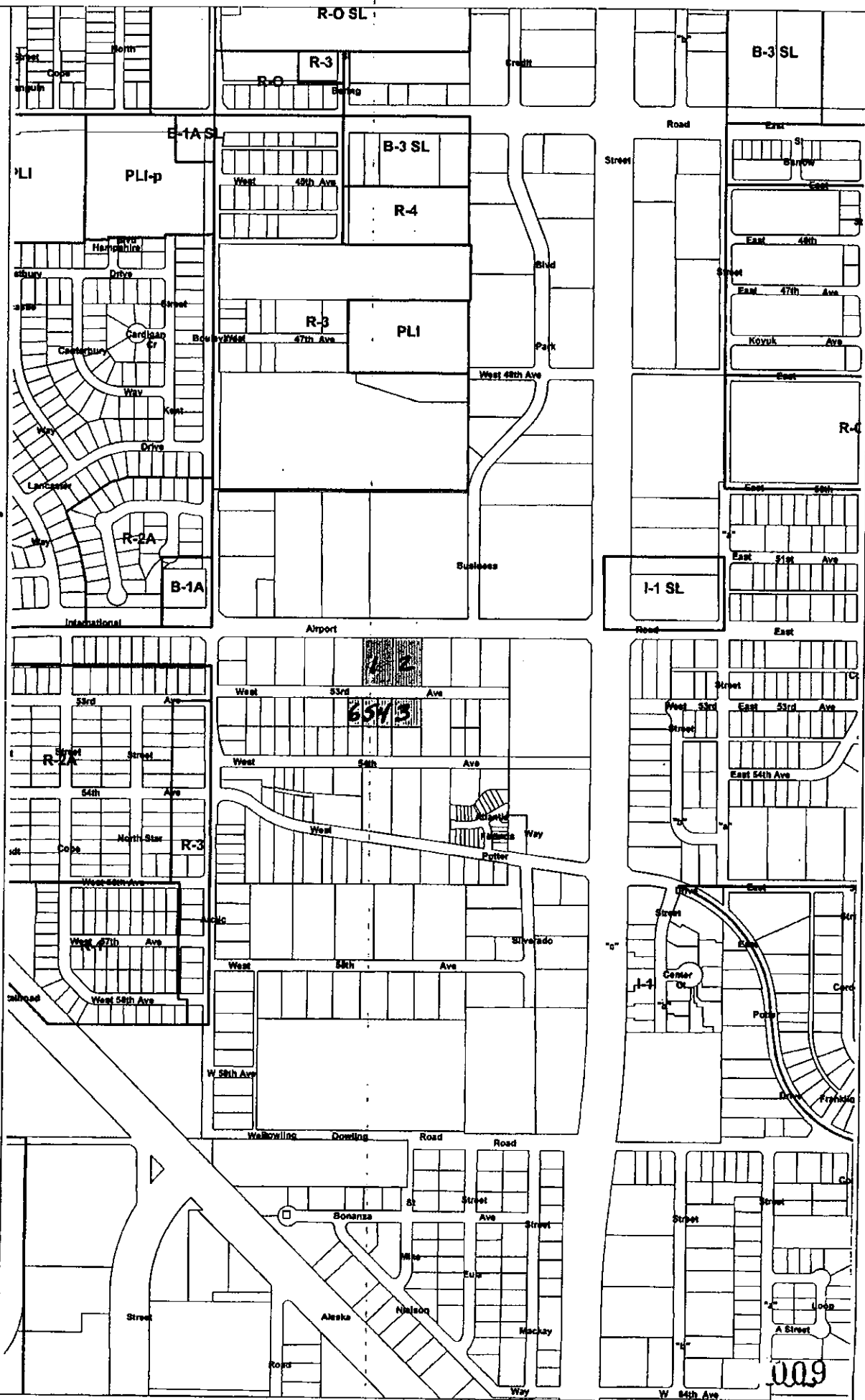
Legend:

Txt	STRNAMES
Txt	ZONING_TYPE
<input type="checkbox"/>	ZONING
<input type="checkbox"/>	PARCELS

1. training fac.
2. warehouse
- 3 vacant
- 4-5. parking
6. admin.

HOPE Res.

04-155



to construct a new building to provide temporary (a few days to six months) sleeping facilities for some employees on the lot labeled "#3 vacant" on the attached map. HOPE has its administrative offices, dining facility, a training facility, parking lot and a warehouse, but no residential uses at this location on International Airport Rd and 53rd Ave. The subject property and surrounding area are zoned I-1 and are on the boundary of an Industrial Reserve Area as identified on the Land Use Policy Map in Anchorage 2020. The I-1 district allows some residential type uses and prohibits other residential uses, see item 3, Issues contained this staff report.

Under the authority of AMC 21.10.015 A.9, the Commission has directed staff to prepare a definition and AO for lodging.

Request:

HOPE has employees from Anchorage and around the State who periodically come to the Anchorage facility for training. Depending on the training, the employees are on site from a few days to six months. HOPE currently places these employees in hotels, motels and other locations around Anchorage and transported to the International Drive site. HOPE could save money and operate more efficiently by having the employees sleeping on site and walking across the street to the other Hope facilities. If ultimately approved, HOPE proposes to build a two story structure containing 60 rooms for sleeping to be occupied by HOPE contractors and employees.

The terms LODGING and LODGINGHOUSE are not defined in Title 21. The staff position is that the type of residential use proposed by HOPE most closely resembles DORMITORY or ROOMINGHOUSE. A roominghouse is not an allowed use in I-1. Motels, hotels and "lodging" are conditional uses in I-1. The term dormitory is defined in title 21, but it is somewhat dated and the Department proposes to update the definition.

The applicant is requesting that LODGING/LODGINGHOUSE is appropriate as a conditional use and as an accessory to the principal uses in I-1. HOPE believes that LODGING is not synonymous with ROOMINGHOUSE, and LODGING should include "employee housing." Employee housing is a term not defined in the code.

Discussion:

1. Authority

AMC 21.10.015 A.9. provides the Planning and Zoning Commission with the authority "Promulgate regulations to implement, interpret or make specific the provisions of this title [21]..."

The adopted motion of the Commission is to "direct staff to define the term lodging in AMC 21.35.020 B. and that the definition include staff housing for nonprofit organizations." The Commission's direction to staff is within the authority of 21.10.015 A.9.

As the Department finds that the proposed use is closest to the use of a dormitory, and in order to meet the direction of the Commission, staff has prepared a draft AO with a definition for DORMITORY, identified zoning districts where the use may be a permitted conditional use, and listed minimum off street parking requirements.

2. Definitions

The following definitions have historically been used and are provided as background. In general terms:

The words "lodge" or "lodging" or "lodginghouse" mean sleeping facilities. The words "Board" or "boarding" or "boardinghouse" mean food is included with the lodging as part of the service.

The words "Room," "rooming," and "roominghouse" mean food is optional as part of the lodging, food may or may not be included.

The current Title 21 definitions are:

Roominghouse means any dwelling in which four or more guestrooms are available for compensation which is paid on a daily, weekly or monthly basis. A roominghouse may offer dining services only to its tenants and their guests.

A quasi-institutional facility, hotel, bed and breakfast and any other facility which is licensed or regulated by this title is not a roominghouse.

A boardinghouse, lodginghouse, single-room occupancy facility which is not in a residential zone, tourist home or any other facility that falls within this definition is a roominghouse. (emphasis added)

Dormitory means any room intended or designed to be used for sleeping purposes greater than 200 square feet of net floor area.

The sleeping areas in any of these uses may be in individual rooms or in rooms of multiple beds. If food is included in boardinghouse or roominghouse uses, it is in a communal setting and not via individual kitchen facilities within each sleeping unit, and is for tenants/guests only.

Other relevant Title 21 definitions:

“Camper parks” means a lot or parcel of land occupied or intended for temporary occupancy by recreational vehicles or tents for travel, recreational or vacation usage for short periods of stay and containing a potable water source and public toilet facilities.

“Correctional community residential center” (CCRC) means a community residential facility, other than a correctional institution, for the short-term or temporary detention of prisoners in transition from a correctional institution, performing restitution, or undergoing rehabilitation and/or recovery from a legal infirmity except prisoners who pose a threat or danger to the public for violent or sexual misconduct without imprisonment or physical confinement under guard or 24-hour physical supervision. The determination of whether a prisoner poses a threat or danger to the public for violent or sexual misconduct without imprisonment or physical confinement under guard or 24-hour physical supervision shall be made by the commissioner of corrections for state prisoners and the United States attorney general or the director, bureau of prisons for federal prisoners.

“Hotel” means any building containing 20 or more guestrooms accessible only by means of an interior corridor, rented for compensation by the day or week and offered for use by the general public in conjunction with subordinate services and facilities, such as restaurants, meeting rooms and the like.

“Mobile home park” means any parcel or adjacent parcels of land in the same ownership which is utilized for occupancy by more than two mobile homes. This term shall not be construed to mean tourist facilities for parking of travel trailers or campers.

"Motel" means a group of attached or detached buildings, providing individual sleeping or living room accommodations, containing six or more rooms with all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, including auto courts or motor lodges.

In general terms of use enforcement, less than a one week stay would define the structure as a hotel or motel or some type of transient facility; a longer term stay would define it as a boardinghouse, roominghouse or apartment.

In reviewing the definition of roominghouse, it was noted that lodginghouse was included in that definition. However, in the draft land use regulations that have been in process for the Girdwood area, a much more comprehensive and effective definition has been provided to separate out that use. The Department is recommending a similar action, and a substantively similar definition for lodginghouse, separate from roominghouse.

3. Issues

Zoning District Review:

The intent of industrial districts is:

I-1 for primarily light manufacturing, processing, storage, wholesale and distribution operations, but also permits limited commercial operations.

I-2 for primarily heavy manufacturing, storage, major shipping terminals and other related uses. Also permitted are uses generally permitted in commercial districts.

I-3 for certain rural areas which, because of their topography, soil condition or location, or any combination of these factors is better suited for industrial rather than residential or commercial development.

The I-1 district allows, by conditional use: mobile home parks on 10 acres minimum, camper parks, motels, hotels and lodging, and correctional community residential centers as types of residential uses. Other than mobile

home park, these uses are not residential in the sense of longer term, not transitory, sleeping facilities.

The I-2 prohibits hotels, motels, roominghouses, lodginghouses, mobile home parks and camper parks. Residential and sleeping related uses are not allowed.

The I-3 prohibits hotels, motels, roominghouses, lodginghouses, and the like and mobile home parks. Residential and sleeping related uses are not allowed.

In the I-1 district, the allowed sleeping related uses are generally short term duration, whereas HOPE is proposing longer term stays similar to a roominghouse or apartment house, or dormitory.

Use Reviews:

Hotels, motels and lodging, as we are defining it, are commercial overnight accommodations. They are primarily for one night to a couple weeks stay and for the most part are for tourists and out of town transients, in town for the short duration. Allowing hotels and motels in I-1 does make sense, especially when the property is located near the airport or other tourist related facility or a major employment center.

Camper parks likewise are temporary...recreational...vacation...short term usage.

CCRC's are a temporary living arrangement, involving felons, drug abusers and sex offenders. Although set in a community residential facility, the use is not popular with other people in the area, and the use is not allowed in residential zone districts. That relegates the use to B-3, B-4, I-1, I-2 and I-3 zones and CCRC's are further restricted by the CU standards, 21.50.035.

Mobile home parks are a long term residential use, but they require 10 acres minimum in the I-1 district and are likewise very restricted by CU standards, 21.50.120. The appropriateness of continuing to allow these by conditional use and in industrial use districts is being analyzed in the Title 21 rewrite process.

The longer term type of housing of employees without charge, as requested by HOPE Resources is more characteristic of a dormitory operation than any of the commercial or residential alternatives.

4. Conclusion and recommendation

The Department finds that the proposed use by HOPE more closely resembles a dormitory, as traditionally used by both institutional and some industrial uses, however the current definition is somewhat dated, and there exists much clearer and appropriate definitions in other communities. The Department proposes to modify the definition of DORMITORY to read as follows: "a building(s) used as group living quarters for students, religious orders, employees and the like as an accessory use to schools, colleges, convents, or similar institutional uses, or as an accessory use to a principal permitted industrial use." We also propose to delete the reference to lodginghouse from the definition of roominghouse, and provide a new, but clarified definition, similar to that proposed for the Girdwood area land use regulations. As these uses are different, but do have similar parking needs, we also propose leaving the current parking requirements for roominghouses and lodginghouses, and establishing the same parking criteria for dormitories.

The currently permitted and conditional uses such as boardinghouse, lodginghouse, hotel/motel, camper park, or mobile home park are different than the use proposed by HOPE. There are issues such as fees, structure style, food service, or occupancy requirements that strictly limit such uses as opposed to the intent that HOPE appears to have.

The Department finds that the requested use is more properly a *dormitory*, which the department finds would fit in with the zoning district. The Department finds that this use also should be permitted by conditional use as an accessory to a principal permitted use. The finding by the Department is that hotels, motels, and lodging (to include lodge, lodginghouse, and inn) are commercial uses, providing overnight accommodations for a fee. The commercial facilities may be found to be compatible with a light industrial area, depending on the intensity of the use and surrounding compatibility. With other light industrial uses, there may be larger uses, or uses with a significant number of employees or clients, who may need to be housed close to the facility. An example of this may be a fish processing plant, or industrial use with shift personnel or personnel who may come in on a temporary basis depending on season or spikes in workload.

The Department finds that dormitory style sleeping accommodations should not just be limited to educational or religious institutions, but finds that on a site-by-site basis, as related to the principle use, that dormitories may well be appropriate and necessary in conjunction with some uses in the I-1 district.

As a conditional use, this would allow the Commission to determine the appropriateness to the location, and ensure the opportunity to mitigate any potential negative aspects if determined appropriate.

Community and Community Council Comments - none as of press time.

Recommendation: approval of the draft ordinance.

Submitted by: Chair of the Assembly at
Prepared by: the Request of the Mayor
For reading: Planning Department

Anchorage, Alaska
AO 2004-_____

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SUBSECTION
21.35.020B AMENDING THE DEFINITION OF DORMITORY AND
ROOMINGHOUSE, ADDING A DEFINITION FOR LODGINGHOUSE, AMENDING
SECTION 21.40.020 REGARDING CONDITIONAL USES IN THE PLI (PUBLIC
LANDS AND INSTITUTIONS) DISTRICT, AMENDING SECTION 21.40.200
REGARDING CONDITIONAL USES IN THE I-1 (LIGHT INDUSTRIAL) DISTRICT,
AND AMENDING SECTION 21.45.080 TO ESTABLISH MINIMUM OFF-STREET
PARKING REQUIREMENTS FOR DORMITORIES.

Section 1. Anchorage Municipal Code subsection 21.35.020B is hereby amended as
follows: (the remainder of the definitions are not affected and are therefore not set out)

B. The following words, terms and phrases, when used in this title, shall have the
meanings ascribed to them in this section, except where the context clearly
indicates a different meaning: (the remainder of the section is not affected and
therefore is not set out.)

Dormitory means a building(s) used as group living quarters for students, religious
orders, employees and the like as an accessory use to schools, colleges, convents,
or similar institutional uses, or as an accessory use to a permitted principal
industrial use.

Lodginghouse means a building or group of buildings containing between six and
19 guest rooms or up to 60 pillows for overnight lodging, where at least one meal
per day is provided to the guests, there is a central meeting room or lounge
available to all of the guests, and there are no shared kitchen facilities. A lodge,
lodging, inn or any other facility that fall swithin this definition is a lodginghouse.

Roominghouse means any dwelling in which four or more guestrooms are available for compensation which is paid on a daily, weekly or monthly basis. A roominghouse may offer dining services only to its tenants and their guests. A quasi-institutional facility, hotel, bed and breakfast and any other facility which is licensed or regulated by this title is not a roominghouse. A boarding house, {LODGINGHOUSE,] single-room occupancy facility which is not in a residential zone, tourist home or any other facility that falls within this definition is a roominghouse.

Section 2. Anchorage Municipal Code subsection 21.40.020 D is hereby amended as follows: (the remainder of the subsection is not affected and is therefore not set out.)

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

20. Dormitory, as an accessory use to a permitted principal use.

Section 3. Anchorage Municipal Code subsection 21.40.200 D is hereby amended as follows: (the remainder of the subsection is not affected and is therefore not set out.)

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

14. Dormitory, as an accessory use to a permitted principal use.

Section 4. Anchorage Municipal Code section 21.45.080 is hereby amended as follows: (the remainder of the section is not affected and is therefore not set out.)

21.45.080 Off-street parking requirements.

C. Roominghouses, [AND] boardinghouses, lodginghouses and dormitories. One parking space is required for every two guestrooms. If no guestrooms are provided,

1 one parking space shall be required for every two beds, or beds or pillows for
2 lodginghouses.

3
4 ***

5
6 **Section 5.** This ordinance shall become effective immediately upon its passage and
7 approval by the Assembly.

8
9 PASSED AND APPROVED by the Anchorage Assembly this _____
10 day of _____ 2004.

11
12 ATTEST:

Chair

13 _____
Municipal Clerk

Final

PLANNING AND ZONING COMMISSION MEETING
Assembly Chambers
Z.J. Loussac Library
3600 Denali Street
Anchorage, Alaska

MINUTES OF
July 12, 2004
6:30 PM

A worksession began at 5:30 p.m. on the 2025 Land Use Projections being used in the transportation planning model for the Long-Range Transportation Plan update.

A. ROLL CALL

Present Don Poulton, Chair
Toni Jones
Johnny Gibbons
Greg Jones, Vice Chair
Nancy Pease
Art Isham
Jim Lottsfeldt*

Arrived at 6:35 p.m.

Excused Bill Wielechowski
Megan Simonian

Staff Jerry Weaver
Mary Autor
Sharon Ferguson

CHAIR POULTON explained that municipal regulations state that any action by the Commission requires a favorable vote of a majority of the fully constituted Commission, except when members may be excused due to conflicts voiced during disclosure. Therefore, an affirmative vote by 5 of the 6 members present at this meeting is necessary for the approval of any action. If this was cause for concern, petitioners could request postponement.

B. MINUTES

COMMISSIONER G. JONES moved for approval of the minutes of June 14, 2004.

COMMISSIONER GIBBONS seconded.

H. APPEARANCE REQUEST

BARBARA KRAFT with Davis, Wright, Tremaine, explained that her client, Hope Community Resources, is a nonprofit corporation that provides services to the developmentally disabled residents of Alaska. This request for appearance is made at the suggestion of the Planning Department to obtain the Commission's interpretation of the term "lodging" in AMC 21.40.200.D.7. Materials have been provided to the Commission regarding this issue. Hope owns Lot 24A in Campbell Park Acres, located behind Hope's administrative facility and adjacent to Hope's training facility on West 53rd Avenue. Hope wishes to construct a facility on this site to be used as temporary housing for its employees. Some employees are students who are in Anchorage for three to six months and others reside in other locations around the state and are in Anchorage for short periods of time, perhaps one to three days, for training. Lot 24A is zoned I-1. AMC 21.40.200 provides that hotels, motels, and lodging are conditional uses in I-1 districts. So are camper parks and correctional community residential centers. Even mobile home parks are allowed if the site is at least 10 acres. It appears that this zoning district contemplates short-term occupancy or residency and long-term occupancy. The term "lodging" is not defined in the AMC. Prior to hiring an architect and spending money on a site plan, Hope requested an interpretation from the Planning Department whether a contemplated use of employee housing was consistent with the meaning of the conditional use. The Planning Department adopted the position that "lodging" means "rooming house" and then looked at a matrix in AMC 21.45.260, which says that rooming houses are not allowed in I-1 districts, even though 21.40.200 expressly allows lodging. The Department also acknowledged in their April 13, 2004 letter that there is a certain disconnect or discrepancy between those two provisions of the code. However, the Department states that the last in time to be adopted would be controlling in their interpretation. They also acknowledged that their position might not be accurate and suggested that Hope make this request for an interpretation of the term "lodging." Hope asked that the Commission provide guidance to the Department that "lodging" is not synonymous with "rooming house," but is instead another category and that employee housing would fall within the term "lodging" as used in that section of the code. The matrix in 21.45.260 was adopted at a time when there was much discussion in the community regarding the location of bed and breakfast facilities. The documents in that case file speak to bed and breakfast facilities and not to employee housing/lodging. Hope believes there is no basis to assume that "lodging" is synonymous with "rooming house." The term could just as easily mean employer-provided housing. Lodging is defined by Webster's Dictionary as a "temporary residence." All of the users at Hope's facilities would be temporary residents. Employee lodging is an appropriate conditional use, as defined in 21.35 as "uses that are generally considered appropriate for the district, but only after additional controls and safeguards are applied to ensure their compatibility with the permitted principal uses." Surrounding uses on the street include apartments, offices, and the like. Hope's proposed use is very similar to a hotel,

but it is not open to the public. Hope's impact on the neighborhood would be less than a hotel because the students do not have vehicles, they are transported in vans provided by Hope.

COMMISSIONER G. JONES asked what number of rooms was being proposed. JOHN WEAVER, deputy director at Hope, replied that 60 rooms are proposed, 30 on each of two floors. COMMISSIONER G. JONES asked if these rooms would be occupied primarily by contractors and employees. MR. WEAVER replied in the affirmative. COMMISSIONER G. JONES asked if rooms would typically have their own bathroom facilities. MR. WEAVER replied that the setting would be similar to a dormitory with rooms, a common restroom, and common showers on each floor.

CHAIR POULTON asked that Staff address the matter before the Commission. MS. AUTOR explained that Chair Poulton had understood the Commission would be receiving a presentation of a concern. He then asked what options are available to the Commission in relation to what it is being asked this evening. AMC 21.10.015.9 states "to promulgate regulations, to implement, to interpret, or to make specific the provisions of this title, except provisions of chapters 21.67 and 21.75 through 21.87, in accordance with provisions of chapter 3.40." Her interpretation of that code provision is that the Commission has the option to either "direct the promulgation of regulations for implementation," or "promulgate regulations to make specific the provisions of this title," but the implication is that the matter would be brought back to the Commission for action. CHAIR POULTON asked if Assembly action could be required. MS. AUTOR replied that, if the change is an ordinance or through the code of regulations, Assembly action would be necessary.

COMMISSIONER G. JONES noted that AMC 21.30.110 deals with appeals to the Zoning Board of Examiners and Appeals (ZBEA). He asked if that is not the appropriate forum for this request. MS. AUTOR replied that the ZBEA could be asked to add a use to a zoning district such as that body has done by adding indoor shooting ranges to the I-1 or I-2 zoning districts, but that has to go forward to the Assembly for action. COMMISSIONER G. JONES thought the request from Hope is to interpret the wording of the code, which is the function of the ZBEA. MS. AUTOR stated the Department agreed that the petitioner could come forward to this Commission under AMC 21.10.015.9. It is up to the Commission to decide how to proceed.

MS. KRAFT explained that the Planning Department indicated there was no method to appeal their determination and the only option was to come to the Commission to get its sense if the facility is not a rooming house, but some form of lodging as permitted as a conditional use in the I-1 district. That is the request. She recognized that if the Commission agrees this use should fall within the definition of "lodging," a conditional use request would be submitted.

COMMISSIONER G. JONES asked if the petitioner was told there was no other option than to come before this body. MS. KRAFT read from the Department's April 13, 2004 letter, "there is currently no mechanism in municipal code for you to appeal this determination." COMMISSIONER G. JONES understood that no appeal could be made to the ZBEA without an actual application being made. MS. KRAFT explained that an application has not yet been submitted because Hope, as a nonprofit entity, did not want to incur architectural and other costs associated with a site plan only to discover that a determination is made by someone that the use is not appropriate for this land.

CHAIR POULTON asked whether the ZBEA could make the interpretation of the code before submitting a site plan. MS. AUTOR replied that the only other mechanism to get to the ZBEA is through denial of a permit or AMC 21.40.015 allows that "a structure or use of land or a structure as permitted in a use district, if the ZBEA, by regulations promulgated under chapter 3.40, determines that the structure or use of land or a structure is similar in character to a permitted use in that use district." There are criteria by which the ZBEA makes that determination. That process would be a public hearing before the ZBEA and the result of that process would go to the Assembly as an Assembly Resolution. It would then appear in the municipal code of regulation under 21.40.001. DON DOLENC also noted that the ZBEA could only promulgate a regulation if the structure or use of land or structure is not prohibited under the code and Staff has interpreted that this is proposed use, in fact, prohibited under 21.40.015.B.

COMMISSIONER ISHAM noted that 21.40.200 talks about conditional uses permitted under the I-1 district and among those are hotels, motels, and lodgings. This implies that these are the activities that occur in facilities that are allowed by conditional use. If the term "lodging" is not defined, it would not seem difficult for the Commission to find that it is similar to motels or hotels.

COMMISSIONER T. JONES noted there is a facility in Anchorage that serves a particular clientele, Safe Harbor Inn, that is not open to the general public. She asked how the Municipality deals with that use. MR. DOLENC stated that use is considered to be a hotel, although it is not open to the general public.

COMMISSIONER GIBBONS asked through what mechanism this Commission could promulgate regulations. MS. AUTOR replied that the Assembly adopts regulations. Staff would bring draft language for a regulation to the Commission for public hearing. The Commission would take action on the regulation and the regulation would then be carried forward to the Assembly with the Commission's recommendation. The language can either become a regulation or an ordinance. She noted that Title 21 is being rewritten and any desired change in language could be incorporated into that effort. COMMISSIONER GIBBONS had concern whether the mechanics are in place for the Commission to promulgate regulations.

COMMISSIONER T. JONES asked Ms. Kraft to indicate the location of the other facilities owned by Hope. MS. KRAFT indicated the location of the other facilities, which were shown on a map she had distributed. COMMISSIONER T. JONES asked that the use adjacent to the site in question be identified. MS. KRAFT explained that facility is an employee training center, cafeteria, and some administrative offices. COMMISSIONER T. JONES asked whether a different situation would exist if the lot line did not exist between the location of the proposed use and parking area and the area on which the cafeteria is located. In other words, would the proposed use be allowed as an accessory use to the existing programs. MR. DOLENC replied that this would depend on the specifics of the situation. COMMISSIONER T. JONES understood the proposed use is adjunct to the ongoing programs operated by Hope. MR. DOLENC stated the I-1 district regulations allows "as an accessory use, uses and structures customarily accessory and clearly incidental to permitted principal uses and structures." In the I-1 district most of the permitted uses are oriented toward commercial or industrial uses. The Department would have to determine whether the training facility is a permitted use and if the proposed use could be made accessory to it. He indicated this was his first knowledge of the training facility use.

COMMISSIONER G. JONES noted that looking at the transient lodging facilities matrix in the code and equating the proposed use to a "rooming house," there is a clear delineation between scale. Bed and breakfasts are 3, 4 and 5 guestrooms, rooming houses are up to 4+ guestrooms, motels are 6+ guestrooms, and hotels are 20+ guestrooms. In the 6+ and 20+ columns under I-1, they are both allowed as conditional use. It is only below 6 rooms that the use becomes not permitted. He asked how a facility of 60 beds could be equated to something less than 6 rooms. MR. DOLENC explained that the terms "number +" are derived from the definitions of those terms in AMC 21.35.020.B. COMMISSIONER G. JONES felt the proposed use falls closer to that of a hotel than a rooming house. MR. DOLENC could not respond to the Assembly's intent in this table. COMMISSIONER G. JONES did not believe this had been before the Assembly.

COMMISSIONER T. JONES thought this was a glaring example of the imperfections and disconnects in the code. She was angered by situations where the public is held hostage by this situation. She thought the proposal is one of lodging and she hoped for a quick recommendation from the Assembly to fix this situation.

COMMISSIONER G. JONES noted that this matter is before the Commission pursuant to 21.15.009 and asked what is required to promulgate the regulation in accordance with 3.40. MS. AUTOR believed that promulgating regulation would require a public hearing. CHAIR POULTON felt that Hope should be given some way to proceed, but did not know if the Commission could interpret the code language in this instance.

BRIAN DEAN explained that Staff could receive direction from the Commission to prepare an ordinance delineating the Commission's interpretation. That ordinance would be subject to public hearing at a later date and then would go to the Assembly. CHAIR POULTON felt the Commission should hear this matter in a public forum and then take action. MR. DEAN stated the question before the Commission is whether the proposed use is "lodging" or a "rooming house." CHAIR POULTON did not feel comfortable with the Commission making this determination.

COMMISSIONER LOTTSFELDT asked if the Commission could direct Staff to develop a definition of "lodging" to include staff lodging for training facilities, which would be considered by the Commission at a future date.

COMMISSIONER T. JONES felt it would be appropriate to offer direction to Staff, who would then return to the Commission with something upon which a public hearing could be conducted.

COMMISSIONER PEASE felt the definition of "lodging" should address whether staff housing is included under "lodging" because, to her way of thinking, the definition of "lodging" should address whether such a use includes fee or not-for-fee accommodation, whether it includes temporary versus permanent, and whether it is of a certain size.

COMMISSIONER LOTTSFELDT saw this situation more narrowly, wanting to help Hope with the problem they were encountering.

COMMISSIONER LOTTSFELDT moved that the Planning and Zoning Commission direct Staff to define the term "lodging" in AMC 21.35.020.B and that the definition include staff housing for nonprofit organizations.

COMMISSIONER G. JONES seconded.

CHAIR POULTON asked what time frame would be involved in hearing this matter. MR. DEAN indicated that Staff could bring something back to the Commission by its August 2, 2004 meeting. MS. AUTOR explained that the matter would come to the Commission either August 2, 2004, or if advertising requirements could not be met for that date, it would be heard in September.

COMMISSIONER PEASE did not support the motion. She indicated she sympathized with the petitioners, but was wary of the unintended consequences of defining "lodging" specifically for this case without any idea what would be the implications for other users who wish to construct in the I-1 zone.

COMMISSIONER G. JONES hoped Staff would bring back an ordinance that would not create unintended consequences.

CHAIR POULTON also supported the motion.

AYE: T. Jones, Gibbons, Poulton, G. Jones, Lottsfeldt, Isham

NAY: Pease

PASSED

~~State~~ memo:

In general terms if the word "lodge" or "lodging" is used it means sleeping facilities. "Board" or "boarding" implies food is included with the lodging as part of the service. "Room" "rooming" "rooming house" means food is optional as part of the lodging, it may or may not be included.

Therefore, a lodging house is a structure where sleeping facilities are provided; food is not available.

The facility is intended for short term to medium term lengths of stay, generally any time between several weeks and several months duration, and is not available to overnight or very short term transient guests. The facility consists primarily of sleeping room(s), there are minimal common areas such as lounges or sitting rooms. No meals are provided, no kitchen or cooking facilities are available, and the structure is not occupied by the owner(s).

Less than a week stay would define the structure would define the structure as a hotel or motel; longer would define it as an apartment.

Meals are not provided and the owners are not on site as this would define the structure as a boarding house or a rooming house, either of which could occur in a single family home and a lodging house cannot be a single family home.

DEFINITION:

Lodging house means a structure, not a single family home, which consists primarily of a sleeping room or rooms and beds for five to 20 people and is for lengths of stay longer than two weeks, but less than six months. No food service is provided and no kitchen facilities are available.

Parking requirement is one space for every three beds.

■ **lobby** (See *atrium; vestibule*)

■ **local government unit** (See also *governmental unit*) Any county, municipality, village, town, township, borough, city, or other general purpose political subdivision. (*Growing Smart Legislative Guidebook*)

■ **locally unwanted land use (LULU)** A term that has been applied to projects that have historically generated intense local opposition to their siting. It is often used in referring to such land uses as prisons, hazardous waste facilities, landfills, power plants, and other uses perceived by the public as posing a health or safety risk. (*Volusia County, Fla.*)

■ **lockout suite** Commercial transient lodging or multifamily units with more than one entrance from the hallway, common areas, or exterior, and able to be divided into more than one unit for use by owners or renters by locking interior doors. (*Ephraim, Wisc.*)

■ **lodge** (See also *fraternal organization*) A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities. This definition shall not include fraternities or sororities. (*Champaign, Ill.*)

■ **lodging house** (See also *boarding house; rooming house*) A building or place where lodging is provided (or which is equipped regularly to provide lodging by prearrangement for definite periods), for compensation, for three or more, but not exceeding 12 individuals, not open to transient guests, in contradistinction to hotels open to transients. (*Peoria, Ill.*)

A dwelling containing not more than one living unit, where lodging with or without meals is provided for compensation to one or more persons, but not more than 30 persons at one time. (*North Liberty, Iowa*)

■ **lodging services**—The furnishing of rooms or accommodation by any person, partnership, association, corporation, estate, representative capacity, or any other combinations of individuals by whatever

name known to a person who for a consideration uses, possesses, or has the right to use or possess any room in a hotel, inn, bed and breakfast residence, apartment hotel, lodging house, motor hotel, guesthouse, guest ranch, trailer coach, mobile home, auto camp, or trailer court and park, or similar establishment, for a period of less than 30 days under any concession, permit, right of access, license to use, or other agreement, or otherwise. (*Golden, Colo.*)

■ **loft** The floor placed between the roof and the floor of the uppermost story within a single-family detached dwelling, the floor area of which is not more than one-third of the floor area of the story or room in which it is placed. (*Kauai, Hawaii*)



loft

■ **loft building** (See also *dwelling definitions*) Multistoried industrial building, often with higher ceilings and wider columns than a comparable office building. They are popular structures for rehabilitation to residential activities. Other rehabilitation adaptations include art galleries, selling books, computer data centers, mail order centers, and general office space. (*APA's Land-Based Classification Standards project*)

A dwelling unit established in an existing nonresidential building. (*Cincinnati, Ohio*)

■ **logging yard** (See also *forest industry; timber harvesting*) Areas to which wood is hauled by skidder or other extraction equipment for temporary storage before transfer to trucks. (*Maine Forest Service*)

■ **lot** (See also *lot, zoning; parcel; plot*) A parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building, together with any accessory buildings, open spaces, and parking spaces required by this chapter and having its principal frontage upon a street or upon an officially approved place. (*Perryville, Mo.*)

A parcel of land recorded in the Office of the Clerk of the Court, or a parcel described by metes and bounds, the description of which has been so recorded. (*Cecil County, Md.*)

A contiguous parcel of land in identical ownership throughout, bounded by other lots or streets, and used or set aside and available for use as the site of one or more buildings or other definite purpose. For the purpose of this title, a lot may or may not coincide with a lot of record. (*Quincy, Mass.*)

A piece or parcel of land occupied or intended to be occupied, or capable of being occupied, by a permitted principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as are required by this code. (*Santa Rosa, Calif.*)

A parcel of land occupied or intended for occupancy by one main use permitted in this ordinance, including one principal building and its accessory buildings or as otherwise provided in this ordinance, and having its principal frontage upon a dedicated street. The boundaries of the lot shall be determined by its lot lines. A lot may or may not be the same as a zone lot. (*Wood River, Ill.*)

A unit of land within a subdivision occupied or designed to be occupied by a main building and the accessory buildings or uses customarily incidental to such main building, including the open spaces required by the zoning ordinance and such open spaces as are arranged and designed

health, safety, morals or welfare, but may consist of an area in which such conditions predominate and injuriously affect the entire area. (*State of Rhode Island*)

■ **block** An area of land bounded by a street, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, exterior boundaries of a subdivision, shorelines of waterways, or corporate boundaries. (*Ames, Iowa*)

An area of land entirely bounded by streets. (*Blue Springs, Mo.*)

The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or live stream, or between any of the foregoing and any other physical barrier to the continuity of development, or corporate boundary line of the municipality. (*St. Paul, Minn.*)

A block consists of two facing block fronts bounded on two sides by alleys or rear property lines and on two sides by the centerline of platted streets, with no other intersecting streets intervening. Where blocks are unusually long or short, or of unusual shape, block length shall be determined by address ranges. (*Renton, Wash.*)

A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development. (*Nashville and Davidson County, Tenn.*)

Land surrounded on all sides by streets or other transportation or utility rights-of-way, or by physical barriers such as bodies of water or public open spaces. (*Milwaukee, Wisc.*)

■ **block, business** Frontage in any commercial or industrial district on one side of a street between the two nearest intersecting streets (or between an intersecting street and railroad right-of-way or unsubdivided acreage) 50 percent or more of which is in use for business or industrial purposes. (*Santa Clara County, Calif.*)

■ **block grant** (See also *Community Development Block Grant; target area*) A

grant which can be used to fund a wide range of community improvement projects or programs. It is a multipurpose grant and is not to be used for a single specific purpose. (*Handbook for Planning Commissioners in Missouri*)

■ **block length** That distance as measured along rear property lines between intersecting streets. (*Kern County, Calif.*)

■ **blockface** The properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, watercourse, or city boundary. (*Huntington Beach, Calif.*)

The portion of a block that abuts a street. (*Houston, Tex.*)

That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets. (*Traverse City, Mich.*)

That portion of a block adjacent and parallel to the abutting public street and normally extending from one intersecting street to another. A corner lot shall be part of the blockface parallel to the lot's front lot line. (*Milwaukee, Wisc.*)

■ **blockfront** A blockfront is the frontage of property along one side of a street bound on three sides by the centerline of platted streets and on the fourth side by an alley or rear property lines. (*Renton, Wash.*)

All of the property on one side of the street between two intersecting streets or between an intersecting street and the dead end of a street. (*Hot Springs, Ark.*)

That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or nearest [between the] intersecting or intercepting streets and railroad right-of-way, waterway, or subdivided acreage. (*Richland, Wash.*)

The distance between intersections along one side of a street. (*Jordan, Minn.*)

■ **bluff** (See also *hillside; ridge*) A steep headland, promontory, riverbank, or cliff. (*Asheville, N.C.*)

An escarpment or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, folding, or excavation of the land mass that has a vertical relief of 10 feet or more and is in the coastal zone. (*San Diego, Calif.*)

An abrupt vertical change in topography of more than 10 feet with an average slope steeper than two feet of rise for one foot of horizontal travel. (*Huntsville, Ala.*)

■ **board of supervisors** A county's legislative body. Board members are elected by popular vote and are responsible for enacting ordinances, imposing taxes, making appropriations, and establishing county policy. The board adopts the general plan, zoning, and subdivision regulations. (*Sierra, Calif., Business Council*)

■ **boarder** (See also *guest; roomer; tenant*) A person who occupies a bedroom or room as a lodging unit within a dwelling unit, boardinghouse, rooming house, or lodging house on a long-term residential basis for a consideration and where meals may be provided by the owner or operator. (*Maui County, Hawaii*)

A person who is given food and lodging by someone in exchange for a fee. (*Mora, Minn.*)

A person who regularly receives lodging with or without meals at another's home for pay or services. (*Menasha, Wisc.*)

■ **boarding house** (See also *lodging house; rooming house*) A single-family dwelling where more than two, but fewer than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests. (*Champaign, Ill.*)

An establishment with lodging for five or more persons where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu. (*Venice, Fla.*)

A building, other than a hotel or motel, where lodging or rooms, or both, are provided for compensation, whether directly or indirectly. (*Santa Rosa, Calif.*)

shields rooftop mechanical equipment. (Jefferson County, Colo.)

In the case of a flat roof, the uppermost line of the roof of a building; in the case of a pitched roof, the lower edge of the eave; or in the case of an extended facade or parapet, the uppermost height of said facade or parapet. (Columbus, Ohio)

A horizontal line intersecting the highest point or points of a roof. (Nashville and Davidson County, Tenn.; Temple Terrace, Fla.)

The top of a roof or building parapet, excluding any cupola, pylon, chimney, or other minor projection. (Milwaukee, Wisc.)

Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette; and where a building has several roof eaves, this roof or parapet shall be the one belonging to that portion of the building on whose wall a sign is located. (Vandais Heights, Minn.)

The highest point of a structure including parapets, but not including spires, chimneys, or heating or cooling mechanical devices. (Sedona, Ariz.)

The highest edge of the roof or the top of parapet, whichever establishes the top line of the structure when viewed in a horizontal plane. (Concord, N.C.)

■ **roof, mansard** Any roof that has an angle greater than 45 degrees and which derives part of its support from the building wall and is attached to but not necessarily a part of a low slope roof and which extends along the full length of a side building wall of three-quarters of the length of a side building wall. For purposes of this code, a low slope roof shall mean any roof with a pitch less than three inches rise per 12 inches horizontal. (Hot Springs, Ark.)

A roof with two angles of slope, the lower portion of which is steeper and is architecturally comparable to a building wall. Also a nearly vertical facade which imitates a roof. (Sedona, Ariz.)

A roof with two slopes on each of four sides, the lower steeper than the upper. The lower roof has an angle greater than 45 degrees and derives part of its support

from the building wall. It is attached to a low slope (upper) roof and extends along the full length of the front building wall or three quarters of the length of a side building wall. For purposes of this chapter, a low slope roof shall mean any roof which has a pitch less than three inches rise per 12 inches horizontal; and a gambrel roof shall be classified as a mansard roof. (Temple Terrace, Fla.)

A steep, dual-pitched hipped roof allowing a tall attic space; frequently used to add an upper story. (Carson City, Nev.)

■ **roof-mounted** Mounted above the eave line of a structure. (Truckee, Calif.)

■ **roof, nonshedding** A roof with materials that allow snow to be retained on the roof and to melt off, as opposed to a roof that does not retain snow and allows snow to slide off. (Truckee, Calif.)

■ **roof overhang** (See also *eave*) A projecting area at the crown of an architectural composition. (Monroe County, Fla.)

■ **roof pitch** The amount of slope of the roof in terms of angle or other numerical measure; one unit of horizontal rise for three units of horizontal shelter is expressed as "1 in 3." (Carson City, Nev.)

■ **roof, pitched** A shed, gabled, or hipped roof having a slope or pitch of at least one-foot rise for each four feet of horizontal distance in the direction of the slope or pitch of the roof. (Renton, Wash.)

■ **roof, shed** A roof with one slope. (Temple Terrace, Fla.)

A single-plane sloping roof. (Carson City, Nev.)

■ **roof structure** Structures for the housing of elevators, stairways, tanks, ventilating fans, and similar equipment required to operate and maintain the building; fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, solar collectors, wireless masts, television antennas, and similar structures. (Moorpark, Calif.)

■ **room** An unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, closets, hallways, and service porches. (Redding, Calif.)

A space within a building completely enclosed, except for openings for light, ventilation, ingress, and egress. (Menasha, Wisc.)

■ **room addition** (See also *addition*) An added room that takes access from interior of a principal residential unit. (Lake Elsinore, Calif.)

■ **room, habitable** (See *habitable room*)

■ **roomer** (See also *boarder*; *guest*; *tenant*) A person who resides in a dwelling who is not a member of the family unit that is the primary occupant of the dwelling and who pays for or performs services in exchange for such occupancy. A roomer does not include a person who has separate cooking facilities made available to him. (Cape Girardeau, Mo.)

An occupant of a rooming house who is not a member of the family of the operator of that rooming house, and also an occupant of a dwelling unit who is not the primary occupant of the dwelling unit. (Milwaukee, Wisc.)

■ **rooming house** (See also *boarding house*; *lodging house*) A residential building with three or more sleeping rooms for lodgers, and wherein no dining facilities are maintained for the lodger, as distinguished from a boarding house. (Homestead, Fla.)

A building in which three or more rooms are rented and in which no table board is furnished. (Danville, N.Y.)

A building with not more than five guest rooms where lodging is provided for compensation pursuant to previous arrangements, but not open to public or overnight guests. The term includes a lodging house. (Belmont, Calif.)

Any building or part of any building or dwelling unit occupied by more than three persons who are not a family or by a family and more than two other persons and where a fee or other consideration is charged for periods of occupancy usually longer than one night and where a bathroom or toilet room is shared. This term includes any building or part of any building in which one or more persons share a toilet room or bathroom with the

occupants of one or more second-class dwelling units, as defined in [local code]. (Milwaukee, Wisc.)

■ **roundabout** (See also *traffic calming*) A raised island that is usually landscaped and located at the intersection of two streets used to reduce traffic speeds and accidents without diverting traffic onto adjacent residential streets. (American Planning Association)



roundabout

■ **rowhouse** (See also *townhouse*) A multifamily dwelling structure consisting of attached dwelling units owned individually and not in common by one owner. (Camas, Wash.)

A group of attached residences, separated by vertical fire walls, in which each residence has its own front and rear yards, and has appropriated to it the entire building between the fire walls. (Columbus, Ohio)

A series of dwelling units, attached in a row, separated from each other by an unpierced wall extending from basement to roof. (Clarkdale, Ariz.)

More than two dwelling units located on separate lots placed side by side but sharing some structural parts at a common property line. (Sandy, Ore.)

More than two units, often with two stories and with ground floor access, on individual lots. (Sandy, Ore.)

A one-story apartment structure having three or more dwelling units. (Multnomah County, Ore.)

■ **rubbish** (See also *litter; refuse; solid waste*) The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing, and offices, including other waste matter, such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals or any similar or related combinations thereof. (Franklin, Mich.)

Combustible or noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust, and other similar materials. (Charleston, Ill.)

■ **rule** (See *ordinance; regulation*)

■ **rummage sale** (See also *garage sale*) The sale by a corporation, trust, church, association, community chest, fund or foundation, organized and operated for religious, charitable, scientific, community, or educational purposes, of tangible personal property to obtain money for some charitable purpose. (Hampton Va.)

The sale of used household goods from a residential premises. (Milwaukee, Wisc.)

The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales do not exceed four consecutive days in length and are not conducted more of-

ten than three times per year. Rummage sales do not involve the resale of merchandise acquired for that purpose. Rummage sales are also known as garage sales. Flea markets . . . are not rummage sales. (Cudahy, Wisc.)

A temporary sale of used clothing or household items conducted only by the immediate members of one or two families, in a residence, private garage, porch, or yard. (Mishawaka, Ind.)

■ **rummage sale, public** A temporary sale, conducted by a nonprofit organization such as a church or club, where the members of the group bring articles or items to a central building to be sold to raise money for use by the organization. (Mishawaka, Ind.)

■ **run with the land** A covenant, restriction, or permission that is binding on the present and all future owners of the property. For purposes of zoning, variances and special exceptions run with the land so long as any and all conditions are met. (Dodge City, Kans.)

■ **runoff** (See also *impervious surface*) Precipitation leaving a site due to the force of gravity. (New York Planning Federation)

The rainfall, snowmelt, or irrigation water flowing that has not evaporated or infiltrated into the soil, but flows over the ground surface. (Beaufort County, S.C.)

That portion of the precipitation from a drainage area or watershed that is discharged from the area in stream channels or by overland flow; types include surface runoff, groundwater runoff, or seepage. (Conemaugh Township, Pa.)

Water that flows at a rate above the infiltration rate of soil which causes water to drain away on the surface from the landscape area it is intended to service. (San Juan Capistrano, Calif.)

Precipitation which enters downstream waterways or properties. (Boulder County, Colo.)

■ **runoff coefficient** Ratio of the amount of rain which runs off a surface to that which falls on it; a factor from which runoff can be calculated. (Temple Terrace, Fla.)

section 40, (d) ~~"hotel or lodging house"~~ means a building or a part of a building where lodging, with or without board or other service, is provided for a monetary consideration.

Logging

E. Table of Allowed Uses

TABLE 21.05-1: TABLE OF ALLOWED USES																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
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- e. TA-zoned property designated as "residential" in the Turnagain Arm Comprehensive Plan;
- f. Public recreational facilities;
- g. Twenty-four-hour child care facilities or day care; or
- h. Public libraries.

3. Compliance with State Standards

Where the state has provided specific standards for determining an enterprise's permissible location, then the state's means of measurement shall apply. Such enterprises shall also comply with subsection 2. of this section if the enterprise engages in other activities not regulated by the state for which Title 8 prohibits the presence of minors or unaccompanied minors on the premises.

4. Administrative Permit Required

An administrative permit shall be on display in a prominent place. This permit shall certify that, when granted, the enterprise was in compliance with subsection 2. or 3. of this section. This permit shall be obtained from the administrative official designated pursuant to ~~Section 21.03~~ [x-ref]. This permit shall remain valid so long as that enterprise remains in continuous operation at that location, and does not physically expand. In addition, a permit granted under subsection 3. of this section shall remain valid so long as the enterprise does not engage in an activity for which a permit is required under subsection 2. of this section.

5. Premises Without Permit

An enterprise not in possession of a permit must immediately cease all activities for which a permit pursuant to this section is required.

21.05.030 RESIDENTIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS

This section defines the general residential use categories and specific residential use types listed in Table 21.05-1. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject to an administrative or major site plan review process, or subject to the conditional use process.

A. Household Living

This category is characterized by residential occupancy of a dwelling unit by a "household," which is defined in Chapter 21.12. Tenancy is arranged on a month-to-month or longer basis. Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants' vehicles. Specific use types include:

1. Dwelling, Mixed Use

a. Definition

A dwelling that is located on the same lot or in the same building as a nonresidential use, in a single environment in which both residential and non-residential amenities are provided.

b. **Use-Specific Standards³**
[RESERVED]

2. **Dwelling, Multiple-Family**

a. **Definition**

A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided. The definition includes the terms "apartment" or "apartment building."

b. **Use-Specific Standards⁴**
[RESERVED]

3. **Dwelling, Single-Family Attached**

a. **Definition**

One dwelling unit in a building on its own lot, with one or more walls abutting the wall or walls of another single-family dwelling unit on an adjacent lot.

b. **Use-Specific Standards⁵**

i. A common party wall agreement shall be recorded. The agreement shall provide for maintenance of the uniformity and common appearance of the exterior of all structures and landscaping. The paint and trim colors for both units of each structure shall be the same and landscaping shall be installed and maintained as a common design for both units of each structure.

ii. Each unit shall its own access to the outside, and no unit may be located over another unit in whole or in part.

iii. Detached accessory structures shall comply with the side setback requirement of the underlying zoning district on the common lot line between attached residential units.

iv. [RESERVED]⁶

4. **Dwelling, Single-Family Detached**

a. **Definition**

One detached building on its own lot, erected on a permanent foundation, designed for long-term human habitation exclusively by one family, having complete living facilities, and constituting one dwelling unit. This use type includes, but is not limited to, the following:

i. **Dwelling, Factory-Built**

³ NOTE: A cross-reference will be necessary to any new design standards that are drafted as part of Module 3.

⁴ NOTE: A cross-reference will be necessary to any new design standards that are drafted as part of Module 3.

⁵ NOTE: This standard is based on the existing Section 21.50.110 "Conditional use standards--Townhouses, Row Houses and Office Buildings Built to a Common Wall (R-O district)." Some existing provisions have been removed that cover topics that will be addressed elsewhere in the new Title 21 (e.g., parking).

⁶ NOTE: In Module 3, staff has requested new standards to provide relief from the typical garage-dominated streetscape in Anchorage.

A detached single-family dwelling designed for long-term human habitation, and having complete living facilities, being at least 900 square feet in size, constructed and fabricated into one or more sections at a factory and designed to be joined at the location of use on a permanent foundation.

ii. Dwelling, Prefabricated

A detached single-family dwelling designed for long-term habitation, and having complete living facilities, fabricated at a factory into component parts that are assembled at the location of use on a permanent foundation.

5. Dwelling, Townhouse

a. Definition

A building containing more than two single-family dwelling units erected in a single row, on adjoining lots, with each unit having its own separate entrance.

b. Use-Specific Standards

i. Townhouse dwellings shall comply with the use-specific standards for "Single-Family Attached Dwellings" above.

ii. Each dwelling shall be separated from the adjoining unit or units by one-hour fire resistant property line walls, extending from the basement or crawl space floors to 30 inches above the roof (or parapet exception) on each side of the common lot line.⁷

6. Dwelling, Two-Family

a. Definition

One detached building on one lot designed for or occupied exclusively by two families and constituting two dwelling units. The definition includes the term "duplex."

7. Mobile Home

a. Definition

A detached, single-family dwelling that is:

i. Designed for long-term human habitation;

ii. Constructed and fabricated into a complete unit or units at a factory;

iii. Designed to be transported, after fabrication, on its own wheels, on flatbeds or other trailers, or on detachable wheels;

iv. Ready for occupancy except for minor and incidental unpacking and assembly operations and connection to utilities;

v. Identified by a model number and serial number by its manufacturer;

⁷ NOTE: Need to confirm this existing standard meets current building code requirements.

vi. (If manufactured before June 15, 1976) designed to meet the Manufactured Home Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development under 24 CFR 3280; and

vii. Designed primarily for placement on an impermanent foundation or otherwise so placed as to permit moving of the unit to another location during its usable life.

b. **Use-Specific Standards**

Only one mobile home is allowed per lot in the R-5 district, unless the lot is within a mobile home park. A mobile home shall be placed on a permanent foundation unless it is located within a mobile home park.

8. **Mobile Home Park**

a. **Definition**

Any parcel or adjacent parcels of land in the same ownership that is utilized for occupancy by more than two mobile homes. This term shall not be construed to mean tourist facilities for parking of travel trailers or campers, which are classified under "Camper Park."

b. **Use-Specific Standards⁸**

All mobile home parks within the Municipality shall be constructed, operated, and maintained in accordance with these general standards:

i. **Compliance with Applicable Regulations**

Mobile home parks shall be constructed, operated, and maintained in conformance with all applicable state statutes and regulations and local ordinances; provided, however, that the provisions of Chapter 21.10, *Nonconformities*, of this Title shall not be applied to prohibit the removal and replacement of a mobile home on a space within a mobile home park subject to that chapter.

ii. **Responsibility for Compliance**

Complete responsibility for standards established by this subsection and for construction within a mobile home park shall rest with the owner of such park.

iii. **Minimum Site Size**

Mobile home parks in the R-3, R-4, and R-5 districts shall be on sites of at least five acres.⁹

iv. **Maximum Site Density**

Density for mobile home parks shall not exceed eight units per gross acre.

⁸ NOTE: This section consolidates standards from two locations: the existing Chapter 21.70 "Mobile Home Parks," and the existing Section 21.50.120 "Conditional use standards—Mobile home parks." Since all mobile home parks require a conditional use permit, there is no need to maintain a set of "conditional use standards" separate from the general standards. We have reordered all provisions to try and improve the user-friendliness of the section. The "permit" section has been removed since that section of the current Title 21 is proposed to be deleted under P&Z case #2003-037.

⁹ NOTE: Staff recommends increasing the current size threshold from two to five acres.

v. *Mobile Home Spaces*

(A) *Occupancy*

No mobile home space shall contain more than one mobile home or duplex mobile home. No other dwelling unit shall occupy a mobile home space.

(B) *Minimum Size*

All single mobile home spaces shall have a minimum of 3,500 square feet of land area. A duplex mobile home space shall have a minimum of 5,000 square feet of land area.¹⁰

(C) *Mobile Home Separation*

(1) No part of any mobile home, accessory building, or its addition shall be placed closer than 15 feet from any other mobile home or its addition, or no closer than ten feet if that mobile home, accessory building, or its addition being placed meets NFPA 501A and HUD #24CFR328O standards. An accessory building to a mobile home may be placed closer to that mobile home or its addition.

(2) The provisions of Sections ~~21.06.06~~, *Projections into Required Setbacks* and 21.05.07, *Accessory Uses and Structures*, shall not apply to mobile home parks. All mobile homes and accessory structures shall be placed at least five feet from the front space line. Steps shall not be considered in determining the separations required by this subsection.

(D) *Access*

Each mobile home space shall have direct access to an internal street. Direct access to exterior public streets shall be discouraged.

vi. *Streets and Drainage Facilities*

(A) *Street Surface*

All streets within a mobile home park shall be surfaced with all-weather materials, such as gravel, cinders, asphalt, or concrete, to a minimum surface width of 34 feet.

(B) *Right-of-Way Width*

Any street within a mobile home park that services 100 spaces or more shall be classified as a major street. Major streets shall have a minimum right-of-way width of 50 feet. All other streets shall have a minimum right-of-way width of 40 feet. Streets within

¹⁰ NOTE: Each of these space minimums has been increased by 500 feet per staff suggestion.

mobile home parks are not required to be dedicated as public rights-of-way.

(C) *Cul-De-Sac Streets*

No street within a mobile home park shall dead end except for cul-de-sac streets which are no more than 650 feet in length and have a minimum turning radius of 50 feet at the termination point of the cul-de-sac.

(D) *Intersections*

No street within a mobile home park shall extend more than 650 feet in length between street intersections. Intersecting streets shall cross at 90-degree angles from an alignment point 100 feet from the point of intersection. No street intersection shall be closer than 125 feet to any other street intersection.

(E) *Street Frontage*

Double-frontage spaces are prohibited, except that reverse-frontage lots may back against streets bordering the mobile home park.

(F) *Street Layout*

Streets shall be laid out so that their use by through traffic will be discouraged.

(G) *Street Grades*

Street grades shall not exceed six percent. Street grades within 100 feet of intersections shall not exceed four percent.

(H) *Street Curves and Visibility*

The radius of street curves (between intersections) shall exceed 100 feet. Streets shall be constructed to provide clear visibility as measured along a centerline of the street for a minimum distance of 150 feet.

(I) *Crosswalks*

Pedestrian crosswalks not less than ten feet in width may be required in blocks longer than 330 feet when deemed essential to provide reasonable circulation or access to schools, playgrounds, shopping centers, convenience establishments, service buildings or other community facilities.

vii. *Water and Sewage Systems*

All mobile homes in mobile home parks shall be connected to water and sewage systems approved by the Municipality before they may be occupied.

viii. *Additions to Mobile Homes; Accessory Buildings*

(A) *Generally*

Additions or other accessory buildings or structures shall not exceed 120 square feet gross floor area. Additions and accessory buildings shall not exceed the height of the mobile home by more than 12 inches. All additions and accessory buildings shall be subject to the spacing and setback requirements for mobile homes. Any addition or accessory building shall be constructed in accordance with building safety code regulations pertaining to temporary structures, provided that additions will not be required to have a permanent foundation.

(B) *Exits*

The number of exterior exits from additions shall be equal to or greater than the number of exits leading from the mobile home to the addition. When two exterior exits are required from additions, they shall be placed a distance apart equal to one-fifth of the total perimeter of the addition.

ix. *Refuse Collection*

A mobile home park operator shall provide adequate refuse collection facilities. Refuse collection facilities shall be constructed and maintained in accordance with all municipal health regulations and shall be designed to bar animals from access to refuse. Refuse shall be removed from refuse collection sites at least once a week.

x. *Fuel Tanks*

Fuel oil supply tanks shall be placed underground. Liquefied gas containers shall be securely anchored to a permanent and stable holding structure or adequately secured to a mobile home.

xi. *Campers and Travel Trailers*

Occupied campers and travel trailers are not subject to paragraphs 8.b.v., *Mobile Home Spaces*, and 8.b.vii., *Water and Sewage Systems*, of this subsection. Any permitted spaces intended for occupied campers and travel trailers shall be placed in an area segregated from permanent mobile home spaces. Any area within a mobile home park that is occupied by campers and travel trailers shall be served by a service building containing public toilet facilities and water supply.

xii. *Convenience Establishments in Mobile Home Parks*

Convenience establishments of a commercial nature, including stores, coin-operated laundry and dry cleaning establishments and laundry and dry cleaning agencies, beauty shops and barbershops, may be permitted in mobile home parks subject to the following restrictions. Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent of the area of the park, shall be subordinate to the residential use and character of the park, shall be located, designed and intended to serve frequent trade or service needs

of persons residing in the park, and shall present no visible evidence of their commercial character from any portion of any district outside the park. Such convenience areas shall be considered accessory uses to the principal use of mobile homes, may be permitted without a zoning change, and shall be discontinued if the mobile home park is discontinued.

xiii. Sites in Flood Hazard Overlay District

All mobile home parks of which all or a portion are within the Flood Hazard Overlay District shall meet the following requirements:

- (A) Over-the-top ties shall be provided at each of the four corners of the mobile home and two ties per side at intermediate locations. Mobile homes more than 50 feet long shall require one additional tie per side (applicable on mobile homes constructed earlier than 1976).
- (B) Frame ties shall be provided at each corner of the frame, and five ties per side at intermediate points. Mobile homes more than 50 feet long shall require four additional ties per side.
- (C) All components of the anchorage system shall be capable of carrying a force of 4,800 pounds.
- (D) Any additions to the mobile home shall be similarly anchored.
- (E) All applications for a conditional use for a mobile home park shall include an evacuation plan indicating alternate vehicular access and escape routes during times of flooding.

xiv. Sites in Floodplain

No mobile homes shall be placed within the regulatory floodplain, except that mobile home parks existing before September 25, 1979, shall be permitted to place mobile homes within existing unit spaces.

xv. Nonconforming Mobile Home Parks

- (A) Those mobile home parks situated within the boundaries of the former City of Anchorage which existed prior to August 30, 1977, are not subject to paragraphs 8.b.v., *Mobile Home Spaces*, and 8.b.vii., *Water and Sewage Systems*, of this subsection, provided that such parks meet the standards set forth in the former City of Anchorage Municipal Code Sections 6.60.010 through 6.60.110.
- (B) Those mobile home parks situated in any area of the Municipality other than that described in paragraph i.

above, which existed prior to 1966, are not subject to the requirements of paragraphs 8.b.v., *Mobile Home Spaces*, 8.b.vi., *Streets and Drainage Facilities*, and 8.b.viii., *Additions to Mobile Homes, Accessory Buildings*, of this subsection, within the area and to the extent that it was constructed, operated or maintained prior to that date.

- (C) Any mobile home park exempt from certain sections of this Section as provided in paragraphs a. and b. above, shall conform to all provisions of this Section within any area first constructed, operated, or maintained after the specified date or within any area that is substantially altered, remodeled, reconstructed or rebuilt after that date.

B. Group Living

This category is characterized by residential occupancy of a structure by a group of people who do not meet the definition of "Household Living." Tenancy is generally arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. Specific use types include:

1. Correctional Community Residential Center

a. Definition

A community residential facility, other than a correctional institution, for the short-term or temporary detention of people in transition from a correctional institution, performing restitution, or undergoing rehabilitation and/or recovery from a legal infirmity. This does not include people who pose a threat or danger to the public for violent or sexual misconduct or who are imprisoned or physically confined under guard or 24-hour physical supervision.

b. Use-Specific Standards¹¹

i. General Standards

The following standards apply to all correctional community residential centers established after January 1, 1995:

- (A) No new correctional community residential center may be located within one mile of an existing center or within 500 feet of an existing school or park.
- (B) Program occupancy limits shall be as determined by the State Department of Corrections.

¹¹ NOTE: This carries forward the existing 21.50.035 "Standards for Correctional Community Residential Centers." Changes include changes adding two new criteria addressing separation from schools and parks, and requiring a minimum amount of outdoor recreation space. We deleted provisions that will be addressed in other parts of Title 21 (e.g., parking requirements, screening for dumpsters).

- (C) Maximum resident occupancy at a center shall be determined by requiring a minimum of 150 square feet of building area per resident. This measurement shall be calculated by including all bedroom, kitchen, bathroom, living, recreation, and other areas within the facility intended for common use by the residents.
- (D) Each center shall have a minimum of 50 square feet of outdoor recreation area per maximum resident occupancy.
- (E) In the GC zoning district, correctional community residential centers may house only residents convicted of misdemeanors.
- (F) No additional correctional community residential centers may be located in the C-2A, C-2B, or C-2C zoning districts or in a GC zoning district in the area bounded on the north by Ship Creek, on the south by Chester Creek, on the east by Orca Street extended, and on the west by Cook Inlet.

ii. Existing Centers Established Under Quasi-Institutional House Provisions

The three correctional community residential centers that were established under the quasi-institutional house provisions of Title 16 and Title 21 of this Code and that existed as of January 1, 1995, may continue to operate under the terms of their existing conditional use permits and at the occupancy level permitted as of that date. No other beds may be added to these centers.

2. Dormitory

a. Definition

A facility intended or used principally for sleeping accommodations for a group of people who do not meet the definition of "household," and that provides shared kitchen and bathroom facilities. The use may be related to an educational, public, or religious institution. This use includes convents and monasteries.

3. Quasi-Institutional House

a. Definition

i. Definition for Uses Established On or After August 8, 1995

A residential facility located in a structure or residence or any living unit thereof designed, used or intended for use as a human habitation, the principal use or goal of which is to serve as a place for persons seeking rehabilitation or recovery from any physical, mental, or emotional infirmity, or any combination thereof, in a family setting as part of a group rehabilitation and/or recovery program utilizing counseling, self-help, or other treatment or assistance.

ii. Definition for Uses Established Prior to August 8, 1995

A residential facility located in a structure or residence or any living unit thereof designed, used or intended for use as a human habitation, the principal use or goal of which is to serve as a place for persons seeking rehabilitation or recovery from any physical, mental, emotional, or legal infirmity, or any combination thereof, in a family setting as part of a group rehabilitation and/or recovery program utilizing counseling, self-health, or other treatment or assistance.

b. Use-Specific Standard

The following standard applies to quasi-institutional houses established prior to August 8, 1995:

- i. A quasi-institutional house that establishes or maintains a contractual relationship with an adult corrections agency to accept persons in correctional custody and for which the contractual relationship did not exist at the same location and at the same or higher number of beds before June 2, 1992, shall not:

(A) Be located in a residential use district; and

(B) House residents convicted of a felony as set forth in A.S. 11.41, offenses against the person, in this state or of an offense with the same or substantially similar elements in another jurisdiction, unless that person has successfully completed all conditions of parole and probation and is no longer under supervision of any federal, state or local authority.

4. Residential Care¹²

a. Definition

A dwelling unit that provides a supervised residential environment for persons with a mental or physical disability, without regard to age or relationship to the owner, for a duration of at least 30 consecutive days for each client. Facilities under this definition include, but are not limited to, assisted living, adult foster care, and family respite care. Facilities under this definition do not include child care, adult care, quasi-institutional houses, community correctional residential centers, or nursing homes.

b. Use-Specific Standards

All residential care facilities shall comply with the following standards:

i. Exterior Appearance

The structure and grounds shall have the exterior appearance of a residence keeping in character with residential structures in the neighborhood.

ii. Required Services

The owner or agent shall provide:

¹² NOTE: From the new Assisted Living ordinance prepared by the Municipality.

- 1 (A) Janitorial/housekeeping services;
 2 (B) 24 hour on-site staffing; and
 3 (C) Assistance with the activities of daily living such as
 4 bathing, feeding, and clothing.

5 **iii. Compensation Paid**
 6 The clients, or private or public agencies on their behalf, shall
 7 pay compensation to the owner or agent, in exchange for the
 8 right of occupancy.

9 **iv. Optional Accessory Services**
 10 Residential care may allow for rehabilitation or maintenance
 11 services to assist clients with therapy such as physical therapy or
 12 speech therapy, but such rehabilitation or maintenance services
 13 shall be clearly accessory to the residential care. If otherwise
 14 allowed by law, the owner or agent may also provide skilled
 15 nursing care and assistance with medication.

16 **v. Residency by Staff**
 17 No more than two staff per five clients may reside in the facility.
 18 The first two resident staff shall not count towards the maximum
 19 number of clients established under this title.

20 **vi. Other Use-Specific Standards Apply**
 21 In addition to complying with the use-specific standards above,
 22 all residential care facilities shall comply with the additional use-
 23 specific standards referenced below:

24 (A) **Up to Six Clients**
 25 Residential care facilities with up to six clients may be
 26 allowed an accessory use; see Section 21.05.070,
 27 *Accessory Uses and Structures*.

28 (B) **Seven Clients or More**
 29 Residential care facilities with seven clients or more
 30 shall comply with the use-specific standards set forth
 31 below for "Adult Care, Child Care, Health Care, or
 32 Residential Care (Seven Clients or More)."

33 **5 Roominghouse**

34 **a. Definition**

35 Any dwelling or establishment in which four or more guestrooms are
 36 available for compensation that is paid on a daily, weekly, or monthly
 37 basis. A roominghouse may offer dining services only to its tenants and
 38 their guests.

b. **Use-Specific Standards**i. **Administrative Permit**

Roominghouses shall be subject to the requirements of the annual administrative permit issued in accordance with Section ~~21.03.x-ref~~.¹³

ii. **General Standards¹⁴**

(A) The number of guestrooms shall be limited to 8 guestrooms or 12 pillows.

(B) Cooking facilities are prohibited in guestrooms.

(C) The roominghouse shall be limited to a single structure, and only one roominghouse shall be allowed per lot.

(D) Public ingress and egress to the roominghouse shall be limited to one primary entrance; guestroom entrances shall be from a shared interior hall rather than individual exterior doors.

(E) In residential zones, the owner or operator of the roominghouse shall reside on site.

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

This section defines the general public/institutional use categories and specific public/institutional use types listed in Table 21.05-1. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject to an administrative or major site plan review process, or subject to the conditional use process.

A. Adult Care¹⁵**1. Definition**

A service providing for the supervision or care of adults who require assistance due to physical, emotional, or cognitive impairments, but who do not require continuous nursing care. These facilities may offer other appropriate social, indoor or outdoor recreational, physical, medical, or psychological services in a protective setting, so long as these uses are clearly accessory to the supervision or care of adults. Hours of operation are not limited, but care is intended to be less than 24-hour care for any one client.

2. Use-Specific Standards**a. Adult Care (Up to Six Clients)**

Adult care facilities with up to six clients may be allowed an accessory use; see Section 21.05.070, *Accessory Uses and Structures*.

¹³ NOTE: The public review draft of Chapter 21.03 had removed the annual administrative permit provisions, under the assumption that such a requirement probably could be folded into the new land use permit provisions. However, it now appears that some uses, such as this one, might still require a separate annual administrative permit, and so that permit should be added back into the next draft of Chapter 21.03.

¹⁴ NOTE: New standards in response to staff comments.

¹⁵ NOTE: From the new Assisted Living ordinance prepared by the Municipality.

- b. Adult Care, Child Care, Health Care, or Residential Care (Seven or More Clients)¹⁶**
- i. Applicability**
The standards in this subsection shall apply to adult care, child care, health care, and residential care facilities that serve, or are designed or proposed to serve, seven or more clients.
- ii. Traffic Access**
The site shall provide for direct access from a street constructed to urban standards.
- iii. Minimum Lot Size**
In addition to the general dimensional standards of Chapter 21.06, the following standards apply:
- (A) Minimum Lot Size for a Hospital or Psychiatric Institution**
Unless otherwise authorized by the Planning and Zoning Commission, the minimum lot size for a hospital or psychiatric institution shall be as follows:
- (1) Seven to ten beds: One-half acre (21,780 square feet).
- (2) Eleven to 20 beds: One acre (43,560 square feet).
- (3) For each additional ten beds or fraction thereof: One-half acre.
- (B) Minimum Lot Size for Nursing Home, Convalescent Center, Rest Home, Residential Care, Adult Care, Rehabilitation Center or Sanitarium**
Unless otherwise authorized by the Planning and Zoning Commission, the minimum lot size for a nursing home, convalescent center, rest home, rehabilitation center, or sanitarium shall be as follows:
- (1) Seven to ten beds: 15,000 square feet.
- (2) More than 11 beds: 20,000 square feet.
- (C) Minimum Lot Size for Child Care Service or Adult Care Service**
- (1) Seven to ten persons in care at any given time: 15,000 square feet.
- (2) More than 11 persons in care at any give time: 20,000 square feet.

¹⁶ NOTE: These new standards come from the Assisted Living ordinance. We have removed provisions that merely repeat standards of general applicability (e.g., uses shall comply with general height standards and general parking requirements).

iv. Maximum Lot Coverage

The maximum lot coverage by all structures shall be in accordance with the zoning district in which the institution is established. However, regardless of the maximum underlying lot coverage, a minimum of 25 percent of the lot shall remain as a planted open area, landscaped area, natural vegetation area or useable yard, to exclude buildings, driveways, parking areas, sidewalks, etc., unless the Planning Director determines that retention of less than 25 percent of the lot as open area, etc., will allow for sufficient buffering of adjacent uses.

v. Screening or Buffering¹⁷

The Planning and Zoning Commission may require:

(A) Enclosure of the entire site by a fence of a minimum of four feet in height in order to prevent casual access to and from the site.

(B) Screening or buffering landscaping as described in section 21.45.125 C 2 of 3 along the length of a lot line.

(C) A bond for the installation of landscaping at the time of implementation of the Commission approval. This landscape bond, payable to the Municipality of Anchorage, shall be in the amount of a 120% itemized cost estimate prepared by a professional landscape architect of the planting material, topsoil, plus labor for installation. Further, this bond shall remain in effect for a 2-year growing period to assure survivability of all trees and shrubs and replacement of dead or stunted landscape materials.

vi. On-site Systems

Every health care facility, child care service or adult day service with seven or more clients, supported by on-site well and wastewater disposal systems, shall conform to the requirements of chapter 15.65, pertaining to wastewater disposal regulations, and shall provide a one-time only health authority certificate.

vii. Pedestrian Circulation

Paved walkways for residents must be provided from parking areas, and from abutting public street and trail frontages, to individual units or to common building entries.

viii. Permit Required

A biennial administrative permit for every health care facility or adult day service shall be obtained from the administrative official designated pursuant to Section 21.03(x-iv), unless a site plan review or conditional use is required. The application shall identify the legal description of the site, zoning, street address,

¹⁷ NOTE: This subsection probably can be deleted after the new landscaping and screening provisions are drafted in Module 3.

occupancy, copy of the permittee's State and/or Municipal license, and list of staff and professional certifications. The applicant shall certify on the permit that, when granted, the use is in compliance with this Title. The permit shall remain valid until the use ceases operation, or until the permit expires or is revoked according to this title. Before the permit is issued:

- (A) The applicant shall obtain from the building official or his designee a determination of (1) the occupancy classification of the facility under the building code; and (2) the need for a change of use permit. A copy of this determination shall be provided to the inspectors noted in subsection 2 below, and a copy shall be submitted with the administrative permit application.
- (B) A code compliance inspection shall be performed by municipal code abatement, structural, electrical, and fire inspectors to verify compliance with minimum life-safety requirements established by the Building Safety Division. The inspections are not required if a code compliance inspection has been performed, or a certificate of occupancy has been issued, within the previous 10 years and the permit applicant certifies that no alterations requiring a permit have been made since the code compliance inspection or certificate of occupancy was issued. A copy of all inspection reports shall be submitted with the administrative permit application.
- (C) If supported by on-site well and wastewater disposal systems, the property shall conform to the requirements of Chapter 15.65, pertaining to wastewater disposal regulations, and the owner/operator shall provide a one-time only health authority certificate.

B. Child Care¹⁸

1. Definition

A service providing for the supervision or care of children. Such service may include educational and social programs so long as these uses are clearly accessory to the supervision or care of children. Services providing supervision or care of one or more adults, along with any number of children, shall be treated as "Adult Care" under this Title.

¹⁸ NOTE: The child care classification comes from the draft assisted living ordinance (Planning & Zoning Commission Case #2003-143 - to be heard on December 1, 2003). Planning, Law and DHHS departments all worked on this definition and ensured that it matches applicable federal regulations and the recently changed state regulations, as well as Title 16.

2. **Use-Specific Standards**

a. ***Up to Six Clients***

Child care facilities with up to six clients may be allowed an accessory use; see Section 21.05.070, *Accessory Uses and Structures*.

b. ***Seven or More Clients***

Child care facilities with seven clients or more shall comply with the use-specific standards set forth above for "Adult Care, Child Care, Health Care, or Residential Care (Seven Clients or More)."

C. **Community Service**

This category includes uses of a public, non-profit, or charitable nature providing a local service to people of the community. Generally they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. The use may provide special counseling, education, or training. Accessory uses may include offices; meeting, food preparation area, parking, health, and therapy areas; and athletic facilities. Specific use types include:

1. **Community Center**

a. ***Definition***

A facility that is intended primarily to serve the meeting, cultural, social services, administrative, or entertainment needs of the community as a whole, operated by the government or as a non-profit facility generally open to the public.

b. ***Use-Specific Standards***

Community centers shall comply with the use-specific standards set forth below for "Religious Assembly."

2. **Family Self-Sufficiency Service**

a. ***Definition***

A governmentally operated or sponsored social service agency that provides aide to economically disadvantaged families in finding training, employment, and housing.

b. ***Use-Specific Standards (also applies to "Computer-Aided Learning Center")***

i. ***General Standards¹⁹***

The following general standards apply to these uses in all districts:

(A) ***Building***

The structure used to house the facility shall maintain at least twenty residential units and devote at least 85 percent of the building's maximum gross floor area to residential use.

(B) ***Ownership***

The operating agency shall have ownership of the structure. No other entity may rent, lease, buy, or

¹⁹ NOTE: Existing standard; no major substantive changes.

otherwise obtain space in the building for the purposes of operating facilities regulated under this subsection.

(C) *Staff*

During the operation hours, there shall be at least one instructor/monitor on-site and responsible to the operating agency.

(D) *Clients*

Facility users are not required to be residents of the building housing the facility. The facility users shall be restricted to the tenants of the operating agency or beneficiaries of assisted housing from the operating agency.

ii. *District-Specific Standards*

The following specific standards apply to the referenced districts:

(A) In the R-4 and C-1 districts, computer-aided learning centers may be conditionally allowed if they have a maximum gross floor area of 1,000 square feet.

(B) In the R-4 and C-1 districts, family self-sufficiency service facilities may be conditionally allowed if they have a maximum gross floor area of 1,500 square feet.

3. **Homeless and Transient Shelter**

a. *Definition*

A facility designed to provide minimum necessities of life on a limited, short-term basis for individuals and families during periods of dislocation or emergency pending formulation of longer-term planning. Facility elements may include providing the physical care required, including shelter, food, necessary medical and clothing needs, directly or by referral to appropriate agency; and planning for more permanent solution to the problem, including contact with community resources for housing and employment in the case of transients.

4. **Neighborhood Recreation Center**

a. *Definition*

A facility providing recreation/pool facilities and/or meeting rooms, and typically oriented to the recreational needs of the residents of a particular subdivision or housing project.

5. **Religious Assembly²⁰**

a. *Definition*

A building or structure, or group of buildings or structures, intended primarily for the conducting of organized religious services. Accessory uses may include, without limitation, parsonages, meeting rooms, and

²⁰ NOTE: New definition based on existing definition of term in Title 21 and permitted accessory uses allowed by districts.

child care provided for persons while they are attending religious functions.

b. Use-Specific Standards

i. Applicability

Religious assemblies within a residential zoning district shall conform to the requirements of this section. Religious assemblies in all other zoning districts shall comply with the requirements of this Title exclusive of the provisions of this subsection.

ii. Dimensional Standards

In addition to the general dimensional standards of Chapter 21.06, the following specific dimensional standards apply to religious assemblies.

(A) Lot Area and Width

A religious assembly site shall have a minimum area of 14,000 square feet and a minimum width of 100 feet at any point.

(B) Maximum Height

A religious assembly may not exceed the height permitted in the zoning district in which it is located. However, in districts where the maximum height is 30 feet, the maximum height for a religious assembly or a portion thereof may increase to 40 feet, so long as the setback from any point on the property line is at least twice the maximum actual height.

iii. Traffic Access

At least one property line of the religious assembly site which is at least 50 feet in length must abut a street designated as a class I collector or greater.

D. Cultural Facility

This category includes public or nonprofit facilities open to the public that display or preserve objects of interest or provide facilities for one or more of the arts or sciences or provision of government services. Accessory uses may include parking, offices, storage areas, and gift shops. Specific use types include:

1. Aquarium

a. Definition

An establishment where aquatic collections of living organisms are kept and exhibited.

2. Botanical Gardens

a. Definition

Facilities for the demonstration and observation of the cultivation of flowers, fruits, vegetables, native, or ornamental plants.

sport utility vehicles, vans, and similar vehicles under 12,000 pounds gross vehicle weight.

b. **Use-Specific Standards**

All vehicle storage yards shall comply with the use-specific standards set forth below for *Self-Storage Facility*; *Vehicle Storage Yards*.

M.

Visitor Accommodations

This category includes visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation, and with an average length of stay of less than 30 days. Accessory uses may include pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices. Specific use types include:

1. **Camper Park**

a. **Definition**

A lot or parcel of land, or portion thereof, temporarily occupied or intended for temporary occupancy by recreational vehicles or tents for travel, recreational, or vacation usage for short periods of stay, and containing a potable water source and washroom facilities. These establishments may provide laundry rooms, recreation halls, and playgrounds. These uses are not intended for vehicle storage.

b. **Use-Specific Standards**

i. **Location and Access**

A camper park shall have a minimum of 40 feet of frontage upon a collector or street of greater capacity. No entrance to, or exit from, a camper park shall be through a residential district or shall provide access to any street other than collector or street of greater capacity.

ii. **Occupancy and Length of Stay**

Spaces in camper parks may be used by campers, recreational vehicles, equivalent facilities constructed on automobiles, tents, or short-term housing or shelter arrangements or devices. The occupants of such space shall remain in the camper park a period not to exceed 30 days.

2. **Extended-Stay Lodgings**

a. **Definition**

A visitor lodging establishment with six or more guest rooms offering suites with kitchens, business traveler communications conveniences, and intended primarily for periods of stay of one week or more.

b. **Use-Specific Standards⁵¹**

i. A kitchen area separate from the living or sleeping area shall be provided in all units, and cooking may be done only in the kitchen area.

⁵¹ NOTE: New standards suggested by staff. The intent is to provide a limited set of standards that are not so onerous that they prevent development of this use, yet also serve to minimize the conversion of existing apartment buildings into extended-stay lodgings.

II. The facility shall provide a lobby area with a minimum of 750 square feet.

3. **Hostel**
a.

Definition

An overnight lodging facility containing between six and 19 guest rooms or up to 60 pillows. Sleeping accommodations may be dormitory-style and shared kitchen facilities may be available to the guests.

4. **Hotel**
a.

Definition

Any building containing 20 or more guestrooms accessible primarily by means of an interior corridor, rented for compensation by the day or week and offered for use by the general public in conjunction with subordinate services and facilities, such as restaurants and meeting rooms.

b. **Use-Specific Standard**

Any use that involves the retail sale of alcohol is subject to the Assembly Alcohol Approval process; see Section 21.05.020.

5. **Inn**
a.

Definition

A building or group of buildings containing between 6 and 19 guest rooms or up to 60 pillows for overnight lodging, where at least one meal per day is provided to the guests, there is a central meeting room or lounge available to all of the guests, and there are no shared kitchen facilities.

b. **Use-Specific Standard**

Any use that involves the retail sale of alcohol is subject to the Assembly Alcohol Approval process; see Section 21.05.020.

6. **Motel**
a.

Definition

An establishment that provides individual sleeping or living room accommodations, containing six or more guestrooms, with the majority of rooms having direct access to the outside without the necessity of passing through the main lobby of the building. This use includes auto courts and motor lodges.

7. **Recreational and Vacation Camp**

a. **Definition**

An overnight recreational camp, such as a children's camp, family vacation camp, or outdoor retreat. These establishments provide accommodation facilities, such as cabins and fixed camp sites, and incidental recreational and educational facilities.

21.05.060 INDUSTRIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS

This section defines the general industrial use categories and specific industrial use types listed in Table 21.05-1. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted

**PLANNING & ZONING
COMMISSION
PUBLIC HEARING
November 1, 2004**

LATE COMMENTS

**G.2. Case 2004-155
Ordinance Definition of
Lodging/Lodging House Plus
Parking Requirements**

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Case Num: 2004-155

An ordinance amending Title 21 for dormitory definitions

Site Address: N/A

Location: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SUBSECTION 21.35.020B AMENDING THE DEFINITION OF DORMITORY AND ROOMING HOUSE, ADDING A DEFINITION FOR LODGING HOUSE, AMENDING SECTION 21.40.020 REGARDING CONDITIONAL USES IN THE PLI (PUBLIC LANDS AND INSTITUTIONS) DISTRICT, AMENDING SECTION 21.40.200 REGARDING CONDITIONAL USES IN THE I-1 (LIGHT INDUSTRIAL) DISTRICT, AND AMENDING SECTION 21.45.080 TO ESTABLISH MINIMUM OFF-STREET PARKING REQUIREMENTS FOR DORMITORIES.

[Details](#) | [Staff Report](#) | [submit a comment](#)

Public Comments

10/29/04

Barbara Kraft

701 W. 8th Avenue, Suite 800

Anchorage AK 99501

COMMENTS ON ORDINANCE ALLOWING DORMITORIES AS CONDITIONAL USE IN I-1 DISTRICTS BY: Barbara Simpson Kraft, Davis Wright Tremaine LLP, counsel to Hope Community Resources, Inc. Hope Community Resources, Inc. ("Hope") has reviewed the Draft Ordinance prepared by the Planning Department staff amending the definition of dormitories and allowing them as conditional uses in I-1 districts if associated with a permitted principal use. Permitted principal uses in I-1 districts include business offices (AMC 21.40.200B.1.s) such as Hope's offices located nearby. Thus, the proposed ordinance would allow Hope to proceed with the next step of preparing drawings and other documents required for it to request a conditional use permit to construct its facility on West 53rd Avenue. Hope would like to make two comments on this matter. First, Hope commends the Planning Department staff for allowing Hope to review and provide comments on drafts of this ordinance. The final version of this ordinance reflects careful consideration and discussions between Hope and the staff of the issues that arise when certain user groups located in I-1 and PLI districts have a need to provide for residential use by a specific category of users. Second, this new ordinance does more than help one entity--it solves a citywide need to allow employee, student, and similar user groups to occupy housing on lots located near their employer, classes, etc. It reduces traffic congestion by eliminating the need for many of the occupants to have personal vehicles. It brings the University of Alaska's dormitories into compliance because it (a) makes them allowed uses in PLI districts, and (b) requires dormitories to be located near the principal

056

permitted use without requiring the building to be accessory, i.e., located on the same lot. In other words, this solution allows for the use by various entities, yet provides the safeguard of requiring the use to be carefully considered through the conditional use permitting process. Hope asks the Planning and Zoning Commission to adopt a recommendation to forward this ordinance to the Assembly for its approval and adoption.

[Zoning & Platting Cases On-line website](#)

Zoning and Platting Cases On-line

View Case Comments

[Submit a Comment](#)

**** These comments were submitted by citizens and are part of the public record for the cases ****

Questions? If you have questions regarding a case, please contact Zoning at **907-343-7943** or Platting & Variances at **907-343-7942**.

1. Select a Case: [View Comments](#)

2. View Comments:

Case Num: 2004-155

An ordinance amending Title 21 for dormitory (lodging) definitions

Site Address: N/A

Location: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SUBSECTION 21.35.020B AMENDING THE DEFINITION OF DORMITORY AND ROOMING HOUSE, ADDING A DEFINITION FOR LODGING HOUSE, AMENDING SECTION 21.40.020 REGARDING CONDITIONAL USES IN THE PLI (PUBLIC LANDS AND INSTITUTIONS) DISTRICT, AMENDING SECTION 21.40.200 REGARDING CONDITIONAL USES IN THE I-1 (LIGHT INDUSTRIAL) DISTRICT, AND AMENDING SECTION 21.45.080 TO ESTABLISH MINIMUM OFF-STREET PARKING REQUIREMENTS FOR DORMITORIES.

[Details](#) | [Staff Report](#) | [submit a comment](#)

Public Comments

11/10/04

Steven Ellis

After you get past the smoke and mirrors, essentially Hope Community Resources wants to run a hotel/motel without going through a conditional use approval and doesn't want to meet the current standards. It even states in the Planning Department Staff Report the current employees stay in local hotels and motels and this ordinance change is only for a specific property. First changing or creating ordinances for specific properties is usually bad public policy and requires close scrutiny. Second If you are going to allow a 60 room dormitory (hotel) in the I-1 as an accessory use, why don't you just level the playing field and allow hotels, motels and lodging as a permitted principal use. Let everyone have a hotel without going through the conditional use process. Its only fair.

11/10/04

Steven Ellis

~ Blank comment submitted

10/29/04

Barbara Kraft

701 W. 8th Avenue, Suite 800

Anchorage AK 99501

COMMENTS ON ORDINANCE ALLOWING DORMITORIES AS CONDITIONAL USE IN I-1 DISTRICTS BY: Barbara Simpson Kraft, Davis Wright Tremaine LLP, counsel

to Hope Community Resources, Inc. Hope Community Resources, Inc. ("Hope") has reviewed the Draft Ordinance prepared by the Planning Department staff amending the definition of dormitories and allowing them as conditional uses in I-1 districts if associated with a permitted principal use. Permitted principal uses in I-1 districts include business offices (AMC 21.40.200B.1.s) such as Hope's offices located nearby. Thus, the proposed ordinance would allow Hope to proceed with the next step of preparing drawings and other documents required for it to request a conditional use permit to construct its facility on West 53rd Avenue. Hope would like to make two comments on this matter. First, Hope commends the Planning Department staff for allowing Hope to review and provide comments on drafts of this ordinance. The final version of this ordinance reflects careful consideration and discussions between Hope and the staff of the issues that arise when certain user groups located in I-1 and PLI districts have a need to provide for residential use by a specific category of users. Second, this new ordinance does more than help one entity--it solves a citywide need to allow employee, student, and similar user groups to occupy housing on lots located near their employer, classes, etc. It reduces traffic congestion by eliminating the need for many of the occupants to have personal vehicles. It brings the University of Alaska's dormitories into compliance because it (a) makes them allowed uses in PLI districts, and (b) requires dormitories to be located near the principal permitted use without requiring the building to be accessory, i.e., located on the same lot. In other words, this solution allows for the use by various entities, yet provides the safeguard of requiring the use to be carefully considered through the conditional use permitting process. Hope asks the Planning and Zoning Commission to adopt a recommendation to forward this ordinance to the Assembly for its approval and adoption.

[Zoning & Platting Cases On-line website](#)



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October 13, 2004

HAND DELIVERED

Mr. Jerry Weaver, Zoning Division Administrator
Department of Community Planning & Development
Municipality of Anchorage
P.O. Box 196650
Anchorage, AK 99519-6650

Re: Request for Definition for Term "lodging" used in AMC 21.40.200D.7

Dear Jerry:

Enclosed is a copy of the materials that we submitted on behalf of Hope Community Resources, Inc. to the Land Use Enforcement Division when we requested a use determination on January 7, 2004—over 10 months ago. Also enclosed are copies of the subsequent information that we provided when requested and the decisions issued by the MOA. Finally, I have enclosed information regarding the fees of over \$750 that we paid for this. All of this is being provided at your request to help supplement your files.

You noted in passing to me that your department might find it difficult to support a use that looked semi-residential in nature in a light industrial area. You may be relying upon the language setting forth the prohibited uses in I-1 zoning districts (AMC 21.40.200E):

1. Dwellings, except as permitted under subsection C of this section as permitted accessory uses and structures, and under subsection D of this section as conditional uses.

...

Reading this language closely makes it clear that AMC 21.40.200E.1 expressly recognizes that some residential purposes are appropriate and allowable in I-1 districts. The conditional uses in I-1 zoning districts that are dwellings or residential in nature include the following:

1. Mobile home parks on sites of at least 10 acres in area.

Mr. Jerry Weaver
October 13, 2004
Page 2

- ...
5. Camper parks
- ...
7 Hotels, motels and lodging.
- ...
9. Correctional community residential centers.

Hope initially requested the use determination because the term "lodging" as used in AMC 21.40.200D.7 is not defined in AMC 21.35.020 *Definitions* or elsewhere in Title 21. The use of the term in addition to "hotels and motels" implies the intent to allow a third conditional use that is slightly different from hotels or motels. Hotels and motels are defined in AMC 21.35.020 as follows:

Hotel means any building containing 20 or more guestrooms accessible only by means of an interior corridor, rented for compensation by the day or week and offered for use by the general public in conjunction with subordinate services and facilities, such as restaurants, meeting rooms and the like.

Motel means a group of attached or detached buildings, providing individual sleeping or living room accommodations, containing six or more rooms with all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, including auto courts or motor lodges.

We found no references to lodging in the definitions. The only reference we found was a reference to "lodginghouse" as a subcategory of the term "*roominghouse*" defined in AMC 21.35.020:

Roominghouse means any dwelling in which four or more guestrooms are available for compensation which is paid on a daily, weekly or monthly basis. A roominghouse may offer dining services only to its tenants and their guests. A quasi-institutional facility, hotel, bed and breakfast and any other facility which is licensed or regulated by this title is not a roominghouse. A boardinghouse, lodginghouse, single-room occupancy facility which is not in a residential zone, tourist home or any other facility that falls within this definition is a roominghouse.

To resolve the confusion created by the use of the undefined term "lodging" as a conditional use in I-1 districts, we would propose that you define lodging in a way that would allow seasonal (up to four months duration) occupancy or shorter periods in larger facilities. The concept of an employee bunkhouse used at a fish plant is one residential use found quite often with industrial uses in other parts of this state. That use by the employees is deemed compatible with the

Mr. Jerry Weaver
October 13, 2004
Page 3

industrial fish processing plant in those locations. Similarly, having an employee housing facility where no one person would reside for any period in excess of 4 consecutive months would be compatible to Hope's surrounding training and administrative facilities.

You stated that you did not believe there are any other uses in I-1 districts that are residential in nature and that all overnight uses are temporary or short term in nature. However, that interpretation is not supported by the definitions, the terms used or permits recently granted to property owners in I-1 districts. For example, the definitions of hotels and motels (see above) do not include any restrictions on time periods of occupancy. The mention in the definition of hotels is a reference to the time period for payment—it does not require an occupant to vacate at the end of the week. In addition, many of the hotels currently located in I-1 districts welcome long-term, business occupants. Furthermore, camper parks have no durational element to occupancy. Mobile home parks similarly have no duration, and quite often mobile homes and camper parks are set up a manner with skirting, utility hookups and porches that look fairly permanent. Only the definition of correctional community residential centers (see AMC 21.35.020) includes a reference to occupancy limits that are "short-term or temporary."

In addition, the Planning Department has indicated that private kitchens or shared cooking facilities for the occupants (other than a central kitchen) should not be allowed in conditional use facilities located in I-1 districts. This view is inconsistent with permits they have granted to allow the following facilities to locate in I-1 districts:

Hotel/Motel	Zone	Address	Phone Number	In-Room Kitchen Facilities
Arctic Inn Motel	I-1	842 W. International Airport Rd.	561-1328	Microwave & Refrigerator
Hampton Inn	I-1	4301 Credit Union Dr.	550-7000 561-7330 (fax)	Microwave, Refrigerator & Coffee Maker
Hilton Garden Inn	I-1	100 W Tudor Rd.	729-7000	Microwave & Refrigerator
Homewood Suites	I-1	140 W Tudor Rd.	762-7000 762-8000(fax)	Full Kitchen (including range & burner)
Microtel Inn & Suites	I-1	5205 Northwood Dr.	245-5002	Microwave & Refrigerator



Mr. Jerry Weaver
October 13, 2004
Page 4

Most of these facilities were constructed very recently, and the approvals were given by the very employees of the Planning Department who now take issue with the inclusion of kitchens and want to impose limitations on periods of occupancy.

If you have any questions, please do not hesitate to contact me. As you are aware, the Planning and Zoning Commission asked the Department to resolve this issue in a manner that would allow Hope's proposed operations to proceed at this location. We look forward to working together with you in a manner that allows the issue to be resolved this at the November 1, 2004 meeting of the commission.

Very truly yours,

DAVIS WRIGHT TREMAINE LLP

A handwritten signature in black ink, appearing to read 'Barbara Simpson Kraft', written over the printed name.

Barbara Simpson Kraft

BSK
Enclosures



REQUEST FOR USE DETERMINATION



See www.muni.org/zoning/usedetermination.cfm for more information.

Contact name: John Weaver

Phone: 564-6842

Fax: 564-7472

Address: 540 W. International Airport Road, Anchorage, AK 99518

Site address: -----

Subdivision: Campbell Park Cares

Lot: 24A

Block: -

Tract: -----

Zoning district: I1

MOA Property Tax ID: 00923346-000

Grid: SW1930

State in detail the proposed uses of the property, and the proposed square footage of each use. List the proposed quantities of any flammable, toxic, reactive, or otherwise hazardous material, including liquid or compressed gasses, to be stored on site. State the quantity of raw materials to be used (if any), and how they will be delivered to the site. State the quantity of product to be produced (if any), and how it will be distributed. List any licenses or permits required by other agencies. Use additional sheets if necessary.

See Attached Exhibit A

Attachments provided:

☒ Fee (~~\$25,000~~) (\$75.00)

☐ As-built survey or site plan

☐ Other: -----

☐ Other: -----

Submit application to:

Code Enforcement Manager

Development Services Dept., Land Use Enforcement Div.

4700 South Bragaw, Anchorage, AK

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

This space reserved for

Municipal payment verification

EXHIBIT A
Request for Use Determination for
Lot 24A, Campbell Park Acres Subdivision

Applicant: Hope Community Resources, Inc. ("HCR")

HCR owns Lot 24A, Campbell Park Acres Subdivision (the "Property"). The Property was purchased in 2003. There are no buildings on the Property. It is currently being used as an off-street parking lot for recreational items during the off-season. According to the records of the Municipality of Anchorage, the Property is zoned I1 and the land use for the Property is Commercial Office Building Low Rise 1-4. The Property contains approximately 22,449 square feet.

HCR proposes to construct a new building on the Property that would be used to provide lodging for three identifiable groups of persons. The lodging would provide for private sleeping areas, with shared common area such as kitchens. The facility would not be open to the public. According to AMC 21.40.200D.7, hotels, motels and lodging are conditional uses on parcels zoned I1. Because HCR is restricting the use of the lodging to these limited groups of persons, it is requesting a use determination to confirm that the proposed use is within the conditional use identified as "lodging."

The first group of proposed users of the lodging on the Property would consist of HCR's employees who have permanent homes elsewhere in Alaska. HCR requires some of its employees to travel to Anchorage for training or corporate meetings. These training sessions and meetings are held in HCR's corporate offices and affiliated use buildings, which are located in close proximity to the Property. HCR anticipates that it would realize substantial cost savings if the employees could be housed in lodging facilities constructed on the Property. HCR believes that its annual cost to operate the lodging would be substantially less than the annual cost of hotel rooms and rental cars. The employees would not be asked to pay any fee for use of the facilities and would only be able to occupy the facilities while in Anchorage at HCR's request.

The second group of proposed occupants of the lodging facilities consists of temporary employees of HCR. These temporary employees consist of students enrolled in educational programs at institutions of higher learning located outside of Anchorage who are spending a summer or semester working for HCR. It is anticipated that each person would occupy the facility for less than 120 days. HCR believes it could realize substantial cost savings if it were able to house the students in this temporary lodging facility. The student employees would be able to attend training sessions at HCR's facilities without incurring transportation costs. In addition, HCR would not have to search for new apartments each summer or continue paying rent when there are no temporary employees in Anchorage. The students would not be asked to pay a HCR a fee for use of the lodging facilities.

The third group of proposed users of the lodging facilities consists of families of HCR's clients who are receiving temporary support services. This need typically arises when a family comes to

Anchorage on a short term basis to receive education or crisis counseling. It can also arise when a family receiving support services from HCR loses its housing under emergency or crisis situations. Because this need arises on an emergency basis, HCR anticipates that this would be the lowest level of use. Typically, these families would not be asked to pay a fee for short-term use of the facility.

The proposed use does not involve storage on the Property of any flammable, toxic, reactive, or otherwise hazardous materials, including liquid or compressed gasses. No industry will be conducted on the Property and no raw materials will be delivered to the Property. If the proposed use is found to be "lodging" within the meaning of AMC 21.40.200D.7, then HCR will apply for a conditional use permit under AMC 21.15 and submit the required site plans and other materials at that time.



Davis Wright Tremaine LLP

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www.dwt.com

February 10, 2004

Ms. Jill Inglis
Code Enforcement
Development Services Dept.
Land Use Enforcement Division
P.O. Box 196650
Anchorage, AK 99519-6650

BY FAX TO: 343-8437

Re: Request for Use Determination—Supplemental Information
Applicant: Hope Community Resources, Inc.
Location: Lot 24A, Campbell Park Acres
MOA Property Tax ID: 00923346-000

Dear Ms. Inglis:

This letter responds to your verbal request for additional information regarding the above request for a use determination. Specifically, you asked for additional information regarding:

- (a) the nature of the applicant's activities and clients served;
- (b) services provided to the third category of potential users of the property—provision of temporary housing for clients served by Hope Community Resources, Inc. ("Hope") and their families; and
- (c) the number of lodging rooms proposed for the entire facility.

Hope was established in 1968 under the name of Hope Cottages, Inc. Hope provides services and care for the developmentally disabled of all ages. All of the individuals supported by Hope require some level of supervision and assistance with daily activities. Hope strives to provide these individuals with the opportunity to live in the least restrictive environment. Most of these individuals live in homes that are occupied by foster families or in homes occupied by one or two (sometimes three) other developmentally disabled individuals of compatible temperament with a live-in caregiver.



Ms. Jill Inglis
February 10, 2004
Page 2

The main use for the facility that Hope proposes to build on the site at issue is temporary lodging for temporary student employees. The secondary use is for Hope's employees who reside outside of Anchorage who have traveled to Anchorage at Hope's request to attend training, seminars or other employment related activities. The third use is to provide short-term, temporary housing for families of Hope's clients who, for one reason or another, are in Anchorage without housing. Hope anticipates this third use will occur less than 10% of the time in less than 10% of the facility. Some of these families may have been unexpectedly forced to leave their homes. This may happen if there is a financial emergency, a catastrophe (such as a fire) or some other unexpected event. Other families may have traveled to Anchorage from rural areas of Alaska to visit a family member who is supported by HOPE. The Hope client might be in Anchorage to receive medical services or might have been placed in Anchorage based on an evaluation that revealed the need for services that are only available in Anchorage. Typically, the stays for these families would be very short. Hope's intent would be to merely provide a place for the family to stay until new long-term lodgings could be found or during their short visit to Anchorage. Counseling and other services would not be provided on site. Hope's employees might talk to the family about the nature of the emergency that caused the family to have need of the facility, but such discussions are likely to be more for the purposes of identifying a new location that does not have the same problems. Meals would not be provided. Hope might transport a family member to a nearby grocery store to purchase food that could be prepared in the kitchen area.

Finally, you have asked for additional information regarding the number of rooms proposed for the facility. Hope has not asked an architect to prepare schematic drawings at this time because, as a nonprofit entity, it can not afford to pay for plans for a site until it knows what it will be allowed to construct on this site. In addition, the number of rooms is dependent upon the size of the facility, which is in turn dependent upon the parking requirements that might be imposed. Hope may request a variance on parking requirements because the student employees do not have vehicles. These student employees use public transit or ride in one of Hope's vans to get to their work sites. The small number of employees in town for training who use the facility typically will be visiting other locations during the day and can park in Hope's adjacent office parking lot at night when the office workers have gone home. Thus, the number of rooms specified here is merely a best guess based on the number of temporary student employees that Hope has employed in the past, the training opportunities it provides to its rural employees, the historical needs of the families of its clients and the assumption that parking variance will be granted. All of these factors are subject to change, and those changes will impact the size and configuration of the facility.

Notwithstanding the foregoing caveat, Hope has engaged in some conceptual discussions. One suggested configuration is for the facility to contain three floors. Two floors would have approximately 20 to 25 private sleeping areas on each floor. The sleeping areas would be in



Ms. Jill Inglis
February 10, 2004
Page 3

clusters of four to six, with a shared bathroom facility. There would be one or two communal efficiency kitchens per floor, each with a microwave, cabinets for cooking utensils, refrigerator, cooking top and, perhaps, oven. The third floor would contain one or two traditional type apartment facilities for the families who use the facility on an emergency basis, but these would be constructed in a manner that would allow them to also be converted to additional temporary employee housing. The third floor might also have a communal entertainment room with a television or similar facilities and the living quarters of the on-site resident manager. Cleaning services may be provided as an employment/training opportunity for individuals supported by Hope who would then be able to transfer the skills learned to jobs in the community.

If you have any additional questions regarding this request for use determination, please do not hesitate to contact us.

Very truly yours,

DAVIS WRIGHT TREMAINE LLP

A handwritten signature in cursive script, appearing to read 'Barbara Simpson Kraft'.

Barbara Simpson Kraft

BSK

cc: John Weaver



Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-7900 • Fax: (907) 343-7927

Physical Address: 4700 Bragaw Street • Anchorage, Alaska 99507 • www.muni.org/planning

Mayor Mark Begich

Planning Department

RECEIVED

FOR _____

March 2, 2004

MAR 09 2004

Davis Wright Tremaine, LLP
Attn: Barbara Simpson Kraft
701 West Eighth Avenue, Suite 800
Anchorage, AK 99501-3408

DAVIS WRIGHT TREMAINE
By _____

Dear Ms. Kraft:

This letter is in response to your request for a use determination of the property located at Campbell Park Acres Subdivision, Lot 24A (Parcel: 009-233-46, Grid: 1930)

This determination is based on the following information:

Municipal Property Appraisal CAMA sheet indicate the property is currently vacant and the lot size is 22,449 square feet.

Campbell Park Acres Subdivision, Lot 24A was created by Plat 2003-59, filed May 20, 2003. The property is currently zoned I-1, Light Industrial District.

Your letters dated January 7, 2004 and February 10, 2004 indicate you plan to operate a housing facility at the above mention property and are requesting that the use of the property identified below be considered as a lodging facility. You are proposing to permit three distinct groups of individuals to reside at the above mentioned property.

1. The first group is employee's of Hope Community Resources, Inc. (HCR);
2. The second group is summer interns hired by HCR to work. The interns would stay less than 120 days ~~and would pay rent to stay at the facility.~~ *Not true - and app. said not paying*
3. The third group consists of families of HCR clients who are in some form of emergency situation and need a place to stay for a short period of time until permanent housing can be obtained.

Currently there is not a building plan for the facility, but conceptual discussions at HCR reveal that the facility will consist of the following:

- The building will contain three floors;
- Two floors will contain 20-25 sleeping rooms each.
 - The rooms will be in clusters of 4-6 with shared bathrooms.
 - Each floor will contain one or two communal efficiency kitchens.
- The third floor will contain one or two traditional style apartments for use by the families of HCR clients. There will also be a living unit for an onsite manager.

Community, Security, Prosperity

070

Anchorage Municipal Code (AMC) 21.35.020.B defines the following:

- **Hotel means** “any building containing 20 or more guestrooms accessible only by means of an interior corridor, rented for compensation by the day or week and offered for use by the general public in conjunction with subordinate services and facilities, such as restaurants, meeting rooms and the like.”
- **Motel means** “a group of attached or detached buildings, providing individual sleeping or living room accommodations, containing six or more rooms with all rooms having access to the outside without the necessity of passing through the main lobby of the building, including auto courts and motor lodges.”
- **Rooming house means** “any dwelling in which four or more guest rooms are available for compensation which is paid on a daily, weekly or monthly basis. A rooming house may offer dining services only to its tenants and their guests. A quasi-institutional facility, hotel, bed and breakfast and any other facility which is licensed or regulated by this title is not a rooming house. A boarding house, lodging house, single-room occupancy facility which is not in a residential, tourist home or any other facility that falls within this definition is a rooming house.”
- **Dwelling means** “a building designed or used exclusively as the living quarters for one or more families.”
- **Dwelling unit means** “a structure or portion thereof providing independent and complete cooking, living, sleeping and toilet facilities for one family.”
- **Family means** “one or more persons occupying premises and living as a single housekeeping unit, as distinguished from a group occupying a rooming house, club fraternity house or hotel.”
- **Homeless and transient shelter means** “a facility designed to provide minimum necessities of life on a limited, short-term basis for individuals and families during periods of dislocation or emergency pending formulation of longer-term planning. Facility elements may include providing the physical care required, including shelter, food, necessary medical and clothing needs, directly or referral to appropriate agency; and planning for more permanent solution to the problem, including contact with community resources for housing and employment in the case of transients.”
- AMC 21.40.200.D.7 (conditional uses) allows for motels, hotels and lodging if a conditional use permit is obtained.
- AMC 21.40.200.E.1 (prohibited uses) dwellings, except as permitted under subsection C of this section as permitted accessory uses and structures and under subsection D of this section as conditional uses.
- AMC 21.40.200.C.2 (permitted accessory uses) “in the same structure with a permitted principal use, one dwelling unit may be occupied as an accessory use.”

The following conclusions are drawn from the above information:

There appears to be three separate distinct groups of individuals that will occupy this facility. Therefore, I will address each separately.

1. The first proposed group of individuals which would stay at the facility would be employees' of HCR. The employees would travel to Anchorage for training sessions and HCR would not require the employee to pay a fee to stay at the facility. It is typical for an employer to pay for lodging when an employee has to travel at the employer's request. It is reasonable to consider the employer is actually paying for the cost of the employee to stay at the facility even if the employee is not using a voucher or some form of payment to stay at the facility. However, this facility is not open to the public therefore, it does not meet the definition of a hotel or motel and would most meet the definition of a rooming house/boarding house. AMC 21.40.200 does not list a rooming house as a permitted principal, accessory or conditional use. Therefore, the use listed above is not permitted in the district.
2. The second proposed group that would utilize the facility would be student interns hired by HCR for a short term basis. Typically less than 120 days. The interns would stay at the facility and would be required to pay rent. This proposed use still most meets the definition of a rooming house. AMC 21.40.200 does not list a rooming house as a permitted principal, accessory or conditional use. Therefore, the use listed above is not permitted.
3. The third proposed use is for the families of HCR clients who are receiving temporary support services. As stated in your letter dated January 8, 2004 (Exhibit A) the need would arise when:
 - a) The families travel to Anchorage on a short term basis to receive education or crisis counseling.
 - b) It would also arise when a family receiving support services from HCR loses its housing under emergency or crisis situations.

Not true -

HCR proposes to house the families in the two apartments located on the third floor. The apartments on the third floor will have independent living, cooking, sleeping and toilet facilities. The I-1 district does not permit dwellings except as accessory to a permitted principal use or as what is permitted under a conditional use permit. In addition, the proposed use most resembles a homeless transient shelter. The use is not permitted in the I-1 zoning district.

Anchorage Municipal Code 21.40.200.A (intent) states the I-1 zoning district is "intended primarily for urban and suburban light manufacturing, processing, storage, wholesale and distribution operations, but also permits limited commercial uses. Regulations are intended to

allow efficient use of the land while at the same time making the district attractive and compatible for a variety of uses."

The I-1 district is not intended for rooming houses, dwellings or homeless shelters. Homeless transient shelters are permitted by conditional use in the PLI district. Rooming houses are permitted in the by conditional use permit in the R2M, R-5/R5A, R-6, R-7 and R-8 zoning district, and they are listed as a permitted principal use in the R-3, R-4 and B-3 zoning districts. If I can be of further assistance please contact me at 343-8353.

343 8305 - Brian Dean

Respectfully,

A handwritten signature in cursive script that reads "Jillanne M. Inglis".

Jillanne M. Inglis
Land Use Enforcement Officer



Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

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TEL (907) 257-5300
FAX (907) 257-5399
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April 9, 2004

Ms. Jill Inglis
Code Enforcement
Development Services Dept.
Land Use Enforcement Division
P.O. Box 196650
Anchorage, AK 99519-6650

BY FAX TO: 343-8437

Re: Request for Use Determination—Second Provision of Supplemental Information in
Response to Determination Issued March 2, 2004
Applicant: Hope Community Resources, Inc.
Location: Lot 24A, Campbell Park Acres
MOA Property Tax ID: 00923346-000

Dear Ms. Inglis:

This letter responds to your verbal request for us to supply additional information as part of our request for you to reconsider the position taken by the Municipality in your letter dated March 2, 2004. Specifically, you asked us to provide you with our definition of the word "lodging" as used in AMC 21.40.200 D.7. It is listed as a conditional use in I1 zoning areas in addition to hotels and motels, but the term "lodging" is not defined in Title 21. We raise the following points:

1. A general rule of statutory construction is that all words in a statute have to be given meaning. Alaska Transportation Com'n v. Airpac, Inc., 685 P.2d 1248, 1253 (Alaska 1984). In this case, the court was asked to decide whether the legislature intended for the Commission to regulation supplemental bases of operation as well as base of operations for air carriers. The carrier argued against regulation. The court held:

If the legislature only intended to regulate bases of operations, there was no need even to define supplemental bases of operations; only a definition of bases of

operations would be necessary. Thus, [the carrier's] analysis makes the definition of supplemental bases of operations meaningless and superfluous. Thus, to give meaning to the definition of supplemental bases, we hold that supplemental base of operations is a sub-specie of base of operations. . . .

Id. Similarly, in this case, a court would try to find a meaning for "lodging" rather than ignoring it as being the same as a hotel or motel. Whether that meaning is more expansive or as a subgroup of hotel/motel, would be up to the court. For example, a court could find that lodging includes some subcategory of hotel or motel, including a private hotel used only by the employees of the owner. A court could also find that lodging means a different category of users from the public users of a hotel or motel, including employers living in employer provided housing. In either case, a court would try to find that the word lodging had some meaning other than the definitions set forth for hotel and motel in Title 21.

2. Courts try to use the common meaning of a word when asked to interpret it. Lagos v. City & Borough of Sitka, 823 P.2d 641, 643 (Alaska 1991). The court in Lagos was asked to interpret the meaning of a Sitka sales tax ordinance. The court held that with regard to statutory construction:

We have repeatedly stated that unless the words have acquired a peculiar meaning, by virtue of statutory definition or judicial construction, they are to be construed in accordance with their common usage.

Id. Similarly, in this instance, we have found definitions of lodging or lodging place to include the following:

- a. Lodging: a place to sleep or live. Websters II, New Riverside Dictionary. 1984. Berkley Books, New York.
- b. Lodging place: a place of rest for a night or residence for a time; a temporary habitation. Black's Law Dictionary, Fifth Ed. 1979. West Publishing Company, St. Paul, Minn.
- c. Lodging: a temporary place to stay. Webster's Ninth New Collegiate Dictionary. 1987. Miriam-Webster, Inc., Springfield, Massachusetts

It would appear that Hope's contemplated use of the property to provide housing for employees on a temporary basis would fit within these meanings of lodging.

3. The definition of the word "rooming house" in AMC 21.35.020 includes as an element payment of compensation for use of the room. Neither the students nor the employees will be paying compensation to the owner. In both cases, this will be

Ms. Jill Inglis
April 9, 2004
Page 3



employer provided housing without charge to either group of users. We note that while the Assembly could have used the term "rooming houses," it did not do so but rather used the more general term of "lodging" in the list of conditional uses in II districts.

4. Generally, when considering zoning issues, the impact on the neighborhood should be taken into account. In addition, some consideration should be given to whether this is a similar use. The ordinance specifically sets forth hotels and motels as conditional uses. Hope believes there is probably less impact on the neighborhood from this employer provided lodging facility than a hotel or motel would have. Nevertheless, the time for the neighbors to express their concerns is during the conditional use process, not during this preliminary use determination.

Finally, if it is necessary to eliminate the third floor use by families in order for this to qualify as lodging, Hope would be willing to do so.

We hope this information has been helpful in your deliberations and discussions. If you have any additional questions regarding this request for use determination, please do not hesitate to contact us.

Very truly yours,

DAVIS WRIGHT TREMAINE LLP

A handwritten signature in cursive script, appearing to read 'Barbara Simpson Kraft'.

Barbara Simpson Kraft

BSK

cc: John Weaver



Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-7900 • Fax: (907) 343-7927
Physical Address: 4700 Bragaw Street • Anchorage, Alaska 99507 • www.muni.org/planning

Mayor Mark Begich

Planning Department

April 13, 2004

Davis Wright Tremaine, LLP
Attn: Barbara Simpson Kraft
701 West Eighth Avenue, Suite 800
Anchorage, AK 99501-3408

Reference: This letter is a revision and supercedes that letter dated March 2, 2004.

Dear Ms. Kraft:

This letter is in response to your request for a use determination for Campbell Park Acres Subdivision, Lot 24A (Parcel: 009-233-46, Grid: 1930) This determination is based on the following information:

Background

The property is currently in the I-1, Light Industrial zoning district. The I-1 district is governed by section 21.40.200 of the Municipal Code.

Your letters dated January 7, 2004 and February 10, 2004 indicate that you plan to operate a facility at the above mention property and that you are requesting that the use of the property be considered as a lodging facility. The facility would not be open to the public. You are proposing to permit five distinct groups of individuals to reside at the property:

1. Employees of Hope Community Resources, Inc. (HCR.) The employees would travel to Anchorage for training sessions and HCR would not require the employee to pay rent to stay at the facility.
2. Summer interns hired by HCR to work. The interns would stay less than 120 days and would not pay rent to stay at the facility;
3. Families of HCR clients who travel to Anchorage to visit an HCR client.
4. Families of HCR clients who are in some form of emergency situation and need a place to stay for a short period of time until permanent housing can be obtained. As stated in your letter dated January 8, 2004 (Exhibit A) the need would arise when:
 - a) Families travel to Anchorage on a short term basis to receive education or crisis counseling.
 - b) Families receiving support services from HCR lose their housing under emergency or crisis situations.
5. A resident manager.

Community, Security, Prosperity

Currently there is not a building plan for the facility, but conceptual discussions at HCR reveal that the building will contain three floors:

- Two floors will contain 20-25 sleeping rooms each.
 - The rooms will be in clusters of 4-6 with shared bathrooms.
 - Each of these floors will contain one or two communal efficiency kitchens.
- The third floor will contain one or two traditional style apartments for use by the families of HCR clients. There will also be a living unit for an onsite manager. The apartments on the third floor will have separate living, cooking, sleeping and toilet facilities.

Anchorage Municipal Code (AMC) 21.35.020.B defines the following:

- **Hotel** means "any building containing 20 or more guestrooms accessible only by means of an interior corridor, rented for compensation by the day or week and offered for use by the general public in conjunction with subordinate services and facilities, such as restaurants, meeting rooms and the like."
- **Motel** means "a group of attached or detached buildings, providing individual sleeping or living room accommodations, containing six or more rooms with all rooms having access to the outside without the necessity of passing through the main lobby of the building, including auto courts and motor lodges."
- **Roominghouse** means "any dwelling in which four or more guest rooms are available for compensation which is paid on a daily, weekly or monthly basis. A roominghouse may offer dining services only to its tenants and their guests. A quasi-institutional facility, hotel, bed and breakfast and any other facility which is licensed or regulated by this title is not a roominghouse. A boardinghouse, lodginghouse, single-room occupancy facility which is not in a residential zone, tourist home or any other facility that falls within this definition is a roominghouse."
- **Dwelling** means "a building designed or used exclusively as the living quarters for one or more families."
- **Dwelling unit** means "a structure or portion thereof providing independent and complete cooking, living, sleeping and toilet facilities for one family."
- **Family** means "one or more persons occupying premises and living as a single housekeeping unit, as distinguished from a group occupying a rooming house, club fraternity house or hotel."
- **Homeless and transient shelter** means "a facility designed to provide minimum necessities of life on a limited, short-term basis for individuals and families during periods of dislocation or emergency pending formulation of longer-term planning. Facility elements may include providing the physical care required, including shelter, food, necessary medical and clothing needs, directly or referral to appropriate agency; and planning for more permanent solution to the problem, including contact with community resources for housing and employment in the case of transients."

The Municipal Code does not define "lodging."

Webster's New Word Dictionary, second college edition (1982) defines lodging as "to provide with a place of temporary residence; house, to rent room to; take as a paying guest, to serve as a temporary dwelling."

The New Illustrated Book of Development Definitions (1993) contains the following definitions:

- **Lodger** – A transient renter whose meals may or may not be included in the cost of his or her rent.
- **Lodging House** – A facility in which rental sleeping accommodations are provided and in which meals also may be supplied as part of the fee.

The word "lodging" appears in Title 21 only twice – in AMC 21.40.200.D.7 (the I-1 district regulations) and in AMC 21.45.260 (the "transient lodging facilities zoning matrix.")

The term "lodginghouse" appears in Title 21 six times:

- AMC 21.35.020.B, in defining "Roominghouse," provides that a "lodginghouse ... which is not in a residential zone ... is a roominghouse."
- AMC 21.40.130.B.3 lists "Boardinghouses and lodginghouses" as permitted principal uses in the R-O, Residential-Office district,
- AMC 21.40.210.B prohibits "dwellings, roominghouses, boardinghouses or lodginghouses, apartment buildings, hotels or motels" in the I-2, Heavy Industrial district.
- AMC 21.40.220.B prohibits "dwellings, roominghouses, boardinghouses or lodginghouses, apartment buildings, hotels or motels" in the I-3, Rural Industrial district.
- AMC 21.40.220.E.3 prohibits "Hotels, motels, roominghouses and lodginghouses, and the like" in the I-3 district.
- AMC 21.40.280.E.2 prohibits "Hotels, motels, roominghouses or lodginghouses, and mobile home parks" in the MI, Marine Industrial district.

AMC 21.40.015.B: "A structure, or use of land or a structure, that is not listed as a permitted use, an accessory use or a conditional use in one use district, but is so listed in another, is prohibited in the former use district."

AO 79-95 (passed August 28, 1979) amended the I-1 district regulations to allow "Motels, hotels and lodging" by conditional use (see AMC 21.40.200.D.7.)

AO 88-171 (S-1) (passed December 13, 1988) enacted AMC 21.45.260 (the transient lodging facilities zoning matrix.) The elements of the matrix are: Bed and Breakfast, Roominghouse, Motel, and Hotel. The matrix shows Roominghouses as a use not permitted in the I-1 zoning district.

Research of AO 88-171 (S-1) at the municipal clerk's office showed Roominghouses as a use not permitted in the I-1 district in at least six documents (from a 1987 draft through the S-1 ordinance eventually adopted.)

Conclusions

As five distinct groups of individuals will occupy the facility, each will be addressed separately:

1. Housing of HCR employees in Anchorage for training sessions. This use is most similar to and would be considered a roominghouse. Although accommodations in a roominghouse are offered to the public "for compensation on a daily, weekly or monthly basis," the private use and lack of compensation do not affect the facility's impact on the community.
2. Student interns hired by HCR. Again, this use is most similar to and would be considered a roominghouse.
3. Families of HCR clients who travel to Anchorage to visit an HCR client. Again, this use is most similar to and would be considered a roominghouse.
4. Families of HCR clients who are receiving temporary support services. This use is most similar to and would be considered a homeless and transient shelter. As homeless and transient shelters are a conditional use in the PLI, Public Lands and Institutions district, they are prohibited in the I-1 zoning district by AMC 21.40.015.B.
5. The manager's residence is not an accessory use, but is an element of the roominghouse.

There is a discrepancy between AMC 21.40.200.D.7 (which allows "lodging" as a conditional use) and AMC 21.45.260 (which shows Roominghouses as a use not permitted in the I-1 district.) Land Use Enforcement has been advised by the municipal attorney that, when interpreting equally specific conflicting sections of the code, more recent provisions should be given weight over older provisions. AMC 21.45.260 was enacted over nine years after AMC 21.40.200.D.7. Accordingly, we give it more weight and conclude that roominghouses are prohibited in the I-1 district.

Appeal

There is currently no mechanism in the Municipal Code for you to appeal this determination. You may, however, wish to make an appearance before the Planning and Zoning Commission and request the Commission's sense of whether your facility is not a roominghouse, but rather some form of "lodging" permitted as a conditional use in the I-1 district, and whether use of the proposed facility to house families receiving temporary support services constitutes a homeless and transient shelter and should therefore be excluded from any application for a conditional use.

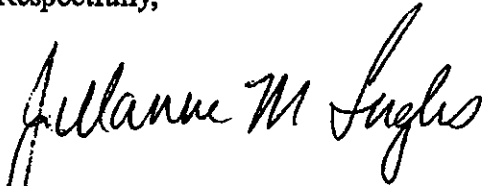
Appearance requests are governed by Anchorage Municipal Code of Regulations (AMCR) 21.10.501: "An appearance request must state the purpose and topic of the appearance and include any related narrative and graphics. If the graphics are of a size that cannot be readily reproduced, ten copies shall be submitted with the appearance request. Appearance requests are

limited to five minutes and are limited to subjects not related to a pending agenda item. No matter brought before the commission as an appearance request shall be decided at that time if a public hearing would ordinarily be required. The matter may be rescheduled for public hearing at the request of the person making the appearance after proper notice to the public."

If HCR designed the facility as a hotel (see the definition, above) it would unquestionably be allowed in the I-1 district as a conditional use. The use of the property for the displaced families would still be considered a homeless transient shelter and would not be permitted.

If I can be of further assistance please contact me at 343-8353.

Respectfully,



Jillanne M. Inglis
Land Use Enforcement Officer

No. 546892

<p>"Additional fee for Determination" for Client (Hope Community Resource). A/R 25364-14</p> <p>DET-04-0002</p>	<p>690.00</p>	<p>1311-0000-01</p>		<p>690.00</p>
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RECEIVED

MAY 5 - 2004

OFFICE OF
LAND USE
ENFORCEMENT

DAVIS WRIGHT TREMAINE LLP

DETACH AND RETAIN THIS STATEMENT

THE ATTACHED CHECK IS IN PAYMENT OF ITEMS LISTED ABOVE

Municipality of Anchorage
Building Safety Division
AN 01 12 051630 05/06/04 09:01AM

019 Zo/Copies/Non Confor \$690.00

Total Due: \$690.00
Check: \$690.00
Change: \$0.00

Keep receipt for your records

DET-04-0002

ADMIN PERMIT APPLICATION

Permit Number: DET-04-0002

Tax Code Number: 009-233-46

MUNICIPALITY OF ANCHORAGE

BUILDING SAFETY DIVISION

4700 SOUTH BRAGAW STREET

Telephone: (907) 343-8211

Inspection Request Line: (907) 343-8300

Inspection Fax Line: (907) 249-7777

Subdivision: CAMPBELL PARK ACRES

Lot/Space: 24A

Block:

Tract:

Site Address: 540 W INT'L AIRPORT ROAD

Owner: HOPE COMMUNITY RESOURCES INC

Contractor: OWNER

Architect:

Proposed Use: DETERMINATIONS

Type of Work: ADMIN

Work Description: Request for Use Determination

Phone No:

Phone No:

Phone No: 01 12 051630 05/06/04 09:01AM
019 Zo/Copies/Non Confor \$690.00

Total Construction Valuation of Work: \$.00

Permit Fee:	\$805.00
Plan Review Fee:	\$.00
Zoning Review Fee:	\$.00
Fire Review Fee:	\$.00
NPDES Fee:	\$.00
Flood Plain Fee:	\$.00
Expedited Review Fee:	\$.00
Outsourcing Fee:	\$.00
Address Fee:	\$.00
Temp Electric /	\$.00
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Total Fees:	\$805.00
Total Amount Paid:	\$805.00
Last Date Paid:	01/09/2004
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@P/LV*

TO INSURE THAT YOUR PERMIT REMAINS ACTIVE, CALL FOR AN INSPECTION AT
LEAST ONCE EVERY 360 DAYS. PER MUNICIPAL CODE, ALL REFUNDS ON CANCELLED
PROJECTS MUST BE REQUESTED IN WRITING NO LATER THAN 360 DAYS AFTER DATE OF
FEE PAYMENT. LAND USE PERMITS VALID FOR 180 DAYS TO COMMENCE CONSTRUCTION

The owner of this building and the undersigned agree to conform to all applicable laws of this jurisdiction.

PRINTED NAME: _____

SIGNATURE: _____ DATE: 1/9/2004

This is an application only. This is not your permit to begin construction. There may be additional fees
for site review and landscaping review. Permits are required for plumbing, mechanical, electrical, elevator,
and fire systems.



Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

BARBARA SIMPSON KRAFT
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701 WEST EIGHTH AVENUE
ANCHORAGE, AK 99501-3408

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June 3, 2004

BY FAX TO: 343-7927

Municipality of Anchorage
Planning and Zoning Commission
Don Poulton, Chair
Anchorage, AK

Re: Request for Appearance before Planning & Zoning Commission
Property Owner: Hope Community Resources, Inc.
Lot 24A, Campbell Park Acres
Zoned I-1
MOA Property Tax ID: 00923346-000

Dear Chair Poulton and other Commission Members:

On behalf of our client, Hope Community Resources, Inc. ("Hope") and pursuant to AMCR 21.10.501, we hereby submit this request for an appearance before the Planning and Zoning Commission ("Commission") at its meeting scheduled for June 14, 2004. If it is not possible to obtain an appearance time at that meeting, Hope asks to be granted an appearance at the next possible meeting of the Commission.

The purpose of the appearance is to ask the Commission to indicate whether it believes Hope's proposed use of the property described above is a conditional use described in AMC 21.40.200.D.7 because it is "lodging." This section specifically allows "hotels, motels and lodging" as conditional uses in I-1 districts. In its response to Hope's request for a Use Determination, the staff at the Planning Department took the position Hope's activities would constitute the operation of a rooming house, which the matrix set forth in AMC 21.45.260 states is not permitted in I-1 districts. The Planning Department does not, however, have any thoughts on what type of "lodging" is expressly permitted under AMC 21.40.200.D.7 and acknowledges the two sections are inconsistent.



Hope was established in 1968 under the name of Hope Cottages, Inc. Hope provides services and care for the developmentally disabled of all ages. All of the individuals supported by Hope require some level of supervision and assistance with daily activities. Hope strives to provide these individuals with the opportunity to live in the least restrictive environment. Most of these individuals live in homes that are occupied by foster families or in homes occupied by one or two (sometimes three) other developmentally disabled individuals of compatible temperament with a live-in caregiver. These caregivers are Hope's employees.

Hope proposes to construct a three story building on Lot 24A, Campbell Park Acres which will be used as temporary lodging for its employees. Although the contemplated use has evolved over the last three to four months, Hope's plan for this site currently contemplates two main employee user groups. The first group consists of temporary student employees who would use the facility as temporary lodging. These students rotate among Hope's facilities acting as respite workers for Hope's permanent employees. The lodging facility will allow them to attend training sessions in Hope's executive offices located across 53rd Avenue, consolidate vehicle use for transporting them to the homes that Hope operates around town, and allow Hope to avoid searching for apartments with 3-6 month leases every spring.

The secondary use is for Hope's employees who reside outside of Anchorage who have traveled to Anchorage at Hope's request to attend training, seminars or other employment related activities. Currently, these employees stay in various hotels around Anchorage. By consolidating them in one lodging facility across the street from Hope's executive offices, Hope will be able to save on car rental and hotel costs. This will allow Hope to use the savings on its programs for the developmentally disabled—its primary purpose.

Hope has not engaged an architect to prepare plans at this time. However, one suggested configuration is for the facility to contain three floors. Two floors would have approximately 15 to 20 private sleeping areas on each floor. The sleeping areas would be in clusters of three or four, with a shared bathroom facility. There would be one or two communal efficiency kitchens per floor, each with a microwave, cabinets for cooking utensils, refrigerator, cooking top and, perhaps, oven. The third floor would have offices, but would be constructed in a manner that would allow the offices to be converted to additional temporary employee housing if that use predominates in the future. The third floor might also have a communal entertainment room with a television or similar facilities and the office and living quarters of the manager. Cleaning services may be provided as an employment/training opportunity for individuals supported by Hope who would then be able to transfer the skills learned to jobs in the community.

If the Commission indicates that it believes Hope's proposed use is "lodging" authorized as a conditional use in AMC 21.40.200.D.7., then Hope would apply for a conditional use permit under the Municipality's normal procedures.

Planning and Zoning Commission
June 3, 2004
Page 3



Thanks you for taking the time to consider this request.

Very truly yours,

DAVIS WRIGHT TREMAINE LLP

A handwritten signature in black ink, appearing to read 'Barbara Simpson Kraft', written over the printed name.

Barbara Simpson Kraft

BSK
Document2

HOPE PROPERTIES

HOPE PROPERTIES									
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1100	1101	1102	1103	1104	1105	1106	1107	1108	1109
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21.45.260 Transient lodging facilities zoning matrix.

Transient lodging facilities shall comply with the following standards. Notwithstanding Section 21.10.025.A, no part of this matrix may be the subject of a variance.

TRANSIENT LODGING FACILITIES ZONING MATRIX**TABLE INSET:**

	Bed and Breakfast					
	3 Guestrooms	4 Guestrooms	5 Guestrooms	Roominghouse, 4+ Guestrooms	Motel, 6+ Guestrooms	Hotel, 20+ Guestrooms
R-1/R-1A single-family district	P	ASP	CU	NP	NP	NP
R-2A/R-2D duplex district	P	ASP	CU	NP	NP	NP
R-2M multifamily district	P	ASP	CU	CU (1)	NP	NP
R-3 multifamily district	P	P	P	P	NP	NP
R-4 multifamily district	P	P	P	P	P	P
R-5/R-5A rural residential district	P	ASP	CU	CU (2)	NP	NP
R-6 suburban residential district	P	ASP	CU	CU (3)	NP	NP
R-7 intermediate residential district	P	ASP	CU	CU (4)	NP	NP
R-8 rural residential district	P	ASP	CU	CU (5)	NP	NP
R-9 rural residential district	P	ASP	CU	CU (6)	NP	NP
R-10 alpine/slope residential district	P	ASP	CU	NP	NP	NP
R-11 Tumagain Arm district	P	ASP	CU	CU	CU	CU
R-O residential office district	P	P	P	P	P	P
B-1A local neighborhood business district (8)	P	P	P	P	NP	NP
B-1B commercial business district (9)	P	P	P	P	NP	NP
B-2A core central business district (10)	P	P	P	P	NP	P
B-2B intermediate central business district (11)	P	P	P	P	NP	P
B-2C periphery central business district (7, 12)	P	P	CU	P	NP	P
B-3 general business district (13)	NP	NP	NP	P	P	P
B-4 rural business district (8)	P	P	P	P	P	P
I-1 light industrial district	NP	NP	NP	NP	CU	CU
I-2 heavy industrial district	NP	NP	NP	NP	NP	NP

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I-3 rural industrial district	NP	NP	NP	NP	NP	NP
W watershed district	NP	NP	NP	NP	NP	NP
T transition district	P	ASP	CU	CU	CU	CU
PC planned community district	-	-	-	-	-	-
MC marine commercial district	NP	NP	NP	NP	CU	CU
MI marine industrial district	NP	NP	NP	NP	NP	NP

TABLE INSET:

P	=	Permitted accessory use.
CU	=	Conditional use.
NP	=	Not permitted.
ASP	=	Administrative site plan review.

1. Not to exceed eight rooms in the R-2M district.
2. The minimum lot size shall be at least 13,000 square feet.
3. The minimum lot size shall be at least 108,900 square feet.
4. The minimum lot size shall be at least 40,000 square feet.
5. The minimum lot size shall be at least 326,700 square feet.
6. The minimum lot size shall be at least 163,350 square feet.

Residential uses allowed in commercial district:

7. Single-family, two-family dwelling uses.
8. Single-family, two-family, multifamily.
9. Multifamily uses same as R-3; no single-family or two-family dwelling uses.
10. Multifamily (only) occupying no more than 50 percent of gross floor area of building.
11. Multifamily (only) at a density of not less than 25 dwelling units per acre.
12. Multifamily (only).
13. Multifamily (only) at a density of not less than 12 dwelling units per acre.

(AO No. 88-171(S-1), 12-31-88; AO No. 91-90(S))

Previous Doc | Next Doc

Cross references: Bed and breakfast regulations, § 21.45.250.

- F. Minimum lot requirements.** Minimum lot requirements are as follows:
1. Area: 10,000 square feet.
 2. Width: 80 feet
- G. Minimum yard requirements.** Minimum yard requirements are as follows:
1. Front yard: Ten feet.
 2. Side yard: None.
 3. Rear yard: None.
- H. Maximum lot coverage by all buildings on a lot.** Maximum lot coverage by all buildings on a lot is unrestricted.
- I. Maximum height of structures.** Maximum height of structures is unrestricted, except that structures shall not interfere with Federal Aviation Administration regulations on airport approaches.
- J. Signs.** Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.
- K. Parking.** Adequate off-street parking shall be provided in connection with any permitted use, with the minimum for each use to be as provided in the supplementary district regulations, section 21.45.080.
- L. Loading facilities.** Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.
- M. Landscaping.**
1. *Buffer landscaping.* Buffer landscaping shall be planted along each lot line adjoining a residential district.
 2. *Visual enhancement landscaping.* All areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping.

3. *Maintenance.* All landscaping shall be maintained by the property owner or his designee.

(GAAB 21.05.050.N; AO No. 77-355; AO No. 81-67(S); AO No. 84-41; AO No. 85-18; AO No. 85-23; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 87-32; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 97-78, § 1, 6-3-97; AO No. 98-149(S), § 1, 11-17-98; AO No. 98-160, § 8, 12-8-98; AO No. 99-62, § 23, 5-11-99; AO No. 2001-80, § 7, 5-8-01)

21.40.200 I-1 light industrial district.

The following statement of intent and use regulations shall apply in the I-1 district:

- A. Intent.** The I-1 district is intended primarily for urban and suburban light manufacturing, processing, storage, wholesale and distribution operations, but also permits limited commercial uses. Regulations are intended to allow efficient use of the land while at the same time making the district attractive and compatible for a variety of uses.
- B. Permitted principal uses and structures.** Permitted principal uses and structures are as follows:
1. Commercial uses:
 - a. Wholesaling and distribution operations.
 - b. Mercantile establishments.
 - c. General merchandise and dry goods stores.
 - d. Wholesale fur dealers, repair and storage.
 - e. Wholesale and retail furniture and home furnishing stores.
 - f. Wholesale and retail radio and television stores.
 - g. Wholesale and retail household appliance stores.
 - h. Wholesale, industrial and retail hardware stores.
 - i. Drugstores and pharmaceutical supply houses.

- j. Retail food stores and liquor stores. Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted by conditional use only.
- k. Restaurants, cafes and other places serving food and beverages. Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted by conditional use only.
- l. Merchandise vending machines sales and service.
- m. Wholesale and retail camera and photographic supply houses.
- n. Barbershops and beauty shops.
- o. Shoe repair shops.
- p. Small appliance repair shops.
- q. Insurance and real estate offices.
- r. Banking and financial institutions.
- s. Business and professional offices.
- t. Business service establishments, including commercial and job printing.
- u. Off-street parking lots, garages.
- v. Taxicab stands and dispatching offices.
- w. Employment agencies.
- x. Retail or wholesale sales and showrooms.
- y. Laboratories and establishments for production, fitting and repair of eyeglasses, hearing aids, prosthetic appliances and the like.
- z. Plumbing and heating service and equipment dealers.
- aa. Paint, glass and wallpaper stores.
- bb. Electrical or electronic appliances, parts and equipment.
- cc. Direct selling organizations.
- dd. Gasoline service stations.
- ee. Aircraft and marine parts and equipment stores.
- ff. Antique and secondhand stores, including auctions, and pawnshops.
- gg. Farm equipment and garden supply stores.
- hh. Automotive accessories, parts and equipment stores.
- ii. Automobile display lots, new and used.
- jj. Mobile home display lots, new and used.
- kk. Aircraft and boat display lots, new and used.
- ll. Motorcycle and snow machine display lots, new and used.
- mm. Automobile, truck and trailer rental agencies.
- nn. Lumberyards and builders' supply and storage.
- oo. Fuel dealers.
- pp. Plant nurseries.
- qq. Automobile carwashes.
- rr. Bus terminals and air passenger terminals.
- ss. Amusement arcades, billiard parlors and bowling alleys. Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted by conditional use only.
- tt. Frozen food lockers.
- uu. Funeral services, including crematoriums.
- vv. Day care and 24-hour child care facilities (except residential).
- ww. Private clubs and lodges. Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted by conditional use only.
- xx. Veterinarian clinics and boarding kennels, provided that such

activity shall be conducted within a completely enclosed building, except that outdoor exercise yards accessory to such uses may be permitted.

yy. Motion picture theaters.

zz. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions, but excluding day care uses, which shall be permitted only if they are otherwise allowed in accordance with this title. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.

aaa. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.

bbb. Snow disposal sites subject to the conditional use standards for snow disposal sites and an annual administrative permit.

ccc. Radio and television studios.

ddd. Unlicensed nightclub, provided such nightclub conforms to the requirements of section 21.45.245.

eee. Large retail establishment, subject to public hearing site plan review.

2. Industrial uses:

a. Airplane, automobile or truck assembly, remodeling or repair.

b. Beverage manufacture, including breweries.

c. Boatbuilding.

- d. Cabinet shops.
- e. Cleaning, laundry or dyeing plants.
- f. Machine or blacksmith shops.
- g. Manufacture, service or repair of light consumer goods such as appliances, batteries, furniture, garments or tires.
- h. Metalworking or welding shops.
- i. Motor freight terminals.
- j. Paint shops.
- k. Steel fabrication shops or yards.
- l. Vocational or trade schools.
- m. Utility installations.
- n. Warehousing, provided, however, that:

(1) Any open storage or repair yard, excluding yards for orderly display of new or reconditioned heavy equipment, shall be entirely enclosed within a fence at least eight feet high. The fence shall be of chain link, concrete block or other appropriate construction approved by the administrative official. The fence shall be maintained in a sound and orderly condition, and shall be kept free of any advertising matter other than signs permitted by this title.

(2) No use shall be constructed or operated so as to cause excessive noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare, at or beyond any lot line of the lot on which it is located. The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that caused in

their customary manner of operation by uses permitted in the district, or to a degree injurious to the public health, safety or welfare.

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

1. Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures are permitted.
2. In the same structure with a permitted principal use, one dwelling unit may be occupied as an accessory use.
3. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

1. Mobile home parks on sites of at least ten acres in area.
2. Airstrips and heliports.
3. Planned unit developments.
4. Natural resource extraction on tracts of not less than five acres.
5. Camper parks.
6. Marquees, overpasses and similar substantial projections into public airspace, together with any signs to be mounted thereon.
7. Motels, hotels and lodging.
8. Impound yards.
9. Correctional community residential centers.
10. Motorized sports on parcels with a minimum of 20 acres, maximum engine size of 250 cc's for wheeled vehicles and 550 cc's for snow machines, hours of operation shall be

7:00 a.m. to 10:00 p.m. Monday through Saturday and 12:00 p.m. to 10:00 p.m. on Sunday.

11. Public, private and parochial academic schools.
12. Business colleges and universities.
13. Type 1, 2, 3, or 4 community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.

E. *Prohibited uses and structures.* The following uses and structures are prohibited:

1. Dwellings, except as permitted under subsection C of this section as permitted accessory uses and structures, and under subsection D of this section as conditional uses.
2. Junkyards.
3. Manufacture or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine or varnish, charcoal or distilled products.
4. Manufacture, service or repair of railroad equipment.
5. Open storage of cinders, coal, feed, grain, gravel, manure, muck, peat, sand or topsoil.
6. Asphalt batching plants and hot-mix plants.

F. *Minimum lot requirements.* Minimum lot requirements are as follows:

1. Area: 6,000 square feet;
2. Width: 50 feet.

G. *Minimum yard requirements.* Minimum yard requirements are as follows:

1. Front yard: Ten feet.
2. Side and rear yard: None, except that, where a lot adjoins a residential district, a side or rear yard shall be provided equal to that required in the adjoining residential district. If a

side or rear yard is provided elsewhere, it shall be not less than five feet in width.

- H. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is unrestricted.
- I. *Maximum height of structures.* Maximum height of structures is unrestricted, except that structures shall not interfere with Federal Aviation Administration regulations on airport approaches, and provided further that, within 50 feet of any residential district boundary, no portion of any structure shall exceed the pertinent height limitations of the residential district.
- J. *Signs.* Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.
- K. *Parking.* Adequate off-street parking shall be provided in connection with any permitted use, with the minimum for each use to be as provided in the supplementary district regulations.
- L. *Loading facilities.* Off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.
- M. *Landscaping.*
 - 1. *Buffer landscaping.* Buffer landscaping shall be planted or a screening structure placed and visual enhancement landscaping planted along each lot line adjoining a residential district.
 - 2. *Visual enhancement landscaping.* Visual enhancement landscaping shall be planted along each lot line adjoining a right-of-way designated for collector or greater capacity on the official streets and highways plan.
 - 3. *Maintenance.* All landscaping shall be maintained by the property owner or his designee.

(GAAB 21.05.050.O; AO No. 77-355; AO No. 79-95; AO No. 81-67(S); AO No. 82-105; AO No.

84-57; AO No. 85-91, 10-1-85; AO No. 85-95; AO No. 86-50; AO No. 86-90; AO No. 87-32; AO No. 88-147(S-2); AO No. 90-50(S); AO No. 92-114; AO No. 95-68(S-1), § 11, 8-8-95; AO No. 95-76, § 1, 4-4-95; AO No. 95-194, § 1, 1-2-96; AO No. 98-160, § 9, 12-8-98; AO No. 98-173, § 5, 11-3-98; AO No. 99-62, § 24, 5-11-99; AO No. 2001-80, § 8, 5-8-01; AO No. 2004-5, § 1, 1-20-04)

21.40.210 I-2 heavy industrial district.

The following statement of intent and use regulations shall apply in the I-2 district:

- A. *Intent.* The I-2 district is intended primarily for heavy manufacturing, storage, major shipping terminals and other related uses. Also permitted in the district are uses generally permitted in commercial districts.
- B. *Permitted principal uses and structures.* Any legal business, commercial, manufacturing or industrial land use is permitted; provided, however, that residential uses, including dwellings, roominghouses, boardinghouses or lodginghouses, apartment buildings, hotels or motels are prohibited. No use shall be constructed or operated so as to cause excessive noise, vibrations, smoke, dust or humidity, heat or glare at or beyond any boundary of the I-2 district in which it is located. The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that caused in their customary manner of operation by uses permitted in the district, or to a degree injurious to the public health, welfare or convenience. Uses involving the retail sale, dispensing or service of alcoholic beverages may be permitted by conditional use only. All antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in supplementary district regulations.
 - a. Large retail establishment, subject to public hearing site plan review.

Content Information**Content ID :** 002458

Title: PNZ recommendation for an Ordinance Amendment to Anchorage
Municipal Code Sections 21.35.020 Definitions, 21.40.020 Public
Lands and Institutions (PLI) District, 21.40.200 Light Industrial (I-1)
District and 21.45.080, Off Street

Author: weaverjt**Initiating Dept:** Planning

Description: PNZ recommendation for an Ordinance Amendment to Anchorage
Municipal Code Sections 21.35.020 Definitions, 21.40.020 Public
Lands and Institutions (PLI) District, 21.40.200 Light Industrial (I-1)
District and 21.45.080, *Off Street Parking Requirements*.

Date Prepared: 12/17/04 1:08 PM**Director Name:** Tom Nelson**Assembly****Meeting Date** 1/25/05**MM/DD/YY:**

Public Hearing
Date MM/DD/YY: 3/1/05

Workflow History

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOrdinanceWorkflow	12/17/04 1:13 PM	Checkin	weaverjt	Public	002458
AllOrdinanceWorkflow	12/21/04 2:47 PM	Reject	nelsontp	Public	002458
AllOrdinanceWorkflow	12/21/04 2:51 PM	Checkin	weaverjt	Public	002458
Planning_SubWorkflow	12/21/04 3:09 PM	Approve	nelsontp	Public	002458
ECD_SubWorkflow	12/21/04 3:15 PM	Approve	thomasm	Public	002458
OMB_SubWorkflow	12/27/04 10:30 AM	Approve	pearcydl	Public	002458
AllOrdinanceWorkflow	12/27/04 2:40 PM	Reject	fehlenrl	Public	002458
AllOrdinanceWorkflow	1/4/05 9:53 AM	Checkin	weaverjt	Public	002458
AllOrdinanceWorkflow	1/4/05 10:38 AM	Reject	nelsontp	Public	002458
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Planning_SubWorkflow	1/4/05 6:04 PM	Approve	nelsontp	Public	002458
ECD_SubWorkflow	1/5/05 2:51 PM	Approve	thomasm	Public	002458
OMB_SubWorkflow	1/10/05 1:01 PM	Approve	pearcydl	Public	002458
Legal_SubWorkflow	1/10/05 2:28 PM	Approve	fehlenrl	Public	002458
MuniManager_SubWorkflow	1/13/05 5:36 PM	Approve	leblancdc	Public	002458
MuniMgrCoord_SubWorkflow	1/14/05 8:17 AM	Approve	abbottmk	Public	002458