

Submitted by: Chair of the Assembly at  
the Request of the Mayor  
Prepared by: Planning Department  
For reading: August 11, 2009

CLERK'S OFFICE

APPROVED

Date: 9-15-09 Anchorage, Alaska  
AO 2009- 95

AN ORDINANCE ADOPTING A PLANNED COMMUNITY MASTER DEVELOPMENT PLAN AND DESIGN STANDARDS FOR AN APPROXIMATE 47 ACRE SITE ZONED PC (PLANNED COMMUNITY) DISTRICT PER AO 85-65 FOR TRACT A, SKYLINE VIEW SUBDIVISION, PER PLAT NO. P-508; LOT 3 OF BLOCK 1 AND LOT 1 OF BLOCK 5, 1ST ADDITION TO SKYLINE VIEW SUBDIVISION PER PLAT NO. 69-41; THE REMAINDER OF GOVERNMENT LOT 6 BEING MORE PARTICULARLY DEFINED AS: GOVERNMENT LOT 6 OF SECTION 16, T15N, R1W, S.M. AK, EXCEPTING THEREFROM ALL THAT PART OF SKYLINE VIEW SUBDIVISION DIVIDED INTO LOTS, BLOCKS, TRACTS, ALLEYS, AND STREETS PER PLAT NO. P-508, AND LOTS 1 AND 2 OF BLOCK 1 OF THE 1ST ADDITION TO SKYLINE VIEW SUBDIVISION PER PLAT NO. 69-41; THAT PARCEL OF LAND BEING THE SOUTHERLY 50.00 FEET OF THE WESTERLY 606.00 FEET OF GOVERNMENT LOT 6 OF SECTION 16, T15N, R1W, S.M. AK AS SHOWN ON THE SKYLINE VIEW SUBDIVISION PLAT NO. P-508; GOVERNMENT LOT 10 OF SECTION 16, T15N, R1W, S.M. AK; SE 1/4 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 16, T15N, R1W, S.M. AK, EXCEPTING THEREFROM LOT 3 OF BLOCK 1, LOT 1 OF BLOCK 5, AND THE MOUNTAIN ASH RIGHT-OF-WAY OF THE 1ST ADDITION SKYLINE VIEW SUBDIVISION PER PLAT NO. 69-41; S 1/2 OF THE NE 1/4 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 16, T15N, R1W, S.M. AK, EXCEPTING THEREFROM LOTS 2 AND 3 OF BLOCK 1 OF THE 1ST ADDITION TO SKYLINE VIEW SUBDIVISION PER PLAT NO. 69-41; GENERALLY LOCATED EAST OF LORETTA FRENCH PARK, NORTH OF CHUGIAK AND ON THE EAST SIDE OF THE OLD GLENN HIGHWAY.

(Chugiak Community Council) (Planning and Zoning Commission Case 2009-73)

## THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** The Master Plan for the Planned Community (PC) District, per AO 85-65, for the following described property, is hereby set forth in the following sections:

Tract A, Skyline View Subdivision, per Plat No. P-508; Lot 3 of Block 1 and Lot 1 of Block 5, 1st Addition to Skyline View Subdivision per Plat

No. 69-41; The remainder of Government Lot 6 being more particularly defined as: Government Lot 6 of Section 16, T15N, R1W, S.M. AK, excepting therefrom all that part of Skyline View Subdivision divided into lots, blocks, tracts, alleys, and streets per Plat No. P-508, and Lots 1 and 2 of Block 1 of the 1st Addition to Skyline View Subdivision per Plat No. 69-41; That parcel of land being the southerly 50.00 feet of the westerly 606.00 feet of Government Lot 6 of Section 16, T15N, R1W, S.M. AK as shown on the Skyline View Subdivision Plat No. P-508; Government Lot 10 of Section 16, T15N, R1W, S.M. AK; SE 1/4 of the SW 1/4 of the NE 1/4 of Section 16, T15N, R1W, S.M. AK, excepting therefrom Lot 3 of Block 1, Lot 1 of Block 5, and the Mountain Ash right-of-way of the 1st Addition Skyline View Subdivision per Plat No. 69-41; S 1/2 of the NE 1/4 of the SW 1/4 of the NE 1/4 of Section 16, T15N, R1W, S.M. AK, excepting therefrom Lots 2 and 3 of Block 1 of the 1st Addition to Skyline View Subdivision per Plat No. 69-41; as shown on Exhibit "A" attached.

**Section 2.** Development of the PC district on the parcels described in Section 1 shall proceed in substantial conformance with the *Chugiak Pit Planned Community Master Plan*, dated April 2009, prepared by DOWL HKM for Granite Construction Company (Granite). The Master Plan text, tables, and maps are adopted and incorporated by reference as part of this ordinance. The zoning districts identified in the plan represent the development areas for the Master Plan area. The zoning districts shown in Figure 7 of the 2009 *Chugiak Pit Planned Community Master Plan* and the district regulations as described in Section 3 below identify the permitted and conditional uses for each district.

Zoning District	Acres
PC-OSR	21
PC-I1/C	18
PC-R7	8
Total Area	47

**Section 3.** The following zoning districts are adopted for the *Chugiak Pit Planed Community* development areas, as illustrated in Figure 7. The districts are designed to be similar zoning districts within *Anchorage Municipal Code (AMC) Title 21*. Where Title 21 sections are referenced, the provisions shall be those in Title 21 at the time of the adoption of this ordinance.

PC-OSR	Open Space/Recreation
PC-I1	Industrial / Commercial

PC-R7 Intermediate Rural Residential

**Section 4. PC-OSR Open Space/Recreation**

A. Intent. The open space/recreation district is intended to designate open spaces that may serve as greenbelts or buffers. Permitted uses and accessory uses preserve and protect these open spaces while allowing for compatible recreational uses.

B. Permitted principal uses and structures. Permitted principal uses and structures are as follows:

1. Parks, parkways and greenbelts, land reserves, open space, trails and related facilities.
2. Private recreation facilities, including playgrounds, play fields, and private recreation centers.
3. Community fairs and special events, subject to obtaining any required temporary use permits.
4. Public recreational trails.
5. Passive and active outdoor recreation.
6. Noncommercial greenhouses, garden, and garden sheds.

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

1. Uses and structures necessary or desirable adjuncts to permitted principal uses and structures, where such accessory uses or structures are under the management or control of the organization or agency responsible for the permitted principal use or structure.

D. Conditional uses. Permitted conditional uses are as follows:

1. Commercial recreational uses, including nonresidential structures associated with such commercial recreation uses, for a period of time determined by the Planning and Zoning Commission.
2. Commercial greenhouses and tree nurseries.
3. Snow storage.
4. Natural Resource Extraction.

E. Uses not listed as a permitted, accessory, or conditional use are prohibited.

F. Minimum Lot Requirements

1. Table:

Lot Width	50 feet
Lot Area	6,000 square feet

- G. Minimum Yard Requirements. 25 feet front, side, and rear.
- H. Maximum Lot Coverage. Maximum lot coverage by structures is 25 percent.
- I. Maximum Height of Structure. Maximum height of all structures shall not exceed 35 feet in height.
- J. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions in *AMC 21.47*.
- K. Parking. Adequate off-street parking shall be provided in connection with any permitted use, as specified in *AMC 21.45.080*.
- L. Loading facilities. Where applicable, off street loading facilities shall be provided in accordance with the provisions of *AMC 21.45.090*.
- M. Landscaping. Natural vegetation to be maintained to the extent practicable. All areas not devoted to buildings, structures, drives, walks, off-street parking areas, and usable yard areas shall be planted with landscaping, grasses or other suitable groundcover. All unoccupied open space areas may be retained in their natural state. Where PC-OSR is adjacent to PC-I1/C, a 10-foot, planted or natural, buffer landscape is required.
- N. Final Ownership and Maintenance. Final ownership and maintenance to be resolved prior to replatting the site.

**Section 5. PC-I1 Industrial / Commercial**

- A. Intent. The Industrial / Commercial district is intended for suburban light to moderate manufacturing, wholesale, and distribution and commercial/retail 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.



- 1 c. General merchandise and dry goods stores.
- 2 d. Wholesale fur dealers, repair and storage.
- 3 e. Wholesale and retail furniture and home furnishings stores.
- 4 f. Wholesale and retail radio and television stores.
- 5 g. Wholesale and retail household appliance stores.
- 6 h. Wholesale and retail industrial and retail hardware stores.
- 7 i. Drugstores and pharmaceutical supply houses.
- 8 j. Retail food stores and liquor stores.
- 9 k. Restaurants, cafes and other places serving food
- 10 and beverages.
- 11 l. Merchandise vending machines sales and service.
- 12 m. Wholesale and retail camera and photographic
- 13 supply houses.
- 14 n. Barbershops.
- 15 o. Shoe Repair Shops.
- 16 p. Small appliance repair shops.
- 17 q. Insurance and real estate offices.
- 18 r. Banking and financial institutions.
- 19 s. Business and professional offices.
- 20 t. Business services establishments, including commercial
- 21 and job printing.
- 22 u. Off-street parking lots, garages.
- 23 v. Taxicab stands and dispatching offices.
- 24 w. Employment agencies.
- 25 x. Retail or wholesale sales and showrooms.
- 26 y. Laboratories and establishments for production, fittings and
- 27 repair of eyeglasses, hearing aids, prosthetic appliances
- 28 and the like.
- 29 z. Plumbing and heating service and equipment dealers.
- 30 aa. Paint, glass and wallpaper stores.
- 31 bb. Electrical or electronic appliances, parts, and equipment.
- 32 cc. Direct selling organizations.
- 33 dd. Gasoline service stations.
- 34 ee. Aircraft and marine parts and equipment stores.
- 35 ff. Antique and secondhand stores, including auctions, and
- 36 pawnshops.
- 37 gg. Farm equipment and garden supply stores.
- 38 hh. Automotive accessories, parts, and equipment stores.
- 39 ii. Automobile display lots, new and used.
- 40 jj. Mobile home display lots, new and used.
- 41 kk. Aircraft and boat display lots, new and used.
- 42 ll. Motorcycle and snow machine display, new and used.
- 43 mm. Automobile, truck and trailer rental agencies.
- 44 nn. Lumberyards and builders' supply and storage.
- 45 oo. Fuel dealers.

- pp. Plant nurseries.
- qq. Automobile carwashes.
- rr. Bus terminals.
- ss. Amusement arcades, billiard parlors and bowling alleys.
- 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.
- xx. Manufacturing and retail cottage crafts.
- yy. 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.

2. Industrial uses:

- a. Airplane, automobile, or truck assembly, remodeling or repair.
- b. Beverage manufacturing, including breweries.
- c. Boat building.
- 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. Metal working 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.
- o. Self-storage facility.
- p. Industrial storage yard, equipment, materials and outdoor storage. Screening required in accordance with *Section 5.N*.
- q. Open storage of quarry rock, gravel, peat, sand, or topsoil. Screening required in accordance with *Section 5.N*.
- r. Snow disposal sites subject to the conditional use standards for snow disposal sites and an annual administrative permit. Screening required in accordance with *Section 5.N*.

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

1. Uses and structures necessary or desirable adjuncts to permitted principal uses and structures, where such accessory uses or structures are under the management or control of the organization or agency responsible for the permitted principal use or structure.
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 *AMC 21.50* at the time of adoption, the following uses may be permitted:

1. Large domestic animal facilities in excess of the standards established in *AMC 21.45.350C*.
2. Buildings in excess of 35 feet.
3. Natural resource extraction.
4. Asphalt batching plants and hot-mix plants.

E. Uses not listed as a permitted, accessory, or conditional use are prohibited.

F. Minimum Lot Requirements

1. Table:

Lot Width	50 feet
Lot Area	6,000 square feet

G. Minimum Yard Requirements.

1. Table:

Front Yard	Ten feet, if adjacent to a residential district; otherwise none.
Side Yard.	Ten feet, if adjacent to a residential district; otherwise none.
Rear Yard.	Ten feet, if adjacent to a residential district; otherwise none.

H. Maximum lot coverage. Maximum lot coverage by all buildings is 50 percent.

- I. Maximum height. Maximum height of all structures shall not exceed 35 feet in height, except that a height in excess of 35 feet may be permitted as a conditional use.
- J. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions in *AMC 21.47*.
- K. Parking. Adequate off-street parking shall be provided in connection with any permitted use, as specified in *AMC 21.45.080*.
- L. Loading facilities. Adequate off-street loading facilities shall be provided in connection with any permitted use, with the minimum for each use to be provided as required in *AMC 21.45.090*.
- M. Landscaping. All areas not devoted to buildings, structures, drives, walks, off-street parking areas, and usable yard areas shall be planted with visual enhancement landscaping as defined in *AMC 21.45.125*, at the time of adoption of this ordinance. All unoccupied or undeveloped areas may be retained in their natural state.
- N. Screening Design. For those uses permitted under sections 4.B.2.p, q, and r, of this ordinance, screening shall consist of an 8-foot tall screening fence with 10 feet of buffer landscaping on the exterior of said fence. For industrial uses along the Old Glenn Highway, 10 feet of existing vegetation, if present, shall be considered adequate buffering; otherwise, 10 feet of buffer landscaping is required. Where PC-I1 is adjacent to PC-OSR, an 8-foot fence is required on the property line. Commercial uses, not having outdoor storage, shall have a 10-foot, buffer landscaping adjacent to the Old Glenn Highway frontage; 10 feet of existing vegetation, if present, shall be considered adequate buffering. Commercial uses having outdoor storage shall have an 8 foot tall screening fence with 10 feet of buffer landscaping on the exterior of said fence; existing vegetation, if present, is acceptable.

**Section 6. PC-R7 – Intermediate Rural Residential**

- A. Intent. The PC-R-7 district is designed to encourage low-density residential development (one unit per 40,000 SF), and is intended for those land areas where large lot development is desirable as an adjunct to the more typical urban and suburban residential zoning districts.
- B. Permitted principal uses and structures. Permitted principal uses and structures are as follows:

1. Single-family, two-family, and multiple-family dwellings. By permit from the administrative official, a motor home or other recreational vehicle with a fully operable self-contained sanitation system may be used on site as temporary living quarters for not more than 18 months while a permanent dwelling is being constructed or repaired. Only a single-principal structure may be allowed on any lot or parcel.
  - a. The property owner or person intending to occupy the temporary living quarters during construction of the permanent dwelling shall secure a permit from the administrative official before a motor home or other recreational vehicle is used on site as temporary living quarters. A permit issued under *AMC 21.40.090B.1.a.* shall not be renewed and only one permit under *AMC 21.40.090B.1.a.* shall be issued for the same parcel within any ten-year period. The permit may be granted only upon the applicant's written certification, with attachments, that:
    - i. The self-contained sanitation system is fully operable and shall be used with zero on-site discharge, including no on-site gray water discharge, except through an approved septic system;
    - ii. Site access is sufficient and shall be used to transport refuse and excess waste year-round for proper off-site disposal;
    - iii. Electrical utility service is on-site for use during the permit period and no generators shall be used; and
    - iv. Proof of a current building permit or land use permit is attached;
    - v. If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.
  - b. If a permanent dwelling is damaged by fire, earthquake or other natural cause to the extent it is uninhabitable, a permit may be issued for occupancy of a motor home or other recreational vehicle with a fully operable self-contained sanitation system, during the period of rehabilitation or repair, not to exceed 18 months. A permit issued under sub-section *21.40.090B.1.b* shall not be renewed. The permit may be granted only upon the applicant's written certification with attachments that:
    - i. The self-contained sanitation system is fully operable and shall be used with zero on-site discharge, including no on-site gray water discharge, except through an approved septic system;

- ii. Site access is sufficient and shall be used to transport refuse and excess waste year-round for proper off-site disposal;
  - iii. Electrical utility service is on-site for use during the permit period and no generators shall be used; and
  - iv. Proof of a current building permit or land use permit is attached;
  - v. If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.
- c. Only one motor home or other recreational vehicle shall be permitted in use as temporary living quarters on any parcel of land during the construction or repair of a permanent dwelling. The motor home or recreational vehicle placement on the lot shall comply with the yard setbacks of the underlying zoning district.

2. Public, private, and parochial academic elementary schools.
3. High schools with primarily academic curricula, provided that principal access to such schools shall be directly from a street of class I or greater designation upon the *Official Streets and Highways Plan*.
4. Parks, playgrounds, playfields, public buildings and uses in keeping with the character and requirements of the district.
5. Child care homes.
6. Child care centers, subject to administrative site plan review as specified in the supplementary district standards in *AMC 21.45.310*.
7. Adult care facilities with one through eight persons.
8. Small residential care facilities.
9. 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. 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.
10. With a permitted non-residential use as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.
11. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."

12. Habilitative care facilities.

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

1. Home occupations, subject to provisions of the supplementary district standards in *AMC 21.45.150*.
2. Noncommercial greenhouses, gardens, storage sheds, garden sheds and toolsheds, and private barbecue pits.
3. Private garages.
4. The outdoor harboring or keeping of dogs, animals and fowl in a manner consistent with the requirements of all titles of this Code. Paddocks, stables or similar structures or enclosures which are utilized for the keeping of animals other than dogs shall be at least 25 feet from an abutting neighbor's lot line. Alternatively, uncovered animal enclosures shall be at least 75 feet from residences existing at the date of adoption of this ordinance on abutting lots, or shall be at least 10 feet from the abutting neighbor's lot line if the separation area is a vegetative buffer as per *AMC 21.45.125(C)(2)*.
5. Private storage in yards of equipment, including trucks, boats, aircraft, campers or travel trailers, in a safe and orderly manner and separated by at least 25 feet from any property line.
6. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles in *Title 21*, as written at the time this ordinance is adopted. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:
  - a. At least 25 feet from any lot line not in common ownership;
  - b. Oriented with entrances facing away from adjacent property;
  - c. Placed at least eight feet above ground level; or
  - d. Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in both directions.
  - e. No more than four hives shall be placed on lots smaller than 10,000 square feet.
7. Bed and breakfast with three or less guestrooms.
8. Bed and breakfast with four guestrooms only by administrative site plan review.
9. Large domestic animal facilities on sites 40,000 square feet or larger as accessory to a permitted residential use, subject to supplementary district standards in *AMC 21.45.350*.

10. Fewer than four large domestic animals, subject to conformity with the requirements of Titles 15, 17 and 21.

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

1. Utility substations.
2. Planned unit developments.
3. Commercial greenhouses and tree nurseries.
4. Privately-owned neighborhood community recreation centers in keeping with the character and requirements of the district, provided the center is oriented to a particular residential subdivision or housing project and that the uses within are delineated as conditions of approval.
5. Bed and breakfast with five guestrooms.
6. Roominghouses.
7. Snow disposal sites.
8. Large domestic animal facilities in excess of the standards established in *AMC 21.45.350C*.
9. Accessory structures for a large domestic animal facility in excess of the standards established in *AMC 21.45.360*.
10. Large residential care facilities.

E. Uses not listed as a permitted, accessory, or conditional use are prohibited.

F. Prohibited uses and structures. The following uses and structures are explicitly prohibited:

1. Storage in connection with trade, service or manufacturing activities, unless the storage meets the exception in *AMC 21.45.150E* for storage associated with a home occupation.
2. Storage or use of mobile homes or quonset huts.
3. Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, radiation, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. Operation of particle accelerator systems, including cyclotrons, is prohibited. The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

G. Minimum Lot Requirements. Minimum lot requirements are as follows:



1. Table

	Minimum Requirements	
Use	Lot Area (square feet)	Lot Width (feet)
Single-family dwelling	40,000	120
Any other use	40,000	120

2. In a cluster housing development conforming to *AMC 21.50.210*, a lot that is not part of the common area shall have a minimum area and width in accordance with that section.

H. Minimum Yard Requirements. Minimum yard requirements are as follows:

1. Front yard: 25 feet. See supplementary district regulations *AMC 21.45.140* for additional setback requirements.
2. Side yard: Ten feet.
3. Rear yard: 20 feet.

I. Maximum height. Except as otherwise provided in this title, no building or structure shall exceed 35 feet in height.

J. Maximum lot coverage. Maximum lot coverage by all buildings is 30 percent, provided that a cluster housing development under *AMC 21.50.210* shall conform to the maximum lot coverage requirements of that section.

K. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions in *AMC 21.47*.

L. Parking. Adequate off-street parking shall be provided in connection with any permitted use, as specified in *AMC 21.45.080*.

M. Loading facilities. Adequate off-street loading facilities shall be provided in connection with any permitted use, with the minimum for each use to be provided as required in *AMC 21.45.090*.

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

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15<sup>th</sup> PASSED AND APPROVED by the Anchorage Assembly this  
day of September 2009.

ATTEST:

Debbi Olander  
Chair

Patricia E. Gault  
Municipal Clerk

8

(Case 2009-073; Tax I.D. No. 050-261-23)

**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2009-95

Title:

AN ORDINANCE ADOPTING A PLANNED COMMUNITY MASTER  
DEVELOPMENT PLAN AND DESIGN STANDARDS FOR AN  
APPROXIMATE 47 ACRE SITE ZONED PC (PLANNED  
COMMUNITY) DISTRICT PER AO 85-65

Sponsor:

Preparing Agency: Planning Department

Others Impacted:

<b>CHANGES IN EXPENDITURES AND REVENUES:</b>		<b>(In Thousands of Dollars)</b>			
	<b>FY09</b>	<b>FY10</b>	<b>FY11</b>	<b>FY12</b>	
<b>Operating Expenditures</b>					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
<b>TOTAL DIRECT COSTS:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
<b>FUNCTION COST:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
<b>REVENUES:</b>					
<b>CAPITAL:</b>					
<b>POSITIONS: FT/PT and Temp</b>					

**PUBLIC SECTOR ECONOMIC EFFECTS:**

Approval of this master development plan should have no significant impact on the public sector. No additional public improvements are required.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

Approval of this master development plan should have no significant impacts on the private sector.

Prepared by: Jerry T. Weaver Jr.

Telephone: 343-7939



## MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 437-2009

Meeting Date: August 11, 2009

1 **FROM:** Mayor

2  
3 **SUBJECT:** AN ORDINANCE ADOPTING A PLANNED COMMUNITY MASTER  
4 DEVELOPMENT PLAN AND DESIGN STANDARDS FOR AN  
5 APPROXIMATE 47 ACRE SITE ZONED PC (PLANNED  
6 COMMUNITY) DISTRICT PER AO 85-65 FOR TRACT A,  
7 SKYLINE VIEW SUBDIVISION, PER PLAT NO. P-508; LOT 3 OF  
8 BLOCK 1 AND LOT 1 OF BLOCK 5, 1ST ADDITION TO SKYLINE  
9 VIEW SUBDIVISION PER PLAT NO. 69-41; THE REMAINDER OF  
10 GOVERNMENT LOT 6 BEING MORE PARTICULARLY DEFINED  
11 AS: GOVERNMENT LOT 6 OF SECTION 16, T15N, R1W, S.M.  
12 AK, EXCEPTING THEREFROM ALL THAT PART OF SKYLINE  
13 VIEW SUBDIVISION DIVIDED INTO LOTS, BLOCKS, TRACTS,  
14 ALLEYS, AND STREETS PER PLAT NO. P-508, AND LOTS 1  
15 AND 2 OF BLOCK 1 OF THE 1ST ADDITION TO SKYLINE VIEW  
16 SUBDIVISION PER PLAT NO. 69-41; THAT PARCEL OF LAND  
17 BEING THE SOUTHERLY 50.00 FEET OF THE WESTERLY  
18 606.00 FEET OF GOVERNMENT LOT 6 OF SECTION 16, T15N,  
19 R1W, S.M. AK AS SHOWN ON THE SKYLINE VIEW  
20 SUBDIVISION PLAT NO. P-508; GOVERNMENT LOT 10 OF  
21 SECTION 16, T15N, R1W, S.M. AK; SE 1/4 OF THE SW 1/4 OF  
22 THE NE 1/4 OF SECTION 16, T15N, R1W, S.M. AK, EXCEPTING  
23 THEREFROM LOT 3 OF BLOCK 1, LOT 1 OF BLOCK 5, AND  
24 THE MOUNTAIN ASH RIGHT-OF-WAY OF THE 1ST ADDITION  
25 SKYLINE VIEW SUBDIVISION PER PLAT NO. 69-41; S 1/2 OF  
26 THE NE 1/4 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 16,  
27 T15N, R1W, S.M. AK, EXCEPTING THEREFROM LOTS 2 AND 3  
28 OF BLOCK 1 OF THE 1ST ADDITION TO SKYLINE VIEW  
29 SUBDIVISION PER PLAT NO. 69-41; GENERALLY LOCATED  
30 EAST OF LORETTA FRENCH PARK, NORTH OF CHUGIAK AND  
31 ON THE EAST SIDE OF THE OLD GLENN HIGHWAY  
32

33 On June 1, 2009, the Planning and Zoning Commission recommended approval  
34 of a Master Plan for a PC (Planned Community) zoned site, as required by AO  
35 85-65, for an approximate 47-acre site owned by Granite Construction Company.  
36

1 The purpose of this application is to adopt a Master Plan for this PC zoning in  
2 order to allow for continued gravel operations. The property was zoned PC  
3 during areawide zoning on July 2, 1985 under Anchorage Ordinance 85-65. As  
4 the zoning for this site was part of an areawide zoning, not initiated by the  
5 petitioner, this zoning was a holding zone, allowing continued use of the  
6 approved gravel operations. As such, no Master Plan had previously been  
7 proposed. As a master plan and its related development standards are a part of  
8 the zoning for this PC district, Assembly approval through the rezoning process is  
9 required for any adoption of this plan and its standards.

10 The existing operations have nonconforming rights, and were approved to  
11 continue operations as a conditional use. This approval was for ten years, and  
12 required approval of a master plan for the PC zoning prior to approval of any  
13 further time extensions. The conditional use time extension was heard  
14 concurrently with this request by the Commission, and was approved subject to  
15 approval of the Master Plan.

16 Final use of the property will be an industrial/commercial park on the west side of  
17 the development, and low-density (R-7) residential on the northeast and east  
18 sides of the development. The central portion is proposed for open space. The  
19 industrial/commercial and open space areas are designated for the areas of the  
20 gravel operations (approximately 39 acres) and the residential is in the remaining  
21 approximate eight-acre undeveloped perimeter.

22 The 2006 Update of the *Chugiak-Eagle River Comprehensive Plan* designates  
23 this property as industrial. In its description of the land use plan classifications,  
24 the industrial classification provides for existing and future industrial  
25 development. It also applies to vacant areas that are best suited to industrial  
26 development. The existing gravel extraction use is consistent with the intent of  
27 the plan. The land use designations in the PC district and the proposed  
28 implementation zoning districts appear to be consistent with the surrounding  
29 neighborhood and the *Comprehensive Plan*. The proposal locates the proposed  
30 industrial/commercial and residential in areas of the site where there are similar  
31 adjacent uses, and separates them through a large open space area.

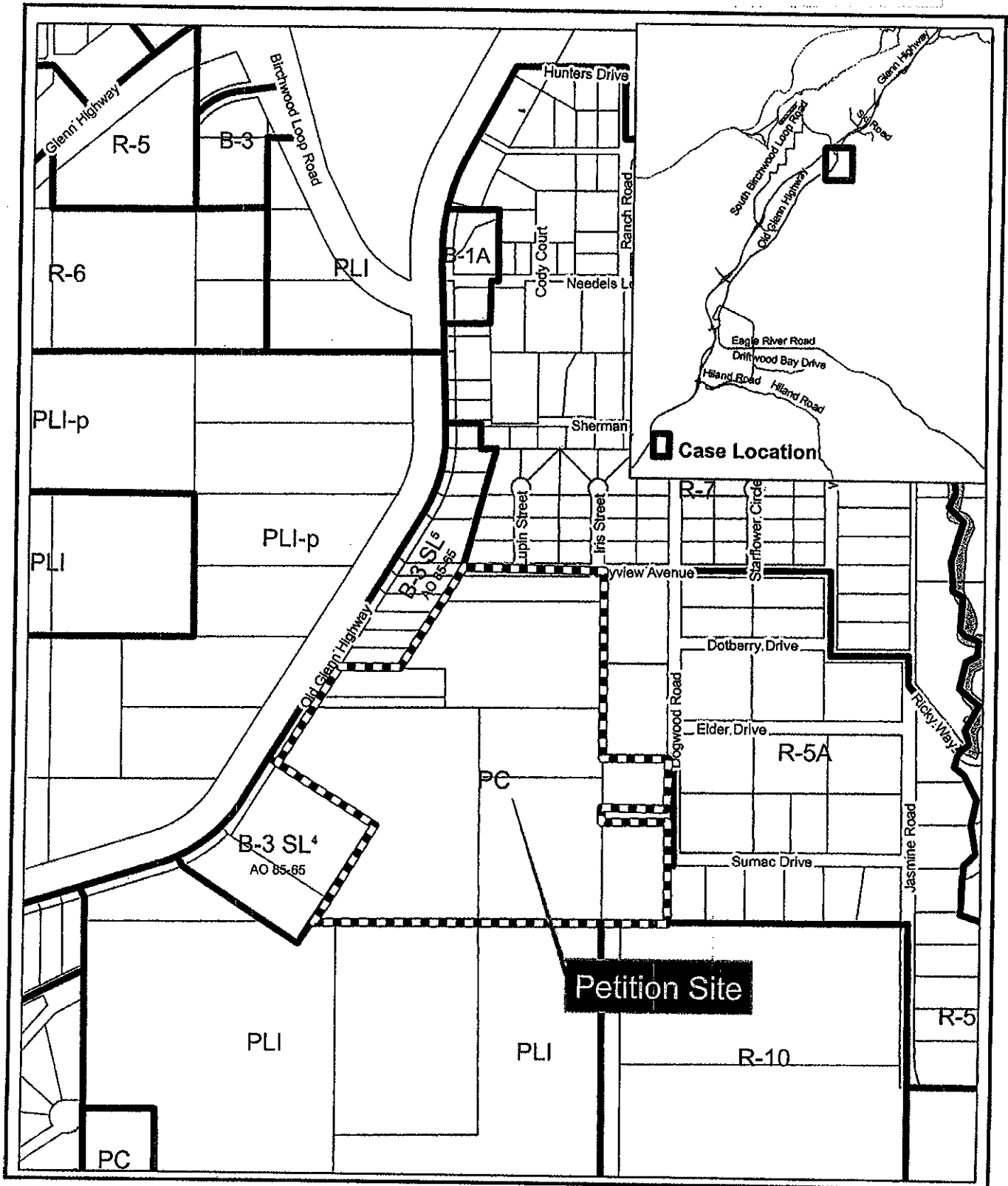
32  
33 The Planning and Zoning Commission recommends APPROVAL of the Master  
34 Development Plan for the subject property by a vote of eight yeas and zero nays,  
35 with recommended amendments as follows: to allow snow storage in the PC-  
36 OSR district as a conditional use; to allow certain industrial yard and snow  
37 storage uses in the PC-I1/C district as permitted uses with design standards for  
38 screening, fencing and landscaping; amend uses in the PC-OSR, PC-I1/C and  
39 PC-R7 districts to allow natural resource extraction, but only as a conditional use;  
40 amend the ordinance to require final ownership and maintenance of the PC-OSR  
41 area to be resolved prior to replatting the sites; amend minimum lot size for  
42 single-family dwellings to ensure they are 40,000 square feet.  
43

1 THE ADMINISTRATION RECOMMENDS ADOPTION OF THE PROPOSED  
2 ORDINANCE.




3  
4 Prepared by: Jerry T. Weaver Jr., Zoning Administrator,  
5 Planning Department  
6 Concur: Tom Nelson, Director, Planning Department  
7 Concur: Mary Jane Michael, Executive Director, Office of  
8 Economic and Community Development  
9 Concur: Rhonda Fehlen Westover, Acting Municipal Attorney  
10 Concur: George J. Vakalis, Municipal Manager  
11 Respectfully submitted, Daniel A. Sullivan, Mayor  
12

13 (Case 2009-073; Tax I.D. No. 051-191-04, 051-191-06, 051-191-14, 051-  
14 191-18, 051-191-19, 051-191-38, 051-191-39, 051-191-40, 051-191-41)

# 2009-073 EXHIBIT A



Municipality of Anchorage  
Planning Department  
Date: April 6, 2009

**Flood Limits**  
 100 Year  
 500 Year  
 Floodway

0 750 1,500  
Feet



**MUNICIPALITY OF ANCHORAGE**  
**PLANNING AND ZONING COMMISSION RESOLUTION NO. 2009-029**

A RESOLUTION RECOMMENDING APPROVAL OF A MASTER PLAN FOR AN APPROXIMATE 47 ACRE SITE ZONED PC (PLANNED COMMUNITY) DISTRICT PER AO 85-65 FOR T15N, SEC 16, LOT 6, GOV'T LOT; T15N R1W SEC 16 SE ¼, NW ¼, NE ¼; BLOCK 1, LOT 3 SKYLINE VIEW #1 SUBDIVISION; BLOCK 5, LOT 1 SKYLINE VIEW #1 SUBDIVISION; T15N R1W SEC 16 S ½, NE ¼, SW ¼, NE ¼; T15N R1W SEC 16 LOT 10; T15N R1W SEC 16 LOT 6, S 50' W 606'; TRACT A, SKYLINE VIEW SUBDIVISION; T15N R1W SEC 16 LOT 6 N 117' GOV'T LOT; GENERALLY LOCATED EAST OF LORETTA FRENCH PARK, NORTH OF CHUGIAK ON THE EAST SIDE OF THE OLD GLENN HIGHWAY.

(Case 2009-073; Tax I.D. No.051-191-04, -06, -14, -18, -19, -38, -39, -40, -41)

WHEREAS, a request has been received from Granite Construction Company for approval of a Master Plan for an approximate 47 acre site zoned PC (Planned Community) District for T15N, Sec 16, Lot 6, Gov't Lot; T15N R1W Sec 16 SE ¼, NW ¼, NE ¼; Block 1, Lot 3 Skyline View #1 Subdivision; Block 5, Lot 1 Skyline View #1 Subdivision; T15N R1W Sec 16 S ½, NE ¼, SW ¼, NE ¼; T15N R1W Sec 16 Lot 10; T15N R1W Sec 16 Lot 6, S 50' W 606'; Tract A, Skyline View Subdivision; T15N R1W Sec 16 Lot 6 N 117' Gov't Lot; generally located east of Loretta French Park, north of Chugiak on the east side of the Old Glenn Highway.; and

WHEREAS, notices were published, posted, public hearing notices were mailed, and a public hearing was held on June 1, 2009.

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

A. The Commission makes the following findings of fact:

1. The purpose of this rezoning application is to adopt a master plan for this PC in order to allow for continued gravel operations. The property was zoned PC during areawide zoning on July 2, 1985 under Anchorage Ordinance 85-65. The existing operations have nonconforming rights, and were approved to continue operations as a conditional use under case 1998-195 (Resolution 1999-021). This approval was for ten years, and required approval of a master plan for the PC prior to approval of any further time extensions (condition 5). The petitioner is requesting a time extension on the pit for five years as well. The conditional use time extension has been applied for under case 2009-074, which is proposed to be heard concurrently with this rezone request.
2. Adoption of a master plan for a PC district is required by AMC 21.40.250A and C. As the zoning for this site was part of an areawide zoning, not initiated by the petitioner, this zoning was a holding zone




only, allowing continued use of the approved gravel operations, and as such no master plan had previously been proposed. As a master plan and its related development standards are a part of the zoning for this PC district, Assembly approval through the rezoning process is required for any adoption of this plan and its standards.

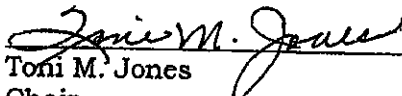
3. The Commission approved the master plan with the changes recommended by the Department, and as contained in the text provided in the errata sheet dated June 1, 2009, including changes to the text of the master plan and to the ordinance, further amending page 009 to leave p, q, and r as permitted uses and add a design standard for each of those uses for screening, fencing and landscaping, amending page 015 item G so the minimum lot size for single family dwelling would be 40,000 SF, amending page 014 line 27 to not apply to residentially zoned tracts.
  4. The Commission finds that the PC master plan was required with a previous extension of this use. This master plan gives the community some certainty with respect to the future uses of this tract as the project is completed. The open space area is used to buffer the extraction from surrounding residential areas. The option is open for the developer to offer the open space parcel to the Municipality at the end of excavation. In the meantime, the community can continue to enjoy that area.
  5. The Commission recommended approval of the request by a unanimous vote: 8-yes, 0-nea.
- B. The Commission recommends to the Anchorage Assembly that the subject master plan be approved, subject to the following conditions
1. Amend master plan to reflect changes in the text provided in the errata sheet dated June 1, 2009, including changes to the text of the master plan and to the ordinance.
  2. Amend uses in the PC-OSR district, so that item B.3 snow storage shall be a conditional use, not a permitted use.
  3. Amend uses in the PC-I1 district, so that items B.2 p, q, and r are permitted uses, and add a design standard for each of those uses for screening, fencing and landscaping.
  4. Amend uses in the PC-OSR and PC-I1/C districts to allow natural resource extraction, but only as a conditional use.

5. Amend the ordinance to provide for a section which requires final ownership and maintenance of the PC-OSR area to be resolved prior to replatting the sites.
6. Amend the permitted uses under Section 4.B.2, p, q, and r to require design standards for screening, fencing and landscaping; remove Natural Resource Extraction from the conditional uses in Section 5.D.4, and, amend Section 5.G.1. so the minimum lot size for single family dwelling would be 40,000 SF.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 1st day of June, 2009.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 13<sup>th</sup> day of July, 2009.

  
\_\_\_\_\_  
Tom Nelson  
Secretary

  
\_\_\_\_\_  
Toni M. Jones  
Chair

(Case 2009-073; Tax I.D. No.051-191-04, -06, -14, -18, -19, -38, -39, -40, -41)

ac

AYE: Phelps, Wang, Weddleton, Isham, Jones, Yoshimura, Fredrick, Pease  
NAY: None

PASSED

Through discussion it was agreed to combine the next two cases and take separate actions.

3.     **2009-073**             Granite Construction Company. Master Plan Approval in the PC Zoning District. Lot 6 Government Lot; SE4SW4NE4; S2NE4SW4NE4; Lot 10; Lot 6 S50' W606'; Lot 6 N117' Government Lot; all located within T15N, R1W, Section 16; and Skyline View #1 Subdivision, Block 1, Lot 3 & Block 5, Lot 1; and Skyline View Subdivision, Tract A.

Staff member ANGELA CHAMBERS stated 65 public hearing notices were mailed, three were returned expressing concern with gravel extraction operations and one from the Community Council was returned in favor with recommended conditions regarding existing operations. The subject parcel is zoned PC and it is comprised of nine subdivided and unsubdivided parcels totaling approximately 47 acres. Gravel extraction has been an ongoing operation for approximately 40 years. The area was zoned during areawide zoning in 1985. No master plan has been adopted. The purpose of the rezoning is to adopt the master plan for the PC, which is required in order to allow continued gravel operations. The final use of the property will allow for an industrial/commercial park on the west side of the development, low-density R-7 residential on the northeast and east side, and open space in the central portion. The industrial/commercial and open space areas are designated for the areas developed by the gravel operations. The residential is the remaining approximately 8 acres that are undeveloped don the perimeter of the property. The gravel extraction use is consistent with the intent of the plan. The residential land use designations in the PC, as well as the implementation zoning districts, appear to be consistent with surrounding neighborhood and the *Comprehensive Plan*. The *Comprehensive Plan* designates the property as industrial and the master plan locates the proposed industrial/commercial use and the residential areas in areas where they are adjacent to similar uses. The open space provides a buffer between those areas. The open space wraps around to the north to buffer the

residential area. The Department finds the master plan and rezoning conforms to the Comprehensive Plan and the zoning standards of AMC 2.20.090 and recommends approval. The petitioner has provided a revised ordinance that was sent to the Commission. The Staff's conditions are based on the ordinance contained in the packet.

4.     **2009-074**             Granite Construction Company. A conditional use for a natural resource extraction in the PC Zoning District. Lot 6 Government Lot; SE4SW4NE4; S2NE4SW4NE4; Lot 10; Lot 6 S50' W606'; Lot 6 N117' Government Lot; all located within T15N, R1W, Section 16; and Skyline View #1 Subdivision, Block 1, Lot 3 & Block 5, Lot 1; and Skyline View Subdivision, Tract A.

Staff member AL BARRETT distributed changes to the conditions for the gravel operations. He stated 64 public hearing notices were mailed, a response from the Community Council was received with suggested conditions, and two letters were received in general support of the gravel operation, but expressing mild concerns. In 1999, as part of the PC zoning this property was required to submit the master plan for the PC within 10 years and to extend the existing conditional use that was in effect at the time. The gravel pit has operated for 40 years under the same conditional use since 1999 as it would if approved this evening. Approximately 38 of the 47-acre property have already had some degree of excavation. The applicant is not proposing a significant change in the footprint of the excavated area, but is going deeper by 30 feet. This will result in a slight increase in the footprint. The subject property is on the Old Glenn across from Loretta French Park; Eagle River Parks & Recreation did not submit comments. The request is to remove 450,000 tons, 304 CY over a 5-year time frame with a possible extension as a minor amendment for another 5 years. Further extensions beyond that would require a new conditional use taking the PC master plan into account. The operations are extraction, crushing screening, batch plant, and hauling. Blasting is not proposed, nor is it allowed per the 1999 conditional use. There are an average of 80 one-way trips per day and up to a maximum of 175 one-way trips per day. The applicant is requesting hours of operation of 7:00 AM to 7:00 PM, which was approved in the 1999 conditional use. The Department is suggesting hours of 7:00 AM to 6:00 PM. There are no known streams on the property. Watershed Management will review the application.

The applicant indicates runoff will be contained on-site. An air quality plan will be reviewed by DHHS. Some noise mitigation plan might be required by DHHS. There is significant and adequate buffering around the property. Figures 4 and 9 in the application show the existing situation and buffering build-out.

Staff found no complaints going back five years in the annual operating logs. The excavation area is well buffered from adjacent residential by berms, existing vegetation, and the slope of the property. The property is completely fenced; there is no casual access to the property. With regard to vehicular traffic circulation, ADOT will begin this section of the Old Glenn in 10 or 11 months and at that time the applicant will need a highway construction and coordination plan with ADOT. The property has an on-site well for watering, dust control, etc. The *Trails Plan* shows a future paved multi-use trail on this side of the Glenn Highway. ADOT will construct a trail on the other side of the highway. As the extraction goes closer to residential areas, groundwater becomes a concern, so there is a condition for monitoring wells and seasonal high water level reporting. PM&E does not have a concern with drainage and the applicant indicates runoff will be contained on site. Standard 1:2 slopes are required during the life of the operation, with areas topsoiled and seeded after excavation. No major vehicle maintenance occurs on the site. A vegetated berm exists along the Glenn Highway. ADOT's widening of the Old Glenn will take place on the other side of the road, but ADOT has advised that given equipment storage and utility line relocation, the berm on this site may be lost. A condition is required that during the life of the gravel operation the berm will be replaced and, when the gravel operation is completed, whatever buffering is appropriate against the highway will be implemented. The increase of excavation depth to 30 feet did not encounter groundwater in test wells. The applicant is asking that hours of operation be 7:00 AM to 7:00 PM, where generally the hours of operation for a gravel extraction are 7:00 AM to 6:00 PM. Access is and will remain via one driveway onto the Glenn Highway. MR. BARRETT reviewed the conditions of approval.

COMMISSIONER PEASE noted that the conditions distributed are for case 2009-074, although they are designated as for 2009-073. MS. CHAMBERS stated this is correct. She suggested that the Commission use the petitioner's draft of the ordinance in making a motion because it includes technical changes.

COMMISSIONER PHELPS noted that condition 16 in case 2009-074 states that "...the property given over to the Master Plan. Natural resource extraction is allowed under the Master Plan by a new Conditional Use." He asked if a conditional use is required, although the master plan would be approved by ordinance. MR. BARRETT explained that they would be required to meet the conditional use standards, which are part of the master plan. COMMISSIONER PHELPS asked if the language should be that the petitioner would meet the conditional use standards, which are part of the master plan. MR. BARRETT suggested the condition be reworded to state, "...allowed under the Master Plan per the Conditional Use standards of AMC 21.50.020 and 21.50.070."

MS. CHAMBERS reviewed changes to the Staff conditions to reflect technical changes in the petitioner's suggested ordinance. Condition 2 in case 2009-073 would reference "p, q and r" rather than "p, q, r, s, and t." Condition 3 would be "PC-OSR district" and not "PC-OSR, PC-11/C and PC-R7 districts."

COMMISSIONER WEDDLETON noted that page 011 of the revised ordinance says that R-7 is 40,000 SF, but page 015 talks about "20,000, plus an additional 20,000 SF for each dwelling unit in excess of 1." He understood that R-7 is 20,000 SF. MS. CHAMBERS stated that the minimums should be 20,000 SF, but the petitioner is proposing 40,000 SF to match the area and because that size is required for on-site systems. COMMISSIONER WEDDLETON asked if the industrial area would continue retail strip development along the Old Glenn, given that commercial uses can exist on industrially zoned land. MS. CHAMBERS replied that the proposal matches existing development patterns. There is deep enough space to accommodate a solid development, rather than a strip commercial development. Staff has reviewed the potential commercial uses and has worked with the petitioner and developed a list of those uses. The intent is a commercial/industrial park development and not strip commercial. COMMISSIONER WEDDLETON noted that this list appears to be what is in Title 21. MS. CHAMBERS indicated this is the correct. Often if the area is narrow, it is difficult to accommodate parking and landscaping requirements; the petitioner is proposing a deeper lot size.

COMMISSIONER PEASE noted that one of the agency commenters asked that the map and text show trail connections. MS. CHAMBERS stated there were no comments from Eagle River Parks & Recreation, so the information in the *Trails Plan* is provided. The trail included in

the comment is not on the *Trails Plan* or *Pedestrian Plan*. Staff prefers to leave the issue of trails to the platting process.

The public hearing was opened.

TIM POTTER, representing the petitioner, introduced Trevor Edmondson with Granite Construction Company and representatives from DOWL. He explained that the gravel operation at this site has been ongoing for 40 years and Wilder, a unit of Granite Construction Company, has operated it for at least 25 years. One of the residents located upslope from this site is Steve Ellis with Watershed Management who was previously with Code Enforcement and he drives by this site twice daily. Annual reports are required, including identification of any complaints. This is the end of a project. In 1999 there was a requirement that the PC zoning put in place in 1985 in an areawide zoning be master planned prior to extensions beyond 2009. A master plan was developed with the Community Council that results in 21 of the 47-acre site remaining as open space, 18 acres of industrial that would accommodate some limited commercial on the front portion of the site, and R-7 residential with a minimum 40,000 SF lot requirement to align with the existing area and because there is no public water or sewer. The property identified as R-7 will probably result in four or five lots. The industrial area near the Old Glenn is flat except in the far north and west corners where the excavation wall continues to be excavated. Granite intends to continue the excavation to create a flat platform. The open space goes up a minor slope to a vegetated area above. The petitioner has worked with State Parks and the Community Council has identified the desire for a trail connection from the neighborhood to several roads. An informal trail is heavily used by the community and although there is a security fence, someone has rolled back a strip to create an 8-foot opening in the fence. Granite would upgrade the trail to a flatter, wider section with gravel, create a picnic area at the top of the hill, and provide connection to the Ptarmigan Trailhead. MR. POTTER reviewed the conditions of approval. He asked to that the Commission use the errata ordinance provided by the petitioner for condition 2 in case 2009-073, which identifies uses. He indicated that outdoor storage of topsoil, gravel, etc. is desired in anticipation of a landscaping company on the site. He also asked that the Commission acknowledge the significant size of the greenbelt, buffers and berms. Case 2009-074 allows for full close out of the gravel extraction that has been ongoing for 40 years. The intent is to complete excavation to the north and west and have a small pocket of over excavation to accommodate round-robin haul of compactable material. With regard to the conditions of approval in case 2009-074, he stated there have been no complaints over the years so hours of operation are proposed for 7:00 AM to 7:00 PM in condition 6. He asked to amend condition 12.i so that if

ADOT affects the berm, it will be replaced on the property and after close out of the conditional use, at least the minimum buffer landscaping in AMC 21.45.125.C.2 would be required. The petitioner did not agree with the Staff suggestion for highway screening. The petitioner has worked with the Staff on language for condition 15 and he personally preferred to see the condition stricken. He felt it was inappropriate for someone looking at large scale maps and not doing a site visit to impose this condition. He stated the only water that drains from Granite's site toward that property is on the west side of the berm, which is fully vegetated. There is a gas station to the north abutting those lots. On the well log it states that the wellhead is sealed in the case there is no grout seal around the casing. Grout seal is typically used to prevent surface water to run adjacent to the pipe and get into the aquifer. He felt it was inappropriate to suggest that an adjacent property owner who will not have an impact on that well prove up whether or not the existing property owner adequately protected their interests.

COMMISSIONER PHELPS referred to the "Errata Sheet" provided by the petitioner and asked where was the location of revised Section 5. MS. CHAMBERS explained that this section is contained in the petitioner's narrative, not the ordinance. MR. POTTER explained that during the post-application meetings clarifications were asked and the petitioner was asked to submit the responses in an errata form.

COMMISSIONER WEDDLETON asked what is meant by "over excavation." MR. POTTER used an aerial photograph of the site to explain where excavation is occurring, where the area is flat with piles of material, and where another 15 feet would be excavated beyond the flat plane of the excavation site. COMMISSIONER WEDDLETON noted that ADEC commented on seasonal high water. MR. POTTER stated there has been a review of wells in the area and confirmation that none of the wells would be affected; the petitioner also agrees to get no closer than four feet from the water table.

COMMISSIONER PEASE asked regarding case 2009-073 whether, given that there will be changes to further identify the trails in the text of the PC document, it is acceptable to modify condition 4 to identify on the PC district map the potential trail connections from surrounding subdivisions through the tract potentially to the Ptarmigan Trailhead. MR. POTTER did not think this would be problematic. He stated that if the City will not accept the park as a donation, Granite would retain it and create an easement for the public to use the trail. When an easement is created on the plat, the Mayor signing of the plat is acceptance of the dedication of the easement. He noted that Eagle River charges itself a mill rate for parks, unlike the rest of Anchorage.



COMMISSIONER PEASE noted that the Staff has recommended in case 2009-074 that hours of operation be the same as other gravel extraction operations and asked why Staff did not propose application of other conditions imposed on gravel extraction operations, such as a perimeter fence and a truck washing station. MR. BARRETT stated the fence is in place. The site has had so much excavation already that the soft soils and overburden is gone, so there is likely no need for a truck washing station, so long as the petitioner submits a plan, should it become necessary.

DEBBIE KINDRED stated that page 40 of the packet in case 2009-074 shows her property of over three acres. She inherited this property last year. Page 120 of that packet is a copy of the well log; the well produces 11 gpm. Her family has owned the property since the 1960s and there have been no problems with the well or the gravel pit. Her concern was that, if the petitioner is allowed to excavate deeper, it could affect her well. She has been quoted up to \$25 a foot to replace her well, which would have to be deeper than the current depth of 240 feet. She would also have costs to connect the well to her home. She stated her neighbor's well has started producing less water since the pit has become more active. She was very concerned that so much is being removed and wondered what would be done with the property afterward. The area is developed with private homes, the use across the street is a park, and the gas station is a small grocery store. This is a rural community. She asked who would be responsible to pay for her well, if water availability is affected; she presumed it would be her.

TIMOTHY TURRELL, nearby resident, stated that most of his concerns have been allayed by the petitioner's presentation. His concern was with his well. He encouraged the Commission to impose stringent standards regarding the impact on wells in the adjacent area.

In rebuttal, MR. POTTER stated that the petitioner has examined the depth of the wells in the area and, even at its deepest, excavation would be no closer to 15 feet to where those wells draw water. The R-7 properties located near Ms. Kindred's lot are asset properties for Granite that they expect to sell for residential use. There will be monitoring wells. The petitioner has been a good neighbor for at least the 25 years in which he has been involved and the Community Council has been supportive. The petitioner proposes to closeout this gravel extraction use so the property is an asset and a benefit to the community.

COMMISSIONER PEASE asked where the packet identifies the location and monitoring schedule for the monitoring well. She also asked why Staff did not propose a condition that was imposed recently in similar cases to monitor the

well for one year after completion of the extraction and that the gravel pit operator would address impacts on surrounding residential wells resulting from actions of the operation. MR. POTTER did not believe Granite would have a problem with the monitoring well and it will likely be located to the north on top of the slope. He did not believe the petitioner would object to monitoring for one year following completion of the extraction.

COMMISSIONER ISHAM moved to extend Public Hearings for 30 minutes.  
COMMISSIONER PEASE seconded.

AYE: Phelps, Wang, Weddleton, Isham, Jones, Yoshimura, Fredrick, Pease  
NAY: None

PASSED

MR. POTTER explained that the location of the well is not identified. Typically this would be coordinated with the City and DNR. The proposed location is first sent to DNR for comment and that is forwarded to the City. At that point, a monitoring well location and plan is established and then implemented.

COMMISSIONER ISHAM asked for the petitioner's response to a requirement for a well fund. MR. POTTER responded that assessing responsibility is a difficult issue, not knowing what the situation is with the current wells and what neighbors do with regard to their wells. As part of the AAP project near Eklutna Village that petitioner agreed to bonding with a guarantee to correct the Village's well, if something happened to it, but that was a very identifiable situation. He noted that a great deal of effort has been taken to ensure that wells in the area of this petition site would not be affected. COMMISSIONER ISHAM noted that Map 8 shows the location of all wells in the neighborhood and their static water elevation. He understood the petitioner is indicating that operations would be above that elevation. MR. POTTER responded that excavation would be 15 feet above the elevation at its lowest point.

COMMISSIONER YOSHIMURA noted that there is an existing well for dust control and asked what is the flow of that well. A DOWL representative replied that well has a drawdown of 10 feet and a static level of 160 feet. MR. POTTER stated that 160 feet is the base level of excavation. A DOWL representative stated the flow is 300 gallons per hour. COMMISSIONER YOSHIMURA noted that the residential portion of Granite's property is not scheduled for development for ten years. MR. POTTER replied that it is scheduled for development in five to ten years.

COMMISSIONER PEASE stated that the residential area would be available for gravel extraction under conditional use permit the way this ordinance is written. MS. CHAMBERS replied that gravel extraction on that property would be under an entirely new conditional use process. COMMISSIONER PEASE noted that the residential zone is subject to change. MR. POTTER commented that this is the case in any other residential district greater than five acres. He asked if Granite would object to not going for a conditional use for gravel extraction on the R-7. MR. EDMONDSON stated their intent is to develop the R-7 property as residential and there is no objection to eliminating the ability to seek a conditional use for gravel extraction on that land.

The public hearing was closed.

COMMISSIONER PEASE moved in case 2009-073 to approve the master plan with the changes in the text provided in the errata sheet dated June 1, 2009, including changes to the text of the master plan and to the ordinance, further amending page 009 to leave p, q, and r as permitted uses and add a design standard for each of those uses for screening, fencing and landscaping, amending page 015 item G so the minimum lot size for single family dwelling would be 40,000 SF, amending page 014 line 27 to not apply to residentially zoned tracts. COMMISSIONER ISHAM seconded.

COMMISSIONER PEASE supported her motion finding that the PC master plan was required with a previous extension of this use. This master plan gives the community some certainty with respect to the future uses of this tract as the project completes. The open space area is used to buffer the extraction from surrounding residential areas. The option is open for the developer to offer the open space parcel to the Municipality at the end of excavation. In the meantime, the community can continue to enjoy that area.

MS. CHAMBERS asked if Staff conditions 1 and 4 are included in the motion. COMMISSIONER PEASE indicated this was her intent.

AYE: Phelps, Wang, Weddleton, Isham, Jones, Yoshimura, Fredrick, Pease  
NAY: None

PASSED

COMMISSIONER PEASE moved in case 2009-074 to approve the conditional use subject to Staff conditions 1 through 17, amending the last sentence of condition 11 to add ", particularly to connect to the Ptarmigan Trail

Trailhead from adjacent residential areas," amending condition 12.i with the language provided by Staff, amending condition 15 with the language provided by Staff, and to add a new condition 18 "Resolve with Department of Natural Resources and the Municipality of Anchorage the location for a monitoring well to monitor water quality and quantity in the vicinity of nearby residential wells and a monitoring program. Operator will continue to monitor the well for one year after termination of excavations with the purpose of identifying and remedying any adverse impacts to the existing residential wells caused by the gravel extraction. COMMISSIONER ISHAM seconded.

MR. BARRETT suggested modifying condition 12.g rather than adding a new condition 18. COMMISSIONER PEASE explained her language is particularly for protection of the residential wells. She did not object to adding that language into condition 12.g. This was accepted as a friendly amendment.

COMMISSIONER ISHAM moved to amend condition 6 to change the hours of operation to 7:00 AM to 7:00 PM. This was accepted as a friendly amendment.

COMMISSIONER PEASE stated this operation has been ongoing for decades and residents who live adjacent to it have stated the operator has been a good neighbor. The operator has proposed to keep a fairly wide tract as a buffer and to monitor and protect residential wells. Standard conditions have been imposed where appropriate and where the operation has proven itself some conditions are varied from other similar uses, but with good reason. The Commission is assured that the conditions will enable this operation to continue to be a good neighbor and make maximum use of the resource.

COMMISSIONER WEDDLETON noted there would be no change in the footprint of excavation and there is buffering from both vegetation and the slope.

AYE: Phelps, Wang, Weddleton, Isham, Jones, Yoshimura, Fredrick, Pease  
NAY: None

PASSED

5. 2009-092

Municipality of Anchorage. Adopting AMATS policies and procedures which guide how the Transportation Improvement Program or "TIP" is developed. These policies and

**PLANNING DEPARTMENT**  
**PLANNING STAFF ANALYSIS**  
**REZONING**

**DATE:** June 1, 2009

**CASE NO.:** 2009-073

**APPLICANT:** Granite Construction Company

**PETITIONER'S  
REPRESENTATIVE:** DOWL HKM

**REQUEST:** Master Plan approval for existing approximately  
47 acre site zoned PC (Planned Community)  
District

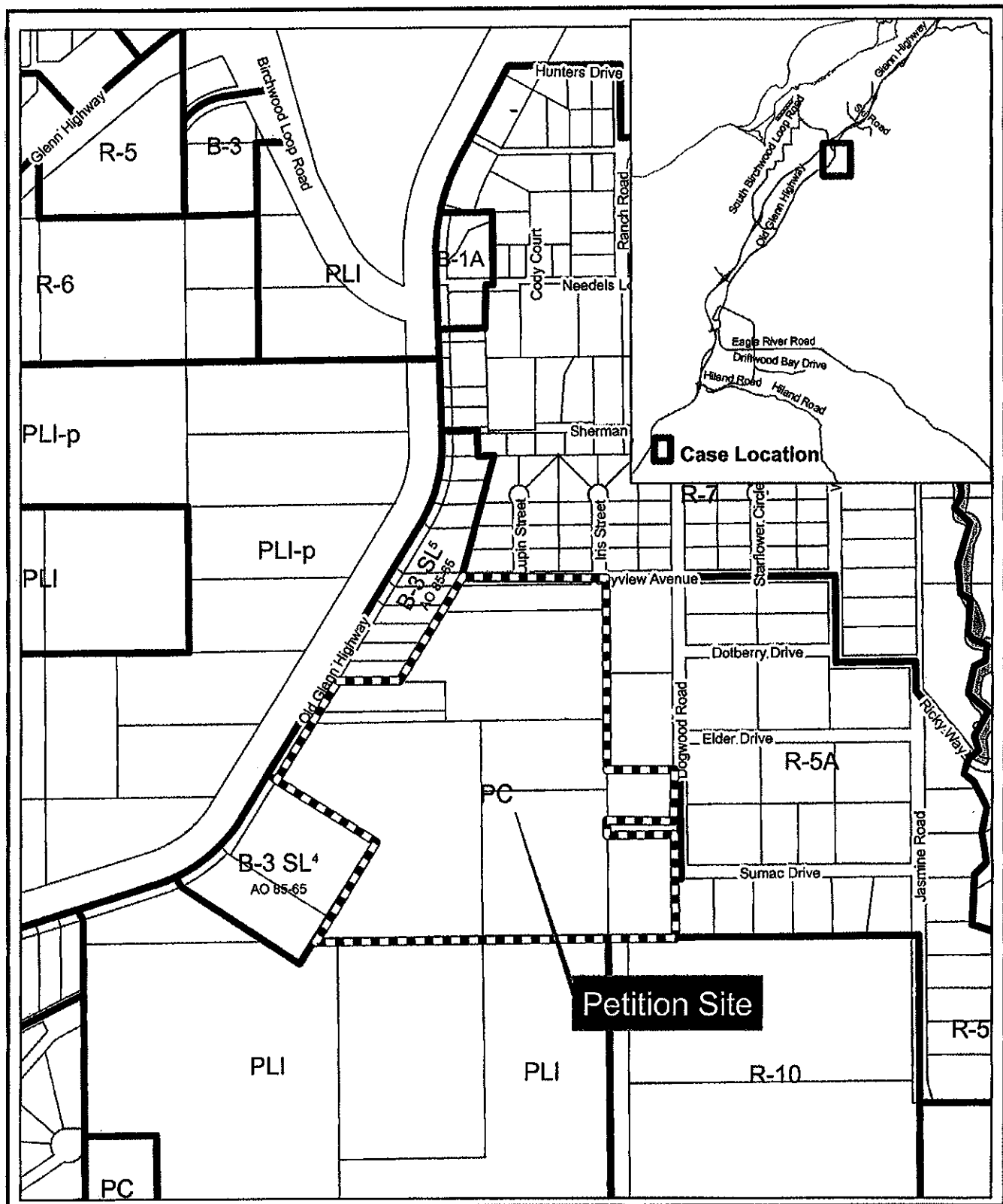
**LOCATION:** T15N, Sec 16, Lot 6, Gov't Lot; T15N R1W Sec 16  
SE ¼, NW ¼, NE ¼; Block 1, Lot 3 Skyline View  
#1 Subdivision; Block 5, Lot 1 Skyline View #1  
Subdivision; T15N R1W Sec 16 S ½, NE ¼, SW ¼,  
NE ¼; T15N R1W Sec 16 Lot 10; T15N R1W Sec  
16 Lot 6, S 50' W 606'; Tract A, Skyline View  
Subdivision; T15N R1W Sec 16 Lot 6 N 117' Gov't  
Lot. Generally located east of Loretta French  
Park, north of Chugiak on the east side of the Old  
Glenn Highway.

**SITE ADDRESS:** 19111 Old Glenn Highway

**COMMUNITY  
COUNCIL:** Chugiak

**TAX NUMBER:** 051-191-04, 051-191-06, 051-191-14, 051-191-  
18, 051-191-19, 051-191-38, 051-191-39, 051-  
191-40, 051-191-41/Grid NW1159

**2009-073**




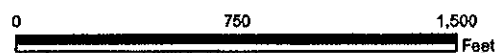
Municipality of Anchorage  
Planning Department  
Date: April 6, 2009

**Flood Limits**

 100 Year

 500 Year

 Floodway

Feet  
**16**



**ATTACHMENTS:**

1. Zoning & Location Maps
2. Departmental Comments
3. Application
4. Posting Affidavit
5. Historical Information

**RECOMMENDATION SUMMARY: APPROVAL.**

**SITE:**

Acres: Total land area is approximately 47 acres, but 38 acres of the area have already had some degree of excavation activity.

Vegetation: Most of the property is cleared and previously excavated. Mature, native vegetation is located on the north, east, and south boundaries. There is a narrow vegetated buffer adjacent to the highway.

Zoning: PC

Topography: Sloped, largely due to excavations. Elevation range is from 420 feet above mean sea level at the Old Glenn rising to 640 feet at the southeast boundary.

Existing Use: Gravel pit

Soils: Gravel, silt and sand to depths of at least 25 feet.

**COMPREHENSIVE PLAN:**

Classification: The December 2006 Chugiak - Eagle River Comprehensive Plan Update indicates Industrial for this property.

Density: < 1 DUA

**SURROUNDING AREA:**

	NORTH	EAST	SOUTH	WEST
Zoning:	R-7	R-5A	PLI	B-3 & PLI
Land Use:	Single family	Single family	Vacant	Commercial and park



### **COMMUNITY AND COMMUNITY COUNCIL COMMENTS**

As of the date this report was prepared no formal response has been received from the Community Council. Of 65 public hearings mailed out on May 7, 2009, one response has been received. The response was in regards to the pit operating as a good neighbor over the years, but that the respondent had concerns regarding any potential increase in depth of gravel extractions.

### **SITE DESCRIPTION AND PROPOSAL:**

#### **Proposal**

The subject property is zoned PC (Planned Community) and consists of nine subdivided and unsubdivided parcels totaling approximately 47 acres. The site is under single ownership. The subject property is on the east side of the Old Glenn Highway, across from Loretta French Park. Gravel extraction has been an on-going operation for 40 years. The property was zoned PC during areawide zoning on July 2, 1985 under Anchorage Ordinance 85-65.

The purpose of this rezoning application is to adopt a master plan for this PC in order to allow for continued gravel operations. The existing operations have nonconforming rights, and were approved to continue operations as a conditional use under case 1998-195 (Resolution 1999-021). This approval was for ten years, and required approval of a master plan for the PC prior to approval of any further time extensions (condition 5). The petitioner is requesting a time extension on the pit for five years as well. The conditional use time extension has been applied for under case 2009-074, which is proposed to be heard concurrently with this rezone request.

Adoption of a master plan for a PC district is required by AMC 21.40.250A and C. As the zoning for this site was part of an areawide zoning, not initiated by the petitioner, this zoning was a holding zone only, allowing continued use of the approved gravel operations, and as such no master plan had previously been proposed. As a master plan and its related development standards are a part of the zoning for this PC district, Assembly approval through the rezoning process is required for any adoption of this plan and its standards.

Final use of the property will be an industrial/commercial park on the west side of the development, and low-density (R-7) residential on the northeast and east sides of the development. The central portion is proposed for open space. The industrial/commercial and open space areas are designated for the areas which are developed by the gravel operations (approximately 38 acres) and the residential is in the remaining approximate 8 acre undeveloped perimeter.

The master plan includes a development plan as required, which provides for three PC zoning districts, with general descriptions as follows:

- ❖ PC-OSR (Open Space/Recreation)
  - Uses permitted are for greenbelt/buffer and potential recreational. Long term ownership and trails development must be resolved prior to development. Located between proposed industrial/commercial and the residential area, in an area where majority of gravel operations have ceased, and is used by the public on occasion for non-motorized access. Encompasses approximately 21 acres.
- ❖ PC-I1/C (Industrial/Commercial)
  - Urban and suburban light manufacturing, storage, wholesale and distribution, and limited commercial. For general reference, it is likely to provide space for up to 300,000 SF of said uses. Located adjacent to the Old Glenn Highway, adjacent to B-3 SL to the north and south. Encompasses approximately 18 acres.
- ❖ PC-R7 (Intermediate Rural Residential)
  - Similar to the R-7 (Intermediate Rural Residential) in AMC 21.40.090. Located adjacent to existing off-site R-7 and R-5A development. Encompasses approximately 8 acres.

#### Site Description

The property adjacent to the north and east sides of the subject is residential. Vacant Municipal PLI property is to the south. Old Glenn Highway is on the west side of the subject, there are some commercial lots adjacent to gravel pit. Loretta French Park is located across the highway. A naturally vegetated buffer is in place on the north and east boundaries, adjacent to the residential areas, and it will be enhanced once the extraction project is complete. Figure 9 in the application is an aerial

photograph showing current conditions, with end uses and buffers superimposed.

The footprint of the extraction area is not proposed to be enlarged to any significant degree, but the pit will be deepened an additional 30 feet near the northwest boundary of the property, see figures 4 and 7 in the application. An estimated 450,000 tons of material will be removed over five to ten years. The excavation area will then be backfilled, stabilized, and the entire property prepared for the end uses as indicated in the PC Master Plan.

#### **FINDINGS:**

#### **21.20.090 Standards for Approval – Zoning map Amendments.**

##### **A. Conformance to the Comprehensive Plan.**

The standard is met.

The gravel extraction use is consistent with the intent of the plan. The residential land use designations in the PC and the proposed implementation zoning districts appear to be consistent with the surrounding neighborhood and the Comprehensive Plan. The proposal locates the proposed industrial/commercial and residential in areas of the site where there are similar adjacent uses, and separates them through a large open space area.

The 2006 Update of the Chugiak-Eagle River Comprehensive Plan designates this property as industrial. In its description of the land use plan classifications, the industrial classification provides for existing and future industrial development. It also applies to vacant areas that are best suited to industrial development.

The Chugiak-Eagle River Comprehensive Plan, as early as 1979, recognized that there was a demand for, and a shortage of, industrial zoned land in the area. The Updated 2006 Chugiak-Eagle River Comprehensive Plan industrial policies/strategies provide a list of characteristics that generally apply to existing and future industrial areas:

- A range of utilities and services appropriate for the category of development;

- Adequate and efficient access to major transportation systems, without reliance on residential streets;
- The use of natural or constructed buffers, barriers or transition areas separating commercial or industrial areas and their effects from existing or anticipated incompatible land uses; and
- Consideration for the provision of trails where there has been historical use.

This rezoning does not change the industrial classification of this property; it only proposes to adopt a master plan for development. The master plan provides for industrial/commercial uses in this area only adjacent to the Old Glenn Highway and adjacent B-3SL property. There is existing road access to the Old Glenn Highway for this industrial/commercial area. The Old Glenn in this location is designated as an Arterial Road. Skyview Avenue on the north is designated as a Collector.

At such time as the gravel pit is ready to be developed, the property will need to be subdivided. Physical access and trail easements will be addressed at the time of such platting action. The 1997 Anchorage Trails Plan, for instance, identifies a future multi-use unpaved trail along the west side of the Old Glenn Highway. It also identifies a future multi-use paved trail along the south side of Skyview Avenue, and the east side of the Old Glenn Highway. The 2007 Anchorage Pedestrian Plan identifies a missing sidewalk along the Glenn Highway adjacent to Loretta French Park (Project Priority Number 298, page A8-3). If the intent is to support the trails connectivity policies of the Chugiak-Eagle River Comprehensive Plan Update, especially to the Ptarmigan Trail head adjacent to the property, this will need to be resolved through any future platting as well. Resolution of this issue will relate also to the potential long term ownership and development of the open space area on the site.

The open space area will also provide for a long-term potential for area recreational uses, depending upon long term ownership. At this time, the intent is to have a trail accessing the park/open space area from the surrounding residential areas; however it has not yet been resolved exactly how and where this will happen. It will be necessary to resolve ownership and management of park/greenbelt/open space area before reclamation takes place, if this area is to be open to the public for use. Although no new level of service for parks has been determined for this area (the 1985 Park Plan has not been updated), it is highly probable that ER Parks may not be able to take this into their inventory considering the large acreage of developed and dedicated parkland across the street at Loretta French

Park. Until such time as said ownership is resolved, once restoration has been completed it will need to be owned and managed by the property owner or a combination of the adjacent PC residential and industrial commercial sites. The specifics of this will have to be determined before any plat can be recorded which separates that open space area out from the site.

The surrounding residential development in the area is to the north and east of the site. This area is zoned R-7 and R-5, and is developed with single family houses. The proposed PC-R7 district is intended to be developed at the lower potential density of this surrounding residential, which requires a minimum of 20,000 SF lot size. However, if on-site systems are required, a minimum of 40,000 SF lot size (depending on the specific soils) will be necessary for development. This residential area will provide for further residential buffer of similar density between the existing houses and the gravel pit's proposed open space area.

**B. A zoning map amendment may be approved only if it is in the best interest of the public, considering the following factors:**

1. The effect of development under the amendment, and the cumulative effect of similar development, on the surrounding neighborhood, the general area and the community; including but not limited to the environment, transportation, public services and facilities, and land use patterns, and the degree to which special limitations will mitigate any adverse effects.

Environment and Land Use Patterns

Pedestrian and vehicular traffic circulation and safety:

See discussion under Comprehensive Plan. The residential lots will have access to the adjacent residential neighborhood road system.

The demand for and availability of public services and facilities:

There is an onsite well for use in dust control, vehicle washing, landscape irrigation, etc. On site systems will be required for future planned uses. Utilities are available to the site, but prior to any development the specific needs will have to be addressed.

See trails discussion under Comprehensive Plan.

Noise, air, water, or other forms of environmental pollution:

The proposed uses are similar to that of the surrounding area. This master plan serves as the restoration and development plan for the gravel site. The industrial/commercial uses are to be sited along the Old Glenn Highway, adjacent to existing commercial sites with an open space as a buffer for noise/visual/environmental protection against the existing and proposed residential area to the east.

The Department recommends that the proposal to allow snow storage in the PC-OSR area be amended to allow it only as a conditional use, due to the higher potential of off-site environmental impacts from this type of use. A conditional use process will allow for a higher level of review of the potential development plan of said use. For the same reasons, the Department recommends amending the proposal to allow asphalt batching and open storage yards only as conditional uses, instead of permitted uses. The Department recommends adding natural resource extraction as a conditional use in all the three development districts (as opposed to permitted uses or unlisted), as that will reflect the existing conditional use for the on-going existing gravel operations.

#### Transportation/Drainage

See discussion under Conformance to the Comprehensive Plan.

#### Public Services and Facilities

Public water and sanitary sewer main service is not available to this property. On site permits for well and septic are required through the State of Alaska Department of Environmental Conservation for commercial and industrial development. The property abuts natural gas, telephone and electrical services. Police, Fire, Education and Park are not affected by this master plan. However, long term ownership and development of the open space area may be of interest to the Parks Department. At this time,

there is no plan or funding for the open space to be owned or managed by the Municipality.

No special limitations are proposed. This is a proposal to adopt a master plan with associated development standards and uses which are compatible with the Comprehensive Plan and surrounding zoning.

Once the excavation operations are complete, the west part of the property will be used for commercial and industrial uses. Some residential development will occur in the northeast and east side of the site. The industrial and commercial areas will be surrounded by a green belt and open space which is sited to the east, between these uses and the residential uses. The PC master plan is figure 9 in the application.

2. The supply of land in the economically relevant area that is in the use district to be applied by the zoning request or in similar use districts, in relationship to the demand for that land.

This standard is not relevant to this rezoning as the proposal is to adopt a master plan to effectuate the existing zoning, and to allow for the ability to complete gravel operations on the site. This rezone does not propose to change the industrial classification; it will only establish use areas and provide for open space and residential locations on the site to ensure compatibility with the industrial/commercial to the surrounding residential area. This rezoning will not alter the existing density of the area. The Comprehensive Plan addresses residential development by setting a goal to ensure residential densities are compatible with current densities in immediate surrounding areas. The petitioner is complying with this goal.

3. The time when development probably would occur under the amendment, given the availability of public services and facilities, and the relationship of supply to demand found under paragraph 2 above.

The petitioner is applying concurrently for a 10 year time extension on the existing gravel operations. The development/restoration of the site is dependant upon finalization of the existing gravel operations.

4. The effect of the amendment on the distribution of land uses and residential densities specified in the Comprehensive Plan, and whether the proposed amendment furthers the allocation of uses and residential densities in accordance with the goals and policies of the Plan.

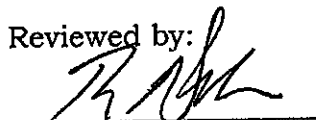
The Comprehensive Plan land classification (Industrial) is not changing.

**DEPARTMENT RECOMMENDATION:**


The Department finds that the proposed rezoning is in conformance with the Comprehensive Plan and zoning standards AMC 21.20.090. The Department recommends approval of the master plan, subject to the following conditions:

- 1) Amend uses in the PC-OSR district, so that item B.3, snow storage, shall be a conditional use, not a permitted use.
- 2) Amend uses in the PC-I1/C district, so that items B.2 p, q, r, s and t (natural resource extraction, industrial and equipment/materials storage yards, open storage, and asphalt batching) shall be conditional uses, not permitted uses.
- 3) Amend uses in the PC-OSR, PC-I1/C and PC-R7 districts to allow natural resource extraction, but only as a conditional use.
- 4) Amend the ordinance to provide for a section which requires final ownership and maintenance of the PC-OSR area to be resolved prior to replatting the sites.

Reviewed by:

  
Tom Nelson  
Director

Prepared by:

  
Angela C. Chambers, AICP  
Senior Planner

(Tax ID Numbers 051-191-04, 051-191-06, 051-191-14, 051-191-18,  
051-191-19, 051-191-38, 051-191-39, 051-191-40, 051-191-41)



# 2

## HISTORICAL MAPS AND AS-BUILTS

**NOT SUBDIVIDED**

LEGEND

### **COVENANT**

All by purchase here, and as security here, their sons subject to the requirement that all calls presently arising and those anticipated thereafter be accounted to public trustees; that would save your other such facilities become available within 200 feet of the railroad at the.

Containing 47,94 acres more or less:

1ST ADDITION TO  
SKYLINE VIEW  
SUBDIVISION

**BOMHOFF & ASSOCIATES**

100

100

[illegible]

69-41 EO

**SUEYAWN ESTATE**

FLA APPROVAL

Not approved by the Borough Planning Commission. This  
 was on August 28th, 1962.

## ENGINEER'S CERTIFICATE

The underlying mysterious behavior, likely early, that I am aware of has been completed by me or under my direct supervision and that element and immediately have been learned and established and that (including above) taken the time and correct.

St. Louis, Mo., 1933.

Walter de Soto  
*(signature)*

~~CLASSIFICATION~~  
Engineer

**NOTARY'S ACKNOWLEDGMENT**

Subscribed and sworn before me this 20 day of  
 \_\_\_\_\_, 1968.  
 \_\_\_\_\_  
 Secretary for Alaska  
 My Commission Expires \_\_\_\_\_

We hereby certify that on this 19th

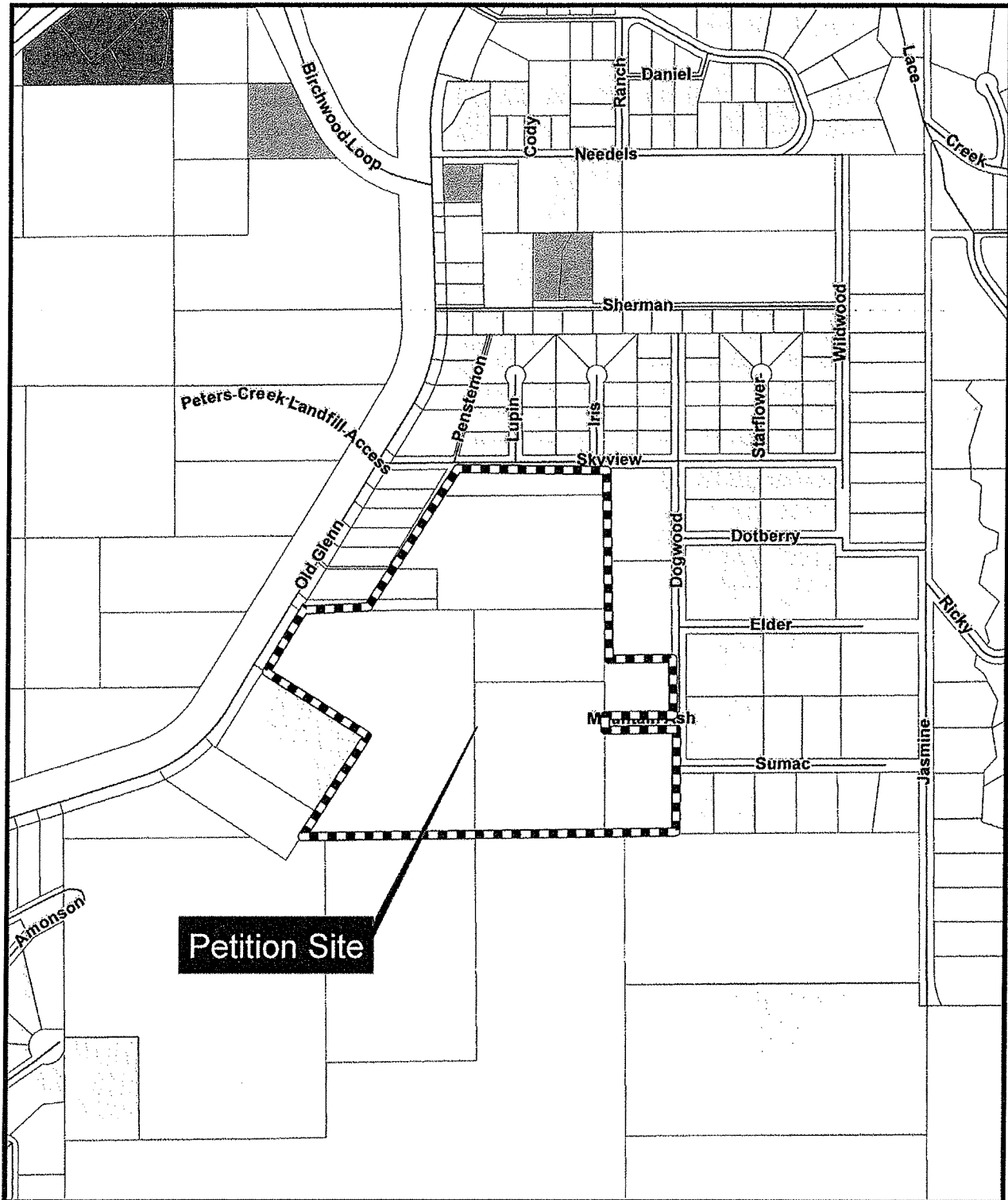
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28







# 2009-073



Municipality of Anchorage  
Planning Department  
Date: April 6, 2009

 Mobile Home Park  
 Multi-Family  
Single Family

0 750 1,500 Feet



2009-073



Municipality of Anchorage  
Planning Department

Date: April 6, 2009

0 800 1,600  
Feet



# 3

DEPARTMENTAL

COMMENTS



# MUNICIPALITY OF ANCHORAGE

Department of Health and Human Services



**Date:** May 6, 2009  
**To:** Department of Planning, Zoning and Platting Division  
**From:** Janine Nesheim, Environmental Health Specialist, DHHS  
**Subject:** Comments Regarding CUP 2009-073 & 074

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## CUP 2009-073 & 074

PC master plan and gravel extraction conditional use.

### Comments re Noise and Air Quality

This CUP Master Plan states it is consistent with the Chugiak-Eagle River Comprehensive Plan (CERC Plan). Noise mitigation is addressed by proposing a large open space buffer to separate Industrial/Commercial areas from Residential areas, and that use compatibility will be determined in the planning stage. This CUP also proposes an extension of 10 years to a site currently in operation for over 40 years. A more thorough dust control plan may be necessary upon review by Air Quality. Also, please verify that noise measures meet the residential standards as follows:

*No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level measured at any location on a boundary between two receiving land use categories that exceeds the arithmetic mean of the respective sound level limits set forth for such receiving land use categories in Table 1.*

Table 1. Sound Levels by Receiving Land Use states (Receiving Land Use Category / Time / Sound Level Limit (dB(A))):

Residential area	7:00 a.m. – 10:00 p.m.	60 dB(A)	,	10:00 p.m. – 7:00 a.m.	50 dB(A)
Commercial area	7:00 a.m. – 10:00 p.m.	70 dB(A)	,	10:00 p.m. – 7:00 a.m.	60 dB(A)
Industrial area	At all times	80 dB(A)			

### AMC 15.70.080.B

A mitigation plan may be required to ensure that these noise limits are met.

CC: Jennifer Ruggles, Sr. Office Assistant, Chris Tofteberg, ESD Manager and Steve Morris, Air Quality Program Manager



# STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

SARAH PALIN, GOVERNOR

4111 AVIATION AVENUE  
P.O. BOX 196900  
ANCHORAGE, ALASKA 99519-6900  
(907) 269-0520 (FAX 269-0521)  
(TTY 269-0473)

May 8, 2009

RE: MOA Zoning Review

RECEIVED

MAY 11 2009

Municipality of Anchorage  
Zoning Division

Mr. Jerry Weaver, Platting Officer  
Municipality of Anchorage  
P.O. Box 196650  
Anchorage, Alaska 99519-6650

Dear Mr. Weaver:

The Alaska Department of Transportation and Public Facilities, ADOT&PF, has reviewed the following applications and has no comments:

2009-073; PC Master Plan Gravel Pit

2009-078; Rezoning to R-2M

2009-079; Yard Setback Encroachment Variance

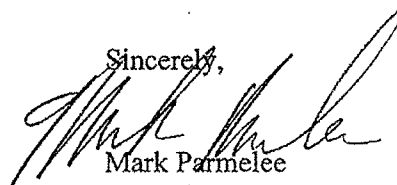
2009-082; Detached Garage Variance, Greatland Estates Unit #3

2009-083; Landscape Variance, Hanson Acres #1

2009-084; Yard Setback Encroachment Variance, Nunaka Valley Subdivision

2009-085; Fence Height Variance, Eagle Glenn Subdivision

Sincerely,



Mark Parmelee  
Area Planner

/aj



## FLOOD HAZARD REVIEW SHEET

RECEIVED

MAY 11 2009

MUNICIPALITY OF ANCHORAGE  
JEFFREY URBANUS

Date: 05/11/09

Case: 2009-073

Flood Hazard Zone: C

Map Number: 00020B (0089)

- ☐ Portions of this lot are located in the floodplain as determined by the Federal Emergency Management Agency.
- ☐ Flood Hazard requests that the following be added as a condition of approval:

"Portions of this subdivision are situated within the flood hazard district as it exists on the date hereof. The boundaries of the flood hazard district may be altered from time to time in accordance with the provisions of Section 21.60.020 (Anchorage Municipal Code). All construction activities and any land use within the flood hazard district shall conform to the requirements of Chapter 21.60 (Anchorage Municipal Code)."

- ☐ A Flood Hazard permit is required for any construction in the floodplain.
- ☐ Other:
- ☒ I have no comments on this case.

Reviewer: Jeffrey Urbanus, CFM

Municipality Of Anchorage  
ANCHORAGE WATER & WASTEWATER UTILITY

RECEIVED

MEMORANDUM

MAY 07 2009

Municipality of Anchorage  
Zoning Division

DATE: May 4, 2009

TO: Jerry Weaver, Zoning Division Administrator, Planning Department

FROM: Paul Hatcher, Engineering Technician III, AWWU *PH*

SUBJECT: Zoning Case Comments  
Planning & Zoning Commission Hearing June 1, 2009  
Agency Comments due May 4, 2009

AWWU has reviewed the materials and has the following comments.

**09-073** T15N, R1W, SEC 16, LT 6, GOVT LOT; 6 N 117', GOVT LT; 6 S 50', W 606'; LT 10; S 1/2, NE 1/4, SW 1/4, NE 1/4; SE 1/4, SW 1/4, NE 1/4; SKYLINE VIEW #1 BLK 1 LT 3; BLK 5 LT 1; TR A, Master Plan Review PC Planned community district, Grid NW1158, 1159

1. AWWU water and sanitary sewer are currently not available to these parcels.
2. AWWU has no objection to this master plan review.

**09-074** T15N, R1W, SEC 16, LT 6, GOVT LOT; 6 N 117', GOVT LT; 6 S 50', W 606'; LT 10; S 1/2, NE 1/4, SW 1/4, NE 1/4; SE 1/4, SW 1/4, NE 1/4; SKYLINE VIEW #1 BLK 1 LT 3; BLK 5 LT 1; TR A, Zoning conditional use for a natural resource extraction, Grid NW1158, 1159

1. AWWU water and sanitary sewer are currently not available to these parcels.
2. AWWU has no objection to this natural resource extraction.

**09-078** T14N, R2W, SEC 11 LT 54 LESS N 50', Rezoning to R-2M Multiple family residential district, Grid NW0051

1. AWWU water and sanitary sewer are currently not available to this parcel.
2. AWWU has no objection to this rezoning.

If you have any questions pertinent to public water and sanitary sewer, you may call me at 564-2721 or the AWWU planning section at 564-2739, or e-mail [paul.hatcher@awwu.biz](mailto:paul.hatcher@awwu.biz).

**Graves, Jill A.**

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**From:** Staff, Alton R.  
**Sent:** Tuesday, May 05, 2009 3:37 PM  
**To:** McLaughlin, Francis D.; Graves, Jill A.; Stewart, Gloria I.  
**Subject:** Zoning and Plat Case Reviews

2009-69      Representatives from the University of Alaska met with People Mover to discuss implications of the Facilities construction at East Providence Loop and the UAA Sports Arena.

The Public Transportation Department has no comment on the following zoning cases:

2009      060  
            072  
            073  
            074  
            077  
            078  
            079  
            082 through 086

**RECEIVED**

**MAY 06 2009**

**Municipality of Anchorage  
Planning Division**

The Public Transportation Department has no comment on the following platting cases:

S11727-2  
S11729-1  
S11730-1  
S11734-1  
S11735-1  
S11737-1  
S11746-1  
S11747-1  
S11748-1

Thank you for the opportunity to review.

Alton R. Staff  
Planning Manager  
Public Transportation Department  
3600 Dr. Martin Luther King Jr. Ave.  
Anchorage, AK 99507  
907-343-8230



***Municipality of Anchorage***  
Project Management & Engineering Department



**Comments to Miscellaneous Planning and Zoning Application**

**RECEIVED**

**DATE:** May 4, 2009

MAY 05 2009

**TO:** Jerry Weaver, Platting Officer

Municipality of Anchorage  
Zoning Division

**FROM:** Sharen Walsh, P.E. – Private Development - Plan Review Engineer

**SUBJECT:** Comments for Planning & Zoning Commission Public Hearing date:  
June 1, 2009

**Case No. 2009-073&074** – PC master plan and gravel extraction conditional use.

This essentially continues an existing operation. Access and drainage issues are already addressed as part of the on-going work. Further road and drainage development will not occur until extractions are completed and reclamation plans are implemented. PM&E will evaluate that work in the future when redevelopment platting actions come forward.

For these reasons, Project Management & Engineering has no adverse comment at this time regarding the master plan or the conditional use.

**Case No. 2009-078** - Rezoning to R-2M Multiple-family residential district

PM&E understands that this is a house-keeping action to allow rebuilding of a single family home.

It appears that allowing this rezone will have no impact to roads, drainage or utilities.

PM&E has no objection to the rezone request.



## MUNICIPALITY OF ANCHORAGE

Development Services Department

Right of Way Division

Phone: (907) 343-8240 Fax: (907) 343-8250



RECEIVED

APR 29 2009

Municipality of Anchorage  
Zoning Division

**DATE:** April 29, 2009  
**TO:** Planning Department, Zoning and Platting Division  
**THRU:** Jack L. Frost, Jr., Right of Way Supervisor  
**FROM:** Lynn McGee, Senior Plan Reviewer  
**SUBJ:** Comments on Planning and Zoning Commission case(s) for June 1, 2009.

Right of Way Division has reviewed the following case(s) due May 4, 2009.

**09-073** Section 16, T15N R1W, grid NW1159  
(Site Master Plan Review, PC, Planned Community District)  
Right of Way Division has no comments at this time.  
Review time 15 minutes.

**09-074** Section 16, T15N R1W, grid NW1159  
(Conditional Use for Natural Resource Extraction)  
Right of Way Division has no comments at this time.  
Review time 15 minutes.

**09-078** Section 11, T14N R2W Lot 54, grid NW0051  
(Rezoning Request, B-3 to R-2M)  
Right of Way Division suggests a very careful determination as to existing or proposed structures in the BLM Easements. Future MOA uses of those easements or parts of them can endanger the structures, place roads closer to the structures, and affect the legal setbacks. Based on current road development standards, no structures or permanent improvements should be attempted in the outer 30' of each easement. Should the applicant wish to file a plat, the MOA would most likely only request the outer 30' be dedicated, and possibly no dedication to the south.  
Review time 30 minutes.



**MUNICIPALITY OF ANCHORAGE**  
Traffic Department



**MEMORANDUM**

**RECEIVED**

DATE: March 29, 2009  
TO: Jerry T. Weaver, Platting Supervisor, Planning Department  
THRU: Leland R. Coop, Associate Traffic Engineer  
FROM: Mada Angell, Assistant Traffic Engineer  
SUBJECT: Traffic Engineering Comments for June 1, 2009 Planning & Zoning Commission

**09-073** Master Site Plan Review for Chugiak Gravel Pit; Eagle River.

Vehicular access to the site is from State owned Old Glenn Highway right of way.

**09-074** Conditional Use Permit for Chugiak Gravel Pit; Eagle River.

Traffic Engineering has no comments.

**09-078** Rezone portions of Sec 11 from B-3 to R-2M; Grid NW0051

Traffic Engineering has no comments.

Graves, Jill A.

RECEIVED

**From:** Palmer, Charley (DEC) [charley.palmer@alaska.gov]  
**Sent:** Monday, April 27, 2009 11:57 AM  
**To:** Graves, Jill A.  
**Cc:** Palmer, Charley (DEC); Miller, Christopher C (DEC); Kastens, Kathaleen (DEC); Christian, Cindy L (DEC); Wike, Vanessa B (DEC)  
**Subject:** Comments regarding CUP Application Case No. 2009-073 & 074  
**Attachments:** CUP 2009-073 and 074 DEC-map.pdf; DEC Recommendations for Gravel Extraction Projects 10-6-2008.pdf

APR 27 2009

Municipality of Anchorage  
Zoning Division

Jill,

On April 27, 2009, I received a copy of the CUP Application (Case No. 2009-073 & 074) for Zoning and conditional use for natural resource extraction in the Chugiak area by Granite Construction Com. – Skyline Chugiak gravel pit, to be reviewed and agency comments provided by May 4, 2009. An address and phone number was given for return correspondence, and a search of the phone number (343-7943) in the Municipality staff directory pulls up your name. Therefore, I am sending my comments to you via e-mail (my preferred correspondence medium). Please forward this e-mail to others in the Municipality that are involved with the review of this application. Thank you.

I've compared the location of the proposed excavation area to DEC's active regulated public water systems and their associated Drinking Water Protection Areas (DWPAs) (see attached map), and there are two (2) within a ½-mile distance of the proposed excavation and working area, and eight (8) more within a ½- to 1-mile distance, for a grand total of **ten (10) active regulated public water systems within a 1-mile distance** from the proposed excavation and working area. Below is a table summarizing the results of the spatial review.

	Within 1/2-mile	Within 1/2-to 1-mile	Total	
Community water system (CWS)	1	1	2	
Non-transient, non-community water system (NTNCWS)	0	4	4	
Transient, non-community water system (TNCWS)	1	3	4	
<b>Total</b>	<b>2</b>	<b>8</b>	<b>10</b>	<b>Grand total</b>

Four (4) of the identified public water systems are directly down-gradient of the proposed excavation area; the other six (6) are roughly cross-gradient. Only one shallow public well that is completed in the unconfined aquifer was identified within the buffer range, and this well is cross-gradient from the proposed excavation area and within the ½- to 1-mile distance buffer. All other identified public wells are completed at a depth of approximately 140 to 270 feet below ground surface, but many are not documented as having proper below-ground grout seal in place, which is necessary to help protect these wells from potential downward migration of surface contamination.

Additionally, included on the map are identified potential and existing sources of contamination compiled from various sources as part of an ongoing project to assess the potential risk of contamination to regulated public water systems around the state. As the map portrays, there are



several identified potential and existing sources of contamination within one (1) mile of the proposed area of extraction; most are located cross- and down-gradient of the proposed excavation area.

Some general concerns:

- The application indicates that excavation is not likely to exceed a depth greater than 15 feet above the identified water table; however, the water table was identified using static water levels reported in well logs from different years and different times of the year and may not reflect the seasonal high water table. One well log provided with the application (identified as #12) portrays a difference of greater than 20 feet in the measured water level at different times. We recommend identifying the **seasonal high** water table for the study area?
- Identified down-gradient public wells are deeper than the proposed excavation; the shallowest down-gradient public well has a depth of 152 feet below ground surface. There is one public well located within the ½-mile buffer and downgradient (actually less than 100 feet) of the proposed excavation and working area, and this well has a depth of 269 feet below ground surface, but based on available information, does not have below ground grout seal. Even though it is deep, it is vulnerable to the downward migration of contamination at the surface. **We recommend ensuring that this well has an adequate grout seal in place pursuant to DEC Drinking Water Regulations 18 AAC 80.015.**

Also attached are our general recommendations for gravel extraction activities in the vicinity of active regulated public water systems (DEC Recommendations for Gravel Extraction Projects 10-6-2008.pdf).

Thank you for the opportunity to comment,

--

Charley Palmer, *Hydrologist*  
Alaska DEC-Drinking Water Protection  
555 Cordova St  
Anchorage, AK 99501

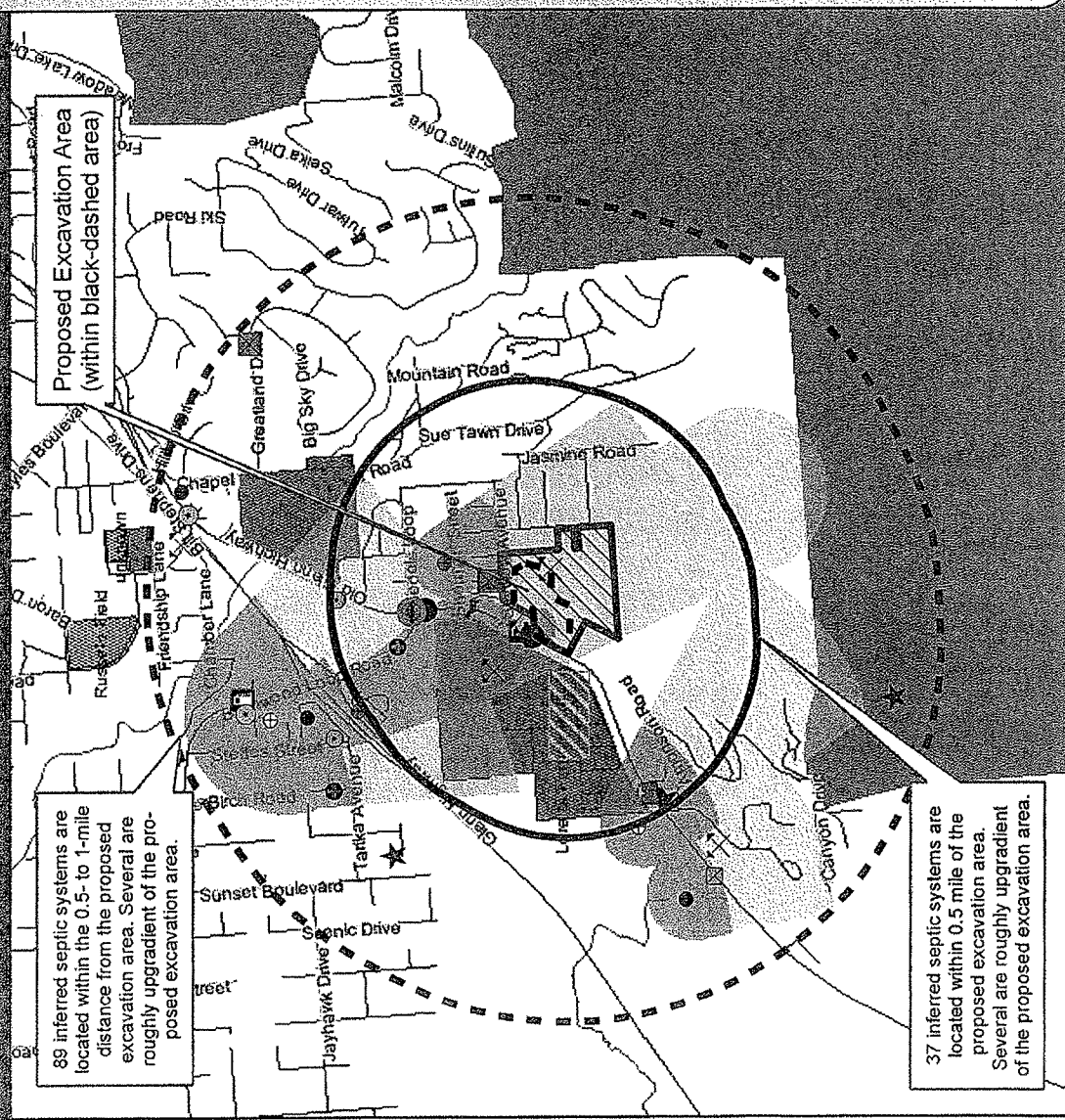
p: 907/269-0292

f: 907/269-3990

e: [charley.palmer@alaska.gov](mailto:charley.palmer@alaska.gov)

w: [http://www.dec.state.ak.us/eh/dw/DWP/source\\_water.html](http://www.dec.state.ak.us/eh/dw/DWP/source_water.html)

# DEC/EH - Drinking Water Protection MOA Agency Review for Planning and Zoning Commission CUP Skyline Chuglak gravel pit (CUP 2009-073 & 074)



89 inferred septic systems are located within the 0.5- to 1-mile distance from the proposed excavation area. Several are roughly upgradient of the proposed excavation area.

37 inferred septic systems are located within 0.5 mile of the proposed excavation area. Several are roughly upgradient of the proposed excavation area.

- Legend**
- Identified Regulated Public Water Systems within Buffer**
- Community and Non-Transient Non-Community Water Systems (formerly Class A)
  - Non-Transient Non-Community Water Systems (formerly Class A)
  - Transient Non-Community Water Systems (formerly Class B)
- Identified Existing Potential Sources of Contamination**
- Body shops (automotive) (C05)
  - Car washes with engine or undercarriage cleaning (C08)
  - Construction trade areas and materials (C09)
  - Gasoline stations (without repair shop) (C15)
  - Gasoline stations (with repair shop) (C16)
  - Laundromats without dry cleaning (C22)
  - Leather processing (C24)
  - Motor/motor vehicle repair shops (C31)
  - Pet groomers (C34)
  - Printers, publishers, copiers (C37)
  - Injection wells (Class V) Motor Vehicle Waste Disposal Well (D42)
  - Quarries (sand, gravel, rock, other) (E10)
  - Cement Manufacturing (I03)
  - Tanks, diesel (above ground) (T06)
  - Tanks, diesel (underground) (T08)
  - Tanks, gasoline (underground) (T12)
  - Contaminated sites, DEC recognized, non-Superfund, non-RCRA (U04)
  - Open Leaking Underground Fuel Storage Tank (LUST) Sites (U07)
  - Government vehicle maintenance facilities (X19)
  - Medical/veterinary facilities (doctor or dentist offices, hospitals, nursing homes) (X40)
- Drinking Water Protection Areas within Buffer**
- Zone A (Several Months Time of Travel)
  - Zone B (2 Year Time of Travel)
- Identified Existing Potential Sources of Contamination**
- D51, Landfills (municipal, Class III)
  - X04, Parks (with green areas)



One-half and one-mile buffer around proposed excavation area.

## DEC Drinking Water Program General Recommendations for Gravel Extraction Projects

### Recommendations

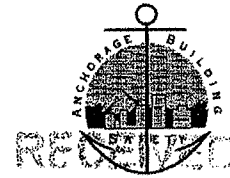
1. Maintain a four (4)-foot vertical separation distance from extraction operations and the seasonal high water table. If extraction below this level is planned, refer to the following recommendations.
2. Minimize stormwater run-on and run-off to the property. If run-on does enter the property, then we recommend that a decrease in the vertical separation distance be contingent upon restricting any surface run-on upgradient of the extraction pit or diverting any run-on to downgradient of the extraction pit and to comply with NPDES discharge requirements.
3. All data, including but not limited to, water quality results (field and lab), well survey data, well water levels, subsurface lithologic descriptions and depth, and groundwater flow direction and gradient information, shall be made freely available to the permitting agency upon verbal request, as well as allowing the permitting agency to provide the data to other public agencies and to the general public upon request.
4. Identify on a map in the permit application the location of DEC's, or DEC-approved, existing drinking water protection areas for regulated, and both inactive and active, public drinking water sources (springs, wellheads, or surface water intakes) that intersect the boundary of the proposed project area.
5. For regulated active public drinking water sources within at least 1,000 feet of the proposed project area, based on the best available location information, that do not have a drinking water protection area already delineated, we recommend identifying on a map in the permit application the location of a radius buffer based on that required for other potential sources of contamination declared in DEC Regulation 18 AAC 80, the *Minimum Separation Distances between Drinking Water Sources and Potential Sources of Contamination*, around the drinking water source, as a provisional drinking water protection area.
6. Minimize equipment storage, maintenance and operation, and other extraction-related activity, within at least one-quarter of the distance of the two-year time-of-travel capture area (DEC's Zone A) of the identified drinking water protection areas and provisional drinking water protection areas.
7. Implement best management practices where equipment storage, maintenance and operation, and other extraction-related activity is to occur within identified drinking water protection areas and provisional drinking water protection areas, in accordance with DEC's publication: "User's Manual: Best Management Practices for Gravel Pits" (2006).

8. All water quality sampling and hydrologic data collection to be accomplished under the supervision of a qualified professional and follow a written sample site/collection plan.
9. Upon issuance of a conditional use permit allowing extraction of materials from below the seasonal high water table that no extraction be allowed below the first aquitard encountered within the saturated zone.
10. The permit application to be posted for public notice for at least 30 days.



**Municipality of Anchorage  
Development Services Department  
Building Safety Division**

**MEMORANDUM**



APR 17 2009

**DATE:** April 17, 2009  
**TO:** Jerry Weaver, Jr., Platting Officer, CPD  
**FROM:** Daniel Roth, Program Manager, On-Site Water and Wastewater Program  
**SUBJECT:** Comments on Cases due May 4, 2009

The On-Site Water & Wastewater Program has reviewed the following cases and has these comments:

2009 - 073 Amending a Master Plan PC Planned Community district

No objection

2009 - 074 Zoning conditional use for a natural resource extraction

No objection

2009 - 078 Rezoning to R-2M Multiple-family residential district

No objection

# 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:** 2009-073

[View Comments](#)

**2. View Comments:**

RECEIVED

MAY 11 2009

Municipality of Anchorage  
Executive Committee  
2009-05-11

### Case Num: 2009-073

Master Plan Review PC Planned community district

**Location:** Master Plan Approval in the PC Zoning District. Lot 6 Government Lot; SE4SW4NE4; S2NE4SW4NE4; Lot 10; Lot 6 S50' W606'; Lot 6 N117' Government Lot; all located within T15N, R1W, Section 16; and Skyline View #1 Subdivision, Block 1, Lot 3 & Block 5, Lot 1; and Skyline View Subdivision, Tract A.

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

## Public Comments

**5/9/09**

Larry Radspinner  
PO Box 671354  
Chugiak Ak 99567

I live at 19122 Dogwood Road Lt 2 Bk 1 Skyline view #1 I border the gravel pit just to the east edge And would like to say the gravel pit has been a very good neighbor sense it opened. And If the way they have taken care of the traffic in and out and the noise like they have in the past. And hours of operation. The only real concern I would have with what I am told of this expansion would be the depth effecting my well Which I will not say is because of the pit but it has become less productive in that time to the point where I am hauling water anytime I plant new lawn to keep it watered. And i would also like to hear of the plans of what will happen when the pit is finally closed because I do remember a few of the changes as final grades and fences and such. Thank you Larry Radspinner

# 4

## APPLICATION



**DOWL HKM**

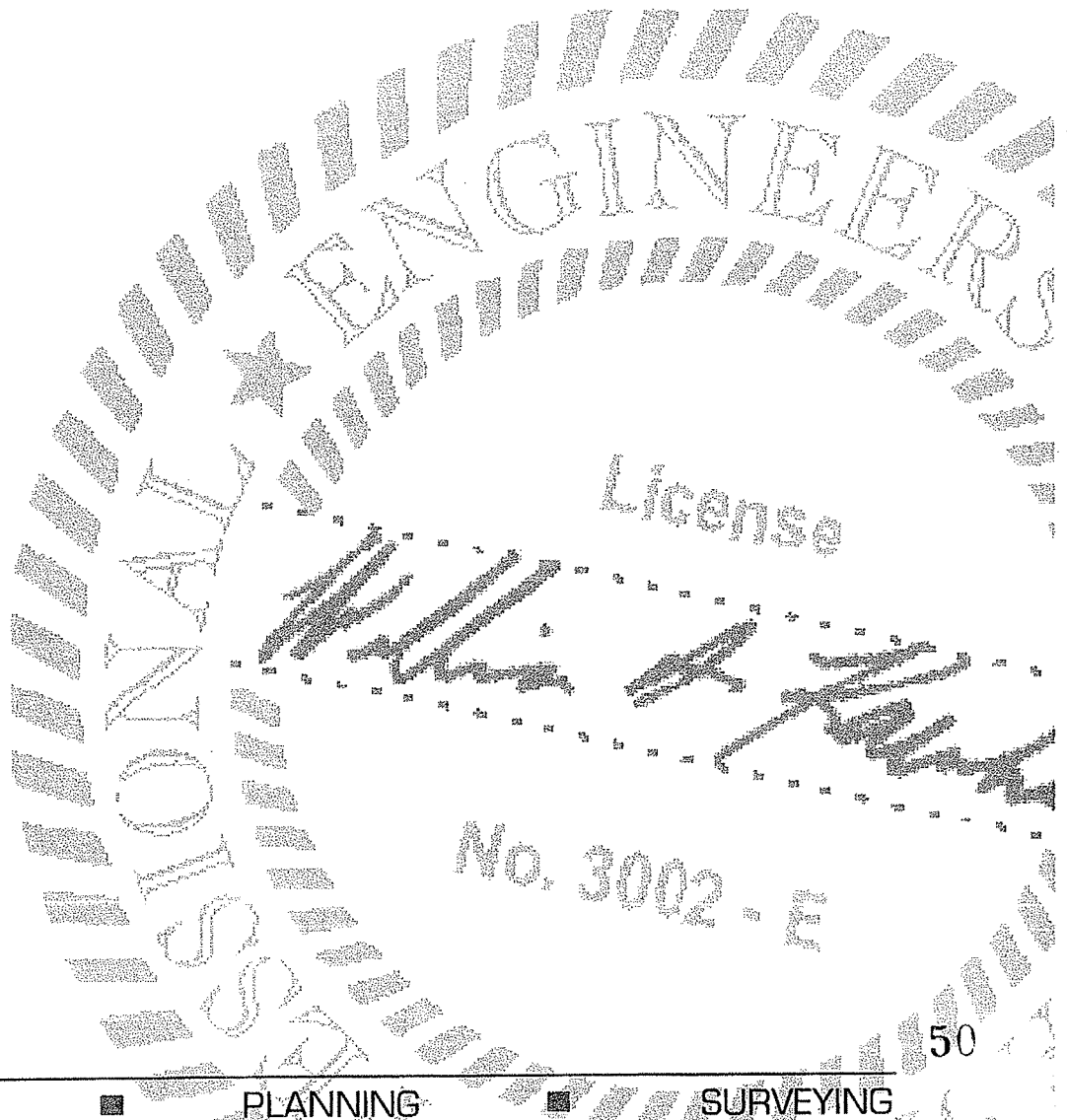
**MASTER PLAN**

**CHUGIAK GRAVEL PIT**

**CHUGIAK, ALASKA**

**REVISED**

**FILE COPY**



ENGINEERING

PLANNING

SURVEYING



# Application for Zoning Map Amendment

Municipality of Anchorage  
Planning Department  
PO Box 196650  
Anchorage, AK 99519-6650

Please fill in the information asked for below.

PETITIONER*	PETITIONER REPRESENTATIVE (IF ANY)
Name (last name first) Granite Construction Company	Name (last name first) DOWL HKM
Mailing Address 11301 Lang Street Anchorage, AK 99515	Mailing Address 4041 B Street Anchorage, AK 99503
Contact Phone: Day: 344-2593 Night:	Contact Phone: Day: 562-2000 Night:
FAX: 344-1562	FAX: 563-3953
E-mail: trevored@gcinc.com	E-mail: mmculty@dowlhkm.com

\*Report additional petitioners or disclose other co-owners on supplemental form. Failure to divulge other beneficial interest owners may delay processing of this application.

<b>PROPERTY INFORMATION</b> 051-191-39; 051-191-41; 051-191-18; 051-191-19; 051-191-40; 051-191-04;		
Property Tax #(000-000-00-000): 051-191-14; 051-191-06; 051-191-38		
Site Street Address:		
Current legal description: (use additional sheet if necessary) T15N SEC 16, LT 6, GOVT LT; T15N R1W SEC 16 SE4SW4NE4; BLK 1, LT 3 Skyline View #1 Subdivision; BLK 5, LT 1 Skyline View #1 Subdivision; T15N R1W SEC 16 S2NE4SW4NE4; T15N R1W SEC 16 LT 10; T15N R1W SEC 16 LT 6 S50' W606'; TRACT A, Skyline View Subdivision; T15N R1W SEC 16 LT 6 N 117' GOVT LT.		
Zoning: PC	Acreage: Approximately 47 Acres	Grid # NW1159

I hereby certify that (I am)(I have been authorized to act for) owner of the property described above and that I petition to rezone it in conformance with Title 21 of the Anchorage Municipal Code of Ordinances. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the rezoning. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff, the Planning and Zoning Commission or the Assembly for administrative reasons.

04/13/2009

Date

Signature (Agents must provide written proof of authorization)

Accepted by:	Poster & Affidavit:	Fee:	Case Number:
--------------	---------------------	------	--------------

**COMPREHENSIVE PLAN INFORMATION**

Anchorage 2020 Urban/Rural Services: ☐ Urban ☒ Rural

Anchorage 2020 West Anchorage Planning Area: ☐ Inside ☒ Outside

Anchorage 2020 Major Urban Elements: Site is within or abuts:

☐ Major Employment Center ☐ Redevelopment/Mixed Use Area ☐ Town Center

☐ Neighborhood Commercial Center ☐ Industrial Center

☐ Transit - Supportive Development Corridor

**Eagle River-Chugiak-Peters Creek Land Use Classification:**

☐ Commercial ☒ Industrial ☐ Parks/open space ☐ Public Land Institutions

☐ Marginal land ☐ Alpine/Slope Affected ☐ Special Study

☐ Residential at \_\_\_\_\_ dwelling units per acre

**Girdwood-Turnagain Arm N/A**

☐ Commercial ☐ Industrial ☐ Parks/open space ☐ Public Land Institutions

☐ Marginal land ☐ Alpine/Slope Affected ☐ Special Study

☐ Residential at \_\_\_\_\_ dwelling units per acre

**ENVIRONMENTAL INFORMATION** (All or portion of site affected)

Wetland Classification: ☒ None ☐ "C" ☐ "B" ☐ "A"

Avalanche Zone: ☒ None ☐ Blue Zone ☐ Red Zone

Floodplain: ☒ None ☐ 100 year ☐ 500 year

Seismic Zone (Harding/Lawson): ☒ "1" ☒ "2" ☐ "3" ☐ "4" ☐ "5"

**RECENT REGULATORY INFORMATION** (Events that have occurred in last 5 years for all or portion of site)

☐ Rezoning - Case Number:

☐ Preliminary Plat ☐ Final Plat - Case Number(s):

☐ Conditional Use - Case Number(s):

☐ Zoning variance - Case Number(s):

☐ Land Use Enforcement Action for

☐ Building or Land Use Permit for

☐ Wetland permit: ☐ Army Corp of Engineers ☐ Municipality of Anchorage

**APPLICATION ATTACHMENTS**

Required: ☒ Area to be rezoned location map ☐ Signatures of other petitioners (if any)

☒ Narrative statement explaining need and justification for the rezoning; the proposed land use and development; and the probable timeframe for development.

☒ Draft Assembly ordinance to effect rezoning.

Optional: ☐ Building floor plans to scale ☐ Site plans to scale ☐ Building elevations

☐ Special limitations ☐ Traffic impact analysis ☐ Site soils analysis

☐ Photographs

**APPLICATION CHECKLIST**

1. Zoning map amendments require a minimum of 1.75 acres of land excluding right-of-way or a boundary common to the requested zone district.
2. The petitioning property owner(s) must have ownership in at least 51% of property to be rezoned.

March 23, 2009

Mr. Tom Nelson, Planning Director  
Planning Department  
Municipality of Anchorage  
P O Box 196650  
Anchorage, AK 99519-6650

Subject: Letter of Authorization  
Chugiak Gravel Pit

Dear Mr. Nelson:

Granite Construction Company is the owner of Parcel No's. 051-191-39; 051-191-41; 051-191-18; 051-191-19; 051-191-40; 051-191-04; 051-191-14; 051-191-06; 051-191-38. The parcels total approximately 2,047,320 square feet and are located in a portion of the West 1/2 and a portion of the SE 1/4 of the NE 1/4 of Section 16, T15N R1W, Seward Meridian, Chugiak, Alaska.

We authorize DOWL HKM, in accordance with Anchorage Municipal Code 21.20.050.A.7, to act on our behalf in providing land use services on these parcels.

Sincerely,  
Granite Construction Company

By: 

Name: Trevor Edmondson

Its: Plants Manager

**MASTER PLAN**  
**CHUGIAK GRAVEL PIT**

**Prepared for:**

**Granite Construction Company**  
11301 Long Street  
Anchorage, Alaska 99515

**Prepared by:**

**DOWL HKM**  
4041 B Street  
Anchorage, Alaska 99503  
(907) 562-2000

W.O. D60222

April 2009

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Appendix B .....	Soils Logs
Appendix C .....	Draft AO
Appendix D .....	Supplemental District Regulations (AMC 21.45)

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**LIST OF ACRONYMS**

ABC 2020 Plan .....	Anchorage Bowl Comprehensive 2020 Plan
AMC.....	Anchorage Municipal Code
CERC Plan .....	Chugiak-Eagle River Comprehensive Plan
CUP .....	Conditional Use Permit
Granite.....	Granite Construction Company
MOA .....	Municipality of Anchorage
NRE.....	Natural Resource Extraction
PC.....	Planned Community
PLI.....	Public Lands Institutions

## 1.0 INTRODUCTION

### 1.1 Overview

Granite Construction Company (Granite) (d.b.a. Wilder Construction Company) is proposing to create a Master Plan under Anchorage Municipal Code (AMC) 21.40.250, for nine parcels located in Chugiak, Alaska (Figure 1, Vicinity Map). The site contains approximately 47 acres of land designated as Planned Community (PC) and is bound by the Old Glenn Highway to the west, Sky View Avenue to the north, Dogwood Road to the east, and undeveloped public lands to the south (Figure 2, Location Map).

The site has been used for natural resource extraction (NRE) for over 40 years and is still in operation today. The last ten-year NRE Conditional Use Permit (CUP) was approved by the Planning and Zoning Commission in 1999 (Appendix A, Resolution No. 99-021) and will expire this year. A CUP application to extend the permit an additional ten years is being submitted concurrently with this Master Plan submittal.

The majority of the site (about 38 acres) has been affected by the extraction operations. The proposed Master Plan designates these areas as industrial and greenbelt/open space. The remaining 8 acres on the northeast and east portion of the site are undeveloped and are proposed for low-density (R-7) residential use.

The Chugiak-Eagle River area is continuing to develop and mature as a community. The Anchorage Bowl has limited undeveloped lands remaining to meet needs for future residential, open space and recreation, and industrial development. Lands in the Chugiak-Eagle River area are expected to play a significant role in meeting future development needs for the greater Anchorage area. The Chugiak-Eagle River area currently has a rural character with most residents employed in Anchorage and lower-density housing is planned to remain in the Chugiak area. The Chugiak-Eagle River Comprehensive Plan (CERC Plan) indicates that the demand for industrial space is also anticipated to increase. With this continued growth, it is becoming increasingly important to maintain open space and recreational lands. This Master Plan is designed to establish zoning districts, development standards, and other land use controls, as needed to guide development in the Chugiak Pit PC district in a manner that addresses the industrial and commercial, open space and recreational, and residential needs of the area.

## **1.2 Property Description**

The properties proposed for inclusion in the Chugiak Pit PC Master Plan are parcels 051-191-39; 051-191-41; 051-191-18; 051-191-19; 051-191-40; 051-191-04; 051-191-14; 051-191-06; and 051-191-38. The site contains approximately 47 acres, of which about 38 acres have been mined and 9 acres are undeveloped. The site is located in a portion of the West1/2 and a portion of the SE1/4 of the NE1/4 of Section 16, T15N R1W, Seward Meridian.

## **1.3 Land Ownership and Use**

The site is owned by Granite and they expect to lease or sell the property at the end of their ten-year NRE CUP permit. The Chugiak Pit PC area is located within the Municipality of Anchorage (MOA) and is subject to Title 21 Land Use Planning of the AMC. The majority of the site is currently used for NRE and a portion is undeveloped.

## **2.0 EXISTING CONDITIONS**

This section describes the existing conditions on the site.

### **2.1 Land Use**

The Granite site is zoned PC. The areas surrounding the site are zoned a mixture of General Business with Special Limitations (B-3 SL), Large Lot Rural Residential (R-5a), Intermediate Rural Residential (R-7), Residential Alpine/Slope (R-10), and Public Lands and Institutions (PLI) (Figure 3, Current Zoning Map). The area across the Old Glenn Highway from the site is zoned PLI and PLI-p (Loretta French Park), public lands designated for parks, open space and greenbelts.

### **2.2 Surficial Geology and Soils**

The surficial geology and soil conditions of the site are a reflection of quaternary glaciations, alluvial (water) and colluvial (mass wasting) processes. In the area of the gravel pit, the material is likely glacial alluvial in origin, a kame or esker deposit. Kames and eskers are deposited beneath glaciers, near the terminus, as the ice begins to melt. Melt-water transports the glacial sediments and deposits them as positive relief features. These deposits are composed of moderately well-sorted gravels and sands with some silt. Test borings in the pit area indicate intermittent layers of siltier material within the deposit (Appendix B, Soils Logs).



To the north and west of the gravel pit, near the Old Glenn Highway, there is fill material from previous development. South and southeast of the excavated area are colluvial deposits composed of moraine material from the Elmendorf moraine. This material is unsorted to poorly-sorted gravel with varying amounts of sand and silt.

The undeveloped portions of the site contain three soils types. As shown on Figure 4, these three soil types are: Cryorthents and Urban Land, 5 to 20 percent slopes, Kashwitna – Kichanta, undulating and hilly, and Kashwitna – Kichanta, undulating and steep. The soils' capabilities range from somewhat limited to very limited (Table 1). Cryorthents and Urban Land is the least limited and only makes up a small portion of the site. Kashwitna – Kichanta is the most limited and makes up approximately 15 percent of the site.

Table 1 indicates the limitations that these soil types pose for the various types of development described. With regard to the information appearing in the table, shallow excavations refer to those occurring during the installation of utilities, basements, and cemeteries. Dwellings are single-family houses of three stories or less. Small commercial buildings are those not exceeding three stories in height and do not have basements. Local roads and streets are constructed of all-weather material and carry automobile and light truck traffic all year. Soil limitations are described as not limited, somewhat limited, and very limited, with the reason for these limitations following after the colon.

Table 1: Soil Types on Chugiak PC Site

Soil Name and Map Symbol	Dwellings with Basements	Dwellings without Basements	Small Commercial Buildings	Shallow Excavations	Local Roads and Streets	Camp and Picnic Areas	Playgrounds	Foot and ATV Trails
Cryorhents and Urban Land, 5 to 20% slopes	Somewhat limited: slope; large stones	Somewhat limited: slope; large stones	Somewhat limited: slope; large stones	Very limited: depth to dense layer; cutbanks cave; slope; content of large stones	Somewhat limited: frost action, slope; content of large stones	Somewhat limited: gravel content; sandy surface layer easily displaced; slope; content of large stone	Very limited: gravel content; sandy surface layer easily displaced; slope; content of large stone	Somewhat limited: sandy surface layer easily displaced; content of large stone
Kashwitna - Kichanta complex, undulating and hilly	Somewhat limited: slope	Somewhat limited: slope	Very limited: slope	Very limited: cutbanks cave; slope	Somewhat/very limited: frost action; slope	Somewhat limited: silty surface - dusty when dry/slippy when wet	Very limited: slope; silty surface - dusty when dry/slippy when wet	Somewhat limited: silty surface - dusty when dry/slippy when wet
Kashwitna - Kichanta, undulating and steep	Very limited: slope	Somewhat limited: slope	Very limited: slope	Very limited: cutbanks cave; slope	Very limited: frost action; slope	Very limited: silty surface - dusty when dry/slippy when wet	Very limited: slope; silty surface - dusty when dry/slippy when wet	Somewhat limited: silty surface - dusty when dry/slippy when wet
Gravel Pits	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated

### **2.3 Topography**

The site is steepest in the southeast corner, sitting at about 640 feet in elevation, and slopes at approximately 12 percent in a westerly direction to about 420 feet in elevation over approximately 1,900 feet (Figure 5, Topography Map). A large portion of the site has been excavated. Within the excavated area the site is steepest along the eastern edge, sitting at 530 feet in elevation and slopes at approximately 8 percent to the west to about 420 feet in elevation within approximately 1,300 feet.

### **2.4 Seismic/Mass Wasting Considerations**

Mass wasting refers to the movement of large quantities of earth under gravitational force. Examples of mass wasting include landslides, avalanches, coastal flooding and erosion, and tsunami hazards. The entire site has been identified as having a low to moderate ground failure susceptibility.

### **2.5 Vegetation**

Vegetation offers many advantages to a property including, windbreaks, shade, air pollution reduction, noise mitigation, water conservation, and screening. The majority of the site is unvegetated. The areas not affected by NRE contain closed forest and non-forested vegetation types. The closed forest consists of coniferous white spruce. The non-forested area consists of alders.

### **2.6 Wetlands**

There are no wetlands identified on this site.

### **2.7 Wildlife**

In general, the Eagle River Valley provides important wildlife habitat - as a largely untouched corridor from the alpine meadows within Chugach State Park to the tidal flats of Knik Arm. This valley has a significant diversity of wildlife from the larger mammals to populations of smaller mammals. Additionally, a variety of raptors and other birds are commonly observed.

While moose roam the entire valley throughout the year, their presence is most common during the winter when an abundant food, such as willow, is found. Other mammals, such as wolves and brown and black bears may also be found in the area.

The site has not been identified as having any unique habitat values.

## **2.8 Drainage**

The existing site conditions, as shown in Figure 5 (Topography Map), demonstrates that the site is graded in a manner that infiltrates stormwater onsite without contributing to offsite runoff.

## **2.9 Existing Infrastructure**

Since the site is currently undeveloped there are no existing roads and limited utilities in the project area. The NRE area is accessed by a driveway off of the Old Glenn Highway. There is a fiber optics line that runs east to west across the northern portion of the site. There are gas and telephone lines located in various properties adjacent to the site, which may be extended to service the site when development begins. The Anchorage Water and Wastewater Utility does not service the site area.

## **3.0 PROPOSED LAND USES**

### **3.1 Zoning Districts**

This Master Plan proposes three Chugiak Pit PC zoning districts (Figure 7, Proposed PC Zoning Map). The districts are designed to emulate existing districts within AMC Title 21. The use of zoning districts that are similar to other existing districts in the municipality and are recognized by most people should reduce the confusion that has taken place with other planned community districts. A draft AO with detailed zoning district descriptions is included in Appendix C. The MOA current supplemental district regulations (AMC 21.45) are included in Appendix D for reference. The districts are summarized below.

#### **3.1.1 PC-OSR - Open Space/Recreation**

Chugiak Pit Open Space/Recreation is intended to designate open spaces that accommodate greenbelt or buffer purposes, as well as potential recreation uses. Permitted uses will preserve and protect these open spaces, while allowing for compatible recreational uses.

### 3.1.2 PC-II/C - Industrial/Commercial

Chugiak Pit industrial/commercial is intended primarily for urban and suburban light manufacturing, storage, wholesale and distributions operations, and limited commercial uses. This area would allow for up to 300,000 square feet of industrial and commercial uses.

### 3.1.3 PC-R7 - Intermediate Rural Residential

Chugiak Pit Intermediate Rural Residential is intended to encourage low-density residential development (one unit per 40,000 square feet), and is intended for those land areas where large lot development is desirable as an adjunct to the more typical urban and suburban residential zoning districts. Given the size of the areas identified for residential development, the plan would allow for six residences.

The Master Plan allocates the 47 acres within the Chugiak Pit PC to the zoning districts as shown in Table 2 and as shown in Figure 8. Approximately 21 acres of the area is identified for open space/recreation development. Another 18 acres is allocated to light industrial/commercial. Finally, 8 acres are dedicated for residential use.

**Table 2: Proposed Zoning Districts in Chugiak PC Site**

Zoning District	Acres	Percentages (%)
PC-OSR	21	45%
PC-II/C	18	38%
PC-R7	8	17%
TOTAL	47	100%

## 3.2 **Proposed Drainage**

The site will continue to be graded in a manner that will infiltrate stormwater onsite without contributing to offsite runoff (Figure 6, Conceptual Grading/Drainage Plan).

## 3.3 **Proposed Infrastructure**

Currently, there is no infrastructure on the site. Access to the existing gravel pit is directly off Old Glenn Highway. After excavation, fill, and final reclamation of the site is complete, the site will be revisited to determine permanent placement of roads, contingent upon final use of the site. This will be done via a platting process.

Based on the low-intensity residential and recreational nature of proposed development, it is assumed that on-site water and wastewater systems will be developed, and power lines, gas lines, fiber optics, and telephone lines will be extended to serve the site as it is developed.

#### **4.0 DEVELOPMENT PHASING**

Initial development is anticipated to begin in 2019, after the current natural resource extraction activities have ended. Development may include open space and recreation uses, light industrial and commercial facilities, and residential development. Areas not developed will retain natural vegetation, or if disturbed will be revegetated with mature, non-invasive species.

#### **5.0 EFFECTS OF THIS DEVELOPEMENT**

The proposed Master Plan calls for Industrial/Commercial development along the Old Glenn Highway with residential uses adjacent to existing developed residential areas. A large open space buffer is proposed to separate the industrial/commercial area from the residential area.

The proposed development under this Master Plan is consistent with the Anchorage Bowl Comprehensive 2020 Plan (ABC 2020 Plan), the CERC Plan and with other municipal planning standards. Development of the Master Plan area, in accordance with the proposed zoning districts and development standards outlined previously, is intended to provide open space and recreational, industrial and commercial opportunities, and residential opportunities for the Chugiak-Eagle River District.

The ABC 2020 Plan identifies the Chugiak-Eagle River area as an important residential area and proposes that it is become a more self-contained community with local-serving retail and support services.

The CERC Plan identifies the potential for future demand of industrial land. The proposed development is in line with these goals, as it would provide the opportunity for commercial and industrial services and residential opportunities, as well as providing local recreational opportunities. The CERC Plan addresses the retention of open space, recreational opportunities, and wetland preservation by setting forth a goal to establish an integrated open space and greenways network which effectively links parks, recreational facilities, schools, residential and commercial areas. Another goal of the CERC Plan is to provide a wide range of recreational

opportunities to all segments of the community by providing the opportunity for various recreational activities. The proposed development would be consistent with this plan by preserving valuable open space, and links to the MOA Heritage Land Bank lands to additional open space.

The CERC Plan addresses economic development by setting a goal to promote economic growth that both builds on the area's resources and assets, and supports a mix of urban, suburban and rural lifestyles, while providing a range of employment opportunities and an adequate supply and variety of goods and services. The proposed development would be consistent with this plan as it will create various industrial and commercial job opportunities that could provide the area with a variety of goods and services.

The CERC Plan addresses growth by setting a goal to ensure an orderly, efficient pattern of development that reflects the diverse needs of the community and encourages growth that is consistent with historical land uses, community character and the natural environment. The proposed development would be consistent with this plan as it proposes a pattern of development that takes in to consideration the historical pattern of industrial and commercial development along the Old Glenn Highway and low-density residential needs of the community areas consistent with existing residential uses and open space buffering the residential from the industrial and commercial areas.

The CERC Plan addresses residential development by setting a goal to ensure residential densities are compatible with current densities in immediate surrounding areas. The proposed development would be consistent with this plan as it is proposing low-density residential development, which is consistent with the surrounding area. The CERC Plan also sets a goal to protect residential neighborhoods from incompatible land uses on adjoining tracts. As mentioned before, the proposed Master Plan calls for industrial/commercial development along the Old Glenn Highway with residential uses adjacent to existing developed residential areas. A large open space buffer is proposed to separate the industrial and commercial area from the residential area. Thus the proposed development would ensure that land uses on adjoining tracts are compatible.

The CERC Plan addresses commercial and industrial development by setting a goal to ensure an adequate supply of land in suitable locations for commercial and industrial development that is compatible with community needs and resources. The proposed development would be consistent with this plan as it designates 14 acres of land for industrial and commercial development along the Old Glenn Highway, which has historically been a corridor for industrial and commercial development.

The CERC also encourages commercial and industrial development that takes into account potential impacts on other uses, access, utilities, parking, aesthetics and environmental quality.

The proposed development takes into account the impacts of commercial and industrial development on residential areas by providing a large open space buffer between the two uses. Access to the proposed commercial and industrial designated area will remain the same as the current access. Access to the residential properties will be taken from Dogwood Road. Based on the low intensity of residential, industrial, commercial and recreational nature of permitted development, it is assumed that on-site water and wastewater systems will be developed to serve the site. Due to the low-density of the proposed development, it is not expected that this development will substantially increase demand upon public services such as the fire department, the police department, or schools. It is also not expected that major traffic impacts will occur as a result of this project. The proposed industrial and commercial development will accommodate required off-street parking and will not impact area parking. The proposed development is screened with existing vegetation or open space will be revegetated with screening landscape and will not impact the aesthetics and environmental quality of the area. Thus the proposed development is consistent with this plan.

The CERC Plan also sets a policy for the use of natural or constructed buffers, barriers or transition areas separating commercial or industrial areas and their effects from existing or anticipated incompatible land uses. A large open space buffer is proposed to separate the industrial/commercial area from the residential area. Thus the proposed development would ensure that land uses on adjoining tracts are compatible and is therefore consistent with this plan.

The CERC Plan addresses parks, open space, greenways, and recreation facilities by identifying the need to adopt standards for provision of adequate open space (including both parks and



natural open space), private and public, within new development. These standards will provide definitions and formulas for calculating amounts of the different types of open space as appropriate. The proposed development designates approximately 24 acres of open space to be used for open space and recreational purposes. Thus the proposed development would provide adequate open space and is consistent with this plan.

The CERC Plan addresses water and wastewater utilities by setting forth the policy to not extend public utility systems to areas designated for low-density development on the CERC Plan's Land Use Plan map, except where needed to resolve public health problems. Based on the low intensity and recreational nature of permitted development, it is assumed that on-site water and wastewater systems will be developed to serve the site. Due to the low density of the industrial and commercial, and residential development plan it is not expected that this development will substantially increase demand upon public services such as the fire department, the police department, or schools. It is also not expected that major traffic impacts will occur as a result of this project. Thus the proposed development is consistent with this plan.

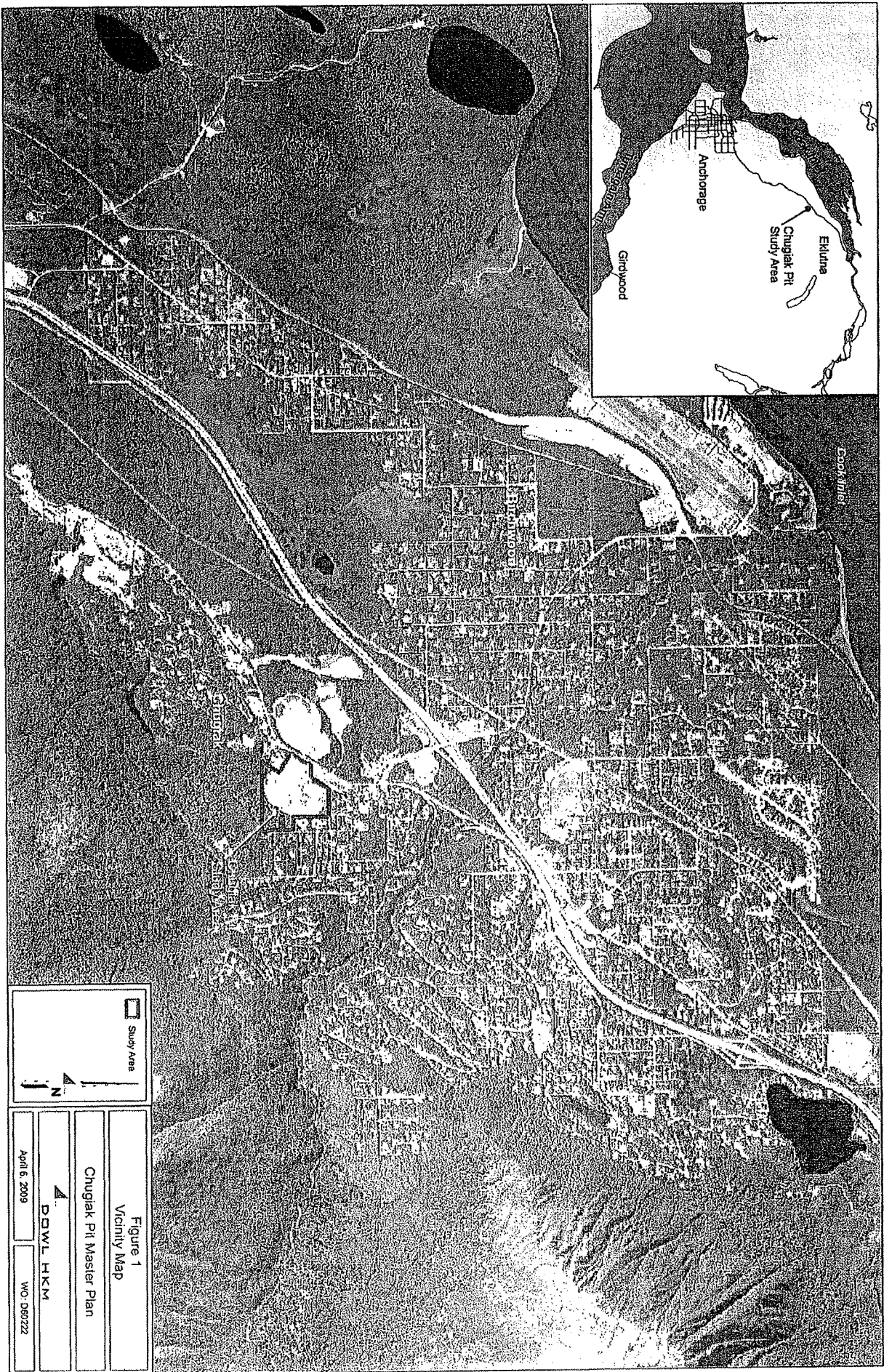
The CERC Plan's Land Use Plan map identifies two land use classifications for area of the proposed development. The majority of the site is classified as industrial, while a portion to the east of the site is classified as low-density residential. The area classified as industrial is the proposed site for the industrial and commercial development and for the open space area. This will provide the needed industrial and commercial land, while providing an adequate buffer the already developed adjacent residences. The low-density residential classification is in line with the proposed low-density residential lands.

The proposed development is consistent with municipal planning policies, ABC 2020 Plan, and the CERC Plan. The proposed mixed use development is believed to promote diversification of the Chugiak and Eagle River economy and preservation of valuable resources and open space needs, therefore enhancing the quality of life for the area's residents.

## FIGURES

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- Figure 1: Vicinity Map
- Figure 2: Location Map
- Figure 3: Current Zoning Map
- Figure 4: Soils Map
- Figure 5: Topography Map
- Figure 6: Conceptual Grading/Drainage Plan
- Figure 7: Proposed PC Zoning Map
- Figure 8: Proposed PC Zoning Boundaries



Study Area

Figure 1  
Vicinity Map

Chugliak Pit Master Plan

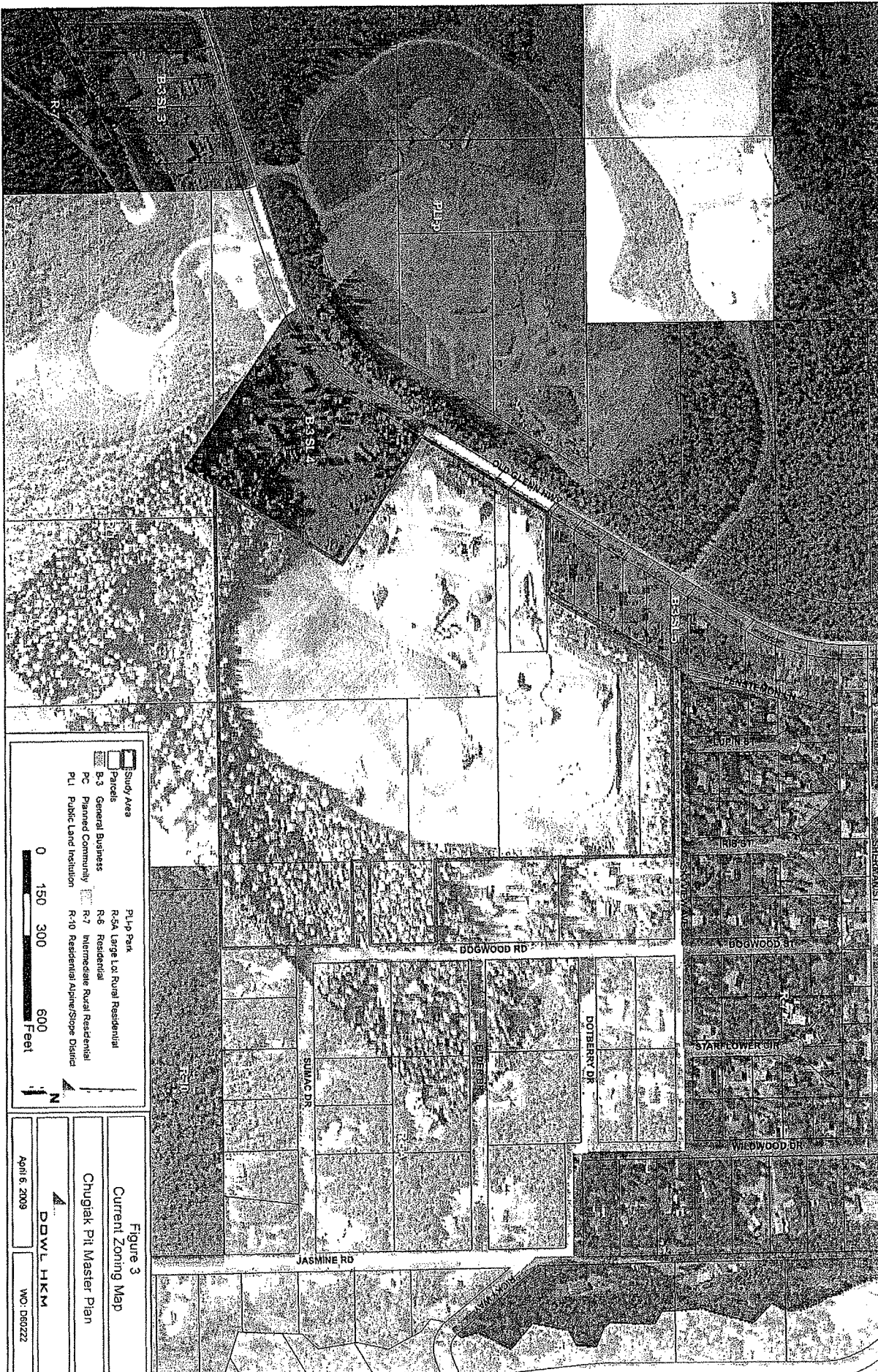
BOWL HKM

April 6, 2009

WFO D86222



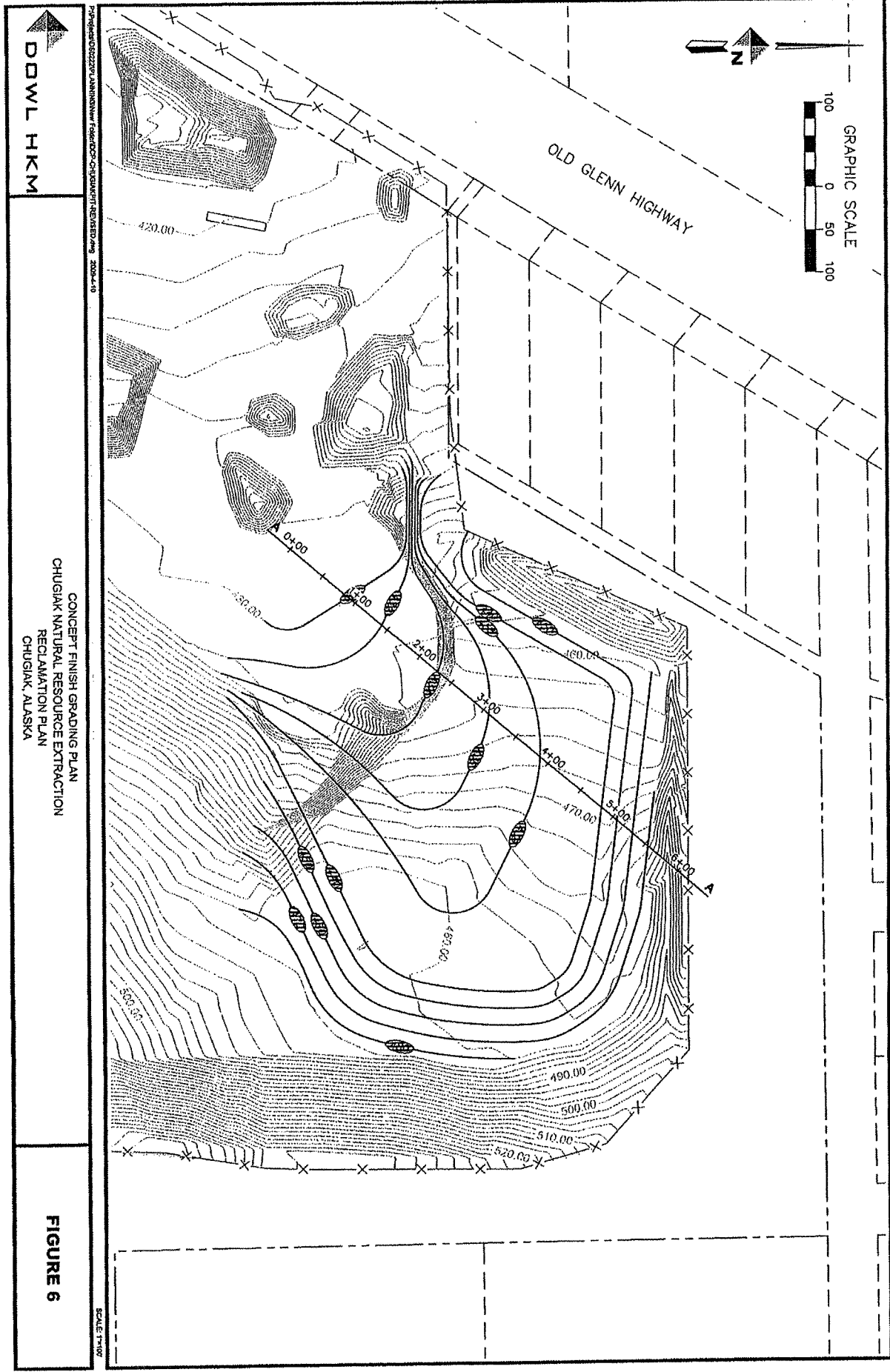






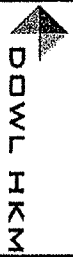












PROJECT: CHUGIAK NATURAL RESOURCE RECLAMATION PLAN  
DATE: 2004-10

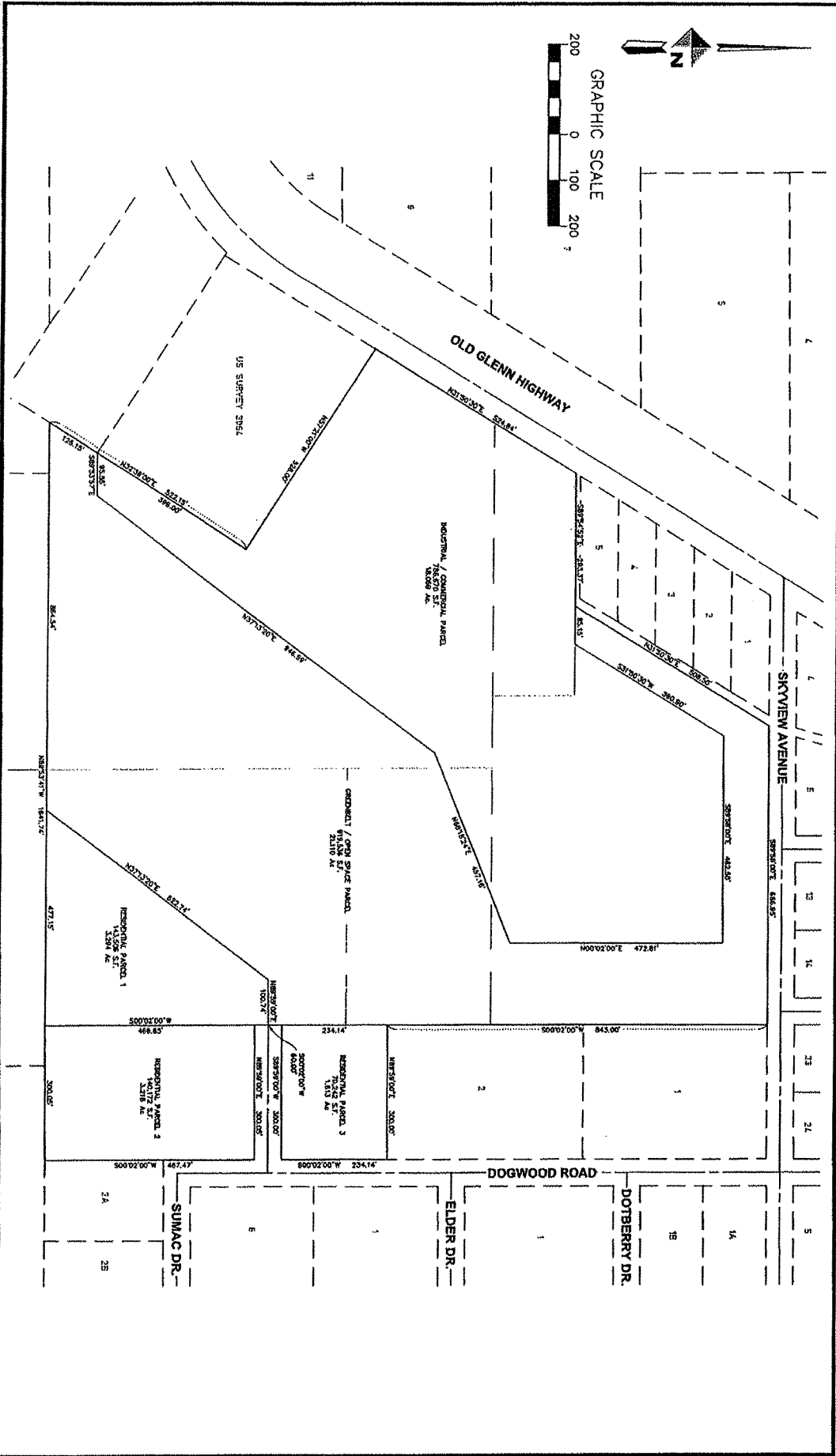


FIGURE 8

## **APPENDIX A**

### **Resolution No. 99-021**

MUNICIPALITY OF ANCHORAGE  
PLANNING AND ZONING COMMISSION RESOLUTION NO. 99-021

A RESOLUTION AMENDING A CONDITIONAL USE TO ALLOW A TIME EXTENSION FOR A NONCONFORMING NATURAL RESOURCE EXTRACTION IN A PC - PLANNED COMMUNITY AND B-3 SL DISTRICT, LOCATED WITHIN SKYLINE VIEW SUBDIVISION, TRACT A; LOT 10; LOT 6; THE SOUTH 50 FEET OF THE WEST 606 FEET OF LOT 6; THE S ½ OF THE NE ¼ OF THE SW ¼ OF THE NE ¼; AND THE SE ¼ OF THE SW ¼ OF THE NE ¼; ALL LOCATED WITHIN SECTION 16, T15N, R1W, S.M., AK, GENERALLY LOCATED ALONG THE EAST SIDE OF OLD GLENN HIGHWAY AND SOUTH OF SKYVIEW DRIVE.

(Case 98-195; Tax ID. No. 051-191-04, 06, 14, 39, 40 and 41)

WHEREAS, a petition was received from DOWL Engineers, representing the Wilder Construction dba Central Paving Products, for a time extension for a nonconforming natural resource extraction in a PC-Planned Community and B-3 SL district, located within Skyline View Subdivision, Tract A; Lot 10; Lot 6; the South 50 feet of the West 606 feet of Lot 6; the S ½ of the NE ¼ of the SW ¼ of the NE ¼; and the SE ¼ of the SW ¼ of the NE ¼; all located within Section 16, T15N, R1W, S.M., AK, generally located along the east side of Old Glenn Highway and south of Skyview Drive.

WHEREAS, notices were published, posted and mailed and a public hearing was held March 1, 1999.

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

- A. The Commission makes the following findings of fact:
1. The petitioner proposes to extract 1.6 million cubic yards of usable gravel from the site, which is roughly 50% of the remaining material reserve of 3.3 million cubic yards.
  2. The site is comprised of 6 parcels totaling 40.28 acres.
  3. The site is a nonconforming use, which has been in continuous operation for 30 years or more. The change of zoning during this time has made the resource extraction use nonconforming. Should the use be abandoned for a period of more than one (1) year, the use could only be resumed by obtaining approval of a master plan for the PC district or a rezone to another district that allows resource extraction.

4. The petitioner has indicated that the site has about 22.6 years of life expectancy given the historical rate of gravel removal and use. The Commission finds that a 10-year extension is appropriate in this case, with a requirement for a mid-term review by staff after 5 years have elapsed.
5. The petitioner has met with the Chugiak Community Council and satisfied its concerns about the continuing operation of the site.
6. The petitioner is willing to move towards conformity with the current code requirements by accepting new conditions of approval, in addition to the conditions that have historically been attached to the resource extraction approvals for this site.
7. At the end of this 10-year extension, the petitioner will provide a master plan showing the eventual use and layout of the site for commercial or residential uses to be developed at the conclusion of the resource extraction process.
8. The Commission finds that the standards are met for an extension of the nonconforming resource extraction use in the PC and B-3 SL districts.

B. The Commission grants final approval for a conditional use for resource extraction, subject to the following conditions of approval:

1. These conditions of approval are added to and supplemental to conditions in Resolution 78-75D.
2. This conditional use approval is for the natural resource extraction of a maximum of 1,640,852 cubic yards of gravel. There may be crushing of materials as well as operation of a concrete batch plant and asphalt batch plant on the site. This approval is subject to all standards for Conditional Uses and the petitioner's application, narrative and submittals.
3. Prior to May 31, 1999, a Notice of Zoning Action and the Commission resolution for this case shall be filed with the State District Recorder's Office. Proof of such shall be provided the Department of Community Planning and Development.
4. All excavation and mining improvements related to this approval shall be substantially in compliance with the following plans on file at the Department of Community Planning and Development except as modified by these conditions of approval:

- a. Existing Conditions – Chugiak Gravel Pit, Sheet C-2, Dated 1/20/99; Scale: 1" = 100'; prepared by DOWL Engineers.

- b. Future Conditions – Chugiak Gravel Pit, Sheet C-3, Dated 1/20/99; Scale 1" = 100'; prepared by DOWL Engineers.
5. The time limitation on this natural resource extraction shall be five years initially (from 3/1/99). At the end of five years Land Use Enforcement and the Zoning and Platting Division of the Department of Economic Development and Planning shall meet with the owners and determine if any violations have occurred or are on going. If it is determined there have been no significant violations in that period, then the matter will come back to the Planning and Zoning Commission through its consent agenda, non-public hearing format, to address any zoning violations, changes in technology or new information on the site itself and will be considered for an additional five year extension. At the end of ten years (3/1/09) a new public hearing and reevaluation is required before further extensions.
6. Operational hours shall be limited to the hours of 7:00 AM to 7:00 PM, Monday through Saturday. No extraction or processing activities are permitted on Sundays or holidays.
7. A security fence shall be erected and maintained around the active extraction area only to restrict casual access during periods of extraction activity. A locked gate will be maintained across the access drives to the Old Glenn Highway. The access points will be stop controlled and a project sign with a contact person's name and phone number installed near the access road entrance.
8. The perimeter of the petition site shall be posted stating that trespassing is prohibited.
9. At the end of this 10 year extension, prior to further extensions of the resource extraction land use, the petitioner shall have prepared a detailed master plan for the site which shows the future uses and site conditions applicable to the site upon the termination of extraction activities.
10. An annual aerial photograph indicating areas of extraction and an annual inspection report prepared by an Alaskan registered engineer, identifying the location and extent of extraction, as verified by truck-load tickets, will be provided to Zoning Enforcement by January 15, for each year. A new topographic map at a horizontal scale of 1 inch equals 500 feet with 10 foot contour intervals and permanent control survey monuments clearly identified shall be provided at five-year intervals.

11. An annual complaint report, identifying the caller, nature of the call, and the action taken to address the concern, shall be submitted to Zoning Enforcement by January 15<sup>th</sup> of each year.
12. Because extraction will be project dependent or market driven, there is no maximum annual extraction limit.
13. This conditional use shall become immediately null and void if, in any year during the conditional use permit, all reports that are required are not submitted by the date required and in a form that is customary for a natural resource extraction operation.
14. Prior to the issuance of a land use or excavation permit the petitioner shall resolve:
  - a. a final erosion and sediment control plan (including stormwater runoff) with Public Works Engineering and State Department of Environmental Conservation;
  - b. a final site grading and drainage plan with Public Works Engineering;
  - c. a final overburden debris and waste disposal plan with Public Works Land Use Enforcement;
  - d. above ground and buried utilities, if any, shall be located prior to commencing mining operations;
  - e. replat of lots previously subdivided by deed;
  - f. Provide annual reports to Land Use Enforcement required by previous resolutions;
  - g. Provide approved site/landscaping plans to Land Use Enforcement;
  - h. Verify bonding requirement as been met with Public Works;
15. Prior to this conditional use becoming effective, proof of financial capability for final landscaping restoration and maintenance shall be provided to the Department of Community Planning and Development. This guarantee may be in the form of a bond, mandatory escrow payments, letters of credit, or any other form deemed acceptable to the Department.
16. Heavy truck traffic generated to and from the site shall be restricted to the nearest interchange with the Glenn Highway,

unless the job requiring gravel from the site is located along the Old Glenn Highway between the pit and Eagle River.

17. Resolve with ADOT/PF the number, location and sight distances for each access drive along the Old Glen Highway.
18. As each area of extraction is completed, slope restoration and landscaping shall be completed by the end of the following growing season.
19. No blasting on the site will be allowed under this conditional use permit.

PASSED AND APPROVED by the Anchorage Planning and Zoning Commission this 1<sup>st</sup> day of March 1999.

Caren L. Mathis  
Caren L. Mathis,  
Secretary

Daphne Brown  
Daphne Brown  
Chair

(Case No. 98-195)  
(Tax ID. No. 051-191-04, 06, 14, 39, 40 and 41)

034503 30-cc  
ANCHORAGE  
RECORDING DISTRICT

1999 HY 27 AM 10:04  
REQUESTED BY  
Donal Engstrom



## **APPENDIX B**

### **Soil Logs**

3/23/2009  
11:55 AM

Central Paving Products

241837  
Chugiak Aggregate  
Plant

Drilling Date: 7/11/2008  
Drillers: Winkler & Sons  
Onsite: Rob Brown, Steve Dumbrowski, Bill Kerslake, Nancy Tracy, Doug Wright, Jeff Casey

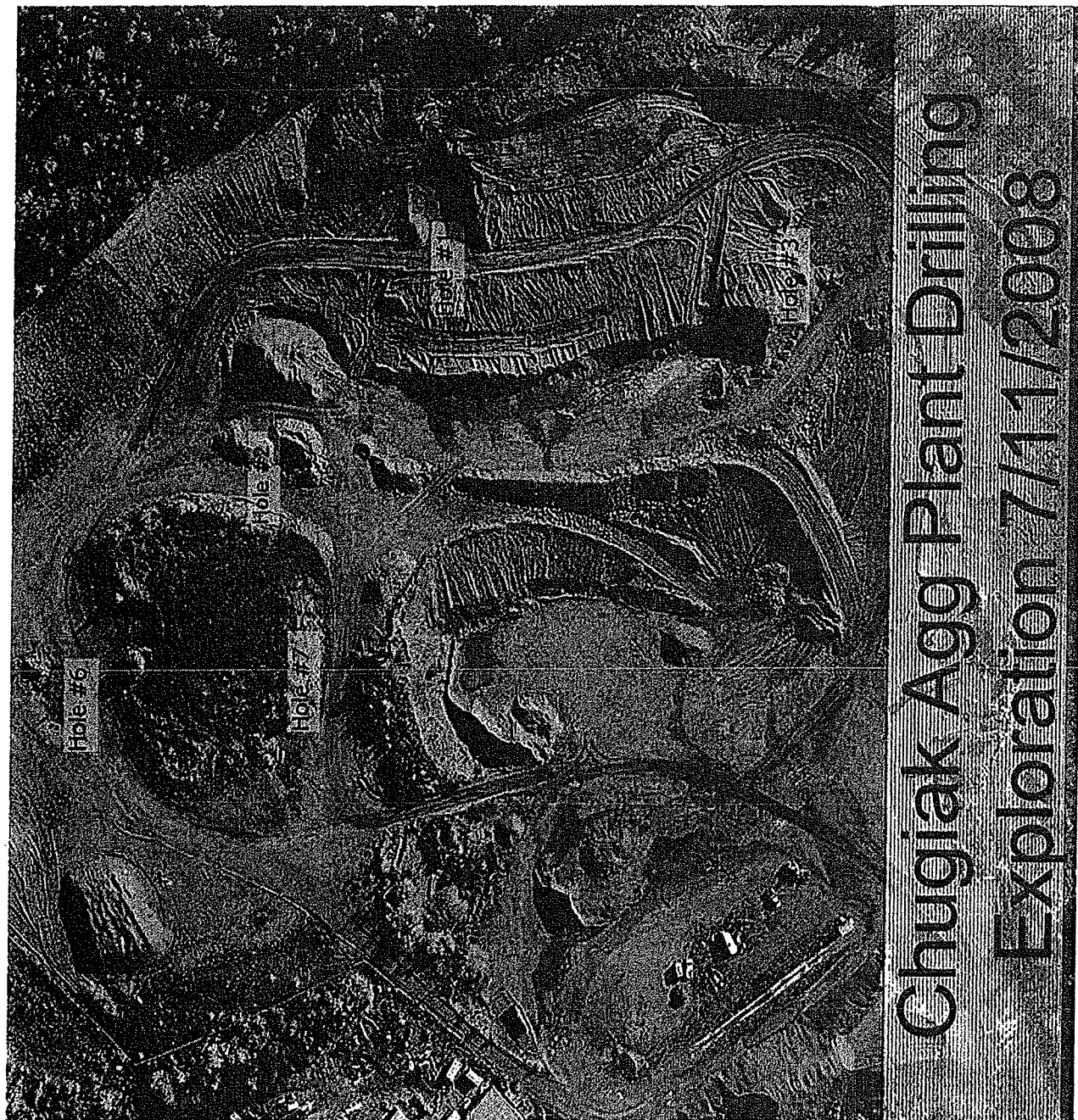
Hole ID # 1  
Depth All Units in Feet Comments  
Start Time 8:00  
0-5 Started to See Sand w/Rock  
4 Siltier Material Starts to Appear  
7 A lot More Silt is Found the Material  
10 A little More Rock Begins to Appear  
11 Drillers Stated That the Ground was Getting Harder to Push Through  
12 Silt was Found up to 12 ft and was Hard to Push the Piping Through  
18 A Siltier Content was Found in the Sample  
24 Believe to Have Hit Bedrock  
29 Stop  
Stop Time 9:15

Hole ID # 2  
Depth All Units in Feet Comments  
Start Time 10:07  
4 Good Rock with Little Fines  
13 Believe to Hit the Hardpan  
17 Pulverizing Bigger Rock That Comes Out in Small, Soft Clumps  
18 Silt is Starting to Show Up in the Sample  
25 Hit a Boulder  
28 Turns to Sandy Gravel  
28.5 Hit Another Boulder  
28 Material Shows up as Silty Gravel  
29 Stop  
Stop Time 11:45

Hole ID # 3  
Depth All Units in Feet Comments  
Start Time 17:32  
4 Material is Silty & Sandy  
11 Started Seeing A lot of Silt  
12 Drillers Stated That the Material was Hard to Drill Through  
18 Material Had Heavy Silt Content  
Stop Time 18:05

Hole ID # 6  
Depth All Units in Feet Comments  
Start Time 12:00  
5 Lots of Good Gravel  
14 Real Loose Rock (Boulder Field Maybe)  
15 Started to Pick Up Silty Gravel  
17 The Drillers Stated That it Got Really Soft & Material Found to Have Higher Moisture Content  
25 Started to Pick Up Silty Gravel & Drillers State That the Drilling was Hard to Punch Through  
30 Started to Pick Up Gravel & Rock  
34 Hit a Boulder  
36 Started to See Good Clean Gravel  
41 Started to Pick Up A lot Siltier Material  
46 Started Seeing A lot More Rocks & Siltier Material  
49 Started to Pick Up Siltier Material Again  
49.5 Started to See A lot of Silt  
50 Pure Silt Material  
50.5 Started Picking Up Some Gravel, But Started Picking Up Clay in the Material  
55 Started Picking Up Sand  
59 Found a Silty Sand Material  
59 Drillers Stated That When They Got to 59 ft They Were Within 5 ft of the Water Table, The Piping Came Out Covered in Wet Clay  
59 Stop  
Stop Time 13:40

Hole ID # 7  
Depth All Units in Feet Comments  
Start Time 16:30  
6 Started to See Good Rock  
13 Started to See A little Silt in the Material  
20 Good Clean Gravel, Material Staying Pretty Consistent  
21 Started Seeing a Small Amount of Sand in the Material  
22 Started Picking Up A little Bigger Cobbles (Gravel)  
27 Hit a Boulder  
28 Started Seeing Siltier Material  
35 Started Picking Up Silty Gravel  
39 Stop  
Stop Time 16:39

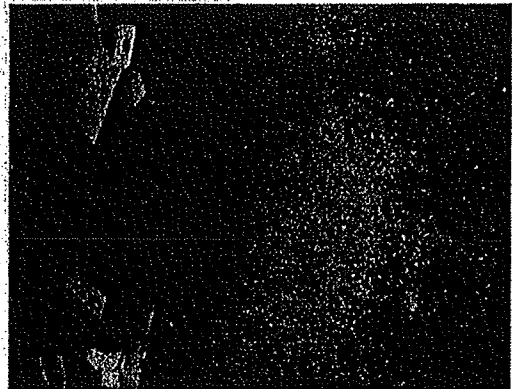


# Chugiak Agg Plant Drilling

Exploration 7/11/2008

# Hole #1

Depth: 10 ft



3/23/2

Depth: 22 ft

Depth (ft)	Comments
Start Time	8:00
4	Sillier Material Starts to Appear
7	A Lot More Silt Appears in the Material
10	A little More Rock Started to Show Up
11	Drillers Stated That the Ground Was Getting Pretty Hard to Push Through
12	Silt was Found Up to 12 ft Deep
18	A lot Of Silt Appears in the Material
24	Believe to Have Hit Bedrock
29	Stop
Stop Time	9:15

\* All Depth Units Are in Feet

# Hole #2

Depth: 5 ft



Depth	Comments
Start Time	10:07
4	Good Rock With Little Fines
13	Believed to Hit Hardpan
17	Pulverizing Bigger Rocks That Come Up in Small Soft Clumps
18	Silt Starts Showing Up in the Material
25	Hit a Boulder
26	Turns to Sandy Gravel
26.5	Hit Another Boulder
28	Material Shows Up as Silty Gravel
29	Stop
Stop Time	11:45

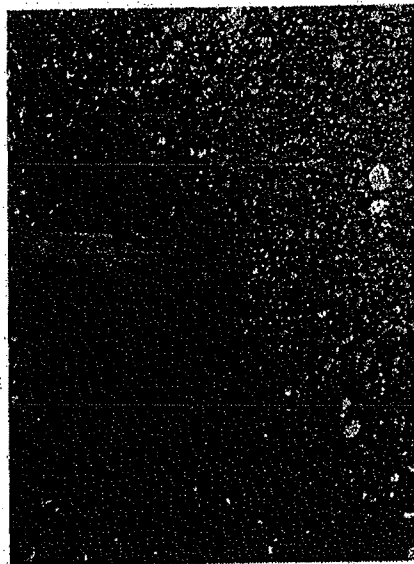
Depth: 22 ft

3/23/2009

\* All Depth Units Are in Feet

# Hole #3

Depth: 6 ft



Depth	Comments
Start Time	17:32
4	Material is Silty & Sandy
11	Started to See alot of Silt Content
12	Drillers Stated That the Material was Hard to Drill Through
18	Material Had Heavy Silt Content
Stop Time	18:05

Depth: 16 ft



3/23/2009

\* All Depth Units Are in Feet

# Hole #6

Depth: 15.5 ft



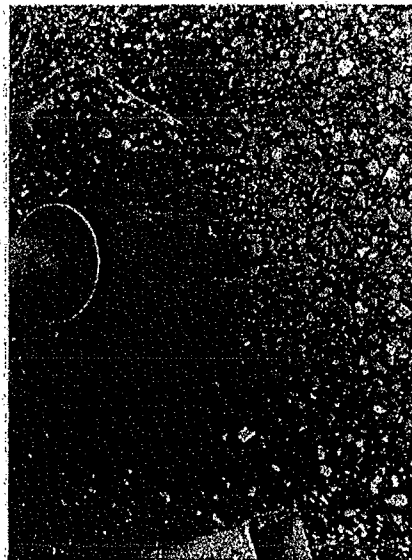
3/23/2009

Depth: 47 ft All Depth Units Are in Feet

Depth	Comment
Start Time	12:00
5	Found Good Gravel
14	Real Loose Rock (Boulder Filled Maybe)
15	Started to Pick Up Silty Gravel
17	Drillers State That it Got Really Soft & Material Found to Have High Moisture Content
25	Started to Pick Up Silty Gravel. Drill Stated that it Was Getting Harder to Push Through
30	Started to Pick Up Gravel & Rock
34	Hit a Boulder
36	Started to See Good Clean Gravel
41	Started to See Siltier Material
46	Started Seeing a lot of Rocks in the Material
49	Started Getting Siltier Material
49.5	Started Getting a lot of Silt in the material
50	Pure Silt Content
50.5	Started Getting A Some Gravel, But Started to See Clay in the Material
55	Started Picking Up Sand
59	Found a Silty Sand Material
59	Stop. Drillers also noted that They Were Probably Within 5 ft of the Water Table
Stop Time	13:40

# Hole #7

Depth: 10 ft



Depth	Comments
Start Time	15:30
5	Started to See Good Rock
13	Started to See A Slight Silt Content in the Material
20	Good Clean Gravel. Material Staying Fairly Consistent
21	Started to See A little Sand in the Material
22	Started to Pick Up Bigger Cobbles (Gravel)
27	Hit a Boulder
28	Started Seeing Siltier Material
35	Started Seeing Silty Gravel
39	Stop. Drillers Stated That This Hole Was Pretty Consistent All the Way Through
Stop Time	16:39

Depth: 19 ft

3/23/2009

\* All Depth Units Are in Feet

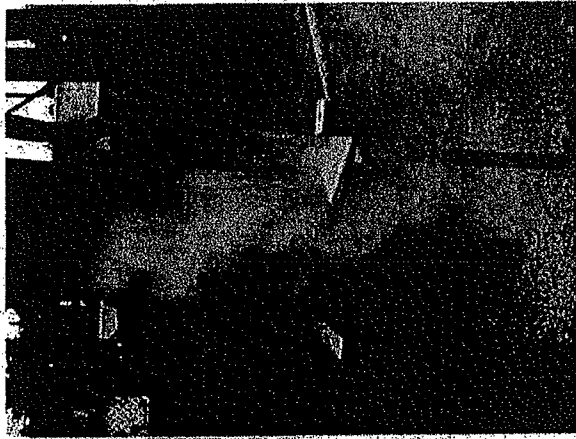


# Other Pics Taken

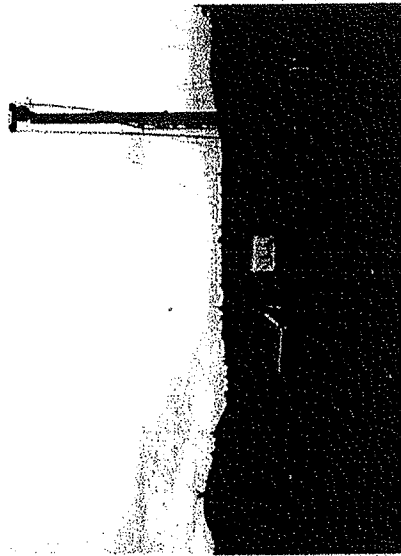
Chugiak Pit



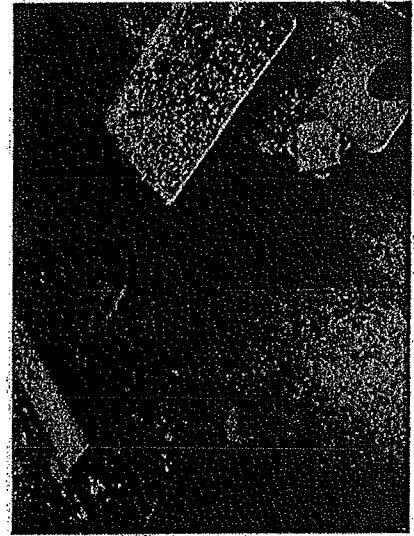
This is What it Looks Like When You Hit a Boulder.. Hole # 6 Depth 34 ft



Drilling Truck

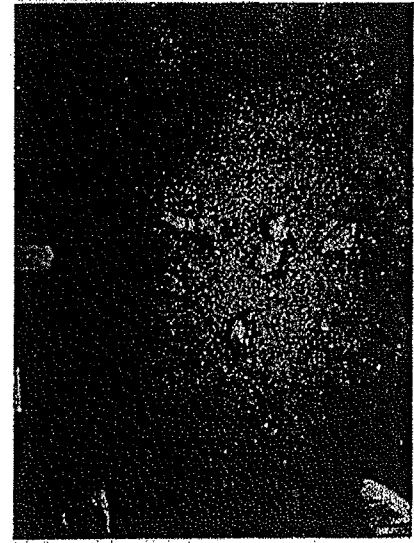


Hole # 6 Depth 34 ft

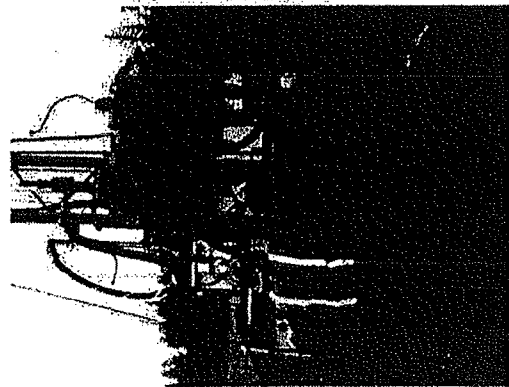


feet

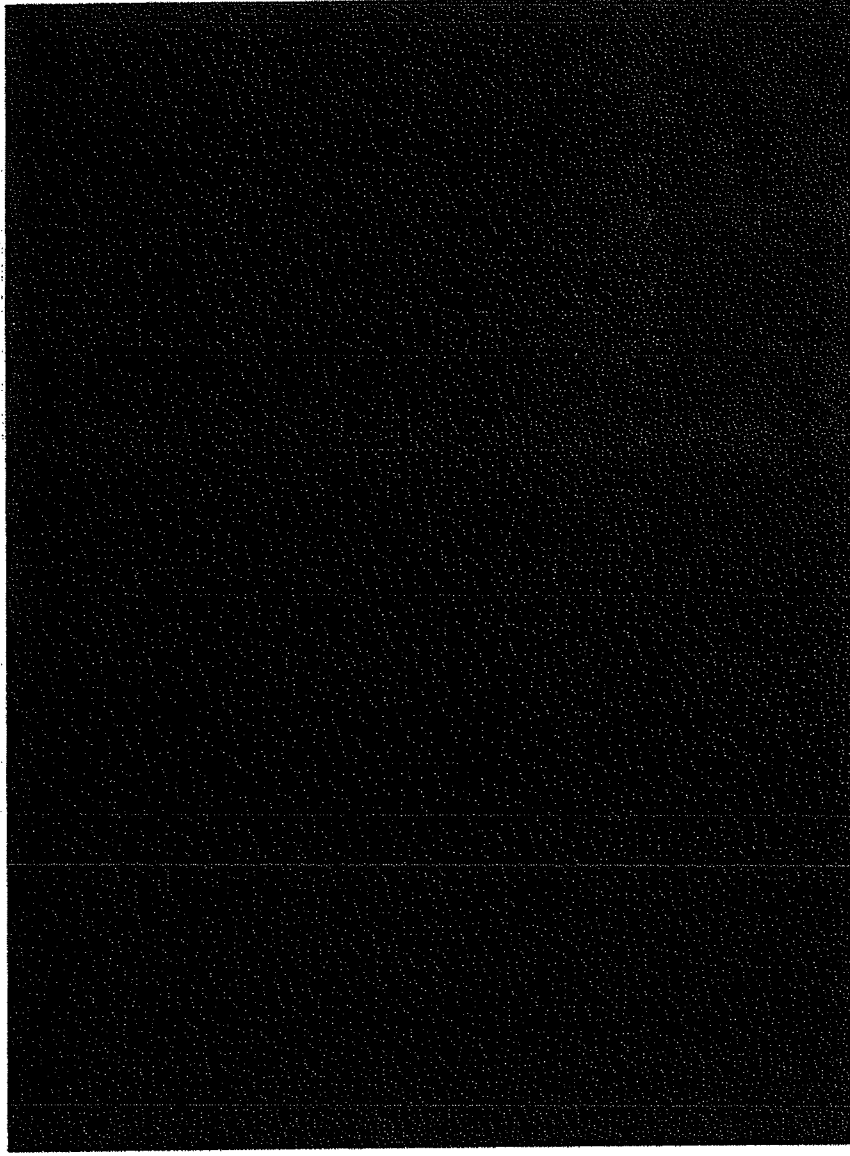
Silt at Hole # 1 Depth 10 ft



Drill Rig



# Video Clip Taken Demonstrating How The Drilling Rig Operated



3/23/2009

\* All Depth Units Are in Feet

## **APPENDIX C**

### **Draft AO**

Submitted by: Chair of the Assembly at  
the Request of the Mayor  
Prepared by: Planning Department  
For reading: , 2009

ANCHORAGE, ALASKA  
AO No. 2009-\_\_\_\_\_

**AN ORDINANCE AMENDING ANCHORAGE ZONING MAP TO AMEND THE  
PC (PLANNED COMMUNITY DISTRICT) TO PC-OSR, PC-II/C, AND PC-R7  
FOR A PORTION OF THE WEST 1/2 AND A PORTION OF THE SE 1/4 OF THE  
NE 1/4 OF SECTION 16, T15N R1W, SEWARD MERIDIAN, LYING WEST OF  
THE OLD GLENN HIGHWAY.**

**(Chugiak Community Council) (Planning and Zoning Case 2009-xxx)**

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** The Master Plan for the Planned Community (PC) District for parcels 051-191-39; 051-191-41; 051-191-18; 051-191-19; 051-191-40; 051-191-04; 051-191-14; 051-191-06; 051-191-38, located in a portion of the West 1/2 and a portion of the SE 1/4 of the NE 1/4 of Section 16, T15N R1W, Seward Meridian, is hereby amended as set forth in the following sections.

**Section 2.** Development of the PC district on parcels 051-191-39; 051-191-41; 051-191-18; 051-191-19; 051-191-40; 051-191-04; 051-191-14; 051-191-06; 051-191-38 shall proceed in substantial conformance with the Chugiak Pit PC Master Plan dated April 2009, prepared by DOWL HKM for Granite Construction Company (Granite). The Master Plan text, tables, and maps are adopted and incorporated by reference as part of this ordinance. The zoning districts identified in the plan represent the development areas for the master plan area. The zoning districts shown in Figure 7 of the 2009 Chugiak Pit PC Master Plan and the district regulations as described in Section 3 below identify the permitted and conditional uses for each district.

<b>Zoning District</b>	<b>Acres</b>
PC-OSR	21
PC-II/C	18
PC-R7	8
Total Area	47

**Section 3.** The following zoning districts are adopted for the Chugiak Pit PC development areas, as illustrated in Figure 7. The districts are designed to be similar zoning districts within Anchorage Municipal Code (AMC) Title

21. Where Title 21 sections are referenced, the provisions shall be those in Title 21 at the time of the adoption of this ordinance.

**PC-OSR Open Space/Recreation**

**A. Intent.** The open space/recreation district is intended to designate open spaces that may serve as greenbelts or buffers. Permitted uses and accessory uses preserve and protect these open spaces while allowing for compatible recreational uses.

**B. Permitted principal uses and structures.** Permitted principal uses and structures are as follows:

1. Parks, parkways and greenbelts, land reserves, open space, trails and related facilities.
2. Private recreation facilities, including playgrounds, play fields, and private recreation centers.
3. Local snow storage.
4. Community fairs and special events, subject to obtaining any required temporary use permits.
5. Public recreational trails.
6. Passive and active outdoor recreation.
7. Noncommercial greenhouses, garden, and garden sheds.

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

1. Uses and structures necessary or desirable adjuncts to permitted principal uses and structures, where such accessory uses or structures are under the management or control of the organization or agency responsible for the permitted principal use or structure.

**D. Conditional uses.** Permitted conditional uses are as follows:

1. Commercial recreational uses, including non-residential structures associated with such commercial recreation uses, for a period of time determined by the Planning and Zoning Commission.
2. Commercial greenhouses and tree nurseries.

**E. Minimum Yard Requirements.** 25 feet front, side, and rear.

- 1 **F. *Maximum Lot Coverage.*** Maximum lot coverage by structures is 25  
2 percent.  
3  
4 **G. *Maximum Height of Structure.*** Maximum height of all structures shall not  
5 exceed 35 feet in height.  
6  
7 **H. *Signs.*** Signs may be allowed in connection with any permitted use, subject  
8 to the provisions in chapter 21.47, at the time of adoption of this ordinance.  
9  
10 **I. *Parking.*** Adequate off-street parking shall be provided in connection with  
11 any permitted use, as specified in section 21.45.080, at the time of adoption  
12 of this ordinance.  
13  
14 **J. *Loading facilities.*** Where applicable, off street loading facilities shall be  
15 provided in accordance with the provisions of section 21.45.090, at the  
16 time of adoption of this ordinance.  
17  
18 **K. *Landscaping.*** Natural vegetation to be maintained to the extent practicable.  
19 All areas not devoted to buildings, structures, drives, walks, off-street  
20 parking areas, and usable yard areas shall be planted with landscaping,  
21 grasses or other suitable groundcover. All unoccupied open space areas  
22 may be retained in their natural state.  
23  
24

25 **Section 4. PC-II Industrial / Commercial**

- 26  
27 **A. *Intent.*** The Industrial / Commercial district is intended for suburban light  
28 to moderate manufacturing, wholesale, and distribution and  
29 commercial/retail uses.  
30  
31 **B. *Permitted principal uses and structures.*** Permitted principal uses and  
32 structures are as follow:  
33

34 **1. Commercial Uses:**

- 35 a. Wholesaling and distribution operations.  
36 b. Mercantile establishments.  
37 c. General merchandise and dry goods stores.  
38 d. Wholesale fur dealers, repair and storage.  
39 e. Wholesale and retail furniture and home furnishings stores.  
40 f. Wholesale and retail radio and television stores.  
41 g. Wholesale and retail household appliance stores.  
42 h. Wholesale and retail industrial and retail hardware stores.

- 1 i. Drugstores and pharmaceutical supply houses.
- 2 j. Retail food stores and liquor stores.
- 3 k. Restaurants, cafes and other places serving food and beverage.
- 4 l. Merchandise vending machines sales and service.
- 5 m. Wholesale and retail camera and photographic supply houses.
- 6 n. Barbershops.
- 7 o. Shoe Repair Shops.
- 8 p. Small appliance repair shops.
- 9 q. Insurance and real estate offices.
- 10 r. Banking and financial institutions.
- 11 s. Business and professional offices.
- 12 t. Business services establishments, including commercial and job
- 13 printing.
- 14 u. Off street parking lots, garages.
- 15 v. Taxicab stands and dispatching offices.
- 16 w. Employment agencies.
- 17 x. Retail or wholesale sales and showrooms.
- 18 y. Laboratories and establishments for production, fittings and repair
- 19 of eyeglasses, hearing aids, prosthetic appliances and the like.
- 20 z. Plumbing and heating service and equipment dealers.
- 21 aa. Paint, glass and wallpaper stores.
- 22 bb. Electrical or electronic appliances, parts, and equipment.
- 23 cc. Direct selling organizations.
- 24 dd. Gasoline service stations.
- 25 ee. Aircraft and marine parts and equipment stores.
- 26 ff. Antique and secondhand stores, including auctions, and pawnshops.
- 27 gg. Farm equipment and garden supply stores.
- 28 hh. Automotive accessories, parts, and equipment stores.
- 29 ii. Automobile display lots, new and used.
- 30 jj. Mobile home display lots, new and used.
- 31 kk. Aircraft and boat display lots, new and used.
- 32 ll. Motorcycle and snow machine display, new and used.
- 33 mm. Automobile, truck and trailer rental agencies.
- 34 nn. Lumberyards and builders' supply and storage.
- 35 oo. Fuel dealers.
- 36 pp. Plant nurseries.
- 37 qq. Automobile carwashes.
- 38 rr. Bus terminals.
- 39 ss. Amusement arcades, billiard parlors and bowling alleys.
- 40 tt. Frozen food lockers.
- 41 uu. Funeral services, including crematoriums.
- 42 vv. Day care and 24 hour child care facilities (except residential).

- ww. Private clubs and lodges.
- xx. Manufacturing and retail cottage crafts.
- yy. 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.

2. Industrial uses:

- a. Airplane, automobile, or truck assembly, remodeling or repair.
- b. Beverage manufacturing, including breweries.
- c. Boat building.
- 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. Metal working 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.
- o. Self-storage facility.
- p. Industrial storage yard, equipment, materials and outdoor storage.
- q. Natural resource extraction on tracts not less than 5 acres.
- r. Open storage of cinders, coal, feed, grain, gravel, manure, muck, peat, sand or topsoil.
- s. Asphalt batching plants and hot-mix plants.
- t. Snow disposal sites subject to the conditional use standards for snow disposal sites and an annual administrative permit.

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

- 1. Uses and structures necessary or desirable adjuncts to permitted principal uses and structures, where such accessory uses or structures are under the management or control of the organization or agency responsible for the permitted principal use or structure.



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 interests 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 chapter 21.50 at the time of adoption, the following uses may be permitted:

1. Large domestic animal facilities in excess of the standards established in 21.45.350C.
2. Buildings in excess of 35 feet.

**E. Minimum Lot Requirements**

1. Table:

Lot Width	As determined by the platting requirements
Lot Area	As determined by the platting requirements

**F. Minimum Yard Requirements.**

1. Table:

Front Yard	Ten feet, if adjacent to a residential district; otherwise none.
Side Yard.	Ten feet, if adjacent to a residential district; otherwise none.
Rear Yard.	Ten feet, if adjacent to a residential district; otherwise none.

**G. Maximum lot coverage.** Maximum lot coverage by all buildings is 50 percent.

**H. Maximum height.** Maximum height of all structures shall not exceed 35 feet in height, except that a height in excess of 35 feet may be permitted as a conditional use.

**I. Signs.** Signs may be allowed in connection with any permitted use, subject to the provisions in chapter 21.47.

1       **J.**       ***Parking.*** Adequate off-street parking shall be provided in connection with  
2 any permitted use, as specified in section 21.45.080, at the time of adoption  
3 of this ordinance.

4  
5       **K.**       ***Loading facilities.*** Adequate off street loading facilities shall be provided  
6 in connection with any permitted use, with the minimum for each use to be  
7 provided as required in section 21.45.090, at the time of adoption of this  
8 ordinance.

9  
10       **L.**       ***Landscaping.*** All areas not devoted to buildings, structures, drives, walks,  
11 off-street parking areas, and usable yard areas shall be planted with visual  
12 enhancement landscaping as defined in section 21.45.125, at the time of  
13 adoption of this ordinance. All unoccupied or undeveloped areas may be  
14 retained in their natural state.

15  
16       **Section 5.**    **PC-R7 – Intermediate Rural Residential**

17  
18       **A.**       ***Intent.*** The R-7 district is designed to encourage low-density residential  
19 development (one unit per 40,000 SF), and is intended for those land areas  
20 where large lot development is desirable as an adjunct to the more typical  
21 urban and suburban residential zoning districts.

22  
23       **B.**       ***Permitted principal uses and structures.*** Permitted principal uses and  
24 structures are as follow:

25  
26       1. Single-family, two-family, and multiple-family dwellings. By permit from  
27 the administrative official, a motor home or other recreational vehicle with a  
28 fully operable self-contained sanitation system may be used on site as  
29 temporary living quarters for not more than 18 months while a permanent  
30 dwelling is being constructed or repaired. Only a single principal structure  
31 may be allowed on any lot or parcel.

32       a. The property owner or person intending to occupy the temporary living  
33 quarters during construction of the permanent dwelling shall secure a  
34 permit from the administrative official before a motor home or other  
35 recreational vehicle is used on site as temporary living quarters. A permit  
36 issued under sub-section 21.40.090B.1.a. shall not be renewed and only  
37 one permit under sub-section 21.40.090B.1.a. shall be issued for the same  
38 parcel within any ten-year period. The permit may be granted only upon  
39 the applicant's written certification, with attachments, that:

40               i. The self-contained sanitation system is fully operable and  
41 shall be used with zero on-site discharge, including no on-  
42 site gray water discharge, except through an approved septic

system;

ii. Site access is sufficient and shall be used to transport refuse and excess waste year-around for proper off-site disposal;

iii. Electrical utility service is on-site for use during the permit period and no generators shall be used; and

iv. Proof of a current building permit or land use permit is attached;

v. If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.

b. If a permanent dwelling is damaged by fire, earthquake or other natural cause to the extent it is uninhabitable, a permit may be issued for occupancy of a motor home or other recreational vehicle with a fully operable self-contained sanitation system, during the period of rehabilitation or repair, not to exceed 18 months. A permit issued under sub-section 21.40.090B.1.b shall not be renewed. The permit may be granted only upon the applicant's written certification, with attachments, that:

i. The self-contained sanitation system is fully operable and shall be used with zero on-site discharge, including no on-site gray water discharge, except through an approved septic system;

ii. Site access is sufficient and shall be used to transport refuse and excess waste year-around for proper off-site disposal;

iii. Electrical utility service is on-site for use during the permit period and no generators shall be used; and

iv. Proof of a current building permit or land use permit is attached;

v. If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.

c. Only one motor home or other recreational vehicle shall be permitted in use as temporary living quarters on any parcel of land during the construction or repair of a permanent dwelling. The motor home or recreational vehicle placement on the lot shall comply with the yard setbacks of the underlying zoning district.

2. Public, private, and parochial academic elementary schools.

3. High schools with primarily academic curricula, provided that principal access to such schools shall be directly from a street of class I or greater designation upon the official streets and highways plan.

4. Parks, playgrounds, playfields, public buildings and uses in keeping with the character and requirements of the district.
5. Child care homes.
6. Child care centers, subject to administrative site plan review as specified in the supplementary district standards 21.45.310.
7. Adult care facilities with one through eight persons.
8. Small residential care facilities.
9. 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. 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.
10. With a permitted non-residential use as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.
11. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
12. Habilitative care facilities.

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

1. Home occupations, subject to provisions of the supplementary district standards 21.45.150.
2. Noncommercial greenhouses, gardens, storage sheds, garden sheds and toolsheds, and private barbecue pits.
3. Private garages.
4. The outdoor harboring or keeping of dogs, animals and fowl in a manner consistent with the requirements of all titles of this Code. Paddocks, stables or similar structures or enclosures which are utilized for the keeping of animals other than dogs shall be at least 25 feet from an abutting neighbor's lot line. Alternatively, uncovered animal enclosures shall be at least 75 feet from residences existing at the date of adoption of this ordinance on abutting lots, or shall be at least ten feet from the abutting neighbor's lot line if the separation area is a vegetative buffer as per 21.45.125(C)(2).
5. Private storage in yards of equipment including trucks, boats, aircraft, campers or travel trailers, in a safe and orderly manner and separated by at least 25 feet from any property line.

6. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles in Title 21, as written at the time this ordinance is adopted. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:
    - a. At least 25 feet from any lot line not in common ownership;
    - b. Oriented with entrances facing away from adjacent property;
    - c. Placed at least eight feet above ground level; or
    - d. Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in both directions.
    - e. No more than four hives shall be placed on lots smaller than 10,000 square feet.
  7. Bed and breakfast with three or less guestrooms.
  8. Bed and breakfast with four guestrooms only by administrative site plan review.
  9. Large domestic animal facilities on sites 40,000 square feet or larger as accessory to a permitted residential use, subject to supplementary district standards 21.45.350.
  10. Fewer than four large domestic animals, subject to conformity with the requirements of Titles 15, 17 and 21.
- D. Conditional uses.** Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:
1. Utilities substations.
  3. Planned unit development.
  4. Natural resource extraction on tracts of not less than five acres.
  5. Commercial greenhouses and tree nurseries.
  6. Privately owned neighborhood community recreation centers in keeping with the character and requirements of the district, provided the center is oriented to a particular residential subdivision or housing project and that the uses within are delineated as conditions of approval.
  7. Bed and breakfast with five guestrooms.
  8. Roominghouses.
  9. Snow disposal sites.
  10. Large domestic animal facilities in excess of the standards established in 21.45.350C.
  11. Accessory structures for a large domestic animal facility in excess of the standards established in AMC 21.45.360.
  12. Large residential care facilities.
- E. Prohibited uses and structures.** The following uses and structures are prohibited:

1. Storage in connection with trade, service or manufacturing activities, unless the storage meets the exception in 21.45.150E for storage associated with a home occupation.
2. Storage or use of mobile homes or quonset huts.
3. Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, radiation, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. Operation of particle accelerator systems, including cyclotrons, is prohibited. The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

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

- 1.

Use	Minimum Requirements	
	Lot Area (square feet)	Lot Width (feet)
Single-family dwelling	20,000, plus an additional 20,000 square feet for each dwelling unit in excess of 1	120

2. In a cluster housing development conforming to Section 21.50.210, a lot that is not part of the common area shall have a minimum area and width in accordance with that section.

- G. Minimum Yard Requirements.** Minimum yard requirements are as follows:
1. Front yard: 25 feet. See supplementary district regulations 21.45.140 for additional setback requirements.
  2. Side yard: Ten feet.
  3. Rear yard: 20 feet.

- H. Maximum height.** Except as otherwise provided in this title, no building or structure shall exceed 35 feet in height.

- I. Maximum lot coverage.** Maximum lot coverage by all buildings is 30 percent, provided that a cluster housing development under Section 21.50.210 shall

conform to the maximum lot coverage requirements of that section.

**J. Signs.** Signs may be allowed in connection with any permitted use, subject to the provisions in chapter 21.47, at the time of adoption of this ordinance.

**K. Parking.** Adequate off-street parking shall be provided in connection with any permitted use, as specified in section 21.45.080, at the time of adoption of this ordinance.

**L. Loading facilities.** Adequate off street loading facilities shall be provided in connection with any permitted use, with the minimum for each use to be provided as required in section 21.45.090, at the time of adoption of this ordinance.

**Section 6.** The Director of the Planning Department shall change the zoning map accordingly.

**Section 7.** This ordinance shall take effect immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage assembly this \_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
Chair of the Assembly

ATTEST:

\_\_\_\_\_  
Municipal Clerk

## **APPENDIX D**

### **Supplemental District Regulations (AMC 21.45)**



## Chapter 21.45 SUPPLEMENTARY DISTRICT REGULATIONS\*

**\*Cross references:** Exemptions from zoning regulations during period of emergency, § 3.80.110; historic preservation board, § 4.60.030; truck routes established for central business traffic district, § 9.46.400; parking in private areas, § 9.54.020; tow-away zones to be clearly designated by signs, § 9.54.050; residential parking program, Ch. 9.65; license required for all businesses and other commercial enterprises in municipality, § 10.05.020; fines, § 14.60.030; public nuisances, Ch. 15.20; property line noise emission standards, § 15.70.080; motor vehicle noise emission standards, § 15.70.090; motor vehicle electronically amplified sound systems, § 15.70.095; tidelands, Ch. 25.50; posting signs or advertising matter, § 25.70.010.

- 21.45.010 Applicability of chapter; district classes.
- 21.45.020 Clear vision areas.
- 21.45.030 Accessory buildings.
- 21.45.035 Accessory dwelling units (ADUs).
- 21.45.040 Buildings to have access.
- 21.45.050 Height regulations.
- 21.45.060 Fallout shelters.
- 21.45.070 Projections into required yards.
- 21.45.080 Off-street parking requirements.
- 21.45.090 Off-street loading requirements.
- 21.45.100 Residual lot area. (Repealed).
- 21.45.110 Fences.
- 21.45.120 Yards.
- 21.45.125 Landscaping.
- 21.45.130 Screening along major highways.
- 21.45.140 Setbacks from projected rights-of-way.
- 21.45.150 Home occupations.
- 21.45.160 Signs (Repealed).
- 21.45.170 Uses involving sale of alcoholic beverages. (Repealed).
- 21.45.180 Child care services. (Repealed)
- 21.45.190 Cluster housing development. (Repealed)
- 21.45.200 Transition and buffering standards.
- 21.45.210 Stream protection setback.
- 21.45.220 Townhouse development.
- 21.45.230 Storm drainage.
- 21.45.235 Churches.
- 21.45.240 Location of premises where children are not allowed.
- 21.45.245 Standards--Nightclub, unlicensed.
- 21.45.250 Bed and breakfast with three or less guestrooms.
- 21.45.255 Bed and breakfast with four guestrooms.
- 21.45.260 Transient lodging facilities zoning matrix.
- 21.45.263 Amateur radio stations and receive only antennas.
- 21.45.265 Community and local Interest towers.
- 21.45.270 Setback from planned utility transmission facilities.
- 21.45.275 Zero lot line subdivisions.
- 21.45.280 Gasoline service stations.
- 21.45.290 Standards for self-storage facilities and vehicle storage yards.
- 21.45.300 Child care homes.
- 21.45.310 Child care centers.
- 21.45.350 Large domestic animal facilities.

21.45.360 Accessory buildings in conjunction with large domestic animal facilities.

21.45.370 Adult care facilities with one through eight persons.

21.45.380 Hospitals and nursing facilities, large residential care facilities, adult care facilities with nine or more persons.

21.45.390 Small residential care facilities.

21.45.400 Towers, high voltage transmission.

### **21.45.010 Applicability of chapter; district classes.**

In addition to the regulations applied to individual zoning districts in Chapter 21.40, the regulations contained in this chapter apply in individual districts, groups of districts, or all districts as specified. Regulations shall apply to all zoning districts where a specific application is not set forth. For the purposes of this chapter the term "residential district" shall apply to the R-1, R-1A, R-2A, R-2D, R-2M, R-3, R-4, D-2, D-3, R-5, R-5A, R-6, R-7, R-8, R-9, R-10, R-11 and R-O districts. The term "industrial district" shall apply to the I-1, I-2, I-3 and MI districts. The term "business district" shall apply to the B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4 and MC districts.

(GAAB 21.05.060; AO No. 83-52; AO No. 85-18; AO No. 85-173, 3-17-86; AO No. 91-90(S))

### **21.45.020 Clear vision areas.**

A. As used in this section, the term "clear vision area" means a triangular space defined by a combination of the following lines for a corner lot adjacent to a street: two lot lines adjacent to a street which intersect, in fact or by extrapolation, and a line drawn across the corner of the lot so as to join the nonintersecting ends of the two lot lines at a distance of 30 feet from the point of their intersection. Within the B-2 zoning districts the curb face of the road shall be used to define the clear vision triangle.

B. No person may place within a clear vision area any structure between 2 1/2 feet and eight feet above the nearest curb or street centerline grade, whichever is higher, except for:

1. A public utility pole.
2. A tree which is trimmed so that the trunk is bare to a height of eight feet measured from the nearest curb or street centerline grade, whichever is higher.
3. A warning sign or signal installed on the lot by a government agency.

(GAAB 21.05.060.A; AO No. 87-33(S))

**Cross references:** Vehicles and traffic, Tit. 9; rules regarding right-of-way, Ch. 9.18; streets and rights-of-way, Tit. 24.

### **21.45.030 Accessory buildings.**

A. No accessory building shall be erected or maintained in any required yard, except that:

1. buildings accessory to a residential use may be erected in a required rear yard which is adjacent to an alley; and
2. sheds of 150 square feet or less and not attached to a foundation may be erected in a required side or rear yard.
3. dog runs and dog houses not attached to a foundation may be erected in a required side or rear yard.

B. No separate accessory building shall be erected closer than ten feet to any principal structure on the

lot or an abutting lot or tract.

(GAAB 21.05.060.B; AO No. 99-131, § 10, 10-26-99)

**Cross references:** Building regulations, Ch. 23.05.

### **21.45.035 Accessory dwelling units (ADUs).**

**A. Purpose and intent.** The purpose and intent of this section is to:

1. Fulfill housing policy #15 of Anchorage 2020: Anchorage Bowl Comprehensive Plan, which provides that accessory housing units shall be allowed in certain residential zones;
2. Provide a means for homeowners, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services;
3. Allow more efficient and flexible use of existing housing stock and infrastructure;
4. Respond to changing family needs and smaller households by providing a mix of housing;
5. Stabilize homeownership and enhance property values;
6. Provide a broader range of accessible and more affordable housing within the municipality; and
7. Protect neighborhood stability, property values, and single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the provisions of this title.

**B. Application, review, and approval procedures.**

1. For the purposes of this section, owner shall mean any person named on the deed, a contract purchaser, or the beneficiary of a trust named on the deed.
2. Any owner operating or seeking to establish an ADU shall obtain a building permit from the building official; in areas of the municipality where no building permit is required, the owner shall obtain a land use permit. The permit shall constitute an ADU permit.
3. With the permit application, the owner shall submit an affidavit on a form provided by the municipality, affirming that at least one owner will occupy the principal dwelling or the accessory unit, and that the ADU will conform to the requirements of the permit and the requirements of this chapter.
4. The permit and the affidavit shall be filed as a deed restriction with the Anchorage Recording District to indicate the presence of the ADU, the requirement of owner-occupancy, and conformity with the requirements of the permit and the requirements of this chapter.
5. The planning department shall receive a fee from the applicant pursuant to AMCR 21.20.007.
6. For purposes of securing financing, potential owners may request and receive a letter of pre-approval from the municipality indicating the property is eligible for an ADU permit if the potential owner completes the application process and construction in accordance with this section.

**C. Requirements.** All ADUs shall meet the following requirements:

1. **Purpose.** Requirements for accessory dwelling units address the following purposes:
  - a. Ensure that accessory dwelling units maintain and are compatible with the single-family appearance and character of the principal residence, lot, and neighborhood;
  - b. Ensure that accessory dwelling units are smaller in size than the principal dwelling on

the lot, and preserve yards and open space;

c. Provide adequate parking while maintaining the single-family residential character of the neighborhood, avoiding negative impacts to on-street parking, and minimizing the amount of paved surface on a site; and

d. Provide clear and flexible standards that make it practical and economical to develop accessory dwelling units that are in compliance with this code, and offer an accessible, affordable housing option to the community.

**2. Requirements for developing an ADU.**

a. One ADU may be added to or created within a detached single family dwelling on a lot, tract, or parcel, but only if the detached single family dwelling is the sole principal structure on that lot, tract or parcel. ADUs shall be allowed in all zoning districts except R-1 and R-1A.

b. One ADU detached from a single-family dwelling is permitted on a lot, tract, or parcel, but only if:

1. The lot, tract, or parcel is 20,000 square feet or greater and the ADU is attached to or above a garage and the detached single family dwelling is the only principal structure; or

2. The lot, tract, or parcel abuts an alley; the ADU is above a detached garage, the ADU/garage abuts the alley, and the detached single-family dwelling is the only principal structure.

c. *Lot coverage.* The lot coverage of the principal dwelling unit and all accessory structures combined, including but not limited to the ADU, shall be less than or equal to the maximum lot coverage allowed by the zoning district.

d. *Uses.*

1. An ADU shall not be permitted on any lot with a bed and breakfast or child care center.

2. The owner shall occupy either the principal dwelling unit or the ADU as his or her primary residence for more than six months of each year.

3. No more than two (2) people may live in the ADU.

e. *Building code requirements.* To ensure that the dwellings meet appropriate health and fire safety standards, the ADU shall be built to the adopted Municipal building code standards for two-family dwellings.

f. *Size.*

1. The gross floor area of the ADU, not including any related garage, shall be no more than 35 percent of the total gross floor area of the principal dwelling unit, but no less than 300 square feet, shall not have more than two bedrooms; and

2. In no case shall the total gross floor area of an ADU be more than 35 percent of the total gross floor area of the principal dwelling unit, excluding the ADU and garages.

g. *Yard setbacks.* An ADU shall not encroach into any required yard setback, except where the rear yard abuts an alley. The ADU may encroach into the rear yard setback abutting an alley.

h. *Parking.* One off-street parking space in addition to the parking spaces required for the

principal dwelling unit is required for the accessory dwelling unit; but in no event shall there be fewer than three parking spaces per lot. Notwithstanding the provisions of AMC 21.55.100, all off-street parking deficiencies shall be corrected.

i. *Design and appearance.*

1. All ADUs shall be designed to maintain the appearance of the primary unit as a single family dwelling. The accessory dwelling unit shall maintain the architectural style and character of the single-family residence. Exterior siding, roofing, and trim shall match the appearance of the materials on the principal dwelling unit. Roof style shall match the predominant style of the principal dwelling unit. Exterior window trim, window proportions (width to height), patterns, and orientation (horizontal to vertical) shall match those of the principal dwelling unit.

2. The construction of an additional entry door on the side of a principal structure facing a street for entrance into an accessory dwelling unit is prohibited, unless no other entry door already exists on that side. Entrances are permitted on the non-street-facing sides of the principal structure.

j. *Utilities.* To the extent allowed by law and utility tariff, the ADU shall be connected to the water, sewer, gas, and electric utilities of the single family dwelling unit. However, lots with on-site water or septic systems may have a separate water and/or septic system for the ADU.

3. *Additional requirements for detached ADUs.*

a. The ADU shall be at least 60 feet from the front lot line, or at least ten feet (per 21.45.030.B) behind the front plane of the principal dwelling unit.

b. The maximum height of a detached ADU shall be 25 feet.

D. *Density.* ADUs are not included in the density calculations for a site.

E. *Expiration of approval of an ADU.* Approval of an ADU expires when:

1. The ADU is altered and is no longer in conformance with this code;
2. The property ceases to maintain the required off-street parking spaces for the accessory and/or principal dwelling units;
3. The owner of the property does not reside in either the principal or the accessory dwelling unit;
4. The ADU is abandoned by the owner through written notification to the Municipality on a form provided by the Municipality; or,
5. The property with an ADU changes ownership.

F. *Transfer.* An ADU permit is not transferable to any other property or any other person. When a property with an ADU is sold or otherwise transferred, the new owner shall file an affidavit of owner-occupancy with the planning department within 30 days of the transfer, and pay a processing fee pursuant to AMCR 21.20.007. Failure to file an affidavit by the due date constitutes failure to have a permit in violation of this section. Transfers from one owner to another owner do not require a new affidavit so long as the recipient owner signed the original affidavit.

G. *Prior illegal use.*

1. All structures which meet the definition of accessory dwelling unit which are not recognized as legal nonconforming structures or uses of structures under Chapter 21.55 shall comply with this subsection. Such structures may continue in existence provided the following requirements are met:

- a. A permit application for an ADU is submitted to the building safety division within six months of.
  - b. The unit complies with the requirements of this section.
2. If the unit does not comply with the requirements of this section at the time the permit application is filed, the administrative official may grant six months to bring the unit into conformance.
  3. In addition to any other remedies provided in this code, failure to legalize an existing unit under this subsection shall result in civil penalties as provided at AMC 14.60.030. All owners of illegal units shall also be required to either legalize the unit or remove it.
  4. This subsection does not apply to existing legal nonconforming uses of structures established pursuant to 21.55.050.

H. *Variances.* Nothing in this section guarantees any property owner the right to create an ADU unless it conforms to all provisions in this section. Limitations due to natural features, lot size, lot dimensions, building layout, or other physical or environmental factors shall not be reasons for granting a variance from the standards and provisions of this section. No variances shall be granted from the standards and provisions of this section.

(AO No. 2003-97, § 2, 9-30-03; AO No. 2005-185(S), § 27, 2-28-06)

#### **21.45.040 Buildings to have access.**

Every building shall be on a lot abutting on a public street with principal access to such street or with access to a private street approved by the fire department, public works department, traffic engineering department and department of community planning and development.

(GAAB 21.05.060.C)

#### **21.45.050 Height regulations.**

A. The reference datum for determination of building height shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance from the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade.
2. An elevation ten feet higher than the lowest grade when the sidewalk or ground described in subsection A.1 of this section is more than ten feet above the lowest grade.

The height of a stepped or terrace building is the maximum height of any segment of that building.

**GRAPHIC LINK:**[Click here](#)

**GRAPHIC LINK:**[Click here](#)

B. Except as specifically provided elsewhere in this title, the height limitations contained in this title do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housings or other structures placed above the roof level; provided, however, that no structure or portion of any structure

hereafter erected shall interfere with Federal Aviation Regulations, part 77, Objects Affecting Navigable Airspace.

(GAAB 21.05.060.D; AO No. 88-147(S-2))

**Editor's note:** Subsection A of this section was originally codified in the 1977 Code as the second sentence of subSection 21.35.020.B.14 and subSections 21.035.020.B.14.a--c.

#### **21.45.060 Fallout shelters.**

A. *Generally.* Fallout shelters may be contained in other structures or may be constructed separately, and, in addition to shelter use, may only be used for a principal or accessory use permitted in the district, subject to the district regulations on such use. The area of an underground fallout shelter less than 30 inches above the finished lot grade shall not be included in computation of lot coverage by all buildings. No shelter shall be permitted in any required front yard unless it is located entirely below the general ground level of the finished lot grade, except for air vents, radio antennas and other additions not constituting material impediments to vision, and is entirely covered with landscaping appropriate to the rest of the front yard.

B. *Conditional uses permitting construction of joint fallout shelters.* The planning and zoning commission may, as a conditional use, permit construction of joint shelters by two or more property owners. Where such joint shelters are permitted, the commission may waive the side and rear yard requirements on the property or properties directly involved in the construction of the joint shelter to the extent necessary to permit practical and efficient location and construction; provided, however, that side and rear yard requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

(GAAB 21.05.060.E; AO No. 77-355)

#### **21.45.070 Projections into required yards.**

The following structures, if consistent with the provisions of Section 21.45.030, may project into required front, side or rear yards as specified in this section, and shall not be considered in determining lot coverage:

A. Paved terraces may project into required front, side or rear yards, provided that no structures placed there shall violate other requirements of this title.

B. Unroofed landings and stairs may project into required front and rear yards only, provided that no portion other than a light handrail shall extend higher than 30 inches above the finished grade level.

C. Windowsills, fireplace chases, belt courses, cornices, eaves and similar incidental architectural features may project not more than two feet into any required yard.

D. Open fire exits may project not more than four feet six inches into any required yard.

E. A private garage or carport may project into a required rear yard abutting a public alley; however, notwithstanding any other provisions of this section, the garage or carport must be included in determining lot coverage.

F. The director of community planning and development, with the concurrence of the director of public works, may permit the installation of temporary handicap access ramps in required front, side and rear yards. Ramps shall not remain installed for longer than one year from the date the permit is granted. The design and placement of the ramps shall be reviewed to:

1. Insure the ramp has minimal visual impact on abutting properties; and
2. Is architecturally compatible with the structure in design and bulk, and
3. The width of the ramp does not exceed 48 inches, and
4. That no portion, other than a handrail, shall extend higher than 36 inches above the finished grade level, unless approved by a separate building permit.

G. Bay windows that are not more than eight feet in width where the projection breaks the plane of the wall may project no more than two feet into any required yard set back, so long as there is an eight-foot radius offset to any opposing bay window on the adjacent lot. Notwithstanding any other provisions of this title, bay windows shall not be included in determining lot coverage.

H. An accessory dwelling unit may encroach into the rear yard setback abutting an alley.

(GAAB 21.05.060.F; AO No. 84-56; AO No. 99-131, § 11, 10-26-99; AO No. 2001-81(S-2), § 1, 9-25-01; AO No. 2003-97, § 5, 9-30-03)

## **21.45.080 Off-street parking requirements.**

### **A. General provisions; applicability.**

1. In all districts where off-street parking is required, the requirements set forth in this section shall be met and satisfactorily maintained.
2. Off-street parking shall be required for any new building on which construction is started after October 26, 1999.
3. Any property against which local improvement assessments have been levied for the construction of public off-street parking shall be exempted from providing and maintaining one space for each 100 square feet of property so assessed.
4. Parking areas in the PLI district shall conform to the requirements of this title unless a variance to the parking requirements is granted by the administrative official in accordance with Section 21.40.020.J.
5. Off-street parking shall be required for any addition or enlargement of an existing building, and for any change in the occupancy of any building that would result in additional parking space being required. The number of required parking spaces shall be that specified in this title unless it is demonstrated to the administrative official and the traffic engineer that the addition or enlargement of the existing building, or the change in the occupancy of any proposed building, will not:
  - a. increase the parking demand, and
  - b. will not reduce the total number of preexisting required parking spaces, and
  - c. the amount of the proposed off-street parking is within 90 percent of the total otherwise required for all the proposed uses and structures, including the addition or enlargement of the existing building.
6. The administrative official shall issue a written waiver or denial of the waiver application within 30 days of receiving an application. Applicants denied relief under subsection 5 may appeal the decision to the zoning board of examiners and appeals. The board shall not deviate from or alter the required formula under subsection 5.
7. Required off-street loading space shall not be included as off-street parking space in computation of required off-street parking space.



**B. Dwellings and apartment buildings.**

**1. Single-family dwellings.**

- a. Two parking spaces are required for each dwelling unit up to 1,800 square feet.
- b. Three parking spaces are required for each dwelling unit over 1,800 square feet, including any unfinished area which may be converted to living area.

**2. Multifamily dwellings.**

- a. One and one-fourth parking spaces are required for each efficiency unit.
- b. One and one-half parking spaces are required for each one-bedroom unit.
- c. One and one-half parking spaces are required for each two-bedroom unit, 800 square feet or less.
- d. One and three-fourths parking spaces are required for each two-bedroom unit, over 800 square feet.
- e. One and three-fourths parking spaces are required for each three-bedroom unit, 900 square feet or less.
- f. Two and one-half parking spaces are required for each three-bedroom unit, over 900 square feet.

**C. Roominghouses, boardinghouses, lodging-**

**houses, 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.

**D. Hotels.** One parking space is required for every guestroom. The total number of required parking spaces for hotels need not exceed this amount.

**E. Motels.** One parking space is required for every guestroom.

**F. Auditoriums, churches, synagogues, dancehalls, exhibition halls, skating rinks, theaters and other places of public assembly.**

1. One parking space is required for every four seats in the principal auditorium or assembly room.
2. Parking space requirements for auditoriums and assembly rooms without fixed seating shall be based on the ratio set out in subsection 1 of this subsection computed on the maximum capacity under the provisions of the Uniform Building Code.

**G. Health care facilities, hospitals health services, residential care and adult care facilities.**

1. **Hospitals.** One parking space is required for every two beds, based on maximum capacity.
2. **Health services.** One parking space is required for every 250 square feet of gross building area.
3. **Health care facilities except hospitals.** One parking space is required for every four beds, based upon maximum capacity.
4. **Facilities for elderly, disabled and handicapped.** The area set aside for off-street parking shall be in compliance with subsection 3 of this subsection; provided that, if the facility is used exclusively for the housing of the elderly, disabled or handicapped, the zoning board of examiners and appeals may allow a portion of the area reserved for off-street parking to be landscaped if the board finds that the landscaping is suitable and is in the best interests of the residents of the

neighborhood.

5. *Residential care and adult care facilities.* For adult care facilities, one space is required for every 400 square feet of gross building area and one additional space, reserved for pickup and delivery of clients, for every 800 square feet of gross building area. The pickup and delivery area(s) shall be marked. Large residential care facilities shall meet the requirements of G.3., above. If located in a dwelling, the requirements of subSections 21.45.080B. and 21.45.080W.6. shall also apply to adult care facilities and large residential care facilities. The provisions of this paragraph do not apply to small residential care facilities. For small residential care facilities, the requirements of the dwelling unit shall apply unless additional off-street parking is a condition associated with reasonable accommodation.

#### H. *Shopping centers.*

1. *Generally.* Overall parking indices are as follows, except as modified under subsections 3 through 6 of this subsection:

- a. For centers having a gross leasable area of 25,000 to 400,000 square feet: 4.0 spaces per 1,000 square feet of gross leasable area.
- b. For centers having a gross leasable area from 400,000 to 600,000 square feet: From 4.0 to 5.0 spaces per 1,000 square feet of gross leasable area, with the number of spaces calculated in linear progression between 400,000 and 600,000 square feet of gross leasable area.
- c. For centers having a gross leasable area of over 600,000 square feet: 5.0 spaces per 1,000 square feet of gross leasable area.

2. *"Gross leasable area" defined.* For purposes of this subsection, gross leasable area shall include the gross square footage leased to tenants within the shopping center, but shall not include common areas, administration offices, storage, equipment rooms, common bathrooms, hallways or other areas not included within the leased premises.

3. *Offices.* Office space in shopping centers amounting up to ten percent of the total gross leasable area can be accommodated without providing parking spaces in addition to that required by the application of the overall parking indices, described under subsection 1 of this subsection. Calculations to determine the amount of parking for office uses which are in excess of ten percent of the total gross leasable area of the shopping center shall be based on the increment of office space in excess of the permitted ten percent threshold, and shall be determined by the following formula:

$$\frac{\text{GLA of Office Space} - \text{GLA of (10\% \times retail space)}}{350 \text{ square feet}}$$

4. *Cinemas.* Shopping centers with 100,000 to 200,000 square feet of gross leasable area having cinemas with up to 450 seats, and centers with over 200,000 square feet of gross leasable area having cinemas with up to 750 seats, can be accommodated without providing parking spaces in addition to those imposed by the overall parking indices. Cinemas having more than this number of seats, or cinemas located at centers of less than 100,000 square feet of gross leasable area, require three additional parking spaces per 100 seats.

5. *Food services.* Where food services occupy up to ten percent of the total gross leasable area of shopping centers with 100,000 square feet or less, or up to five percent of the total gross leasable area of shopping centers larger than 100,000 square feet, the parking requirements, in addition to the overall parking indices, are as follows:

- a. A shopping center with more than 25,000 and less than 100,000 square feet of total gross leasable area requires an additional ten parking spaces per 1,000 square feet of food service tenant area.
- b. A shopping center having 100,000 but no more than 200,000 square feet of total gross leasable area requires an additional 6.0 parking spaces per 1,000 square feet of food service tenant area.
- c. A shopping center having 200,000 but no more than 600,000 square feet of total gross leasable area requires no additional parking spaces for food services.
- d. A shopping center with over 600,000 square feet of gross leasable area can reduce the parking required by the overall parking indices by four spaces per 1,000 square feet of gross leasable area devoted to food services.

6. *Reduction of requirements when bus passenger spaces are provided.* For every space provided for transit bus passenger boarding and alighting approved by the traffic engineer, the parking space requirement is reduced by 30 spaces.

I. *Food stores and grocery stores.*

1. For a gross building area of 4,000 square feet and less, one parking space is required for each 300 square feet.
2. For a gross building area of 4,001 square feet and more, one parking space is required for each 200 square feet.

J. *Repairing garages and gasoline service stations.* Four parking spaces are required for each bay, provided that all vehicles in the custody of the operator of the business for the purpose of service, repair or storage shall be stored on the premises or on a separate off-street parking lot or building.

K. *Restaurant, bars, lounges and nightclubs.* One parking space is required for every three seats. Parking space requirements for such facilities without fixed seating shall be based on maximum capacity under the provisions of the Uniform Building Code.

L. *Bowling alleys.* Four parking spaces are required for each bowling lane.

M. *Other retail establishments.* One parking space is required for every 300 square feet of gross building area.

N. *Offices.* One parking space is required for every 300 square feet of gross building area.

O. *Warehouse and storage buildings.* One parking space is required for every 1,000 square feet of gross building area.

P. *Industrial and manufacturing establishments.* One parking space is required for every 400 square feet of gross building area, or one parking space for every employee for that work shift having the greatest number of employees, whichever results in the larger number of parking spaces.

Q. *Self storage facility.* In addition to spaces required under subsection N., one parking stall is required for each 50 units or aisles suitable for temporary loading and unloading may be counted as required parking stalls in accordance with Table 1 as determined by the traffic engineer. There shall be a minimum on-site queue lane measuring no less than 50 feet in length and 24 feet in width for vehicles entering a security gate. The width of the gate shall be excluded from this requirement.

R. *Schools.*

1. *Elementary, including public and private schools.* One parking space for every 50 square feet of floor area in the multipurpose room.

2. *Junior high and high schools.* One parking space is required for every six seats in the main auditorium or assembly room, or three parking spaces for every classroom plus one parking space for each staff member or employee, whichever is greater.

3. *Colleges, universities or business colleges.* One parking space is required for every 300 square feet of enclosed floorspace, or one parking space for every three classroom seats, whichever is greater.

S. *Gymnasiums and health clubs.* One parking space is required for every 300 square feet of gross floor area.

T. *Banks and drive-through banks.* One parking space is required for every 300 square feet of gross floor area.

U. *Child care.*

1. *Child care homes.* No additional parking is required above the dwelling requirement.

2. *Child care centers with nine through 15 children.* One space above the dwelling requirement is required for establishments with nine through 15 children.

3. *Child care centers with more than 15 children.* One space is required per 400 square feet gross building area, and one additional space, reserved for pickup and delivery of children, per 800 square feet of gross building area.

V. *Vehicle storage yards.* In addition to spaces required under subsection N., vehicle storage yards shall provide one stall per 50 vehicles stored. There shall be a minimum on-site queue lane measuring no less than 50 feet in length and 24 feet in width for vehicles entering a security gate.

W. *Other uses.* In the case of a use not specifically identified in this section, off-street parking facilities shall be the same as the use described in this section which is most similar. In the case of mixed uses, the total requirement for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. The total number of parking spaces may be reduced by the administrative official if it is demonstrated that a reduction in spaces is appropriate based upon the expected parking needs of the mixed uses and if spillover parking is avoided. The applicant shall prepare a parking evaluation in a form and manner prescribed by the administrative official to justify such reductions.

X. *Standards for parking spaces; parking area design.* Parking spaces provided in accordance with the requirements of this section shall meet the following standards:

1. *Location.* All required parking spaces shall be on the same lot as the main building served or on an abutting lot, provided that the zoning district in which the lot is located allows for off-street parking as a permitted principal use, or as a conditional use. If parking is provided on an abutting lot, there shall be a parking agreement, approved by the municipality, which provides for parking requirements for the life of the use, or a time certain period not to be less than ten years. As used in this section, abutting means any parking spaces for residential units shall be located within 500 feet of the dwelling unit entrances they serve, and for other uses shall be within 800 feet of a primary entrance of the uses served. This distance is subject to subSection 21.45.080X.3.e. in the case of shared parking.

2. *Excess parking.* Any excess parking spaces provided may be on the same lot as the building served, on abutting or contiguous lots, or any lot within 300 feet, provided that the zoning district in which the lot is located allows for off-street parking as a permitted principal use, or as a conditional use.

3. *Joint use.*

a. *Purpose and intent.* Shared parking allows more of a site to be devoted to buildings

(the purpose of the development and the public's reason for visiting the site) and less to parking. Shared parking only functions when the land uses it supports have different periods of peak parking demand. In such circumstances, land uses may share parking facilities without adversely impacting the public's safety or convenience. This subsection regulates and sets standards for shared parking facilities to ensure that the public interest is protected while allowing property owners design flexibility and cost savings. The traffic engineer and planning director may approve alternatives to providing the number of off-street parking spaces required by subSection 21.45.080B. through W. and 21.45.080 AA., in accordance with the following standards.

b. *Shared Parking.* Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their peak parking demands occur at different times. The traffic engineer and director may approve shared parking facilities for uses with different peak business periods if the shared parking complies with all of the following standards:

i. *Exceptions:*

- (a) If a use is separated from its shared parking by a local road, it is permitted. Such separation by a road designated as a collector as designated in the Official Streets and Highways Plan shall be subject to approval by the Traffic Engineer. Joint parking is prohibited if the street separating a use from its parking is designated in the Official Streets and Highways plan as a higher designation than a collector.
- (b) Commercial and industrial uses shall not use residential parking areas.
- (c) A non-residential shared parking area that is adjoining a residential zoning district shall be limited to hours of operation from 8:00 a.m. to 10:00 p.m.

ii. *Shared Parking Study.* Those proposing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis to the planning director that demonstrates the feasibility of shared parking. The study shall be provided in a form established by the traffic engineer and shall be made available to the public. It shall address, at a minimum, the size and type of the proposed development, location of required parking, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces. The applicant shall also demonstrate that any parking reduction requested as part of the shared parking study will not result in the spillover of parking onto other properties or public streets.

iii. *Calculation of Parking Spaces Required.* The shared parking study shall follow the most current published procedures of the Urban Land Institute or the Institute of Transportation Engineers, or other procedures as specifically approved by the traffic engineer, or the following calculation method under subSection 21.45.080X.3.c may be used to calculate the number of shared parking spaces required for two or more land uses.

c. *Alternative calculation method.*

- i. Multiply the minimum parking normally required for each individual use, as set forth in Section 21.45.080B. through W. and AA, as applicable, to the use, by the appropriate percentage indicated in Table A, Shared Parking Credit, for each of the six designated time periods.

- a. Add the resulting sums for each of the designated time period columns.
- b. The minimum number of required shared parking spaces shall be determined by totaling the resulting numbers in each time period column. The column total that generates the highest number of parking spaces then becomes the shared parking requirement. This represents the time period with the highest total parking demand.
- c. If one or more of the land uses proposing to make use of shared parking facilities do not conform to the land use classifications in Table A, Shared Parking Calculations, as determined by the planning director, then the applicant shall submit sufficient data to indicate the periods of peak parking demand for the uses. Based on this information, the traffic engineer shall determine the appropriate shared parking requirement.

TABLE INSET:

Table A: Shared Parking Credit								
Land Uses	Weekday Time Periods				Weekend Time Periods			
	7:00 a. m. to 6:00 p. m.	6:00 p. m. to 1:00 a. m.	1:00 a. m. to 3:00 a. m.	3:00 a. m. to 7:00 a. m.	7:00 a. m. to 6:00 p. m.	6:00 p. m. to 1:00 a. m.	1:00 a. m. to 3:00 a. m.	3:00 a. m. to 7:00 a. m.
Residential	65%	100%	100%	100%	75%	90%	10%	100%
Religious Assembly	25%	50%	0%	0%	100%	50%	0%	0%
Health Services	100%	30%	5%	5%	100%	0%	0%	0%
Assembly	100%	50%	5%	5%	100%	50%	5%	5%
Fitness Center (Health Club)	90%	100%	60%	60%	100%	100	80%	80%
Movie Theater	60%	100%	0%	0%	80%	100%	0%	0%
Bar or Nightclub	40%	100%	90%	0%	50%	100%	90%	0%
Restaurant	80%	100%	50%	50%	85%	100%	25%	25%
Restaurant - Fast Food	100%	90%	15%	15%	100%	80%	15%	15%
Office or Financial	100%	10%	0%	5%	15%	0%	0%	0%
Retail Sales/ Services	100%	80%	0%	0%	100%	60%	0%	0%
Visitor Accommodations	75%	100%	100%	100%	75%	100%	100%	100%

- d. *Agreement for Shared Parking.* The parties involved in the joint use of off-street parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the traffic engineer and the planning director as to form and content. The agreement shall guarantee the use of the shared parking facilities for the life of the uses, or a time certain period not to be less than ten years, and the owner of land used for jointly used parking facilities shall be responsible for the maintenance of said facilities. The traffic engineer and planning director may impose such conditions of approval as may be necessary to ensure the adequacy of

parking in areas affected by such an agreement. Recordation of the agreement shall take place before issuance of a land use or building permit. At the end of the life of the agreement, property owners who are parties to the agreement must comply with all provisions of this code governing the required number of off-street parking spaces. If an agreement is terminated for any reason prior to the expiration of its term, notice of said termination shall be recorded and a copy provided to the Planning Department.

e. *Distance to Parking Spaces.* Shared parking spaces for residential units shall be located within 500 feet of the dwelling unit entrances they serve. Shared spaces for other uses shall be within 800 feet of a primary entrance of the uses served. The traffic engineer and planning director may approve a portion of shared parking spaces at a greater distance based on factors such as the pedestrian environment, availability of valet parking, weather protection and the type of uses served. For the purposes of this section, primary entrance means:

A principal entry through which people, including customers, residents, or members of the public enter a building. For any commercial or institutional establishment which serves the visiting public, a primary entrance is open to the public during all business hours and directly accesses lobby, reception, retail or other interior areas designed to receive the public. Fire exits, service doors, and employee entrances are not primary entrances. A building or establishment may have more than one primary entrance.

f. *Pedestrian Connection.* Clear, safe pedestrian walkways shall connect the shared parking facility and the primary entrances of the uses it serves.

g. *Instructional Signage.* The shared parking facility shall provide instructional signage on the premises indicating the availability of the facility for patrons of the uses it serves.

h. *Shared Parking Plan.* A shared parking plan shall be submitted for review and approval by the traffic engineer and the planning director. The shared parking plan may be combined with other parking plans required by this title.

i. *Changes in Use or Shared Parking Facility.* Any subsequent change to the shared parking facility or in use type shall require a review by the planning department for compliance with this section, including proof that sufficient parking will be available.

#### 4. *Design.*

a. No wall, post, guardrail or other obstruction that would restrict car door opening shall be permitted within five feet of the centerline of a parking space. Adequate ingress to and egress from each parking space shall be provided without backing more than 25 feet.

b. All parking, except that which serves single-family and duplex residences, shall be so arranged that ingress and egress are possible without backing over a sidewalk or sidewalk area, or onto a street of collector or larger designation.

c. Turning and maneuvering space, except that which serves single-family and duplex residences, shall be located entirely on private property, provided that the usable portion of an alley may be credited as aisle space subject to safety approval by the traffic engineer.

d. All parking layout plans and site plans are subject to review by the traffic engineer to

ensure that provisions have been made for minimum interference with street traffic flow and safe interior vehicular and pedestrian circulation, transit and parking.

e. All parking areas in nonresidential use districts and parking areas which serve nonresidential uses shall have lighting which meets the level of illumination, uniformity ratios and minimum lumen intensities specified in the illumination guidelines set by the Illuminating Engineering Society of North America. The lighting system shall be designed to prevent glare to motorists on public streets and to residents of adjoining property.

f. Refuse containers located within or on the same pavement as the parking area shall be screened by a wall, fence or landscaping constructed in accordance with criteria established by the refuse collection agency, unless such containers are located on a lot used for a single- or two-family dwelling.

g. Required parking areas serving a lot, whether located on that same lot or on an adjacent lot, may be connected by means of a common access driveway within or between the interior of such lots. An agreement between the lot owner and the municipality providing for the owner to maintain such access shall be recorded.

h. Ingress and egress to parking facilities shall be designed to maintain adequate sight distance and safety, and as prescribed in municipal driveway standards.

i. A secured wheel bumper, not less than six inches in height, which will ensure that vehicles are parked within designated stall dimensions, near the property line, shall be provided in order to prevent vehicles from encroaching on pedestrian, bicycle or traffic routes. This requirement shall not apply to single- or two-family uses, and shall not be required when a fence or other barrier-type landscaping is provided along the property line of the parking area.

j. Uses of land and structures requiring a drive-through shall provide sufficient queuing space within the site to avoid vehicles waiting within the public right-of-way. Such uses shall demonstrate to the traffic engineer that sufficient in-line waiting spaces are provided as part of the parking plan to avoid encroachment into the public rights-of-way.

5. *Regulation of parking space use.* The providers of required off-street parking spaces may reasonably control the users thereof by means which may include but are not limited to restricting all parking to the users of the facility; parking lot attendants control gates; tow-away areas; areas for exclusive use by employees, tenants or staff; areas restricted for use by customers or visitors; and imposing reasonable time limitations on users other than tenants, employees or staff. Direct charges may be made to users who exceed minimum time limits. The traffic department may review all methods of control and may disapprove of any restriction which adversely affects the purpose of this section.

6. *Landscaping.* The perimeter of a parking area, except a parking area serving only a single-family, two-family or three-family dwelling, adjoining a lot in a residential district shall utilize the following schedule:

a. Institutional, commercial or industrial uses adjoining a residential district: Buffer landscaping or a screening structure and visual enhancement landscaping.

b. Residential uses adjoining a residential district: Visual enhancement landscaping or a screening structure and an area landscaped equal to five percent of the parking area and appurtenant drives.

7. *Paving.* The off-street parking area, including all points of ingress and egress, shall be constructed in accordance with the following standards:



- a. A parking area related to any use within an urban or suburban use district, as defined in Section 21.85.020, shall be paved with a concrete or asphalt compound to standards prescribed by the traffic engineer.
- b. A parking area related to any use within a rural use district, as defined in Section 21.85.020, shall be paved with a concrete or asphalt compound to standards prescribed by the traffic engineer or shall be covered with a layer of crushed rock of no more than one inch in diameter to a minimum depth of three inches.

8. *Accessible parking requirements.* Accessible parking requirements for commercial, industrial, public and institutional uses are as follows:

TABLE INSET:

Total Car Spaces in Parking Lot	Minimum Car Accessible Spaces	Minimum Van Accessible Spaces	Total Accessible Parking Spaces, Required Minimum
1--25	0	1	1
26--50	1	1	2
51--75	2	1	3
76--100	3	1	4
101--150	4	1	5
151--200	5	1	6
200--300	6	1	7
301--400	7	1	8
401--500	8	1	9
501--549	9	1	10
550--599	10	1	11
600--649	11	1	12
650--699	12	1	13
700--749	13	1	14
750--799	14	1	15
800--849	14	2	16
850--899	15	2	17
900--949	16	2	18
950--999	17	2	19
1,000--1,099	18	2	20
1,100--1,199	19	2	21
1,200--1,299	20	2	22
1,300--1,399	21	2	23
1,400--1,499	21	3	24
1,500--1,599	22	3	25
1,600--1,699	23	3	26
1,700--1,799	24	3	27
1,800--1,899	25	3	28
1,900--1,999	26	3	29

2,000--2,099	27	3	30
2,100--2,199	28	3	31
2,200--2,299	28	4	32
2,300--2,399	29	4	33
2,400--2,499	30	4	34
2,500--2,599	31	4	35
2,600+	Total accessible spaces minus total van spaces	1 per each 8 accessible spaces	20 plus 1 for each 100 over 1,000 total car spaces

Accessible car spaces shall be at least eight feet wide with an access aisle at least five feet wide abutting the space. One in every eight accessible car spaces shall have an abutting aisle eight feet in width. Accessible car space access aisles shall be part of an accessible route to the building or facility entrance as specified in chapter 28, Code of Federal Regulations, part 36, appendix a to part 36, paragraph 4.3, Accessible Routes. Two accessible car spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Accessible car spaces and access aisles shall be level with surface slopes not exceeding one to 50 in all directions.

Accessible car spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. The accessible route of travel shall not pass behind parking spaces. In parking facilities that do not serve a particular building, accessible car spaces shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible car spaces shall be dispersed and located closest to the accessible entrances.

Accessible car spaces shall be designated as reserved by a sign showing the symbol of accessibility. Van-accessible spaces shall have an additional sign reading "Van-Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

Regulations may be promulgated under Chapter 3.40 to implement the requirements of Americans with Disabilities Act of 1991 as it may be amended or interpreted by federal regulation.

9. *Parking angle space dimensions.*

- a. Except as provided in subsection b of this subsection, the parking configuration stated in table 1 of this subsection shall apply to all required off-street parking:

TABLE 1

TABLE INSET:

A	B	C	D	E	F	G
Parking Angle	Stall Width	Stall to Curb	Aisle Width 1-way	Aisle Width 2-way	Curb Length	Overhang
0°	9.0	9.0	12.0	24	23.0	0
	9.5	9.5	12.0	24	23.0	
	10.0	10.0	12.0	24	23.0	

20°	9.0	15.0	12.0	24	26.3	0.7
	9.5	15.5	12.0	24	27.8	
	10.0	15.9	12.0	24	29.2	
30°	9.0	17.3	12.0	24	18.0	1.0
	9.5	17.8	12.0	24	19.0	
	10.0	18.2	12.0	24	20.0	
40°	9.0	19.1	12.0	24	14.0	1.3
	9.5	19.5	12.0	24	14.8	
	10.0	19.9	12.0	24	15.6	
45°	9.0	19.8	12.0	24	12.7	1.4
	9.5	20.1	12.0	24	13.4	
	10.0	20.5	12.0	24	14.1	
50°	9.0	20.4	12.0	24	11.7	1.5
	9.5	20.7	12.0	24	12.4	
	10.0	21.0	12.0	24	13.1	
60°	9.0	21.0	18.0	24	10.4	1.7
	9.5	21.2	18.0	24	11.0	
	10.0	21.5	18.0	24	11.5	
70°	9.0	21.0	19.0	24	9.6	1.9
	9.5	21.2	18.5	24	10.1	
	10.0	21.2	18.0	24	10.6	
80°	9.0	20.3	22.0	24	9.1	2.0
	9.5	20.4	21.0	24	9.6	
	10.0	20.5	22.0	24	10.2	
90°	9.0	20.0	23.0	24	9.0	2.0
	9.5	20.0	22.0	24	9.5	
	10.0	20.0	22.0	24	10.0	

All dimensions are to the nearest tenth of a foot.

b. Permanent parking provided on an alternative site plan approved pursuant to Section 21.45.140.D.2 or E may either:

- (1) Employ the parking configuration stated in table 2; or
- (2) Employ the parking configuration stated in table 3 if the area is used exclusively for employee parking for periods in excess of four consecutive hours and no more than 30 percent of the total number of spaces is designed for compact cars.

TABLE 2

TABLE INSET:

Parking Angle (O)	Stall Width (A)	Vehicle Projection (B)	Aisle Width (C)	Typical Module (D)	Interlock Reduction (E)	Overhang (F)
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45°	8' 4"	17' 4"	12' 3"	46' 11"	2' 0"	2' 0"
50°	8' 4"	18' 0"	12' 9"	48' 9"	1' 10"	2' 1"
60°	8' 4"	18' 10"	14' 3"	51' 11"	1' 4"	2' 3"
70°	8' 4"	19' 2"	16' 1"	54' 5"	0' 10"	2' 5"
75°	8' 4"	19' 0"	17' 6"	55' 6"	0' 8"	2' 6"
90°*	8' 4"	18' 0"	22' 6"	58' 6"	--	2' 8"

\*Assumes two-way traffic flow.

TABLE 3

TABLE INSET:

Parking Angle (O)	Stall Type	Stall Width (A)	Vehicle Projection (B)	Aisle Width (C)	Typical Module (D)	Interlock Reduction (E)	Overhang (F)
45°	CO	7' 7"	15' 2"	10' 9"	41' 1"	1' 6"	1' 6"
	STD	8' 4"	18' 4"	13' 0"	49' 8"	2' 0"	2' 3"
50°	CO	7' 7"	15' 8"	11' 2"	42' 6"	1' 4"	1' 7"
	STD	8' 4"	19' 2"	13' 6"	51' 0"	2' 0"	2' 4"
60°	CO	7' 7"	16' 4"	12' 6"	45' 2"	1' 0"	1' 8"
	STD	8' 4"	20' 0"	15' 0"	55' 0"	1' 6"	2' 6"
70°	CO	7' 7"	16' 5"	14' 1"	46' 11"	0' 8"	1' 10"
	STD	8' 4"	20' 4"	17' 0"	57' 8"	1' 0"	2' 8"
75°	CO	7' 7"	16' 6"	16' 4"	49' 11"	0' 6"	1' 10"
	STD	8' 4"	20' 2"	18' 0"	58' 4"	0' 9"	2' 9"
90°*	CO	7' 7"	15' 6"	19' 0"	50' 0"	--	2' 0"
	STD	8' 4"	19' 0"	23' 0"	61' 0"	--	3' 0"

CO: Compact car.

STD: Standard car.

\*Assumes two-way traffic flow.

- c. The spatial relationships described in tables 1, 2 and 3 of this subsection shall be calculated in the manner depicted in the following diagram:

**GRAPHIC LINK:** [Click here](#)

10. *Landscaping for parking lots with 15 or more spaces.*

- a. Visual enhancement landscaping shall be planted on the perimeter of the parking area adjoining a lot line or a screening structure shall be placed on the perimeter of the parking area adjoining a lot line and an area equal to at least five percent of the surface of the parking area including appurtenant driveways shall be devoted to visual enhancement landscaping, except:

- (1) At vehicular and pedestrian ingress and egress points; and

- (2) Adjacent to lots being developed under a common development plan, where the director of community planning and development waives the requirement.
  - b. The parking area shall be separated from any building on the same lot by a sidewalk or landscaped area, or both, at least four feet wide.
  - c. In addition to the landscaping required under subsections a and b of this subsection, visual enhancement landscaping shall be planted within the interior of a parking area containing more than 60 spaces. The area devoted to visual enhancement landscaping shall equal at least five percent of the surface of the parking area, including appurtenant driveways.
  - d. Parked vehicles may overhang landscaped areas by up to two feet, provided:
    - (1) The overhang is limited by curbs or wheel stops; and
    - (2) The landscaped area beyond the overhang is at least six feet wide.
  - e. All landscaping shall be maintained by the property owner or his designee.
11. *Landscaping for parking structures.*
- a. Visual enhancement landscaping shall be planted around the perimeter of the parking structure, except:
    - (1) At vehicular and pedestrian ingress and egress points; and
    - (2) Where the structure abuts an alley right-of-way.
  - b. All areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping.
  - c. All landscaping shall be maintained by the property owner or his designee.

**Y. *Adjustment of parking requirements.***

1. *Application for permit.* Any person may apply for a permit to reduce the number of off-street parking spaces required by this section for a site that is dedicated to one or more nonresidential uses that include at least 100 employees or tenants at that site. An application shall be submitted to the administrative official and shall be complete only if it is made in a form prescribed by the traffic engineer, and is accompanied by the applicable fee and by a parking management plan that includes:
- a. The number of off-street parking spaces to be provided on the site;
  - b. A site plan that shows the open space reserved on the site for off-street parking use if a permit for reduced parking is either denied, revoked, suspended or not renewed. Such open space shall be in addition to yard, setbacks, driveways, parking, loading and service areas and other open space areas otherwise required by this Code;
  - c. A description of all types of existing and proposed transportation alternatives available for the site, including their times of operation, cost, implementation and administration, and the means by which the applicant intends to encourage their use in lieu of privately operated motor vehicles; and
  - d. An explanation of how the applicant will meet the standards for approval stated in subsection 2 of this subsection.
2. *Standards for approval.* The administrative official shall grant a permit to reduce the number of off-street parking spaces required by this section if the applicant demonstrates that:

- a. The applicant is eligible to make the application and has submitted a complete application.
  - b. The existing and proposed transportation alternatives described in the application are reasonably expected to reduce the demand by tenants and employees on the site for off-street parking on the site so that the number of off-street parking spaces proposed in the application are more likely than not to be adequate for the needs of all users of the site.
  - c. The reduction of off-street parking spaces, as requested in the application, shall not have a material effect on the on-street parking spaces in the immediate area around the site.
  - d. Sufficient open space has been reserved on the site to accommodate the number of off-street parking spaces required by this section if a permit issued under this subsection is either revoked, suspended or not renewed.
  - e. All persons with a legal or equitable interest in the site are prepared to execute and record an agreement that provides for compliance with the terms of the permit to be a covenant that runs with the land for the benefit of the municipality.
3. *Permit conditions.* If the administrative official, upon recommendation by the traffic engineer, determines that a permit for reduced off-street parking spaces should be granted, that permit may provide for the number of such spaces that satisfy the standards stated in subsection 2 of this subsection, regardless of the number requested by the applicant, and shall state all conditions deemed necessary to accomplish the purpose of this subsection and to otherwise protect the public health, safety and welfare. The administrative official shall issue a permit only after the applicant demonstrates that the agreement described in subsection 2.e of this subsection has been executed and recorded in a form approved by the administrative official.
4. *Renewal of permit.* A permit issued pursuant to this subsection shall be valid for a period of one calendar year. A renewal application shall be submitted to the administrative official no less than 90 days before the permit expiration date, in a form he prescribes, and it shall include:
- a. The applicable fees; and
  - b. A description of the applicant's compliance with the permit conditions during the permit term. The applicant shall also provide an annual tenant/employee commuter survey in a form and manner approved by the transit department.
- Based upon the renewal application, the administrative official may choose to renew the permit for another one year term upon the same or different conditions.
5. *Construction of parking facilities on nonrenewal of permit.* If a permit issued under this section is not renewed, construction of the off-street parking requirements required by this section shall be commenced in a material way no later than 60 days thereafter.
6. *Failure to comply with permit.* It shall be a violation of this chapter each time that the holder of a permit issued under this subsection fails to abide by each and every condition set forth therein, including timely construction of the off-street parking spaces following nonrenewal of such a permit.
7. *Appeals.* An aggrieved applicant may appeal a decision of the administrative official under this subsection, to the zoning board of examiners and appeals, in accordance with the procedures described in Section 21.30.110, to determine if the administrative official has reasonably applied the standards in this subsection.

Z. *Standards for parking as principal use.* Where a parking structure or lot is a permitted principal or conditional use and is not providing required parking for another principal use, accessible parking spaces

in accordance with subsection W.8 of this section shall be provided.

AA. *Amotorized sports facility* shall provide one parking space for every two spectator seats in a structure such as a grandstand, stadium and the alike or one parking space for every 2,000 square feet of site area whichever results in the greater number of parking spaces.

(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; AO No. 2004-108(S), § 6, 10-26-04; AO No. 2005-9, § 4, 3-1-05; AO No. 2005-185(S), § 28, 2-28-06; AO No. 2005-124(S-1A), § 29, 4-18-06; AO No. 2006-87(S-1), § 1, 1-9-07)

**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 21.35.020.B.69.

**Cross references:** Business licenses and regulations, Tit. 10.

## 21.45.090 Off-street loading requirements.

No building or structure used for any commercial, business, industrial or institutional use shall be erected, nor shall any such existing building or structure be altered so as to increase its gross floor area by 25 percent, without prior provision for off-street loading space in conformance with the following minimum requirements:

A. *Types of loading berths.* Required off-street loading space shall be provided in berths which conform to the following minimum specifications:

1. Type A berths shall be at least 60 feet long by ten feet wide by 14 feet six inches high, inside dimensions.
2. Type B berths shall be at least 30 feet long by ten feet wide by 14 feet six inches high, inside dimensions.
3. Type C berths shall be located in the rear of a lot and utilize part of an adjacent alley. The building setback shall be a minimum of five feet from the property line along the alley for the entire width of the lot.

B. *Number of spaces.* The following numbers and types of berths shall be provided for the specified uses; provided, however, that, in any B-2 district, one type C berth may be substituted for one type B berth. The uses specified in this subsection shall include all structures designed, intended or arranged for such use.

TABLE INSET:

	Use	Aggregate Gross Floor Area (square feet)	Berths Required	Type
1.	Freight terminals, railroad yards, industrial plants, manufacturing or wholesale establishments, warehouses	12,000--36,000	1	A
		36,000--60,000	2	A
		60,000--100,000	3	A
		Each additional 50,000 or fraction thereof	1 additional	A

2.	Auditoriums, motel convention halls, multifamily dwellings or sports arenas	25,000--150,000 150,000--400,000 Each additional 250,000 or fraction thereof	1 2 1 additional	B B B
3.	Health care facilities	10,000--100,000 Over 100,000	1 2	B B
4.	Department stores, retail establishments, restaurants funeral homes and commercial establishments not otherwise specified	7,000--24,000 24,000--50,000 50,000--100,000 Over 100,000, each additional 50,000 or major fraction thereof	1 2 3 1 additional	B B B B
5.	Hotels or office buildings	25,000--40,000 40,000--100,000 Each additional 100,000 or major fraction thereof	1 2 1 additional	B B B
6.	Schools	Over 14,000	1	B

C. *Uses not specifically mentioned.* In the case of a use not specifically mentioned in this section, the requirements for off-street loading facilities shall be the same as the use mentioned in this section which, in the opinion of the administrative official, is most similar to the use not specifically mentioned.

D. *Concurrent different uses.* When any proposed structure will be used concurrently for different purposes, final determination of loading requirements will be made by the administrative official, but in no event shall the loading requirements be less than the total requirements for each use based upon its aggregate gross floor area.

E. *Location of loading facilities.* The off-street loading facilities required for the uses mentioned in this title shall be in all cases on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements. The placement of proposed off-street loading facilities adjacent to residential areas or in an area with a residential zoning classification shall be considered for noise and glare impacts. Mitigation techniques, including appropriate siting and site design measures, may be required by the traffic engineer.

F. *Manner of using loading areas.* No space for loading or unloading of vehicles shall be so located that a vehicle using such loading space projects into any public street, except in the case of type C berths. Loading space shall be provided with access to an alley, or, if no alley adjoins the lot, with access to a street. Any required front, side or rear yard may be used for loading unless otherwise prohibited by this title. Design and location of entrances and exits for required off-street loading areas shall be subject to the approval of the traffic engineer. The traffic engineer shall consider noise, illumination, vibration and other impacts of proposed off-street loading areas where loading facilities are adjacent to a residential area or an area with a residential zoning classification, and may recommend appropriate mitigation measures.

G. *Modification of requirements.* The traffic engineer may modify the off-street loading requirements as they apply to any individual case only for good cause shown, and he shall set reasonable safeguards and conditions to ensure that any such modification conforms to the intent of this title. Modification may be granted if it is demonstrated to the satisfaction of the traffic engineer that loading operations of the use or structure in question will not interfere with pedestrian or vehicular traffic on a public street.

H. *Signs.* The owners of the property shall provide, locate and maintain loading signs as specified by the traffic engineer. Such signs shall not be counted against allowed advertising sign area.



(GAAB 21.05.060.H; AO No. 85-173, 3-17-86; AO No. 90-152(S))

**Cross references:** Business licenses and regulations, Tit. 10.

### **21.45.100 Residual lot area.(Repealed)**

(AO No. 82-54)

### **21.45.110 Fences.**

A. A fence may be constructed at the lot line, provided, however, that front yard fences in residential zoning districts shall not exceed four feet in height, except in zoning districts R-6, R-8 and R-9 where front yard fences shall not exceed six feet in height. Front yard fences may be increased to eight feet in height in zoning districts R-6, R-8 and R-9 provided the fencing material is non-sight obscuring. Examples of non-sight obscuring fencing include chain-link fencing, and split rail. No front yard fence shall be erected in conflict with Section 21.45.020, clear vision areas.

B. In the case of a through lot, as defined in Section 21.35.020.B, which abuts a street of collector 1, 1A or greater classification as designated on the official streets and highways plan, a fence may be constructed within the secondary front yard abutting the street up to a maximum of eight feet in height, provided that vehicular access to the street is prohibited. A fence higher than four feet, or six feet in zoning districts R-6, R-8, and R-9, shall not be constructed if access to the street is required due to a plat note, by a conditional use permit or under other provisions of law.

(GAAB 21.05.060.J; AO No. 78-15; AO No. 85-161; AO No. 2000-55, § 1, 6-20-00; AO No. 2000-135, § 1, 5-8-01)

**Cross references:** Building regulations, Ch. 23.05; streets and rights-of-way, Tit. 24.

### **21.45.120 Yards.**

A. *Double-frontage lots.* In the case of double-frontage lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the administrative official may waive the requirement for the normal front yard and substitute therefor a special yard requirement, which shall not exceed the average of the yards provided on adjacent lots.

B. *Corner lots with two frontages.* In the case of corner lots, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

C. *Corner lots with more than two frontages.* In the case of corner lots with more than two frontages, the administrative official shall determine the front yard requirements, subject to the following limitations:

1. At least one front yard shall be provided having the full depth required generally in the district.
2. No other front yard on such lot shall have less than half the full depth required generally.

D. *Measurement of front yard.* Generally, the depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines except as follows (see the diagram following this section):

1. In the case of rounded property corners at street intersections, the required front yard shall be

measured at a right angle from a straight line joining the foremost point of the two front lot lines at the point they would have met without such rounding.

2. In the case of a corner lot ("L" intersection) the required front yard shall be measured at a right angle from the intersecting point of the side and front yard lot lines to the intersecting point of the two front lot lines.

3. For cul-de-sac lots and lots abutting a curved street, the required front yard shall follow the curve of the right-of-way frontage.

The right-of-way frontage and the inner edge of the required front yard shall be parallel.

E. *Measurement of side yard.* Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations, with its inner edge parallel to the side lot lines.

F. *Reduction of side yard requirement.* In any R-1, R-1A, R-2A, R-2D, R-2M, R-3 or R-5 district, one required side yard of a lot may be abated, subject to the following requirements:

1. The width of the other required side yard on the lot shall be no less than ten feet, and no future enlargement of a principal or accessory structure shall reduce that width.

2. The lot shall be one of a group of all lots fronting one side of a street between two intersections, which are owned by the same person.

G. *Construction on adjoining lots.* In determining minimum yard requirements each lot shall be determined individually and, except as provided in subsection F of this section, minimum yard requirements may not be calculated on the basis of two or more combined lots. In all instances where a building may be constructed immediately adjacent to a lot line, the building may be constructed upon or over such lot line, provided that the portion of the building on each individual lot is otherwise permitted on each lot, and provided further that the building complies with building code requirements.

H. *Cluster housing developments.* Yard requirements for cluster housing developments shall be as specified in Section 21.50.210.

I. *Minimum dimension of usable yard.* No dimension of a usable yard shall be less than ten feet. A usable yard does not include driveways, common walks, refuse storage or collection areas, or off-street parking or loading areas. However, private balconies or decks containing no less than one ten-foot dimension and roofs available for outdoor activity may be used to meet this requirement. Those balconies or decks with dimensions less than ten feet and containing at least a minimum of 20 square feet may only be counted for up to 50 percent of the required usable yard area.

(GAAB 21.05.060.L; AO No. 80-42; AO No. 82-54; AO No. 84-52; AO No. 85-18; AO No. 85-21; AO No. 85-32; AO No. 85-163; AO No. 86-78; AO No. 89-35, 4-7-89)

**Editor's note:** Subsection I of this section was originally codified in the 1977 Code as the second through last sentences of subSection 21.35.020.B.141.

## RESIDENTIAL YARD MEASUREMENTS (DIAGRAM FOR Section 21.45.120.D)

**GRAPHIC LINK:** [Click here](#)

### 21.45.125 Landscaping.

A. *Scope and applicability.* All landscaping required under this title shall conform to the standards in this section at a minimum. Additional landscaping may be required where authorized by law. It is the intent of this section that, where dimensional averages have been referenced, plant materials may be clustered and portions of planting bed widths made narrower or wider.

B. *Landscaping plan.* Where a landscaping plan is required under this title, the plan shall include:

1. The common and scientific name of each plant to be used;
2. The number, height and caliper or height/spread ratio of trees to be used;
3. The pounds of lawn seed mix per square foot to be used;
4. The number of ground cover plants per unit area to be used;
5. The locations where different plant types will be used;
6. The locations, size and type of trees to be preserved in their natural state;
7. Planting details;
8. Location of any retaining walls and fences;
9. Location of any utility easements;
10. Location of any existing or proposed structures or parking areas;
11. North arrow and scale; and
12. Drainage patterns.

C. *Types of landscaping.* There are four types of landscaping: visual enhancement landscaping, buffer landscaping, screening landscaping and arterial landscaping. Where landscaping is required under this title, but the type of landscaping is not specified, the landscaping shall be visual enhancement landscaping.

1. *Visual enhancement landscaping.* Visual enhancement landscaping consists of landscaping or the retention of natural vegetation which provides definition of land uses or softens the impact of one land use on another. Visual enhancement landscaping shall conform to the following standards:

- a. Average minimum planting bed width shall be eight feet, except for foundation plantings;
- b. Evergreen trees a minimum of five feet in height with a ratio of height to spread no less than five to three, or deciduous trees a minimum of eight feet in height (one-inch caliper), planted at average intervals no greater than 20 feet on center, are required;
- c. Shrubs a minimum of 18 inches in height, and ground cover or mulches, placed so as to cover the ground in three years, are required; and
- d. Natural vegetation which is sufficient to meet the intent of the standards set out in this subsection may be retained in place of all or part of any required landscaping.

2. *Buffer landscaping.* Buffer landscaping consists of landscaping or the retention of natural vegetation which serves to separate two land uses and minimize the effects of one land use on another. Buffer landscaping shall conform to the following:

- a. The planting bed width shall be an average of ten feet with a minimum width not less than eight feet, except for buffer yards required under Section 21.45.200;
- b. Evergreen trees a minimum of five feet with a ratio of height to spread no less than five to three, and deciduous trees a minimum of eight feet in height (1 1/2-inch caliper) with no

more than 50 percent being deciduous, planted at average intervals no greater than ten feet on center, are required;

c. Shrubs, a minimum of 18 inches in height, and ground cover or mulches, placed so that the ground will be covered within three years, are required; and

d. Natural vegetation which is sufficient to meet the intent of the standards set out in this subsection may be retained in place of all or part of any required landscaping.

3. *Screening landscaping.* Screening landscaping consists of landscaping or the retention of natural vegetation which blocks obtrusive or undesirable visual or aural elements. Screening landscaping shall conform to the following standards:

a. Average planting bed width shall be 30 feet, with a minimum of not less than 25 feet. A decorative wood fence seven feet in height may be provided in lieu of ten feet of the required 30 feet;

b. Two rows of evergreen trees, a minimum of six feet in height and an with average height of eight feet, with a ratio of height to spread no less than five to three, planted at average intervals no greater than ten feet on center, are required;

c. Shrubs a minimum of 2 1/2 feet in height, and ground cover or mulches, placed so that the ground will be covered within three years, are required;

d. Earthen berms may be substituted for part of the required minimum tree height, utilizing a ratio of two feet of berm height per one foot of tree height (e.g., if trees are planted on a three-foot-high berm, the minimum height of the trees may be reduced by 1 1/2 feet, thus giving an overall height of the trees plus berm of 9 1/2 feet); and

e. Natural vegetation which is sufficient to meet the intent of the standards set out in this subsection may be retained in place of all or part of any required landscaping.

4. *Arterial landscaping.* Arterial landscaping consists of landscaping which softens the impact of land uses along an arterial or collector, but which does not obscure that land use from sight. Arterial landscaping shall conform to the following standards:

a. Arterial landscaping shall be provided along all collectors or arterials adjacent to sites with a commercial zoning classification of B-1A, B-1B and B-3.

b. This landscaping shall be in lieu of any parking lot landscaping required along an arterial or collector street.

c. The minimum planting bed width shall be six feet, provided that, if there is a vehicle overhang, the minimum bed width shall be eight feet.

d. All plantings shall be spaced so as to provide continuous ground coverage within three years.

e. One of the following kinds of plant materials shall be used:

(1) Hedges in a combination of one-third evergreen plant material and two-thirds deciduous plant material which attain a mature height of at least four feet;

(2) Hedges using all deciduous plant material plus an opaque screening structure of at least four feet in height; or

(3) A combination of trees and shrubs which attain a mature height of at least four feet.

D. *Installation of landscaping.* All landscaping shall be installed within 18 months after receiving a

temporary or final certificate of occupancy, whichever comes first.

E. *Landscaping plan.* All landscaping required under Chapter 21.40, other than for a one-family, two-family or three-family dwelling, this chapter or Chapter 21.50 shall conform to a landscaping plan reviewed and approved by the department of community planning and development.

(AO No. 85-91, 10-1-85; AO No. 85-173)

### **21.45.130 Screening along major highways.**

#### **A. Purpose and scope.**

1. *Purpose.* The purpose of this section is to protect visually the major entrances to the urbanizing areas of the municipality for the benefit of tourists and residents.
2. *Applicability.* Except as provided in subsection 3 of this subsection, the requirements in this section apply to all lots in the PLI, R-3, R-4, R-O, PC, B-1A, B-3, B-4, I-1, I-2, I-3 and T use districts:
  - a. Adjacent to the right-of-way of the New Seward Highway, or to streets serving as its frontage roads, south of 44th Avenue and north of Potter Road; or
  - b. Adjacent to the right-of-way of the Glenn Highway, or to streets serving as its frontage roads, east of Boniface Parkway and west of Peters Creek.
3. *Exceptions.* The requirements in this section do not apply to any lot:
  - a. Whose area, less the setback area required under subsection B of this section, is less than the minimum lot area required in its use district;
  - b. Whose depth, excluding all setbacks required under this title, is less than 100 feet; or
  - c. That is used only for single-family residential purposes.

B. *Setback area; landscaping.* No structure may be constructed or placed within 30 feet of the rights-of-way described in subsection A.2 of this section. Except at vehicular and pedestrian ingress and egress points, this 30-foot setback shall be maintained as follows: Natural vegetation shall not be disturbed, provided that, if that vegetation does not meet the standards for screening landscaping, screening landscaping shall be planted. The landscaping shall be maintained by the property owner or his designee.

C. *Signs.* No new signs of any kind shall be permitted within the 30-foot-wide area mentioned in subsection B of this section that abuts either the New Seward Highway, the Glenn Highway or frontage roads adjacent thereto, except real estate for sale signs no larger than 18 inches by 24 inches. In addition to those sign restrictions imposed by the applicable zoning district, all allowable signs shall be restricted to those advertising products or services available on the premises. Signs which are flashing, blinking, fluctuating or animated shall not be allowed if they are visible from those portions of the Seward and Glenn highways described in this subsection. No sign shall exceed 30 feet in height.

D. *Loading and parking facilities.* Except for customer parking, loading docks and off-street parking areas associated with new uses established on the properties abutting those portions of the Seward Highway, Glenn Highway or associated frontage roads described in subsection C of this section shall be located to the rear of those properties. If site development does not allow for these facilities in the rear, they shall then be effectively screened from the highways.

E. *Approval of site plan.* Plans for access drives, screening fences, vegetative screens and parking and loading areas shall be reviewed and approved by the urban design commission to ensure conformance with the intent of this section. No building permit or land use permit shall be issued for construction on a lot

subject to this section, except in accordance with a landscaping site plan conforming to this section approved by the urban design commission.

F. *Variances.* A variance shall only be granted by the zoning board of examiners and appeals if the board finds that the intent of this subsection is maintained and provided that a recommendation of the urban design commission that the variance be granted is first received.

(GAAB 21.05.060.P; AO No. 85-23; AO No. 85-160, 1-8-86; AO No. 85-91, 10-1-85; AO No. 85-173; AO No. 86-19)

#### 21.45.140 Setbacks from projected rights-of-way.

A. *Minimum setback.* No new structural or land development activity requiring a building or land use permit shall be permitted within the minimum setback stated in this subsection from the existing or projected centerline of a street designated on the official streets and highways plan, except as allowed under subsection B of this section:

TABLE INSET:

Street Class on Official Streets and Highways Plan	Setback from Centerline (feet)
IC, IIA, IIIC	30
IB	35
I, IA, II	40
III, IIIB	50
IIIA, IV	65
V	75

B. *Permitted uses within setback.* The following uses and activities are permitted within the setbacks described in subsection A of this section:

1. Sidewalks and pathways;
2. Bike trails;
3. Bus shelters and bus turnouts;
4. Kiosks, canopies, awnings, seating units and skywalks;
5. Utilities and utility easements;
6. Landscaping required by chapters 21.40 through 21.50;
7. Temporary parking as described in subsection D. of this section;
8. Additional parking to that required by this title;
9. Open space and usable yards;
10. Fences, public art, and signs;
11. Retaining walls;
12. Remodeling of or addition to structures existing as of May 19, 1987, so long as it does not further intrude within the setback area after that date;

13. Driveways and vehicular access; and

14. Incidental architectural features that are at least 12 feet above grade, where "architectural feature" means a part, portion, or projection that contributes to the aesthetic quality of a building or structure, exclusive of signs, that is not necessary for the structural integrity of the building structure or to make the building or structure habitable.

C. *Yard requirements.* Applicable yard requirements stated elsewhere in this title shall be in addition to those stated in this section.

D. *Temporary parking area.* As used in this section, the term "temporary" or "temporarily" means that period of time between the issuance of a building or land use permit and the right of entry conveyed to the municipality or other government entity for a road project that affects the setback area required by this section. Parking required by this title may be provided temporarily within a setback area described in this section only if the building official and the traffic engineer first find that:

1. The temporary parking configuration to be used on the lot, including the setback area, conforms to Section 21.45.080.W.9.b.

2. An alternate site plan has been submitted with an application for a building or land use permit for permanent required parking on the lot, excluding all setback areas thereon, in conformance with parking configuration requirements of Section 21.45.080.A through V and Section 21.45.080.W.9.b.

3. An agreement between the owner of the lot and the municipality has been executed and recorded so as to give notice of the parking requirements to be applied to the lot and of the date or event by which the temporary parking configuration shall be abandoned in favor of the permanent parking configuration stated in the alternate site plan.

E. *Reduction of required parking.* Permanent required parking shall be provided on the lot, excluding all setback areas thereon, in conformance with the parking configuration requirements of Section 21.45.080.A through V and Section 21.45.080.W.9.b, except that the minimum number of parking spaces required for a lot may be reduced by as much as five percent upon a finding by the director of community planning and development, with the concurrence of the building official, that:

1. No temporary parking configuration has been approved for the lot pursuant to subsection D of this section; and

2. The owner of the lot has demonstrated that the reduction of parking spaces shall not adversely affect use of that lot, an adjacent public right-of-way or an adjacent lot.

(GAAB 21.05.060.R; AO No. 84-255; AO No. 87-31, 7-18-87; AO No. 2007-101(S), § 1, 9-11-07)

### **21.45.150 Home occupations.**

An occupation may be conducted in a dwelling unit or in a building accessory to a dwelling unit provided that:

A. Only one nonresident and the permanent residents of a dwelling unit may be engaged in a home occupation on the premises;

B. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its residential use. This standard is met by and limited to one of the following:

1. No more than the lesser of 25 percent or 500 square feet of the floor area of the dwelling is devoted to the home occupation; or

2. Two hundred square feet of an accessory building is devoted to the home occupation;

C. There shall be no change in the outside of the building or premises, nor shall there be other visible evidence of the conduct of such home occupation other than signs in accordance with AMC 21.47.040;

D. Vehicles making deliveries shall not be parked on the site for a period exceeding one hour;

E. Any storage of wholesale or retail stock in trade in conjunction with the home occupation shall not exceed ten percent of the area devoted to the home occupation, except on lots 40,000 square feet or larger in rural zoning districts as defined in AMC 21.85.020. On lots meeting this exception, storage of stock in trade may equal the area devoted to the home occupation, if the storage is screened from neighboring lots and separated from the neighboring lot line by at least the established district yard setback;

F. No traffic or deliveries shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood;

G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, radiation, or odors detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence or in an accessory structure. Particle accelerator systems, including cyclotrons, may not be used in a home occupation. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes a fluctuation in line voltage off the premises; and

H. The home occupation shall not be conducted between the hours of 10:00 p.m. and 7:00 a.m.

(GAAB 21.05.060.S; AO No. 82-204; AO No. 2005-178, § 1, 1-24-06; AO No. 2005-150(S-1), § 10, 2-28-06)

**Cross references:** Business licenses and regulations, Tit. 10.

### **21.45.160 Signs (Repealed).**

(GAAB 21.05.060.K; AO No. 77-5; AO No. 78-124; AO No. 79-45; AO No. 79-179A; AO No. 77-355; AO No. 81-97; AO No. 83-52; AO No. 85-18; AO No. 85-23; AO No. 85-159; AO No. 85-173, 3-17-86; AO No. 86-19; AO No. 87-143; AO No. 88-147(S-2); AO No. 91-90(S); AO No. 2003-62(S-1), § 3, 10-1-03)

**Editor's note:** AO No. 2003-62(S-1), § 3, effective Oct. 1, 2003, repealed § 21.45.160 which pertained to signs. The user is directed to new Ch. 21.47 for current sign provisions. See also the Code Comparative Table.

**Cross references:** Business licenses and regulations, Tit. 10; streets and rights-of-way, Tit. 24.

### **21.45.170 Uses involving sale of alcoholic beverages. (Repealed)**

(AO No. 85-21)

### **21.45.180 Child care services. (Repealed)**

(AO No. 81-67(S); AO No. 83-52; AO No. 85-8; AO No. 85-18; AO No. 85-23; AO No. 85-187; AO No. 91-90(S); AO No. 2005-185(S), § 29, 2-28-06)

**Editor's note:** AO No. 2005-185(S), § 29, effective Feb. 28, 2006, repealed § 21.45.180 which pertained to child care services. See also the Code Comparative Table.



Chapter 21.45 ZONING DISTRICT REGULATIONS

## **21.45.190 Cluster housing development.(Repealed)**

(AO No. 85-21)

## **21.45.200 Transition and buffering standards.**

A. *Purpose.* The purpose of this section is to mitigate the impacts of nonresidential land uses upon residential uses, and of more intense residential land uses upon less intense residential uses, including but not limited to visual, noise, traffic and environmental impacts. This section shall not apply to small residential care facilities unless made a condition associated with reasonable accommodation.

B. *Definitions.* As used in this section:

*Adjacent.* Two lots are adjacent where they have a common lot line or where they are separated only by a street right-of-way not designated as an industrial/commercial collector, or for minor arterial or greater capacity, on the official streets and highways plan.

*Developed density.* The developed density of a residential lot is the greater of the following:

1. The existing residential density of the lot; or
2. The maximum residential density permitted on the lot, or on any subdivision of the lot that conforms to the comprehensive plan in the manner required by Chapter 21.05.

*Lot* includes the term "tract."

*Nonresidential lot* means a lot that is not a residential lot.

*Residential lot* means a lot in an R-1 through R-11, D-2, D-3 or T district.

*Rural residential lot* means a residential lot with a developed density not exceeding 2.2 dwelling units per acre.

*Urban residential lot* means a residential lot with a developed density exceeding 2.2 dwelling units per acre.

C. *Rural transition and buffering standards.* The authority acting upon a zoning map amendment, conditional use or subdivision shall require the zoning map amendment, conditional use or subdivision to conform to the following standards where an urban residential lot with an existing residential density not exceeding 2.2 dwelling units per acre, or a nonresidential lot, is adjacent to a rural residential lot:

1. Access to the subdivision containing the urban residential lot or nonresidential lot shall be from a street designated for collector or greater capacity on the official streets and highways plan, or from a residential major street as defined in Section 21.85.050 connected to a street designated for collector or greater capacity on the official streets and highways plan. Lots within the subdivision shall have access only to an interior subdivision street.
2. Where the urban residential lot or nonresidential lot is adjacent to a rural residential lot, there shall be a transition space in the urban residential lot or nonresidential lot conforming to subsection E of this section.
3. Where the urban residential lot or nonresidential lot is the subject of a zoning map amendment, the petitioner shall:
  - a. Include in its zoning map amendment proposal a special limitation providing for development under a site plan providing for transition space as required under this subsection; and
  - b. Present the site plan to a meeting of residents of the surrounding neighborhood, and to

a meeting of the community council for the surrounding neighborhood, before the planning and zoning commission hearing on the zoning map amendment.

**D. Urban transition and buffering standards.**

1. **Applicability.** The authority acting upon a zoning map amendment, conditional use or subdivision application:

a. May apply the standards in subsection E.2 of this section to:

- (1) A nonresidential lot adjacent to an urban residential lot; or
- (2) A residential lot adjacent to a nonresidential lot; or
- (3) An urban residential lot with an area (before any proposed subdivision) of at least ten acres that is adjacent to an urban residential lot of lower developed density as set forth in the following schedule:

TABLE INSET:

Developed Density of Adjacent Part of Lot Subject to Application	Developed Density of Adjacent Urban Residential Lot
Greater than 10 DU/A	3--6 DU/A
Greater than 20 DU/A	6--10 DU/A

b. Where the authority finds that conformity to those standards will:

- (1) Mitigate the probable visual, noise, traffic or environmental impacts of the nonresidential or more intense urban residential land use upon the urban, or less intense urban, residential land use;
- (2) Mitigate other identifiable incompatibilities between land uses or residential densities; or
- (3) Protect a critical environmental or cultural feature identified for protection in a municipal plan adopted by the assembly.

**2. Standards.**

a. The nonresidential lot, or the urban residential lot with the greater developed density, shall contain a transition space conforming to subsection E of this section.

b. Except where transition space is provided under subsection E.3.b of this section, if the nonresidential lot or more intensely developed urban residential lot is the subject of a zoning map amendment, the zoning map amendment shall include a special limitation providing for development under a site plan conforming to this subsection. The site plan shall be subject to review by the director of community planning and development. Any person adversely affected by the action of the director of community planning and development may appeal that action to the planning and zoning commission within 15 days. The appeal shall be scheduled before the commission within 45 days of its filing. The planning and zoning commission shall treat the appeal as an original site plan review application.

**E. Transition space.**

1. A transition space shall accomplish one or more of the following objectives as appropriate under the circumstances:

- a. Materially obscure the visual outlines of buildings on the more intensely developed lot from the adjacent protected lot;
  - b. Establish a street frontage compatible with that of the adjacent protected lot; or
  - c. Diminish the impact of noise from the more intensely developed lot onto the adjacent protected lot.
2. Except as provided in subsection 4 of this subsection, the approving authority shall consider the following factors in determining the type and depth of the transition space:
  - a. The distance of structures on the more intensely developed lot from the adjacent protected lot;
  - b. The type and density of natural and imported plantings in the transition space, including the effects of seasonal changes, or the use of screening structures in lieu thereof;
  - c. The buffering functions of slopes and other topographic features;
  - d. The uses on the more intensely developed lot and the adjacent protected lot; and
  - e. The design of, and traffic volume on, any street separating the more intensely developed lot from the adjacent protected lot.
3. The transition space shall take one of the following forms:
  - a. A tier of lots conforming to the average lot width and building setback of the adjacent protected lots.
  - b. Open space in a cluster or planned unit development conforming to this title.
  - c. A peripheral buffer yard containing only vegetation, natural topographic barriers or screening structures. A peripheral buffer yard may be part of the yard in a lot, or a separate tract. The use of the peripheral buffer yard shall be restricted by recorded easement or covenant.
  - d. Another form, having a similar effect, that is approved by the authority.
4. Standards for peripheral buffer space containing only vegetation are as follows:
  - a. A peripheral buffer space required under subsection D of this section that contains only vegetation shall be at least as deep as the greater of:
    - (1) The landscaped area required under Chapter 21.40; and
    - (2) The buffer yard depth required by the schedule in subsection c of this subsection.
  - b. A peripheral buffer space required under subsection D of this section that contains only vegetation shall be planted with the greater of the quantities of landscaping required under the following:
    - (1) Chapter 21.40; and
    - (2) The schedule in subsection c of this subsection.
  - c. The buffer space schedule is as follows:

TABLE INSET:

Use of Lot Containing Buffer Space	Use of Lot Adjoining Buffer Space	Type of Landscaping	Depth of Buffer Space (feet)
Multifamily dwelling (greater than 10 DU/A)	Single-family or multifamily residential (3--6 DU/A)	Buffer	15
Multifamily dwelling (greater than 20 DU/A)	Multifamily residential (6--10 DU/A)	Buffer	15
Single-family residential (3--6 DU/A)	Junkyards, natural resource extraction, mobile home park, camper park, industrial	Screening	30
Single-family residential 3--6 DU/A)	Commercial/institutional	Buffer	15
Multifamily residential greater than 6 DU/A (6--10 DU/A)	Junkyards, natural resource extraction, mobile home park, camper park, institutional	Screening	30
Multifamily residential greater than 6 DU/A (6--10 DU/A)	Commercial/industrial	Buffering	15

5. Nothing in this section prohibits the use of transition space required under this section to meet minimum open space requirements for a cluster housing development or planned unit development, or to meet other minimum yard or open space requirements of this title.

F. *Subdivision of lot following zoning map amendment.* A lot subject to a zoning map amendment under this section is not subject to additional requirements under this section when it is subdivided.

(AO No. 85-20; AO No. 85-173, 3-17-86; AO No. 2005-185(S), § 30, 2-28-06; AO No. 2005-124(S-1A), § 30, 4-18-06)

#### 21.45.210 Stream protection setback.

A. *Required.* There shall be a stream protection setback conforming to this section along all of the streams and their tributaries located within the municipality, including but not limited to those streams designated on the maps and list accompanying this section.

B. *Width.* A stream protection setback shall be a minimum of 25 feet wide on either side of the stream, measured landward from the edge of the bed of the stream, identified by the ordinary high-water mark, provided that all stream protection setbacks along streams less than five feet wide at ordinary high water shall be 25 feet wide, on either side of the thread of the stream.

C. *Prohibited activities in setback area.* Except as provided in subsection D of this section, within the area of a stream protection setback:

1. No vegetation may be cleared or otherwise significantly disturbed.
2. No grading or excavation work may be performed.
3. No structures, fill, paving, vehicles or other materials may be placed.
4. Channel alteration, including culvertization other than for roadway crossings, is prohibited unless a variance is obtained under the provisions of Section 21.15.010, and a flood hazard permit is obtained as per Chapter 21.60 and Section 21.15.020.

5. No storage or processing of hazardous materials or other substances that would constitute a violation of Chapter 15.40 is permitted.

**D. Permitted uses and structures.**

1. The following structures and uses of land or structures are permitted within the closest 15 feet of the stream protection setback to the stream where it is necessary for them to cross or enter the stream protected by the setback. Appropriate permits may still be required for in-stream or floodplain activities.

- a. Transportation facilities;
- b. Utility facilities. Existing utility facilities constructed within 15 feet of streams are not affected by this section. Maintenance of such lines is a permitted use. Replacement of utility facilities should be considered outside of the creek maintenance easement whenever feasible;
- c. Drainage facilities, with provisions for water quality control devices, and the necessary maintenance thereof;
- d. Public recreation facilities, such as trails;
- e. Stream maintenance, including placement of riprap, revegetation, debris removal, glaciation control, grading and sediment removal, protection of adjacent or downstream land from flooding, and to control erosion or stabilize soils;
- f. Habitat restoration; and
- g. Revegetation of disturbed areas with shrubs, trees and ground cover similar to natural vegetation in the area.

Areas disturbed by construction permitted under this subsection shall be revegetated with trees, shrubs and grasses similar to natural vegetation in the area. Revegetation is to occur during the same growing season, except as otherwise permitted by the administrative official.

2. The following structures and uses of land or structures are permitted to parallel the stream or tributary within the outer ten feet of the protection setback:

- a. Utility facilities;
- b. Drainage facilities; and
- c. Public recreation facilities, such as trails;

provided that such facilities are either buried or involve no impervious surface areas, and provided that all disturbed areas shall be revegetated with trees, shrubs and ground cover similar to natural vegetation in the area. Revegetation is to occur during the same growing season, except as otherwise permitted by the administrative official.

**E. Structures and uses otherwise prohibited.** This section does not permit any structure, or any use of land or a structure, otherwise prohibited by this title.

**F. Exception for streams contained in culverts.** Segments of streams or tributaries which are contained in culverts for a contiguous length of 100 feet or more are not affected by this section.

**STREAMS PROTECTED BY STREAM**

**PROTECTION SETBACK**

Bird Creek  
California Creek  
Campbell Creek  
Carol Creek  
Chester Creek  
Craig Creek  
Crow Creek  
Eagle River (including South Fork)  
Edmonds Lake Creek  
Eklutna River  
Elmore Creek  
Falling Water Creek  
Falls Creek  
Fire Creek  
Fish Creek  
Furrow Creek  
Glacier Creek  
Gold Creek  
Hood Creek  
Hunter Creek  
Indian Creek  
Knik River  
Little Campbell Creek  
Little Peters Creek  
Little Rabbit Creek  
Little Survival Creek  
McHugh Creek  
Meadow Creek  
Mink Creek  
Mirror Creek  
Mystery Creek  
Parks Creek  
Penguin Creek  
Peters Creek  
Placer Creek  
Portage Creek  
Potter Creek  
Rabbit Creek  
Rainbow Creek  
Ship Creek  
Skookum Creek  
Thunderbird Creek  
Twenty-Mile River  
Vern Creek  
Virgin Creek  
Winner Creek

ADD FIGURE page 21.45-74 (Anchorage Bowl)

ADD FIGURE page 21.45-75 (Chugiak-Eagle River and Vicinity)

ADD FIGURE page 21.45-76 (Turnagain Arm)

(AO No. 85-57; AO No. 92-128(S))

## **21.45.220 Townhouse development.**

A. *Intent.* Townhouse development is a platting alternative creating a planned project of two townhouse units constructed as a single building erected generally in a row.

B. *Authorization.* A townhouse development may be created and divided into townhouse lots in the R-2M, R-2A and R-2D zoning districts.

C. *Townhouse plat, lot and development requirements.*

1. *Plat requirements.* Townhouse lots are the lots resulting from platting a townhouse development. Townhouse lots shall have a minimum area of 3,500 square feet in the R-2M and R-2D districts, and 4,200 square feet in the R-2A district. Townhouse lots shall have a minimum 35-foot lot width or minimum 40-foot lot width if a corner lot. Platting of two lots shall follow the procedures set forth in AMC 21.15.125 and other applicable ordinances in effect. Platting of three or more lots shall follow the procedures set forth in AMC 21.15.115 and other applicable ordinances in effect.

2. *Plans and site plan requirements.* The subdivider of the townhouse project shall submit 30 copies of a site plan with the preliminary plat application. The plans/site plan shall include the following:

- a. Footprint of proposed structures which shall include at least one, single-car garage for each townhouse unit.
- b. Landscape plan showing grass, trees, and shrubs for all unpaved areas. Landscaping shall amount to at least 1.0 percent of the projected value of each townhouse.
- c. Driveways at least 16 feet but not more than 18 feet wide and paved walkways.
- d. Drainage plan.
- e. Soils report, test hole log information, and highest seasonal groundwater elevations if required by public works.
- f. Ten-foot snow storage easement on the front property line.
- g. Preliminary house plans for each townhouse. Show elevation of bottom of crawl space in relation to height of water table if within 15 feet.
- h. Proposed party wall agreement and subdivision covenants.

3. *Common wall requirements.* Each townhouse unit must be separated from the adjoining unit by a one-hour fire resistant property line wall on each side of the townhouse lot line extending from the basement floor or crawl space to 30 inches above the roof (or meeting the parapet exception) in order to provide the property line protection in compliance with applicable building and fire codes. The combined property line walls must also provide an airborne sound transmission class (STC) of 50 (45 if tested) per the UBC. Each unit must have its own access to the outside, and no unit may be located over another unit in whole or in part.

4. *Other requirements.* No side yard setback is required for principal townhouse structures placed on the common lot line. Detached accessory structures shall observe the five-foot side yard setback on the common lot line. Lot coverage shall not exceed 35 percent. All other requirements of the zoning district shall apply except the provisions modified within this section. Structures shall not be permitted on a lot other than a townhouse unit as defined herein and customary accessory structures.

5. *Party wall agreement and site plan.* The subdivider of the townhouse project shall submit for approval with the preliminary plat a copy of the proposed party wall agreement and site plan. Prior to final plat approval, the subdivider shall submit to the municipality a final copy of the plat and the party wall agreement. The party wall agreement shall be recorded simultaneously with the plat.

a. The party wall agreement shall adequately provide for maintaining the uniformity and common appearance of the exterior of all structures and landscaping in accordance with the approved site plan.

i. 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.

D. The platting authority may approve, modify or reject the site plan if it fails to meet submittal requirements or is substantially out of character with the existing neighborhood. The final, approved site plan and house plans shall be provided to Land Use Enforcement. No building or land use permit shall be issued except in conformance with the approved site plan and house plans. A final zoning inspection prior to occupancy is required to verify conformance.

(AO No. 96-124, § 3, 10-1-96)

**Editor's note:** AO No. 96-124, § 3, added a new § 21.45.220. Formerly, such section pertained to zero lot line development and derived from AO No. 80-42; AO No. 82-54; AO No. 84-52; AO No. 85-32; AO No. 85-18; AO No. 85-163; AO No. 87-1.

### 21.45.230 Storm drainage.

Prior to the issuance of a building or land use permit, the applicant shall provide a site drainage plan for the area affected by the application, including an appropriate drainage outfall for surface water and roof drainage. The drainage plan shall also indicate effects if any, on adjacent properties.

(AO No. 85-173, 3-17-86)

**Cross references:** Building regulations, Ch. 23.05; streets and rights-of-way, Tit. 24.

### 21.45.235 Churches.

A. *Applicability.* Churches within an R-1, R-1A, R-2A, R-2D, R-2M, R-3SL, R-5, R-5A, R-6, R-7, R-8, R-9, R-10 or R-11 zoning district shall conform to the requirements of this section. Churches in all other zoning districts shall comply with the requirements of this chapter exclusive of the provisions of this section.

B. *Lot area and width.* A church site must have a minimum area of 14,000 square feet and a minimum width of 100 feet at any point.

C. *Maximum height.* A church may not exceed the height permitted in the zoning district in which it is located, except that, in districts where the maximum height is 30 feet, the maximum height for a church or a portion of a church may increase to a maximum height of 40 feet so long as the vertical distance between any point on the church and the level of the ground at any reference point on any property line for the church site shall not exceed one-half of the horizontal distance between the two points.

D. *Lot coverage.* A church may not exceed the maximum lot coverage allowed in the zoning district in which it is located.

E. *Yard requirements.* A church is required to meet the minimum yard requirements in the zoning district



in which it is located.

F. *Traffic access.* At least one property line of the church site which is at least 50 feet in length must abut a street designated as a class I or greater on the official streets and highways plan unless:

1. The church site abuts a zoning district in which a church is a permitted use; and
2. The applicant demonstrates during the agency review process described in subsection G of this section that the traffic to be generated by the church will flow primarily through the zoning district in which a church is a permitted use.

G. *Site plan.*

1. *Contents.* A site plan must be prepared and approved by the director of community planning and development or his designee which demonstrates that the church will not have a permanent or negative impact on those items listed in this subsection substantially greater than that anticipated from permitted residential development:

- a. Pedestrian and vehicular traffic circulation and safety.
- b. Demand for an availability of public services and facilities.
- c. Noise pollution, air pollution, water pollution and other forms of environmental pollution.
- d. Furtherance of the goals and policies of the comprehensive development plan and conformance to the plan in the manner required by Chapter 21.05.

2. *Procedure for approval.* At least 30 days before acting on a church site plan application under this section, the director of community planning and development shall publish notice of the application in a newspaper of general circulation in the municipality. The notice shall state the names of the applicants and the legal description of the land subject to the application. Such notice, including a map of the vicinity, shall also be provided to any officially recognized community council whose boundary encompasses the church site and to owners of property within 500 feet of the proposed site. The director of community planning and development shall take action on the site plan within 40 days of the site plan application submission date.

3. *Appeals.* A decision of the director of community planning and development or his designee under the authority set forth in this subsection G is final unless appealed within 15 days to the planning and zoning commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the outer boundary of the church site. In the event of appeal, the planning and zoning commission shall, in accordance with Section 21.15.005, hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the planning and zoning commission may be brought in accordance with Section 21.30.010.B.

H. *Use of church for other purposes.* The standards of this section apply to all churches as defined in this title. Compliance with these standards does not authorize the use of a church or an addition to a church for any other purpose.

(AO No. 86-90; AO No. 88-144; AO No. 2001-47(S), § 1, 8-28-01)

## **21.45.240 Location of premises where children are not allowed.**

A. *Purpose.* Certain types of enterprises are places where children unaccompanied by an adult guardian or parent are prohibited. These enterprises have been determined, by court-accepted independent studies, to produce secondary impacts on surrounding land uses. The impacts include a decline in property values, and increase in the level of criminal activity, including prostitution, rape and assaults, in

the vicinity of these types of enterprises, and the degradation of the community standard of morality by inducing a loss of sensitivity to the adverse effect of pornography upon children, upon established family relations, and upon respect for marital relationships. The purpose of this section is to segregate such enterprises from places frequented by minors in order to reduce the influence of these enterprises on minors.

**B. *Minimum distance from certain uses.*** Except as provided in subsection C of this section, permitted principal uses, accessory uses or conditional uses that are prohibited by law from having minors or unaccompanied minors on the premises for reasons other than sale of liquor shall be located so that all portions of the lot on which the use is located shall be 1,000 feet or more from the property line of:

1. A public or parochial school;
2. A public park;
3. A church;
4. Property zoned residential, except R-11;
5. R-11 zoned property designated as residential in the comprehensive plan;
6. PC zoned property designated as residential in the PC master plan;
7. Public recreational facilities;
8. Child care centers; or
9. Public libraries.

**C. *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 must also comply with subsection B 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.

**D. *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 B or C of this section. This permit shall be obtained from the administrative official designated pursuant to Section 21.10.005. 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 C 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 B of this section.

**E. *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.

(AO No. 88-37(S); AO No. 89-131; AO No. 2005-185(S), § 31, 2-28-06)

**Cross references:** Adult entertainment establishments, license required, restrictions, § 10.40.050; alcoholic beverages, Ch. 10.50.

## **21.45.245 Standards--Nightclub, unlicensed.**

**A. *Purpose.*** Certain types of enterprises have been determined to produce secondary impacts on surrounding land uses. The impacts include a perceived decline in property values, and an increase in the level of criminal activity, including unlawful sales and use of drugs and consumption of alcoholic beverages, in the vicinity of these types of enterprises. The purpose of this section is to segregate such

enterprises from land uses that are likely to be negatively impacted.

**B. *Minimum distance from certain uses.*** Except for teen nightclubs and underage dances permitted under Chapter 10.55 and unless the exemption described in subsection E. applies, an unlicensed nightclub shall be located so that all portions of the lot on which the unlicensed nightclub is located shall be 300 feet or more from the lot line of property on which is located:

1. A public, private or parochial school;
2. Property zoned residential; or
3. R-11 zoned property designated as residential in the comprehensive plan.

**C. *Administrative permit required.*** An administrative permit for each unlicensed nightclub shall be obtained from the department of public works and be displayed in a prominent place inside the unlicensed nightclub. This permit shall certify that, when granted, the enterprise was in compliance with subsection B. of this section or that the unlicensed nightclub fits within the exemption set forth in subsection E. of this section. This permit shall be obtained from the administrative official designated pursuant to Section 21.10.005. This permit shall remain valid so long as that enterprise remains in continuous operation at that location, and does not physically expand.

**D. *Premises without permit.*** Except as provided in subsection E., an unlicensed nightclub not in possession of a permit must immediately cease all activities for which a permit pursuant to this section is required. For purposes of this section, "to operate" means to direct or control the work force of an enterprise or to start or keep the enterprise working.

**E. *Exemptions allowing amortization of existing nonconforming use.*** If an unlicensed nightclub is an existing nonconforming use on December 8, 1998, such unlicensed nightclub has an automatic exemption for 30 days. The operator of an unlicensed nightclub which is an existing nonconforming use as of this ordinance's effective date may apply for an exemption of longer than 30 days if such application is made no later than 30 days after December 8, 1998, to the administrative hearings officer for administrative adjudication under Chapter 3.60. The reasonableness of a request for an exemption longer than 30 days shall be decided through a quasi-judicial determination. The purpose of the exemptions created by this subsection is to allow for amortization of the investment made in such existing nonconforming use before such use is terminated by the operation of this ordinance. Such quasi-judicial determination shall be made with consideration of the following:

1. The structure which is a nonconforming use;
2. The location of the land on which sits a nonconforming use in relation to surrounding uses;
3. The investment in the nonconforming use;
4. The value of the land and improvements which constitute the nonconforming use relative to the value of surrounding land, improvements, and uses;
5. The benefit derived by the public from the nonconforming use;
6. The length of the period of nonconforming use;
7. The nature of the neighborhood surrounding the nonconforming use;
8. The value and condition of the improvements on neighboring premises;
9. The nearest area which an unlicensed nightclub can operate as a conforming use;
10. The cost of moving an unlicensed nightclub from an area in which such nightclub is a nonconforming use to an area in which such nightclub is a conforming use;
11. Any other reasonable costs which bear upon the kind and amount of damages sustained by

terminating a nonconforming use; and

12. Any other factors relevant to this determination.

(AO No. 98-160, § 12, 12-8-98; AO No. 2003-56, § 1, 7-8-03)

### **21.45.250 Bed and breakfast with three or less guestrooms.**

A bed and breakfast is intended to be a minor and incidental commercial activity located only in a host/owner-of-the-enterprise-occupied, single-family dwelling, or one unit of a two-family dwelling. The unit must be the host/owner-of-the-enterprise-occupied unit, as an accessory use which is clearly an adjunct and subordinate land use to the home, while still protecting and maintaining the integrity of the residential neighborhood. A bed and breakfast shall not detract from the principal use in the district and shall not place a burden on any private or public infrastructure (i.e., streets or utilities) greater than anticipated from permitted development.

A bed and breakfast located within a residential district and having three guestrooms or less shall conform to the requirements of this section.

- A. Occupancy shall be established at the time of each annual administrative permit.
- B. No more than three guestrooms shall be offered for use at any one time.
- C. The host-operator of the bed and breakfast enterprise shall establish and maintain the single-family or the bed and breakfast unit of a two-family structure as his primary domicile at all times while it is operated as a bed and breakfast.
- D. The exterior of the building shall not reflect the operation of the bed and breakfast there, except that one sign may be mounted flat against the principal building so long as it is not illuminated and does not exceed one square foot in size.
- E. Every bed and breakfast shall meet the off-street parking requirements stated in Section 21.45.080, and in its annual administrative permit.
- F. Every bed and breakfast 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.

(AO No. 88-171(S-1), 12-31-88; AO No. 93-58)

**Cross references:** Business licenses and regulations, Tit. 10; hotel-motel room tax, Ch. 12.20; transient lodging facilities, § 21.45.260.

### **21.45.255 Bed and breakfast with four guestrooms.**

A bed and breakfast having three guestrooms shall be located only within the R-1/R-1A, R-2A/R-2D, R-2M, R-3, R-4, R-5/R-5A, R-6, R-7, R-8, R-9, R-10, R-11, R-O, B-1A, B-1B, B-2A, B-2B, B-2C, B-4 or T district. A bed and breakfast with four guestrooms shall conform to Section 21.45.250 and shall require an administrative permit. The permit shall be issued in accordance with the following procedures:

A. The applicant shall prepare a site plan which demonstrates, in the opinion of the director of community planning and development, that the bed and breakfast will not have a permanent and negative impact on those items listed in this subsection substantially greater than that anticipated from permitted residential development:

1. Pedestrian and vehicular traffic circulation and safety.

2. Demand for and availability of public services and facilities.
3. Noise, air, water and other forms of environmental pollution.
4. Furtherance of the goals and policies of the comprehensive development plan and conformance to the plan in the manner required by Chapter 21.05.

B. At least 30 days before the applicant operates a bed and breakfast under this section, the director of community planning and development shall publish notice of the application in a newspaper of general circulation in the municipality. The notice shall state the names of the applicants and the legal description of the land subject to the application. Such notice, including a map of the vicinity, shall also be provided to any officially recognized community council whose boundary encompasses the bed and breakfast site and to the owners of property within 500 feet of the proposed site. The director of community planning and development shall take action on the site plan within 40 days after the site plan application submission date.

C. A decision to grant, deny or otherwise act upon an application submitted under this section shall be final unless appealed within 15 days to the planning and zoning commission. An appeal may be filed only by the applicant or by means of a petition signed by at least one-third of the owners of land (excluding rights-of-way) within 500 feet of the outer boundary of the site. In the event of an appeal, the planning and zoning commission shall hold a public hearing in accordance with Section 21.15.005 to decide the terms and conditions of a permit in accordance with the standards of this section, if any is issued at all. The planning and zoning commission's decision may be appealed in accordance with Section 21.30.010.B.

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

**Cross references:** Hotel-motel room tax, Ch. 12.20.

## 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			Roominghouse, 4+ Guestrooms	Motel, 6+ Guestrooms	Hotel, 20+ Guestrooms
	3 Guestrooms	4 Guestrooms	5 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 Turnagain 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
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))

**Cross references:** Bed and breakfast regulations, § 21.45.250.

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**21.45.263 Amateur radio stations and receive only antennas.**

1. Amateur radio stations are exempt from the location, tower type, and height limitations contained in this title provided:
  - a. The antenna and tower structure are part of a federally-licensed amateur radio station, and
  - b. In residential zoning districts there is no use of the tower structure by a third party commercial antenna operator.
2. The installation and use of antenna(s) smaller than one meter in any dimension for use by a dwelling unit occupant for personal, home occupation, or utility telemetry purposes, or by an electric or gas utility on an existing power pole or cabinet to monitor or control equipment thereon, and noncommercial receive only antennas are exempt from this title except for roof mounted satellite dishes greater than one meter in residential districts as specified in this section. Roof mounted satellite dishes greater than one meter in diameter in residential districts shall be only permitted by conditional use.
3. Notwithstanding the above, any antenna or tower structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower structure shall remove the same within 180 days of receipt of notice from the administrative official notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower structure within said 180 days shall be grounds for the municipality to remove the tower structure or antenna at the owner's expense.
4. Any antenna or tower structure erected under this section shall not exceed the height limits set forth in Chapter 21.65 of this title nor interfere with Federal Aviation Administration Regulations on airport approaches.

(AO No. 99-62, § 32, 5-11-99; AO No. 2000-71(S-3), § 1, 6-27-00)

**Editor's note:** It should be noted that § 4 of AO No. 2000-71(S-3), provides that "The planning and zoning commission shall review the terms of AO No. 2000-71(S-3) and advise the municipal assembly on any revisions required to maintain the effectiveness and intent of the ordinance as the result of changes and technology prior to January 1, 2003. This provision amends Section 38 of AO 99-62."



## **21.45.265 Community and local interest towers.**

### **A. General provisions:**

1. The minimum distance from any lot line to the vertical axis of the tower structure shall be as follows:
  - a. Type 1 equal to or greater than the district yard minimums;
  - b. Type 2 equal to or greater than the distance measured from grade to the first taper transition;
  - c. Type 3 equal to or greater than the distance measured from the tower structure axis to the outermost guy wire anchor. The guy wire levels and anchor radius must match manufacturer's criteria for the proposed application
  - d. Type 4 - none.
2. That portion of guy wire anchor structure that is above grade shall be set back from any property line in accordance with the following:
  - a. Guy wire with a nominal diameter of 0.25 inches or less--25 feet, provided the setback may be reduced to 0 feet if the anchor structure is enclosed within a sight obscuring fence.
  - b. Guy wire with a nominal diameter greater than 0.25 inches but less than 0.625 inches--25 feet, provided the setback may be reduced to 5 feet if the anchor structure is enclosed within a sight obscuring fence.
  - c. Guy wire with a nominal diameter equal to or greater than 0.625 inches--25 feet.
3. Tower structure height
  - a. Height for a tower structure directly fixed to the ground shall be determined by measurement from grade to the highest point on the tower structure, including any installed antennas and lighting and supporting structures.
  - b. Height for a tower structure not directly affixed to the ground shall be determined by measurement from the grade of the building to the highest point on the tower structure, including any installed antennas and lighting and supporting structures. At no time shall the height of a tower installed on a building as measured from grade to the highest point on the tower structure as set forth above exceed the height of the building multiplied by two or the base height, which ever is greater. Tower structures shall not exceed the height limits set forth in Chapter 21.65 of this title nor interfere with Federal Aviation Administration Regulations on airport approaches.
  - c. Base height shall be as set forth below:
    1. Residential districts--65 feet
    2. Commercial districts--130 feet
    3. Industrial districts--150 feet
    4. PLI districts--100 feet
    5. Watershed districts--100 feet
    6. Transition districts--100 feet
    7. AF districts--200 feet
  - d. Collocation shall grant an additional 15 feet above the base height for each qualifying

antenna to maximum of 30 feet of additional height. Increases in tower structure height by operation of this paragraph shall not reclassify a tower structure from a local interest tower to a community interest tower.

#### 4. Collocation

- a. The collocation tower structure, pole, monopole or any other similar facility, must be designed to accommodate no less than the following communications equipment: 12 antennas with a flat plate wind loading of not less than 4 square feet per antenna; a standard mounting structure, stand off arms, platform or other similar structure that is sufficient to hold the antennas; cable ports at the base and antenna levels of the tower structure; and, sufficient room within or on the tower structure for 12 runs of 7/8" coaxial cable from the base of the tower structure to the antennas.
- b. Applicants for collocation shall provide proof in a form found acceptable to the Municipal Attorney that more than one service provider is using the collocation facility.
- c. All community and local interest towers shall, for a reasonable compensation, be made available for use by as many other licensed carriers as can be technically collocated thereon when the use will not result in substantial injury to the owner, or in substantial detriment to the service to the customers of the owners. All licensed carriers shall cooperate with each other in collocating additional facilities upon such towers. All licensed carriers shall exercise good faith in collocating with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of collocation.

5. All transmitting antennas shall be installed in a manner as set forth by the manufacturer and by the Federal Communications Commission as meeting the current American National Standards Institute (ANSI) standard for nonionizing electromagnetic radiation (NIER).

6. Tower structures shall not be lighted unless the Federal Aviation Administration requires or recommends that obstruction lighting be installed. To prevent direct light reflection on other property, tower structure lighting shall be shielded to the extent permitted by the Federal Aviation Administration.

7. The tower structure and any other structure(s) directly related to the operation of any antenna mounted on the tower structure shall be neutral in color and, to the extent possible, shall be compatible with the appearance and character of the neighborhood or location unless obstruction marking is required by the Federal Aviation Administration.

8. Any antenna or tower structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower structure shall remove the same within 180 days of receipt of notice from the administrative official notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower structure within said 180 days shall be grounds for the municipality to remove the tower structure or antenna at the owner's expense. If there are two or more users of a single tower structure, then this provision shall not become effective until all users cease using the tower structure.

9. Notice and interference. An operator proposing to install or modify an antenna shall provide notice to all property owners within 500 feet of the date of activation of the new or modified antenna. Within 90 days of activation the antenna, the operator shall resolve all reported occurrences of interference.

10. Identification placard. An identification placard shall be attached to the tower structure or the security fencing in a location clearly visible at eye level. The placard shall provide the following information:

- a. The name and address of the tower structure owner;
- b. The name and address of the tower structure manager, if different from the owner;
- c. The date of erection of the tower structure; and
- d. The owner's name and address of each antenna on the tower structure.

11. *Administrative permit required.* An administrative permit shall be obtained from the administrative official designated pursuant to Section 21.10.005. The application shall identify the antenna(s) on the tower, the legal description of the site, its zoning and its street address, if any. This permit shall certify that, when granted, the antenna, or tower structure was in compliance with this section. This permit shall remain valid so long as that antenna or tower structure remains in continuous operation or is revoked according to this title.

12. *Annual inventory.* By January 31 of each year, each tower owner who is regulated by this section shall provide the municipality with an inventory of all additions and deletions of said provider's existing towers or approved sites for such facilities that are either within the municipality or within one mile of the border thereof as of December 31 of the previous year. The first inventory from each provider shall be a comprehensive current list of their existing towers and approved sites.

13. *Time period for construction.* Construction of a tower shall commence within one year from the date of the permit's approval, with opportunity for a six-month extension. If not used within one year, or within the extension period, the permit shall become null and void.

14. *Notice of site selection and site plan review.*

a. *B-1A, B-1B, and Watershed zoning districts:*

1. Prior to issuance of a building or land use permit for a type 1, 2, and 3 tower structures within B-1A, B-1B, and watershed zoning districts property owners of residential-zoned land within 500 feet of the selected tower site and the local community council shall be notified in writing of the issuance of a building or land use permit. The effective date of the permit shall be no earlier than 30 days after the date of mailing of the notification.

2. Appeals. A decision of the administrative official to issue a building or land use permit is final unless appealed within the 30 day notice period to the planning and zoning commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the outer boundary of the tower site. In the event of appeal, the planning and zoning commission shall, in accordance with Section 21.15.005, hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the planning and zoning commission may be brought in accordance with Section 21.30.010.B.

b. *PLI and residential districts:* All type 1, 2, and 3 tower structures within a residential district as set forth in Section 21.45.010 or PLI district shall be subject to a site plan review as set forth in this section except when a conditional use permit is required.

c. All zoning districts not referenced in paragraph a. or b. above are exempt from the notification requirements, the minimum separation distances from protected land uses, and the site plan review requirements set forth in this chapter.

d. *General.* The following provisions shall govern the site plan review process for type 1, 2, and 3 tower structures. A site plan review is required of all such towers since they have

aesthetic and visual impacts on their neighbors and the public interest is best served by allowing these neighbors and the public at large a chance to comment on and provide input concerning the location and design of these towers. All such towers shall conform to the requirements of this section and to the requirements of the use district in which the tower is located.

1. Applications for site plan review under this section shall be subject to AMC 21.50.200, except as modified in this section.
2. In granting a site plan permit, the administrative official may impose conditions to the extent that the official concludes such conditions are necessary to minimize any adverse effect of the proposed tower structure, including all associated structures and landscaping, on adjoining properties.
3. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

e. *Information required.* Applicants for a site plan review for a tower structure shall submit the following information:

1. The information required for tower conditional use permits as contained in 21.50.280.B.
2. The information required concerning availability of suitable existing tower structures, other structures or alternative technology as contained in 21.50.280.D.

f. *Public participation process.* At least 35 days before acting on a tower site plan application under this section, the administrative official shall publish notice of the application in a newspaper of general circulation in the municipality. The notice shall state the name(s) of the applicant(s), a clear and concise description of the project, the street address, if any, and the legal description of the land subject to the application. The notice, including a map of the vicinity, shall also be provided to any officially recognized community council whose boundary encompasses the tower site and to owners of property within 500 feet of the proposed site. The applicant shall reimburse the municipality for the expense of advertising and mailing such notice. The applicant shall also post the property with a notice as provided for elsewhere in this title. Following notice of the site plan, the community council has 35 days from the date of the letter to respond. The administrative official shall take action on the site plan within 50 days of the site plan application submission. Upon action, the applicant will mail to all addressees on the original notice list, the written action of the administrative official. The applicant shall document their public process including a list of who was notified, with what, and when as part of their permit application process.

g. *Factors considered in granting site plan approval for tower structures.* In addition to the general standards for site plan approval, the administrative official shall consider the following factors in determining whether to issue a site plan permit:

1. The factors considered in tower conditional use permits as contained in 21.50.280.C.

h. *Appeals.* A decision of the administrative official under the authority set forth in this subsection is final unless appealed within 15 days to the planning and zoning commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the tower site. In the event of appeal, the planning and zoning commission shall, in accordance with Section 21.15.005, hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the planning and zoning commission may be

brought in Superior Court.

15. *Administrative permit revocation.* Unless cured, an administrative tower permit shall be revoked after notice, an administrative hearing as provided elsewhere in this title, and the opportunity to cure, for any of the following:

- a. Construction, and/or maintenance operation of a tower at an unauthorized location;
- b. Construction or operation of a tower in violation of any of the terms and conditions of this chapter or the conditions attached to the permit;
- c. Material misrepresentation by or on behalf of an applicant or permittee in any application or written statement upon which the administrative official substantially relies in making the decision to grant, review or amend any permit pursuant to this chapter and which materially changes the application of the standards of approval of the permit;
- d. Abandonment of a tower as set forth in this chapter, or
- e. Failure to relocate or remove facilities as required in this chapter.

16. Minimum separation distance from protected land uses.

- a. A protected land use is defined as follows:
  1. Principal structures on PLI zoned lands;
  2. School buildings;
  3. Child care centers; and
  4. Principal residential structures on residentially zoned lands.
- b. The minimum separation distance as measured from any principal structure built on any protected land use to the base of a tower shall be 200 percent of the allowable tower height.
- c. After giving due consideration to the comments of the applicant, the property owner, and the local community council, the minimum separation distance set forth in the paragraph b. above may be reduced or eliminated by the administrative official.

17. After having a tower permit revoked, no tower shall be re-permitted for that property or by that tower owner on any property within the municipality for a period of one year except through a conditional use permit. This subsection shall apply only with respect to community and local interest tower revocations pursuant to this title after the effective date of this ordinance.

**B. Qualification of type 4 tower structure and antenna.** Each type 4 tower structure and antenna design shall be qualified as meeting the design standard by the planning and zoning commission. A proponent of a type 4 tower structure and antenna design shall provide the commission with evidence in the form of construction drawings, photographs, renderings, or other data sufficient for the commission to find the design standard is satisfied. At completion of the construction of the first tower structure and antenna under a newly qualified design, it shall be reviewed by the commission to confirm the installation complies with the design standards. If the installation fails to comply subsequent tower structure and antenna design and installation shall be amended or redesigned as directed by the commission.

**C. Community interest and local interest towers** as a permitted principal use shall be subject to the following:

1. Off-street parking space is not required, however if it is provided, parking spaces may be shared with other principal uses on the site. The parking spaces shall be paved with concrete or asphalt compound or shall be covered with a layer of crushed rock of no more than one inch in diameter to a minimum depth of three inches. Parking space illumination shall be provided only to

extent that the area is illuminated when the parking space is in use. The illumination shall be the lowest possible intensity level to provide parking space lighting for safe working conditions.

2. The tower structure and support structures shall be secured to prevent unauthorized access.
3. If any community interest or local interest tower on a site exceeds 200 feet in height, the tower site shall be separated from any other principal or conditional use community interest or local interest tower site with tower(s) exceeding 200 feet in height by at least 5,280 feet.

(AO No. 88-147(S-2); AO No. 99-62, § 33, 5-11-99; AO No. 2000-71(S-3), § 2, 6-27-00; AO No. 2005-185(S), § 32, 2-28-06)

**Editor's note:** It should be noted that § 4 of AO No. 2000-71(S-3), provides that "The planning and zoning commission shall review the terms of AO No. 2000-71(S-3) and advise the municipal assembly on any revisions required to maintain the effectiveness and intent of the ordinance as the result of changes and technology prior to January 1, 2003. This provision amends Section 38 of AO 99-62."

#### **21.45.270 Setback from planned utility transmission facilities.**

A. No new structural or land development activity requiring a building or land use permit shall be permitted within the minimum area stated in the utility corridor plan for planned electrical or telecommunication transmission facilities for which there is a projected easement or right-of-way, except as allowed under subsection B of this section.

B. The following uses and activities are permitted, with written acknowledgement of coordination with the affected utilities, within the setbacks described in subsection A of this section:

1. Sidewalks and pathways;
2. Trails and bicycle paths;
3. Bus shelters and bus turnouts;
4. Kiosks and seating units;
5. Utilities, utility easements and utility-related structures;
6. Landscaping required by chapters 21.40, 21.50 and 21.80, and consisting of ground cover, shrubs and understory trees whose maximum height does not exceed 30 feet;
7. Parking required under Section 21.45.080;
8. Temporary parking as described in Section 21.45.140.D;
9. Additional parking to that required by this title;
10. Open space and usable yards;
11. Fences and signs;
12. Retaining walls;
13. Remodeling of or addition to structures existing as of February 27, 1990, so long as it does not further intrude within the setback area after that date; and
14. Driveways and vehicular access points.

C. Applicable yard requirements stated elsewhere in this title may include the area of setback for electrical transmission facilities.

#### **21.45.275 Zero lot line subdivisions.**

A. *Purpose.* The purpose of this section is to allow the continued development of existing, vacant and undeveloped existing zero lot line lots in those subdivisions affected by the sunseting, January 1, 1987, of the zero lot line ordinance. It is the intent of this section to ensure that the continued development will be superior to what presently exists by establishing development criteria that will encourage quality and aesthetically pleasing developments.

B. *Standards for undeveloped subdivisions.* All zero lot line subdivisions undeveloped with structures may be developed, redeveloped or replatted using the following standards and will be considered conforming development:

1. *Minimum lot requirements.* Minimum lot size and dimensions in any zoning district with platted zero lot line subdivisions are as follows:

- a. Width: 40 feet.
- b. Square footage: 4,000.
- c. Depth: 100 feet.
- d. Lot coverage: 30 percent.

2. *Site plan approval.* The platting board shall review and approve a site plan for all proposed new development based on the following minimum criteria:

- a. A 40-foot front yard setback if no garage is proposed, or a 20-foot front yard setback with garage.
- b. A five-foot side yard setback for detached structures.
- c. A ten-foot side yard setback for attached structures.
- d. A ten-foot rear yard setback.
- e. Landscaping amounting to at least two percent of the project value which includes a grassed yard.
- f. Window placement designed to maximize solar benefit and minimize visual intrusion onto adjacent properties.
- g. An architectural style and exterior that is complimentary to the existing development in the neighborhood.
- h. Proposed ground and building elevations.
- i. Architectural rendering of the structure.
- j. Proposed structure location on the lot.

Copies of a proposed site plan meeting the criteria in this subsection shall be submitted with a preliminary plat to the department of community planning and development. An architectural rendering of the structure shall also be submitted.

A copy of the site plan approved by the platting board shall be forwarded to the building official for inclusion in the building or land use permit file.

C. *Standards for developed or partially developed subdivisions.* Zero lot line subdivisions developed with and without structures existing on May 1, 1990, are considered conforming development and may continue to exist as developed, may construct principal and accessory structures or additions to the principal structure, may rebuild after damage or destruction by any cause, and may replat to correct encroachments subject to the following standards:

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

TABLE INSET:

District	Attached Area	Units Width	Detached Area	Units Width
R-2A	4,200	35	4,200	35
R-2D	3,000	30	3,400	34
R-2M	3,000	30	3,400	34
R-3	3,000	30	3,400	34

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

a. Front yard: 20 feet.

b. Side yard:

(1) Lots platted for attached units with one side yard completely abated: One wall of the principal structure shall be located on the side property line common with the adjacent lot, and there shall be an opposite minimum side yard of five feet in width. Accessory structures on the same lot shall either be placed at the property line of the abated side yard, or five feet from it, and shall maintain the minimum opposite side yard of five feet.

(2) Lots platted for detached units with maintenance easements: Side yard setbacks for these lots shall be the same dimension as the maintenance easements shown on the plat. A minimum ten-foot separation shall be maintained between structures on adjacent lots.

(3) Lots platted for detached units without maintenance easements shall provide five-foot side yards on both sides and maintain ten-foot separation between structures on adjacent lots.

c. Rear yard: Ten feet.

3. *Maximum lot coverage.* Maximum lot coverage shall be the same as required in the zoning district in which the lot is located.

D. *Authority of platting board.* The platting board is the authority for resubdivision under this section.

(AO No. 90-49; AO No. 90-140)

## 21.45.280 Gasoline service stations.

The servicing of motor vehicles shall be generally limited to lubrication, nonmechanical washing, installation or replacement of accessory items, and the performance of minor automotive maintenance and repair. Major automotive repairs, including but not limited to engine, transmission or differential repair or replacement, body and



fender work, and the like, are prohibited except where specifically permitted by this title or by the terms of a conditional use.

**Editor's note:** This section was formerly codified in the 1977 Code as the second and third sentences of subSection 21.35.020.B.44.

**Cross references:** Business licenses and regulations, Tit. 10; hazardous materials, Ch. 16.110.

## **21.45.290 Standards for self-storage facilities and vehicle storage yards.**

A. *Size of site; traffic access.* The proposed self-storage site shall contain no less than one-half acre and no more than ten acres, and the proposed vehicle storage site shall contain no less than one acre and no more than ten acres. The proposed site shall have direct driveway access from a street constructed to appropriate Municipal commercial or urban standards as described in Section 21.85.050 Table B for urban zoning districts and Table D for rural and suburban zoning districts, and as required by the Municipal Traffic Engineer.

B. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is 50 percent in B-3 or B-4 zoning, and 75 percent in industrial zones.

C. *Maximum height of structures.* Maximum height of structures shall be 35 feet. Structures over 35 feet in height shall require conditional use approval.

D. *Parking.* Parking and circulation shall be provided pursuant to Section 21.45.080 and reviewed by Traffic Engineering. There shall be a minimum on-site queue lane length of 50 feet and 24 feet wide for vehicles entering a security gate. The width of the gate shall be excluded from this requirement. Internal parking lot landscaping required in Section 21.45.080 shall not apply to this section.

E. *Paving and drainage.*

1. All driveways, interior aisles, and walkways shall be paved to municipal standards or covered with recycled asphalt, asphalt or graveled with D-1.

2. Provisions shall be made to prevent any contamination of the domestic water supply or to prevent excessive or contaminated surface runoff from the site onto adjoining lands or streams. Drainage flow patterns shall be shown on the site plan or a separate approved map. If plans indicate that surface drainage will be carried off, the site plan shall be subject to the approval of the office of planning, development, and public works. If applicable, drainage shall comply with Section 21.67.010.

F. *Curb cuts.* Access shall be as approved by the traffic engineer. The width and distance of any access from any property line or street intersection will be subject to the approval of the traffic engineer or the state department of transportation.

G. *Permitted accessory uses.* The facility may provide two on-site dwelling unit for use by an on-site caretaker, manager, or owner of the site.

H. *Lighting.* Exterior lighting shall be so arranged and shielded so as to prevent sky glow, glare on adjacent properties or rights-of-way.

I. *Storage of hazardous substances.* The storage of explosives, radioactive materials or any other hazardous chemicals, explosives or flammable materials, as defined by municipal code, is prohibited.

J. Except for work performed ancillary to the operation of the self storage facility, the following uses are prohibited from occurring within a self-storage or vehicle storage rental unit or space:

1. The servicing, repair, or fabrication of vehicles, boats, trailers, lawn mowers, appliances, or any other equipment with the exception of battery, tire removal and replacement. These must be conducted in accordance with all federal, state and local laws. All hazardous materials must be disposed of properly by the owner of the vehicle.
2. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment; and/or
3. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

**K. Fencing and landscaping.**

1. Where a self storage or vehicle storage facility abuts a commercially zoned district, eight feet of landscaping, in accordance with the standards contained in subSection 21.45.125C.1 (visual enhancement landscaping), shall be required external to the sight-obscuring fence. Where lot lines for these facilities abut a residential district, 15 feet of landscaping shall be required, but only arterial landscaping with an eight-foot planting bed shall be required where abutting a street designated as a Class I or greater street on the OS&HP. No landscaping shall be required where a lot line abuts an industrially zoned district, or on the portion of site boundaries where a structure, excluding connexes, abuts either side of the lot line, unless otherwise required by this title.
2. Except as otherwise required by law, all site obscuring fence structures shall be at least eight feet high. No fencing shall be required on the portion of site boundaries where a structure, excluding connexes, abuts either side of the lot line. The design of the sight-obscuring fencing structure shall be approved by the Planning Department.
3. The sight-obscuring fencing structure shall be architecturally compatible with the surrounding properties. All portions of the fence structure visible to the public, adjacent to a protected creek under Section 21.45.210, or plainly visible to adjacent residential neighbors, shall be of a sight-obscuring nature, be compatible with the surrounding property, and be constructed of concrete, solid wood or chain link with a neutral color fabric screening or vinyl covering. The fencing structure shall be maintained in a safe, sound and orderly condition, and shall be kept free of any advertising matter other than signs permitted by this title. Security wire, such as concertina or razor wire and barbed wire is permitted, but only if inverted inside the fence with posted and maintained prominent warning signs for the fencing, or with a maximum of at least one foot of the wire material exposed and visible outside the fence.
4. All required landscaping shall be installed and maintained by the property owner or his/her designee.
5. *Financial guarantees.* The Planning Department may require a financial guarantee to ensure installation of required landscaping, fencing, paving, or mitigation of any environmental impacts or contamination to the site or surrounding land in accordance with Section 21.87.030.

**L. Containerized storage.** In conjunction with vehicle storage yards in the B-3 and B-4 districts, containerized storage shall be permitted only by conditional use approval under Section 21.50.45, but containerized storage shall be a permitted use in self storage facilities in these zones.

**M. Vehicle storage yards.** The yard may not be used to display or advertise vehicles for sale. No salvaging, dismantling or disassembly of vehicles is permitted in a vehicle storage yard.

(AO. No. 2004-108(S), § 7, 10-26-04)

**Editor's note:** This section was formerly codified in the 1977 Code as the second and third sentences of subSection 21.35.020.B.82.

**Cross references:** Business licenses and regulations, Tit. 10.

### 21.45.300 Child care homes.

A. *Intent.* Child care homes are intended to be minor commercial activities and are allowed pursuant to Chapter 21.40. A child care home shall not detract from the principal allowed use in the district and shall not place an undue burden on any private or public infrastructure greater than anticipated from a permitted development.

B. This section shall not apply to any use continuing as a lawful conditional use at the time of adoption of this section.

C. Yard requirements for licensed child care homes will be determined by AMC Section 16.55.450. Exempt child care facilities, as per Chapter 16.55, are not required to meet the yard requirements.

(AO No. 2005-185(S), § 33, 2-28-06)

### 21.45.310 Child care centers.

A. *Intent.* The standards in this section shall apply to child care centers.

B. *Site plan review.*

1. All child care centers within a residential district as set forth in Section 21.45.010 shall be subject to a site plan review as set forth in this section, except in the R-1, R-1A, R-2A and R-2D districts where a conditional use permit is required. Child care centers in non-residential zoning districts shall comply with the requirements of this section exclusive of the site plan review requirement.

a. *Contents.* A site plan shall be prepared and approved by the director of the planning department or the director's designee demonstrating the center does not have a permanent or negative impact on those items listed in this subsection substantially greater than anticipated from permitted residential development:

- i. Pedestrian and vehicular traffic circulation and safety.
- ii. Demand for an availability of public services and facilities.
- iii. Noise pollution, air pollution, water pollution and other forms of environmental pollution.
- iv. Furtherance of the goals and policies of the comprehensive development plan and conformance to the plan in the manner required by Chapter 21.05.
- v. Other factors deemed relevant to the applicant or the director in review of the application.

b. *Procedure for approval.* At least 30 days before acting on a child care center site plan application under this section, the director of the planning department shall publish notice of the application in a newspaper of general circulation in the municipality. The notice shall state the names of the applicants and the legal description of the land subject to the application. Such notice, including a map of the vicinity, shall also be provided to any officially recognized community council whose boundary encompasses the center site and to owners of property within 500 feet of the proposed site. The director of community planning and development shall take action on the site plan within 40 days of the site plan application submission date.

c. *Appeals.* A decision of the director of the planning department or the director's designee under the authority set forth in this subsection B is final unless appealed within 15 days to the planning and zoning commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the outer boundary of the child care center. In the event of appeal, the planning and zoning commission shall, in accordance with Section 21.15.005, hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the planning and zoning commission may be brought in accordance with Section 21.30.010B.

C. *Traffic access.* The site shall provide for direct access from a street constructed to Municipal standards.

D. *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 15 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 15 percent of the lot as open area, etc., allows for sufficient buffering of adjacent uses.

E. *Maximum height of structures.* The maximum height of structures shall be the same as permitted in the district in which the site is located.

F. *Yard requirements.* The minimum yard requirements shall be those permitted in the district in which the site is located or as otherwise authorized by the planning and zoning commission so long as a use within a nonresidential district adjacent to a residential use or district shall provide a 15-foot yard between the two, planted with buffer landscaping as described in Section 21.45.125, or as prescribed in Section 21.45.200. If the method described in Section 21.45.200 is applied, the play yard surfacing for a child care facility, as prescribed by Department of Health and Human Services, may be located within this area.

G. *Illumination.* Illumination shall be provided in the manner prescribed in Section 21.45.080X.4.e. Fixtures and lighting levels shall avoid trespass light, skyglow, or glare. Lighting fixtures with a mounting height greater than 15 feet shall incorporate full cut-off fixtures as defined by the Illumination Engineering Society of North America (IESNA), with flat lens fixtures. Exterior building lighting shall be designed and located to direct the light toward the ground.

H. *Landscaping.* Landscaping shall be provided as follows:

1. All areas not occupied by buildings, structures, storage yards, drives, walks, off-street parking installations, play yards required for child care, or other authorized installations shall be planted with visual enhancement landscaping, as described in Section 21.45.125;
2. Buffer landscaping, as described in Section 21.45.125C.2., shall be planted along the length of each lot line which abuts a lot within a residential district; and
3. The property owner shall maintain all landscaping in good condition.

I. *Screening or buffering.* The planning and zoning commission may require:

1. Transition and buffering (15-foot width) or buffering landscaping as described in Section 21.45.200E. and 21.45.125C.3. along the length of a lot line.
2. A bond for the installation of landscaping at the time of implementation of the department or Commission approval. This landscape bond, payable to the Municipality of Anchorage, shall be in the amount of a 120 percent itemized cost estimate prepared by a professional landscape architect of the planting material, topsoil, plus labor for installation. Further, the bond shall remain in effect

for a two-year growing period to assure survivability of all trees and shrubs and replacement of dead or stunted landscape materials.

J. *Loading areas.* If loading area(s) are required, loading and unloading areas shall be provided on the site in accordance with Section 21.45.090. Delivery areas shall be screened from adjacent residential areas by buffer landscaping, or a fence no less than six feet high, except where landscaping or height is limited by Section 21.45.020 or Section 21.45.110.

K. *Drainage facilities.* A site drainage plan and storm drainage facilities shall be constructed in accordance with the requirements of Section 21.45.230.

L. *Parking.* Parking shall be provided on the lot in accordance with the requirements of Section 21.45.080.

M. *Snow management.* Snow storage space adjacent to surface parking lots and pathways must be identified on the site plan. To facilitate snow removal, in residential districts snow storage areas equal to at least 15 percent of the total area of the site used for parking, access drives, walkways and other surfaces that need to be kept clear of snow, shall be designated on the site plan. Such areas designated for snow storage shall be landscaped only with grasses and flowers and shall have flat or concave ground surface with positive drainage away from structures and pavements. Storage of snow is not allowed in front setbacks for sites where child care is being provided in structures other than a single-family dwelling or duplex structures. Storage of snow may be allowed in 50 percent of the side and rear setbacks, if trees and other vegetation designated for preservation will not be damaged. If snow is to be hauled off-site, it shall be to an approved snow storage site, and temporary snow storage areas shall be shown on the site plan.

N. This section shall not apply to any use continuing as a lawful conditional use at the time of adoption of this section.

O. The use shall meet the requirements of Title 23 for construction and life safety issues, where applicable.

(AO No. 2005-185(S), § 33, 2-28-06)

### **21.45.350 Large domestic animal facilities.**

A. *Purpose.* A large domestic animal facility is intended to be an accessory activity in certain residential districts where this use is allowed. All uses of the property shall be subordinate to the principal use of the residential dwelling. A large domestic animal facility in the PLI district may be considered an accessory use to an equestrian arena.

B. Large domestic animal facilities include without limitation structures such as barns, stables, arenas, corrals, paddocks, and exercise tracks, and any structures used for the storage of feed, tack, tools, animal waste, or equipment. Large domestic animal facilities include structures that are freestanding or attached to residential structures. A large domestic animal facility is allowed to be larger than the principal structure but is limited by lot coverage and height restrictions applicable for each zoning district.

C. The minimum lot size for a large animal facility is 40,000 square feet for four animals, with an additional 10,000 square feet required for each animal above four. Application for administrative approval of deviation in minimum lot size of 40,000 square feet may be made to the Planning Department. The Director of the Planning Department may approve deviation of site area square footage, not to exceed ten percent, upon consultation with the Department of Health and Human Services and Department of Developmental Services.

D. In the event arena seating is provided, the required parking shall be one space per every four seats, or one parking space per stall, whichever is greater.

E. A large domestic animal facility shall meet setback requirements of the applicable zoning district and Section 21.45.140A for roofed or otherwise covered portions of paddocks, barns, stables, or similar structures which are utilized for the keeping of animals, except in the case of interior abutting lot lines per Section 21.45.350H. In no circumstances shall barbed wire be allowed for fencing of any facilities.

F. The uses shall meet the requirements of Chapter 15.20 regarding animal waste; Chapter 15.50 concerning Watershed District regulations; Section 15.55.060B concerning separation requirements from water supply wells; and Section 21.45.210 concerning stream protection setbacks.

G. The large domestic animal facility shall:

1. Obtain an animal control facility license; and
2. Obtain certification of compliance with a State of Alaska, Anchorage Soil and Water Conservation District conservation plan, or obtain a letter from the State of Alaska, Anchorage Soil and Water District showing demonstrated intent to come into compliance with a conservation plan within one year.
3. Comply with licensing and other laws concerning the keeping of animals as set forth in Titles 15, 17 and 21.

H. Adjacent lots may be used in square footage calculations for site size only. If the adjacent lots are not under single ownership, the lot owners shall submit a recorded joint usage agreement for review and approval by the Director of the Planning Department or the Director's designee. In such cases, yard setback requirements shall not apply to the common interior lot lines and a primary use need not be located on the adjacent lot.

(AO No. 2005-150(S-1), § 11, 2-28-06)

### **21.45.360 Accessory buildings in conjunction with large domestic animal facilities.**

The following additional requirements for accessory buildings in conjunction with large domestic animal facilities shall apply:

- A. In the R-5A, R-6, R-7, R-8, R-9, R-10, and R-11 districts, the square footage of any one single large domestic animal facility structure shall not exceed ten percent of the lot size, up to a maximum of 8,000 square feet.
- B. Large domestic animal facility structures exceeding these size requirements are subject to conditional use approval under Section 21.15.030 and subject to the standards of Section 21.50.020.

(AO No. 2005-150(S-1), § 13, 2-28-06)

### **21.45.370 Adult care facilities with one through eight persons.**

A. *Intent.* Adult care facilities with occupancy of eight persons or less are intended to be minor commercial activities and are allowed pursuant to Chapter 21.40. An adult care facility shall not detract from the principal allowed use in the district and shall not place an undue burden on any private or public infrastructure greater than anticipated from a permitted development.

B. *Location.* Adult care facilities shall be located only in a single-family dwelling, excluding detached condominium units and duplex or multi-family structures, when located in any R-1 through R-O, B-1A, or B-1B zoning district. These uses shall be prohibited if the only direct street access is from a private street.

C. This section shall not apply to any use continuing as a lawful conditional use at the time of adoption of this section.

(AO No. 2005-124(S-1A), § 31, 4-18-06)

**21.45.380 Hospitals and nursing facilities, large residential care facilities, adult care facilities with nine or more persons.**

A. *Intent.* The standards in this section shall apply to health care facilities and related institutions, large residential care facilities, and adult care facilities where the facility serves, or is designed or proposed to serve, nine or more persons.

B. *Traffic access.* The site shall provide for direct access from a street constructed to urban standards.

C. *Minimum lot size.*

1. *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:

- a. *Six to ten beds:* One-half acre (21,780 square feet).
- b. *11 to 20 beds:* One acre (43,560 square feet).
- c. *For each additional ten beds or fraction thereof:* One-half acre.

2. *Minimum lot size for nursing home, convalescent center, rest home, 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:

- a. *Six to ten beds:* 15,000 square feet.
- b. *11 or more beds:* 20,000 square feet.

3. *Minimum lot size for adult care facility or large residential care facility:*

- a. *17 or more persons in care at any give time:* 20,000 square feet.

D. *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 15 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 15 percent of the lot as open area, etc., allows for sufficient buffering of adjacent uses.

E. *Maximum height of structures.* The maximum height of structures shall be the same as permitted in the district in which the site is located.

F. *Yard requirements.* The minimum yard requirements shall be those permitted in the district in which the site is located or as otherwise authorized by the planning and zoning commission so long as a use within a nonresidential district adjacent to a residential use or district shall provide a 15-foot yard between the two, planted with buffer landscaping as described in Section 21.45.125, or as prescribed in Section 21.45.200.

G. *Illumination.* Illumination shall be provided in the manner prescribed in Section 21.45.080W.4.e. Fixtures and lighting levels shall avoid trespass light, skyglow, or glare. Lighting fixtures with a mounting height greater than 15 feet shall incorporate full cut-off fixtures as defined by the Illumination Engineering

Society of North America (IESNA), with flat lens fixtures. Exterior building lighting shall be designed and located to direct the light toward the ground.

H. *Landscaping.* Landscaping shall be provided as follows:

1. All areas not occupied by buildings, structures, storage yards, drives, walks, off-street parking installations, or other authorized installations shall be planted with visual enhancement landscaping, as described in Section 21.45.125;
2. Buffer landscaping, as described in Section 21.45.125C.2., shall be planted along the length of each lot line which abuts a lot within a residential district;
3. Arterial landscaping, as described in Section 21.45.125C.4., shall be planted along the length of each lot line which abuts a collector or arterial street, as designated in the official streets and highways plan; and
4. The property owner shall maintain all landscaping in good condition.

I. *Screening or buffering.* The planning and zoning commission may require:

1. Screening or buffering landscaping as described in Section 21.45.125C.2. or C.3. along the length of a lot line.
2. 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 percent itemized cost estimate prepared by a professional landscape architect of the planting material, topsoil, plus labor for installation. Further, the bond shall remain in effect for a two-year growing period to assure survivability of all trees and shrubs and replacement of dead or stunted landscape materials.

J. *Loading areas.* Loading and unloading areas shall be provided on the site in accordance with Section 21.45.090. Ambulance and delivery areas shall be screened from adjacent residential areas by a buffer landscaping, or a fence no less than six feet high.

K. *Drainage facilities.* A site drainage plan and storm drainage facilities shall be constructed in accordance with the requirements of Section 21.45.230.

L. *Refuse collection.* Refuse containers and facilities shall be provided within the primary structure or within a freestanding enclosure on the site. Refuse containers and facilities located outside the primary structure must be enclosed by a fence on three sides in the manner provided by Section 21.45.080W.4. Enclosures shall be durably constructed and use architectural design and screening materials to be consistent with the primary structure(s) on the property. The placement of refuse storage areas in the front yard setback is prohibited.

M. *Parking.* Parking shall be provided on the lot in accordance with the requirements of Section 21.45.080.

N. *Snow management.* Snow storage space adjacent to surface parking lots and pathways must be identified on the site plan. To facilitate snow removal, in residential districts snow storage areas equal to at least 15 percent of the total area of the site used for parking, access drives, walkways and other surfaces that need to be kept clear of snow, shall be designated on the site plan. Such areas designated for snow storage shall be landscaped only with grasses and flowers and shall have flat or concave ground surface with positive drainage away from structures and pavements. Storage of snow is not allowed in front setbacks for sites where adult care is being provided in structures other than a single-family dwelling or duplex structures. Storage of snow may be allowed in 50 percent of the side and rear setbacks, if trees and other vegetation designated for preservation will not be damaged. If snow is to be hauled off-site, it shall be to an approved snow storage site, and temporary snow storage areas shall be shown on the site



plan.

O. *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.

P. This section shall not apply to any use continuing as a lawful conditional use at the time of adoption of this section.

Q. The use shall meet the requirements of Title 23 for construction and life safety issues.

(AO No. 2005-124(S-1A), § 31, 4-18-06)

### **21.45.390 Small residential care facilities.**

A. The use shall meet the requirements of Title 23 for construction and life safety issues.

(AO No. 2005-124(S-1A), § 31, 4-18-06)

### **21.45.400 Towers, high voltage transmission.**

A. *Purpose.* Electric energy is required to power electrical machines, devices and lighting in our society. Electrical energy most often must be transported in high voltages from remote generation plant locations to urban centers. The structures required to support high voltage electrical energy conductors are larger than usual distribution poles. The standards set forth in this section are intended to minimize the impact of transmission towers on neighborhoods and commercial developments to the greatest extent reasonable. It is understood utilities must construct facilities in compliance with the National Electrical Safety Code.

B. *Location.* The location of new transmission towers shall be in compliance with, and within existing or proposed transmission alignments or corridors identified in the latest version of the utility corridor plan. Deviations from the utility corridor plan shall require amendment to the plan before installation of any tower.

C. *Easement or right-of-way clearing.* Clearing and/or grubbing of vegetation within the easement or right-of-way for transmission tower installation shall be limited to minimum amount to allow for the safe installation of each transmission tower.

D. *Landscaping.* All areas cleared in conjunction with the installation of a tower, except for the area within ten feet of the tower, shall be replanted with vegetation as follows:

1. Cleared areas originally planted by a public or private agency as part of an approved building permit, land use permit, or public facility project landscaping plan, shall be replaced in accordance with the plan, except as modified by the tower location(s). Other landscaped areas that have been cleared shall be replaced with landscaping equivalent to that which was removed. Approval of the revised landscape plan shall be by the planning department, except in cases where the planning and zoning commission is the approving authority.

2. Cleared areas not previously landscaped shall be landscaped in accordance with the buffer landscaping standards. The planning department may approve alternative landscaping to meet the intent and intensity of buffer landscaping, except in cases where the planning and zoning commission is the approving authority.

E. *Exemptions from landscaping.* Exemptions for the landscaping requirements may be granted by the planning director, if the utility shows there is a safety concern, the property owner does not grant authorization in which landscaping can be placed by the utility, or for other engineering or related issues.

F. *Structure design.* The color of the transmission tower structures shall be as neutral to the immediate surroundings as possible. The planning director shall approve the utility's proposed structure color, except in cases where the planning and zoning commission is the approving authority.

(AO No. 2006-064(S-1), § 4, 12-12-06)

5

**POSTING  
AFFIDAVIT**



RECEIVED

MAY 05 2009

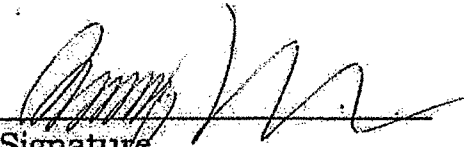
Municipality of Anchorage  
Zoning Division

# AFFIDAVIT OF POSTING

Case Number: 2009-073; 2009-074

I, Amy Karn, hereby certify that I have posted a **Notice of Public Hearing** as prescribed by Anchorage Municipal Code 21.15.005 on the property that I have petitioned for Master Plan and Conditional Use. The notice was posted on May 4, 2009 which is at least 21 days prior to the public hearing on this petition. I acknowledge this Notice(s) must be posted in plain sight and displayed until all public hearings have been completed.

Affirmed and signed this 4th day of May, 2009

  
Signature

## LEGAL DESCRIPTION

Tract or Lot \_\_\_\_\_  
Block \_\_\_\_\_  
Subdivision \_\_\_\_\_

T15N, R1W, SEC 16, LOT 6, GOVT LOT  
T15N, R1W, SEC 16, SE 1/4, SW 1/4, NE 1/4  
Skyline View #1, BLK 1, LT3  
Skyline View #1, BLK 5, LT 1  
T15N, R1W, SEC 16, S 1/2, NE 1/4, SW 1/4, NE 1/4  
T15N, R1W, SEC 16, Lot 10  
T15N, R1W, SEC 16, Lot 6, S 50', W 606'  
Skyline View, Tract A  
T15N,, R1W, SEC 16, LT 6, N 117'M GOVT LOT

Municipality of  
Anchorage



Planning Department  
Zoning & Platting  
Division

# Notice of Public Hearing

This property proposed

2009-073 / 2009-074  
Master Plan / CUP

For information call:

343-7943

Or visit our website at  
[www.muni.org](http://www.muni.org)



Municipality of  
Anchorage



Planning Department  
Zoning & Planning  
Division

# Notice of Public Hearing

This property proposed

2009-073 / 2009-074  
Master Plan / LUP

For information call:

343-7943

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[www.muni.org](http://www.muni.org)

Municipality of  
Anchorage



Planning Department  
Zoning & Planning  
Division

# Notice of Public Hearing

This property proposed

2009-073 / 2009-074  
Master Plan / CUP

For information call:

343-7943

Or visit our website at  
[www.muni.org](http://www.muni.org)

March 23, 2009

Mr. Tom Nelson, Planning Director  
Planning Department  
Municipality of Anchorage  
P O Box 196650  
Anchorage, AK 99519-6650

Subject: Letter of Authorization  
Chugiak Gravel Pit

Dear Mr. Nelson:

Granite Construction Company is the owner of Parcel No's. 051-191-39; 051-191-41; 051-191-18; 051-191-19; 051-191-40; 051-191-04; 051-191-14; 051-191-06; 051-191-38. The parcels total approximately 2,047,320 square feet and are located in a portion of the West 1/2 and a portion of the SE 1/4 of the NE 1/4 of Section 16, T15N R1W, Seward Meridian, Chugiak, Alaska.

We authorize DOWL HKM, in accordance with Anchorage Municipal Code 21.20.050.A.7, to act on our behalf in providing land use services on these parcels.

Sincerely,  
Granite Construction Company

By: Steve Connolly for

Name: Trevor Edmondson

Its: Plants Manager



# 6

## HISTORICAL INFORMATION

AMENDED AND APPROVED

DATE 7-2-85

Submitted by: Chairman of the Assembly  
At the Request of the Mayor  
Prepared by: Department of Community  
Planning

For Reading:

Anchorage, Alaska  
AO No. 85- 65 (as amended)

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING FROM U (UNRESTRICTED) TO PLI (PUBLIC LANDS AND INSTITUTIONS), W (WATERSHED), R-5 (RURAL RESIDENTIAL), R-5A (RURAL RESIDENTIAL, LARGE LOT), R-6 (SUBURBAN RESIDENTIAL), R-7 (INTERMEDIATE RURAL RESIDENTIAL), R-9 (RURAL RESIDENTIAL), R-10 (RESIDENTIAL ALPINE/SLOPE), B-1 (LOCAL AND NEIGHBORHOOD BUSINESS), B-3 (GENERAL AND STRIP COMMERCIAL), B-3SL (GENERAL AND STRIP COMMERCIAL BUSINESS WITH SPECIAL LIMITATIONS), I-1SL (LIGHT INDUSTRIAL DISTRICT WITH SPECIAL LIMITATIONS), I-3SL (RURAL INDUSTRIAL DISTRICT WITH SPECIAL LIMITATIONS), AND PC (PLANNED COMMUNITY) FOR T15N R2W SEC 25 A PORTION AND T15N R1W SECTIONS 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30 AND 31, OR PORTIONS THEREOF, AS DEPICTED IN EXHIBIT A, GENERALLY LOCATED EAST OF THE NEW GLENN HIGHWAY BETWEEN LOWER FIRE LAKE AND PETERS CREEK, CONTAINING 3300 ACRES MORE OR LESS. (CHUGIAK COMMUNITY COUNCIL)

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THE ANCHORAGE ASSEMBLY ORDAINS:

SECTION 1. The zoning map is amended by designating Section 15, a portion, of T15N R2W S.M., and Sections 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30 and 31, or portions thereof, of T15N R1W S.M., PLI (Public Lands and Institutions), W (Watershed), R-5 (Rural Residential), R-5A (Rural Residential, Large Lot), R-6 (Suburban Residential), R-7 (Intermediate Rural Residential), R-9 (Rural Residential), R-10 (Residential Alpine/Slope), B-1 (Local and Neighborhood Business), B-3 (General and Strip Commercial Business), B-3SL (General and Strip Commercial Business with Special Limitations), I-1SL (Light Industrial with Special Limitations), I-3SL (Rural Industrial with Special Limitations) and PC (Planned Community), as depicted in Exhibit A, attached.

SECTION 2. The B-3SL(1) district established by Section 1 shall be subject to the following Special Limitations limiting use, restricting height and providing for buffering:

Maximum height of structures is 35 feet.

There shall be a 10 foot wide vegetative buffer either retaining natural vegetation or planted with buffer landscaping along all lot lines adjacent to any residential district boundary prior to the issuance of any land use permits.

The following uses, which are identified as permitted uses in AMC 21.40.180(B.3), shall be prohibited by this Special Limitation:

1. Commercial - Wholesale

- a. wholesaling and distribution operations, including incidental manufacturing or processing of goods for sale at retail or wholesale on the premises, but not to include yards for storage or display of any scrap, junk, salvaged or secondhand materials or for any scrap or salvage operations.

2. Commercial - Retail

- a. department stores
- o. merchandise vending machine stores
- aa. funeral services, including crematoria
- dd. auditoriums, museums, historical and cultural exhibits, and the like
- ee. motion picture theatres
- kk. (parking) garages
- mm. hotels, motels and motor lodges
- nn. radio and television studios
- qq. laboratories for the production of eye glasses, hearing aids, prosthetic appliances and the like
- fff. mobile home display lots, new and used
- ggg. aircraft and boat display lots, new and used
- hhh. motorcycle and snow machine display lots, new and used
- iii. truck and trailer rental agencies
- jjj. lumber yards and builders supply stores
- kkk. fuel dealers
- nnn. drive-in banks, with sufficient off-street area for maneuvering and waiting automobiles
- ooo. bus terminals, air passenger terminals, with sufficient off-street area for maneuvering and waiting automobiles

- ppp. amusement arcades, billiard parlors, and  
bowling alleys
- sss. mini-storage

Section 3. The B-3SL(2) district established by Section 1 shall be subject to the following Special Limitations limiting use, restricting height, and providing for buffering and site plan review:

Maximum height of structures is 35 feet.

There shall be a 10 foot wide vegetative buffer either retaining natural vegetation or planted with buffer landscaping along all lot lines adjacent to any residential district boundary and along the Old Glenn Highway prior to the issuance of any land use permits.

A site plan depicting ingress-egress, parking, building footprints, vehicular and pedestrian circulation, and elevations shall be submitted for review and approval to the Community Planning Department prior to any replatting or application for a land use permit for commercial development.

The following uses, which are identified as permitted uses in AMC 21.40.180(B.3), shall be prohibited by this Special Limitation:

1. Commercial - Wholesale

- a. wholesaling and distribution operations, including incidental manufacturing or processing of goods for sale at retail or wholesale on the premises, but not to include yards for storage or display of any scrap, junk, salvaged or secondhand materials or for any scrap or salvage operations.

2. Commercial - Retail

- a. department stores
- o. merchandise vending machine stores
- aa. funeral services, including crematoria
- dd. auditoriums, museums, historical and cultural exhibits, and the like
- ee. motion picture theatres

- kk. (parking) garages
- mm. hotels, motels and motor lodges
- nn. radio and television studios
- qq. laboratories for the production of eye glasses, hearing aids, prosthetic appliances and the like are made a Conditional Use
- ccc. motor vehicle dealers, new and used (except bus dealers, new and used)
- eee. automobile display lots, new and used
- ggg. aircraft and boat display lots, new and used
- hhh. motorcycle and snow machine display lots, new and used
- iii. automobile, truck and trailer rental agencies
- jjj. lumber yards and builders supply stores
- kkk. fuel dealers
- nnn. drive-in banks are made a Conditional Use
- ooo. bus terminals, air passenger terminals, with sufficient off-street area for maneuvering and waiting automobiles
- ppp. amusement arcades, billiard parlors, and bowling alleys are made a Conditional Use

Conditional Uses

- 2. heliports
- 3. marquees, overpasses and similar substantial projections into public airspace, together with any signs to be mounted thereon
- 5. drive-in movie theaters

Section 4. The B-3SL(3) district established by Section 1 shall be subject to the following Special Limitations limiting use, restricting height, and providing for buffering:

Maximum height of structures is 35 feet.

There shall be a 10 foot wide vegetative buffer either retaining natural vegetation or planted with buffer landscaping along all lot lines adjacent to any residential district boundary prior to the issuance of any land use permits.

The following uses, which are identified as permitted uses in AMC 21.40.180(B.3), shall be prohibited by this Special Limitation:

1. Commercial - Wholesale

- a. wholesaling and distribution operations, including incidental manufacturing or processing of goods for sale at retail or wholesale on the premises, but not to include yards for storage or display of any scrap, junk, salvaged or secondhand materials or for any scrap or salvage operations.

2. Commercial - Retail

- a. department stores
- o. merchandise vending machine stores
- aa. funeral services, including crematoria
- dd. auditoriums and museums
- ee. motion picture theatres
- kk. (parking) garages
- mm. hotels, motels and motor lodges
- nn. radio and television studios
- ccc. motor vehicle dealers, new and used
- eee. automobile display lots, new and used
- fff. mobile home display lots, new and used
- ggg. aircraft and boat display lots, new and used
- hhh. motorcycle and snow machine display lots, new and used
- iii. automobile, truck and trailer rental agencies
- jjj. lumber yards and builders supply stores
- kkk. fuel dealers
- nnn. drive-in banks, with sufficient off-street area for maneuvering and waiting automobiles
- ooo. bus terminals, air passenger terminals, with sufficient off-street area for maneuvering and waiting automobiles
- ppp. amusement arcades, billiard parlors, and bowling alleys
- sss. mini-storage

Section 5. The B-3SL(4) district established by Section 1 shall be subject to the following Special Limitations limiting use, restricting height, and providing for buffering:

Maximum height of structures is 35 feet.

There shall be a 25 foot wide vegetative buffer either retaining natural vegetation or planted with buffer landscaping along all lot lines adjacent to any residential district boundary prior to the issuance of any land use permits.

The following uses, which are identified as permitted uses in AMC 21.40.180(B.3), shall be prohibited by this Special Limitation:

1. Commercial - Wholesale

- a. wholesaling and distribution operations, including incidental manufacturing or processing of goods for sale at retail or wholesale on the premises, but not to include yards for storage or display of any scrap, junk, salvaged or secondhand materials or for any scrap or salvage operations.

2. Commercial - Retail

- a. department stores
- o. merchandise vending machine stores
- aa. funeral services, including crematoria
- dd. auditoriums and museums
- ee. motion picture theatres
- kk. (parking) garages
- mm. hotels, motels and motor lodges
- nn. radio and television studios
- ccc. motor vehicle dealers, new and used
- eee. automobile display lots, new and used
- fff. mobile home display lots, new and used
- ggg. aircraft and boat display lots, new and used
- hhh. motorcycle and snow machine display lots, new and used
- iii. automobile, truck and trailer rental agencies
- jjj. lumber yards and builders supply stores
- kkk. fuel dealers
- nnn. drive-in banks, with sufficient off-street area for maneuvering and waiting automobiles
- ooo. bus terminals, air passenger terminals, with sufficient off-street area for maneuvering and waiting automobiles
- ppp. amusement arcades, billiard parlors, and

- sss. bowling alleys
- mini-storage

Section 6. The B-3SL(5) district established by Section 1 shall be subject to the following Special Limitations limiting use, restricting height, and providing for buffering:

Maximum height of structures is 35 feet.

There shall be a 10 foot wide vegetative buffer either retaining natural vegetation or planted with buffer landscaping along all lot lines adjacent to any residential district boundary prior to the issuance of any land use permits.

The following uses, which are identified as permitted uses in AMC 21:40.180(B.3), shall be prohibited by this Special Limitation:

1. Commercial - Wholesale

- a. wholesaling and distribution operations, including incidental manufacturing or processing of goods for sale at retail or wholesale on the premises, but not to include yards for storage or display of any scrap, junk, salvaged or secondhand materials or for any scrap or salvage operations.

2. Commercial - Retail

- a. department stores
- o. merchandise vending machine stores
- aa. funeral services, including crematoria
- dd. auditoriums and museums
- ee. motion picture theatres
- kk. (parking) garages
- mm. hotels, motels and motor lodges
- nn. radio and television studios
- ccc. motor vehicle dealers, new and used
- eee. automobile display lots, new and used
- fff. mobile home display lots, new and used
- ggg. aircraft and boat display lots, new and used
- hhh. motorcycle and snow machine display lots, new and used
- iii. automobile, truck and trailer rental agencies



- jjj. lumber yards and builders supply stores
- kkk. fuel dealers
- nnn. drive-in banks, with sufficient off-street area for maneuvering and waiting automobiles
- ooo. bus terminals, air passenger terminals, with sufficient off-street area for maneuvering and waiting automobiles
- ppp. amusement arcades, billiard parlors, and bowling alleys
- sss. mini-storage

Section 7. The B-3 SL (6) district established by Section 1 shall be subject to the following Special Limitations limiting use, restricting height, and providing for buffering:

Maximum height of structures is 35 feet.

There shall be a 10 foot wide vegetative buffer either retaining natural vegetation or planted with buffer landscaping along all lot lines adjacent to any residential district boundary prior to the issuance of any land use permits.

The following uses, which are identified as permitted uses in AMC 21.40.180(B.3), shall be prohibited by this Special Limitation:

1. Commercial - Wholesale

- a. wholesaling and distribution operations, including incidental manufacturing or processing of goods for sale at retail or wholesale on the premises, but not to include yards for storage or display of any scrap, junk, salvaged or secondhand materials or for any scrap or salvage operations.

2. Commercial - Retail

- a. department stores
- o. merchandise vending machine stores
- aa. funeral services, including crematoria
- dd. auditoriums and museums
- ee. motion picture theatres
- kk. (parking) garages

- mm. hotels, motels and motor lodges
- nn. radio and television studios
- ccc. motor vehicle dealers, new and used
- eee. automobile display lots, new and used
- fff. mobile home display lots, new and used
- ggg. aircraft and boat display lots, new and used
- hhh. motorcycle and snow machine display lots, new and used
- iii. automobile, truck and trailer rental agencies
- jjj. lumber yards and builders supply stores
- kkk. fuel dealers
- nnn. drive-in banks, with sufficient off-street area for maneuvering and waiting automobiles
- ooo. bus terminals, air passenger terminals, with sufficient off-street area for maneuvering and waiting automobiles
- ppp. amusement arcades, billiard parlors, and bowling alleys
- sss. mini-storage

Section 8. The B-3 SL(7) district established by Section 1 shall be subject to the following Special Limitation for buffering:

There shall be a 10 foot wide vegetative buffer either retaining natural vegetation or planted with buffer landscaping along all lot lines adjacent to any residential district boundary prior to the issuance of any land use or building permits.

Section 9. The I-1SL district established by Section 1 shall be subject to the following Special Limitation providing for site plan review:

Prior to the issuance of any land use permits or building permits, a site plan will be prepared under 21.15.030 to specifically address the question of buffering to the adjacent residential properties on the south and on the east.

Section 10. The I-3SL(1) district established by Section 1 shall be subject to the following Special Limitations limiting use, restricting height, and providing for buffering:

Maximum height of structures is 35 feet.

A site plan depicting ingress-egress, pedestrian and vehicular circulation, building footprints, elevations and buffering shall be submitted for review and approval to the Community Planning Department prior to any replatting or application for a land use permit.

There shall be a 10 foot wide vegetative buffer either retaining natural vegetation or planted with buffer landscaping along the Old Glenn Highway and along the east boundary. A 6 foot decorative wood sight-obscuring fence shall be retained along the north and south boundaries.

The uses of this property shall be restricted to those uses specifically allowed in the I-1 district (AMC 21.40.200) by permitted use, accessory use or conditional use plus use as an automotive junkyard and salvage yard.

Section 11. The I-3SL(2) district established by Section 1 shall be subject to the following Special Limitations limiting use and providing for buffering and site plan review:

Prior to the issuance of any land use permits, a site plan shall be submitted to the Community Planning Department for review and approval which shall include ingress and egress points, parking areas, building footprints, pedestrian and vehicular circulation, height and building elevations, and landscaping which provides a buffer to the Old Glenn Highway and to any adjacent residential district.

The uses of this property shall be restricted to those uses specifically allowed in the I-1 district (AMC 21.40.200) by permitted use, accessory use or conditional use plus use as a concrete plant.

Section 12. The Special Limitations set forth in this ordinance prevail over any inconsistent provisions of Title 21 of the Anchorage Municipal Code, unless specifically provided otherwise. All provisions of Title 21 of the Anchorage Municipal Code not specifically affected by a Special Limitation set forth in this ordinance shall apply in the same manner as if the district classification applied by this ordinance were not subject to Special Limitations.

Assembly Ordinance  
Page 11

Section 13. The Director of the Community Planning Department shall change the zoning map accordingly.

Section 14. This ordinance shall be effective ten days after passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this  
2nd day of July, 1985.

Jane Anger  
Chairman

ATTEST:

Luby E. Smith  
Municipal Clerk

sr7/caol

**Exhibit A**

Final: 7/2/85  
Effective 7/12/



**PLANNING & ZONING  
COMMISSION  
MEETING**

**June 1, 2009**

**Supplemental Comments Received  
After Packet Delivery #2**

**G.3. Case 2009-073  
Master Plan Review PC Planned  
Community District.**

Double-sided



**CHUGIAK COMMUNITY COUNCIL**

P.O. Box 671350  
Chugiak, Alaska 99567

May 28, 2009

**RECEIVED**

TO: Municipality of Anchorage  
Department of Planning  
Zoning Division  
P.O. Box 196650  
Anchorage, AK 99519-6650  
Phone: 343-7900, Fax: 343-7927

MAY 28 2009

Municipality of Anchorage  
Zoning Division

SUBJECT: Council Comments on Planning & Zoning Case Nos. 2009-073 and  
Planning & Zoning Case No. 2009-074

Dear Sir/Madam:

At the 03/19/09 and 04/16/09 Chugiak Community Council ("Council") meetings, DOWL-HKM, representing Granite Construction Company, presented a master plan to reclaim the Wilder Gravel Pit ("pit") and to extend a conditional use permit to mine gravel at the pit. The 47-acre site is located adjacent to the Old Glenn Highway across from the Loretta French Park. The master plan proposes to rezone the currently-zoned PC site into: 21 acres of open space/recreation area ("PC-OSR"); 18 acres of industrial/commercial area ("PC-I1/C"); and 8 acres of intermediate rural residential area ("PC-R7").

At the 04/16/09 Council meeting, the Council discussed Planning & Zoning Case Nos. 2009-073 and 2009-074. P&Z Case No. 2009-073 is a request by Granite Construction Company to approve a master plan to ultimately reclaim the pit. A related case, P&Z Case No. 2009-074 is a request to extend the conditional use for gravel extraction at the pit. Both cases are scheduled to go before the Planning and Zoning Commission on 06/01/09.

The Council unanimously passed a motion to recommend approval of the proposed master plan to reclaim the pit as well as approval of the request to extend the conditional use for gravel extraction, with the following conditions:

- Specify the types of fill to be used in the fill site to:
  - Avoid limiting the types of possible future commercial and/or industrial uses for the fill site; and
  - Retain the possibility of building on-site septic systems on the fill site; and
- Designate the proposed trail through the open space/recreation area to be non-motorized; and
- Maintain the currently-established hours of operation for the site.

You may contact me at 688-0123 if you have any questions.

Sincerely,  
Dave Baldwin  
President Chugiak Community Council



# 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**.

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MAY 28 2009

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Municipality of Anchorage

### Case Num: 2009-073

Master Plan Review PC Planned community district

**Location:** Master Plan Approval in the PC Zoning District. Lot 6 Government Lot; SE4SW4NE4; S2NE4SW4NE4; Lot 10; Lot 6 S50' W606'; Lot 6 N117' Government Lot; all located within T15N, R1W, Section 16; and Skyline View #1 Subdivision, Block 1, Lot 3 & Block 5, Lot 1; and Skyline View Subdivision, Tract A.

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

## Public Comments

**5/28/09**

Chugiak Community Council, Dave Baldwin, President

At the 03/19/09 and 04/16/09 Chugiak Community Council ("Council") meetings, DOWL-HKM, representing Granite Construction Company, presented a master plan to reclaim the Wilder Gravel Pit ("pit") and to extend a conditional use permit to mine gravel at the pit. The 47-acre site is located adjacent to the Old Glenn Highway across from the Loretta French Park. The master plan proposes to rezone the currently-zoned PC site into: 21 acres of open space/recreation area ("PC-OSR"); 18 acres of industrial/commercial area ("PC-I1/C"); and 8 acres of intermediate rural residential area ("PC-R7"). At the 04/16/09 Council meeting, the Council discussed Planning & Zoning Case Nos. 2009-073 and 2009-074. P&Z Case No. 2009-073 is a request by Granite Construction Company to approve a master plan to ultimately reclaim the pit. A related case, P&Z Case No. 2009-074 is a request to extend the conditional use for gravel extraction at the pit. Both cases are scheduled to go before the Planning and Zoning Commission on 06/01/09. The Council unanimously passed a motion to recommend approval of the proposed master plan to reclaim the pit as well as approval of the request to extend the conditional use for gravel extraction, with the following conditions: 1) Specify the types of fill to be used in the fill site to: a) Avoid limiting the types of possible future commercial and/or industrial uses for the fill site; and b) Retain the possibility of building on-site septic systems on the fill site; and 2) Designate the proposed trail through the open space/recreation area to be non-motorized; and 3) Maintain the currently-established hours of operation for the site.

195

Municipality of Anchorage  
P. O. Box 196650  
Anchorage, Alaska 99519-6650  
(907) 343-7943

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SKYLINE VIEW CORPORATION  
PO BOX 670351  
CHUGIAK, AK 99567

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Municipality of Anchorage  
Planning Commission

**NOTICE OF PUBLIC HEARING - -**

**Monday, June 01, 2009**

**Planning Dept Case Number 2009-073**

The Municipality of Anchorage Planning and Zoning Commission will consider the following:

CASE: 2009-073  
PETITIONER: Granite Construction Company  
REQUEST: Master Plan Review PC Planned community district  
TOTAL AREA: 46.95 acres  
SITE ADDRESS:  
CURRENT ZONE: PC Planned community district  
COM COUNCIL(S): 1---Chugiak

LEGAL/DETAILS: Master Plan Approval in the PC Zoning District. Lot 6 Government Lot; SE4SW4NE4; S2NE4SW4NE4; Lot 10; Lot 6 S50' W606'; Lot 6 N117' Government Lot; all located within T15N, R1W, Section 16; and Skyline View #1 Subdivision, Block 1, Lot 3 & Block 5, Lot 1; and Skyline View Subdivision, Tract A.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, June 01, 2009 in the Assembly Chambers of the Z. J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

The Zoning Ordinance requires that you be sent notice because your property is within the vicinity of the petition area. This will be the only public hearing before the Commission and you are invited to attend and present testimony, if you so desire.

If you would like to comment on the petition this form may be used for. Mailing Address: Municipality of Anchorage, Department of Planning, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call 343-7943; FAX 343-7927. Case information may be viewed at [www.muni.org](http://www.muni.org) by selecting Departments/Planning/Zoning and Platting Cases.

Name: MICHELLE MYERS, SEC/TREAS SKYLINE VIEW CORP  
Address: 19137 OLD GLENVIEW HWY  
Legal Description: LOT 5 BLOCK 3 SKYLINE VIEW SUB.  
Comments: OBJECT TO GRAVEL EXTRACTION ON LOTS IN SKYLINE  
VIEW SUBDIVISION. NO OBJECTION TO GRAVEL EXTRACTION  
ON GOVERNMENT LOTS.  
REASONS ARE TRAFFIC, NOISE & DUST

## 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: 2009-073

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JUN 01 2009

Municipality of Anchorage  
Zoning Division**Case Num:** 2009-073

Master Plan Review PC Planned community district

**Location:** Master Plan Approval in the PC Zoning District. Lot 6 Government Lot; SE4SW4NE4; S2NE4SW4NE4; Lot 10; Lot 6 S50' W606'; Lot 6 N117' Government Lot; all located within T15N, R1W, Section 16; and Skyline View #1 Subdivision, Block 1, Lot 3 & Block 5, Lot 1; and Skyline View Subdivision, Tract A.

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

### Public Comments

**6/1/09**

Kenneth Radford  
18923 Dogwood Rd  
Chugiak AK 99567

We live directly across the street from the proposed site & are concerned with what the lot will turn into. Will we still have a wooded lot to look at, or will we be looking at an empty, ugly gravel pit? We are also concerned about the noise level if the trees are knocked down. Right now, we hear absolutely NO noise from the company, which is great. Maintaining our property value is of the utmost importance to us.

197

**PLANNING & ZONING  
COMMISSION  
MEETING**

**June 1, 2009**

**Supplemental Comments &  
Information Received After Packet  
Delivery**

**G.3. Case 2009-073  
Master Plan Review PC Planned  
Community District.**

**Graves, Jill A.**

---

**From:** Chambers, Angela C.  
**Sent:** Tuesday, May 19, 2009 3:28 PM  
**To:** Graves, Jill A.  
**Subject:** FW: Chugiak Pit MP Errata  
**Attachments:** MP\_errata\_5.19.09.pdf

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MAY 19 2009  
Municipality of Anchorage  
Zoning Division

Supplementary info for Case 2009-073. Not

*Angela C. Chambers, AICP*

*Senior Planner  
MDA Planning Department  
Zoning and Platting Division  
4700 Bragaw Street  
PO Box 196650  
Anchorage, AK 99507*

*tel. (907) 343-7940  
fax (907) 343-7927*

---

**From:** Michelle J. McNulty [mailto:mmcnulty@dowlhkm.com]  
**Sent:** Tuesday, May 19, 2009 2:35 PM  
**To:** Chambers, Angela C.  
**Cc:** Timothy C. Potter; Tanya S. Hickok, P.E., LEEDR AP; Reception  
**Subject:** Chugiak Pit MP Errata

Good Afternoon Angela,

Appended is an errata for the Chugiak Pit Master Plan, addressing post-application meeting comments and the COAs that you forwarded yesterday, for your review. Please route this attachment with the staff packet to the Planning and Zoning Commission.

Please call me if you have any questions.

Thanks,  
Michelle

**Michelle J. McNulty**  
Land Use Planner



**DOWL HKM**

(907) 562-2000  
4041 B Street  
Anchorage, AK 99503  
Fax (907) 563-3953

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MAY 19 2009

Municipality of Anchorage  
Zoning Division

## Errata Sheet

This errata is intended to serve as an update to the Chugiak PC Master Plan application to address changes to the narrative and to provide clarification.

This errata consists of the following sections that are hereby incorporated into the Master Plan application.

- Revised Section 3.1.1 PC-OSR - Open Space/Recreation
- Revised Section 5.0 Effects Of This Development, paragraph 4
- Revised Figure 7
- Revised Appendix C – Draft AO

### Revised Section 3.1.1 PC-OSR - Open Space/Recreation

#### 3.1.1 PC-OSR – Open Space /Recreation

Chugiak Pit Open Space/Recreation is intended to designate open spaces that accommodate greenbelt or buffer purposes, as well as potential recreation uses. Permitted uses will preserve and protect these open spaces *and will support the retention of permeable landscapes, which are being lost to development in the area*, while allowing for compatible recreational uses. *The proposed open space/recreation area will have onsite trails which will link to the Ptarmigan Trailhead located to the east of the proposed site. Covenants, codes and restrictions providing a management plan for the open space will be a condition of any future platting action.*

### Revised Section 5.0 Effects Of This Development, paragraph 4

The CERC Plan identifies the potential for future demand of industrial land. The proposed development is in line with these goals as it would provide the opportunity for commercial and industrial services and residential opportunities, as well as providing local recreational opportunities.

The CERC Plan addresses the retention of open space, recreational opportunities, and wetland preservation by setting forth a goal to establish an integrated open space and greenways network which effectively links parks, recreational facilities, schools, residential and commercial areas. Another goal of the CERC Plan is to provide a wide range of recreational opportunities to all segments of the community by providing the opportunity for various recreational activities. *The proposed development will have onsite trails which will link to the Ptarmigan Trailhead, located to the east of the site and will*

*support the retention of permeable landscapes, which are being lost to development in the area. Thus the proposed development would be consistent with this plan by preserving valuable open space, and providing links to the MOA Heritage Land Bank lands to additional open space and to the Ptarmigan Trailhead.*

**Revised Figure 7**

*Revised labels and added potential trail locations and connection points. .*

**Revised Appendix C – Draft AO**

*Amended uses in the PC-11 District so that items B.2.q and B.2.s shall be a conditional use, not a permitted use. Amended item B.2.q to include Natural Resource Extraction.*

*Amended item 2B.2.r to include open storage of quarry rock, gravel, peat, sand, or topsoil.*

*Inserted Section E into each of the proposed zoning districts.*





Submitted by: Chair of the Assembly at  
the Request of the Mayor  
Prepared by: Planning Department  
For reading: , 2009

ANCHORAGE, ALASKA  
AO No. 2009-\_\_\_\_\_

**AN ORDINANCE AMENDING ANCHORAGE ZONING MAP TO AMEND THE  
PC (PLANNED COMMUNITY DISTRICT) TO PC-OSR, PC-II/C, AND PC-R7  
FOR A PORTION OF THE WEST 1/2 AND A PORTION OF THE SE 1/4 OF THE  
NE 1/4 OF SECTION 16, T15N R1W, SEWARD MERIDIAN, LYING WEST OF  
THE OLD GLENN HIGHWAY.**

(Chugiak Community Council) (Planning and Zoning Case 2009-xxx)

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** The Master Plan for the Planned Community (PC) District for parcels 051-191-39; 051-191-41; 051-191-18; 051-191-19; 051-191-40; 051-191-04; 051-191-14; 051-191-06; 051-191-38, located in a portion of the West 1/2 and a portion of the SE 1/4 of the NE 1/4 of Section 16, T15N R1W, Seward Meridian, is hereby amended as set forth in the following sections.

**Section 2.** Development of the PC district on parcels 051-191-39; 051-191-41; 051-191-18; 051-191-19; 051-191-40; 051-191-04; 051-191-14; 051-191-06; 051-191-38 shall proceed in substantial conformance with the Chugiak Pit PC Master Plan dated April 2009, prepared by DOWL HKM for Granite Construction Company (Granite). The Master Plan text, tables, and maps are adopted and incorporated by reference as part of this ordinance. The zoning districts identified in the plan represent the development areas for the master plan area. The zoning districts shown in Figure 7 of the 2009 Chugiak Pit PC Master Plan and the district regulations as described in Section 3 below identify the permitted and conditional uses for each district.

Zoning District	Acres
PC-OSR	21
PC-II/C	18
PC-R7	8
Total Area	47

**Section 3.** The following zoning districts are adopted for the Chugiak Pit PC development areas, as illustrated in Figure 7. The districts are designed to be similar zoning districts within Anchorage Municipal Code (AMC) Title

21. Where Title 21 sections are referenced, the provisions shall be those in Title 21 at the time of the adoption of this ordinance.

#### **PC-OSR Open Space/Recreation**

**A.** *Intent.* The open space/recreation district is intended to designate open spaces that may serve as greenbelts or buffers. Permitted uses and accessory uses preserve and protect these open spaces while allowing for compatible recreational uses.

**B.** *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

1. Parks, parkways and greenbelts, land reserves, open space, trails and related facilities.
2. Private recreation facilities, including playgrounds, play fields, and private recreation centers.
3. Local snow storage.
4. Community fairs and special events, subject to obtaining any required temporary use permits.
5. Public recreational trails.
6. Passive and active outdoor recreation.
7. Noncommercial greenhouses, garden, and garden sheds.

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

1. Uses and structures necessary or desirable adjuncts to permitted principal uses and structures, where such accessory uses or structures are under the management or control of the organization or agency responsible for the permitted principal use or structure.

**D.** *Conditional uses.* Permitted conditional uses are as follows:

1. Commercial recreational uses, including non-residential structures associated with such commercial recreation uses, for a period of time determined by the Planning and Zoning Commission.
2. Commercial greenhouses and tree nurseries.

**E.** Uses not listed as a permitted, accessory, or conditional use are prohibited.

**F.** *Minimum Yard Requirements.* 25 feet front, side, and rear.

- 1  
2 **G. *Maximum Lot Coverage.*** Maximum lot coverage by structures is 25  
3 percent.  
4  
5 **H. *Maximum Height of Structure.*** Maximum height of all structures shall not  
6 exceed 35 feet in height.  
7  
8 **I. *Signs.*** Signs may be allowed in connection with any permitted use, subject  
9 to the provisions in chapter 21.47, at the time of adoption of this ordinance.  
10  
11 **J. *Parking.*** Adequate off-street parking shall be provided in connection with  
12 any permitted use, as specified in section 21.45.080, at the time of adoption  
13 of this ordinance.  
14  
15 **K. *Loading facilities.*** Where applicable, off street loading facilities shall be  
16 provided in accordance with the provisions of section 21.45.090, at the  
17 time of adoption of this ordinance.  
18  
19 **L. *Landscaping.*** Natural vegetation to be maintained to the extent practicable.  
20 All areas not devoted to buildings, structures, drives, walks, off-street  
21 parking areas, and usable yard areas shall be planted with landscaping,  
22 grasses or other suitable groundcover. All unoccupied open space areas  
23 may be retained in their natural state.  
24

25  
26 **Section 4. PC-II Industrial / Commercial**  
27

- 28 **A. *Intent.*** The Industrial / Commercial district is intended for suburban light  
29 to moderate manufacturing, wholesale, and distribution and  
30 commercial/retail uses.  
31

- 32 **B. *Permitted principal uses and structures.*** Permitted principal uses and  
33 structures are as follow:  
34

35 **1. Commercial Uses:**

- 36 a. Wholesaling and distribution operations.  
37 b. Mercantile establishments.  
38 c. General merchandise and dry goods stores.  
39 d. Wholesale fur dealers, repair and storage.  
40 e. Wholesale and retail furniture and home furnishings stores.  
41 f. Wholesale and retail radio and television stores.  
42 g. Wholesale and retail household appliance stores.

- h. Wholesale and retail industrial and retail hardware stores.
- i. Drugstores and pharmaceutical supply houses.
- j. Retail food stores and liquor stores.
- k. Restaurants, cafes and other places serving food and beverage.
- l. Merchandise vending machines sales and service.
- m. Wholesale and retail camera and photographic supply houses.
- n. Barbershops.
- 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 services 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, fittings 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, 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.
- ss. Amusement arcades, billiard parlors and bowling alleys.
- 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.
- xx. Manufacturing and retail cottage crafts.
- yy. 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.

2. Industrial uses:

- a. Airplane, automobile, or truck assembly, re-modeling or repair.
- b. Beverage manufacturing, including breweries.
- c. Boat building.
- 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. Metal working 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.
- o. Self-storage facility.
- p. Industrial storage yard, equipment, materials and outdoor storage.
- q. Open storage of quarry rock, gravel, peat, sand, or topsoil.
- r. Snow disposal sites subject to the conditional use standards for snow disposal sites and an annual administrative permit.

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

1. Uses and structures necessary or desirable adjuncts to permitted principal uses and structures, where such accessory uses or structures are under the management or control of the organization or agency responsible for the permitted principal use or structure.
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 interests 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 chapter 21.50 at the time of adoption, the following uses may be permitted:

1. Large domestic animal facilities in excess of the standards established in 21.45.350C.
2. Buildings in excess of 35 feet.
3. Natural Resource Extraction.
4. Asphalt batching plants and hot-mix plants.

**E.** Uses not listed as a permitted, accessory, or conditional use are prohibited.

**F. Minimum Lot Requirements**

1. Table:

Lot Width	As determined by the platting requirements
Lot Area	As determined by the platting requirements

**G. Minimum Yard Requirements.**

1. Table:

Front Yard	Ten feet, if adjacent to a residential district; otherwise none.
Side Yard.	Ten feet, if adjacent to a residential district; otherwise none.
Rear Yard.	Ten feet, if adjacent to a residential district; otherwise none.

**H. Maximum lot coverage.** Maximum lot coverage by all buildings is 50 percent.

**I. Maximum height.** Maximum height of all structures shall not exceed 35 feet in height, except that a height in excess of 35 feet may be permitted as a conditional use.

**J. Signs.** Signs may be allowed in connection with any permitted use, subject to the provisions in chapter 21.47.

1       **K.**       ***Parking.*** Adequate off-street parking shall be provided in connection with  
2 any permitted use, as specified in section 21.45.080, at the time of adoption  
3 of this ordinance.

4  
5       **L.**       ***Loading facilities.*** Adequate off street loading facilities shall be provided  
6 in connection with any permitted use, with the minimum for each use to be  
7 provided as required in section 21.45.090, at the time of adoption of this  
8 ordinance.

9  
10       **M.**       ***Landscaping.*** All areas not devoted to buildings, structures, drives, walks,  
11 off-street parking areas, and usable yard areas shall be planted with visual  
12 enhancement landscaping as defined in section 21.45.125, at the time of  
13 adoption of this ordinance. All unoccupied or undeveloped areas may be  
14 retained in their natural state.

15  
16       **Section 5.**    **PC-R7 – Intermediate Rural Residential**

17  
18       **A.**       ***Intent.*** The R-7 district is designed to encourage low-density residential  
19 development (one unit per 40,000 SF), and is intended for those land areas  
20 where large lot development is desirable as an adjunct to the more typical  
21 urban and suburban residential zoning districts.

22  
23       **B.**       ***Permitted principal uses and structures.*** Permitted principal uses and  
24 structures are as follow:

25  
26       1. Single-family, two-family, and multiple-family dwellings. By permit from  
27 the administrative official, a motor home or other recreational vehicle with a  
28 fully operable self-contained sanitation system may be used on site as  
29 temporary living quarters for not more than 18 months while a permanent  
30 dwelling is being constructed or repaired. Only a single principal structure  
31 may be allowed on any lot or parcel.

32       a. The property owner or person intending to occupy the temporary living  
33 quarters during construction of the permanent dwelling shall secure a  
34 permit from the administrative official before a motor home or other  
35 recreational vehicle is used on site as temporary living quarters. A permit  
36 issued under sub-section 21.40.090B.1.a. shall not be renewed and only  
37 one permit under sub-section 21.40.090B.1.a. shall be issued for the same  
38 parcel within any ten-year period. The permit may be granted only upon  
39 the applicant's written certification, with attachments, that:

40               i. The self-contained sanitation system is fully operable and  
41 shall be used with zero on-site discharge, including no on-  
42 site gray water discharge, except through an approved septic

- 1 system;  
2 ii. Site access is sufficient and shall be used to transport  
3 refuse and excess waste year-around for proper off-site  
4 disposal;  
5 iii. Electrical utility service is on-site for use during the  
6 permit period and no generators shall be used; and  
7 iv. Proof of a current building permit or land use permit is  
8 attached;  
9 v. If temporary connection to an on-site septic system is to  
10 be used, proof is attached that an approved septic system is  
11 in place.
- 12 b. If a permanent dwelling is damaged by fire, earthquake or other  
13 natural cause to the extent it is uninhabitable, a permit may be issued for  
14 occupancy of a motor home or other recreational vehicle with a fully  
15 operable self-contained sanitation system, during the period of  
16 rehabilitation or repair, not to exceed 18 months. A permit issued under  
17 sub-section 21.40.090B.1.b shall not be renewed. The permit may be  
18 granted only upon the applicant's written certification, with attachments,  
19 that:
- 20 i. The self-contained sanitation system is fully operable and  
21 shall be used with zero on-site discharge, including no on-  
22 site gray water discharge, except through an approved septic  
23 system;  
24 ii. Site access is sufficient and shall be used to transport  
25 refuse and excess waste year-around for proper off-site  
26 disposal;  
27 iii. Electrical utility service is on-site for use during the  
28 permit period and no generators shall be used; and  
29 iv. Proof of a current building permit or land use permit is  
30 attached;  
31 v. If temporary connection to an on-site septic system is to  
32 be used, proof is attached that an approved septic system is  
33 in place.
- 34 c. Only one motor home or other recreational vehicle shall be permitted  
35 in use as temporary living quarters on any parcel of land during the  
36 construction or repair of a permanent dwelling. The motor home or  
37 recreational vehicle placement on the lot shall comply with the yard  
38 setbacks of the underlying zoning district.
- 39 2. Public, private, and parochial academic elementary schools.  
40 3. High schools with primarily academic curricula, provided that principal  
41 access to such schools shall be directly from a street of class I or greater  
42 designation upon the official streets and highways plan.



4. Parks, playgrounds, playfields, public buildings and uses in keeping with the character and requirements of the district.
5. Child care homes.
6. Child care centers, subject to administrative site plan review as specified in the supplementary district standards 21.45.310.
7. Adult care facilities with one through eight persons.
8. Small residential care facilities.
9. 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. 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.
10. With a permitted non-residential use as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.
11. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
12. Habilitative care facilities.

- C. Permitted accessory uses and structures.** Permitted accessory uses and structures are as follows:
1. Home occupations, subject to provisions of the supplementary district standards 21.45.150.
  2. Noncommercial greenhouses, gardens, storage sheds, garden sheds and toolsheds, and private barbecue pits.
  3. Private garages.
  4. The outdoor harboring or keeping of dogs, animals and fowl in a manner consistent with the requirements of all titles of this Code. Paddocks, stables or similar structures or enclosures which are utilized for the keeping of animals other than dogs shall be at least 25 feet from an abutting neighbor's lot line. Alternatively, uncovered animal enclosures shall be at least 75 feet from residences existing at the date of adoption of this ordinance on abutting lots, or shall be at least ten feet from the abutting neighbor's lot line if the separation area is a vegetative buffer as per 21.45.125(C)(2).
  5. Private storage in yards of equipment including trucks, boats, aircraft, campers or travel trailers, in a safe and orderly manner and separated by at least 25 feet from any property line.

6. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles in Title 21, as written at the time this ordinance is adopted. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:
  - a. At least 25 feet from any lot line not in common ownership;
  - b. Oriented with entrances facing away from adjacent property;
  - c. Placed at least eight feet above ground level; or
  - d. Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in both directions.
  - e. No more than four hives shall be placed on lots smaller than 10,000 square feet.
7. Bed and breakfast with three or less guestrooms.
8. Bed and breakfast with four guestrooms only by administrative site plan review.
9. Large domestic animal facilities on sites 40,000 square feet or larger as accessory to a permitted residential use, subject to supplementary district standards 21.45.350.
10. Fewer than four large domestic animals, subject to conformity with the requirements of Titles 15, 17 and 21.

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

1. Utilities substations.
3. Planned unit development.
4. Natural resource extraction on tracts of not less than five acres.
5. Commercial greenhouses and tree nurseries.
6. Privately owned neighborhood community recreation centers in keeping with the character and requirements of the district, provided the center is oriented to a particular residential subdivision or housing project and that the uses within are delineated as conditions of approval.
7. Bed and breakfast with five guestrooms.
8. Roominghouses.
9. Snow disposal sites.
10. Large domestic animal facilities in excess of the standards established in 21.45.350C.
11. Accessory structures for a large domestic animal facility in excess of the standards established in AMC 21.45.360.
12. Large residential care facilities.

**E.** Uses not listed as a permitted, accessory, or conditional use are prohibited.

- F. Prohibited uses and structures.** The following uses and structures are prohibited:
1. Storage in connection with trade, service or manufacturing activities, unless the storage meets the exception in 21.45.150E for storage associated with a home occupation.
  2. Storage or use of mobile homes or quonset huts.
  3. Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, radiation, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. Operation of particle accelerator systems, including cyclotrons, is prohibited. The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

- G. Minimum Lot Requirements.** Minimum lot requirements are as follows:

1.

Use	Minimum Requirements	
	Lot Area (square feet)	Lot Width (feet)
Single-family dwelling	20,000, plus an additional 20,000 square feet for each dwelling unit in excess of 1	120

2. In a cluster housing development conforming to Section 21.50.210, a lot that is not part of the common area shall have a minimum area and width in accordance with that section.

- H. Minimum Yard Requirements.** Minimum yard requirements are as follows:
1. Front yard: 25 feet. See supplementary district regulations 21.45.140 for additional setback requirements.
  2. Side yard: Ten feet.
  3. Rear yard: 20 feet.

- I. Maximum height.** Except as otherwise provided in this title, no building or structure shall exceed 35 feet in height.

- J.** *Maximum lot coverage.* Maximum lot coverage by all buildings is 30 percent, provided that a cluster housing development under Section 21.50.210 shall conform to the maximum lot coverage requirements of that section.
- K.** *Signs.* Signs may be allowed in connection with any permitted use, subject to the provisions in chapter 21.47, at the time of adoption of this ordinance.
- L.** *Parking.* Adequate off-street parking shall be provided in connection with any permitted use, as specified in section 21.45.080, at the time of adoption of this ordinance.
- M.** *Loading facilities.* Adequate off street loading facilities shall be provided in connection with any permitted use, with the minimum for each use to be provided as required in section 21.45.090, at the time of adoption of this ordinance.
- Section 6.** The Director of the Planning Department shall change the zoning map accordingly.
- Section 7.** This ordinance shall take effect immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage assembly this \_\_\_\_ day of \_\_\_\_\_ 2009.

### Chair of the Assembly

ATTEST:

## Municipal Clerk

**Content ID:** 007989

**Revision:** 0

**Type:** Ordinance - AO

**Title:** AN ORDINANCE ADOPTING A PLANNED COMMUNITY MASTER  
DEVELOPMENT PLAN AND DESIGN STANDARDS FOR AN APPROXIMATE 47  
ACRE SITE ZONED PC (PLANNED COMMUNITY) DISTRICT PER AO 85-65

**Author:** maglaquijp

**Initiating Dept:** Planning

**Select Routing:** Standard

**Review Depts:**

**Description:** AN ORDINANCE ADOPTING A PLANNED COMMUNITY MASTER  
DEVELOPMENT PLAN AND DESIGN STANDARDS FOR AN APPROXIMATE 47  
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**Keywords:**

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**Director Name:** Tom Nelson

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**Addnl Review Depts:**

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**Date MM/DD/YY:**

**Requested Public Hearing** 9/15/09 12:00 AM  
**Date MM/DD/YY:**

**Workflow History**

Action Date	Content ID	Revision	Step Name	User	Action	Security Group	Step Mess
<b>-Revision 0</b> <a href="#">View full history</a>							
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7/31/09 9:36 AM	007989	0	Step1	Joy Maglaqui	Approve	Public	
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7/30/09 2:45 PM	007989	0	Step1	Joy Maglaqui	Checkin	Public	
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