

# **TITLE 21 REWRITE**

**Assembly Title 21 Committee  
October 25, 2012**

**Review of Recommended Amendments  
to the Provisionally Adopted Title 21  
Follow-up Items - Part 2**

Title 21 Rewrite — Assembly Review



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**Municipality of Anchorage**  
Community Development Department  
Planning Division



**MEMORANDUM**

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**Date:** October 25, 2012  
**To:** Assembly Title 21 Committee  
**From:**  Jerry T. Weaver, Jr., Director  
**Subject:** Follow-up #2: Additional Items from the Assembly Title 21 Committee's Review of Proposed Amendments to the Provisionally Adopted Title 21

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This memorandum provides follow-up amendment language and several outstanding discussion items from the previous issue-response documents submitted to the Assembly Title 21 Committee.

The items covered on the following pages are listed below. The item numbers refer back to the original issue-responses as provided in the previous issue-response documents. The content of each item is re-focused to just the remaining issue(s) yet to be resolved.

- 2.2 Review Authorities of the PZC and UDC—Follow-up
- 7.13 Snow Storage Areas—Follow-up Part I: Applicability
- 7.14 Snow Storage Areas—Follow-up Part II: Area Requirement Revisited
- 7.22 Landscaping Section—Several Follow-up Issues
- 7.23 Dumpster Screening—Follow-up Amendment Language

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## 2.2

### ***Review Authorities of the PZC and UDC—Follow-up***

In 2007, PZC reviewed a proposal to transfer some site plan review authority from PZC to UDC. The ordinance they reviewed on November 19, 2007, proposed that UDC would review the following:

- Non-residential development and public facilities with a gross floor area of less than 100,000 square feet
- Residential development of less than 140 units
- Master plans for parks that are less than 150 acres

PZC discussed this proposal and recommended its adoption to the Assembly.

In 2008, the Assembly ultimately adopted an ordinance that transferred all public facility site plan review and review of parks to the UDC, but left private non-residential and residential site plan review with the PZC.

Since that time, the UDC has reviewed the following sample of major projects:

- Sand Lake Elementary School expansion and traffic circulation improvements
- Mears Middle School – Pedestrian safety, traffic congestion, and parking expansion Improvements
- University of Alaska Anchorage – Health Sciences Building with bicycle/pedestrian connection to the Chester Creek Trail
- Klatt Road/C Street intersection improvements
- Anchorage Police Department Headquarters – Campus expansion, master plan, phasing plan, and site and landscape plans
- Fire Station #6 (Patterson St. and Debarr Rd)
- University of Alaska Anchorage – Sports arena including Health Drive, Elmore Road and Health Drive roundabout, and extension of Sharon Gagnon Lane

The proposed Title 4 ordinance (which took much of the Rewrite language from Chapter 21.02 regarding the make-up of the boards and commissions) calls for the following:

**Planning and Zoning Commission:** To ensure diversity and a broad and equitable representation of community interests on the commission, members shall represent a variety of professional and educational backgrounds, interest, and geographical residency. At least four members of the commission shall have professional experience in land use planning, architecture, landscape architecture, or law.

**Urban Design Commission:** Members shall represent a diversity of background, education, and interests to complement the work of the commission. At least four members shall have professional experience in architecture, land use planning, landscape architecture, horticulture, engineering, or real estate, with demonstrated practical experience and knowledge of design issues in the municipality.

The types of professions that have routinely served on the UDC include those listed above, along with construction managers. The UDC has successfully reviewed major development projects and road projects for both design and land use issues.

In 2007, PZC found in their resolution that the ordinance “will implement the direction of the Comprehensive Plan and the Title 21 rewrite regarding establishment of design review authority for the Urban Design Commission.” Additionally they found that “the Commission’s workload is enormous, and to the extent the Urban Design Commission can carry some of that load, the Commission favored the transfer of site plan authority for certain project types.” While it is true that the workload for this year is less than it was in 2007, making a decision based on a moment in time is short-sighted. Over the last five years, the UDC case load, if transferred to PZC, would have increased their workload by about 25 percent on average. Again, for this year, that may not have created a burden for PZC, but in 2007, that would have increased their case load from 118 to 149.

**The Department recommends that the duties for PZC and UDC be distributed as proposed in the chart handed out on October 18, 2012.**

## **7.13**

### **Snow Storage Areas—Follow-up Part I: Applicability**

Please refer to pages 18-19, of the departmental review of “Follow-up Items” dated October 18, 2012, which was provided to the Assembly Title 21 Committee last week.

The Assembly Committee held off discussion of this item at its October 18 meeting.

## **7.13**

### **Snow Storage Areas—Follow-up Part II: Area Requirement Revisited**

Please refer to pages 20-23 of the departmental review of “Follow-up Items” dated October 18, 2012.

The Assembly Committee held off discussion of this item at its October 18 meeting.

## 7.22

### Landscaping Section—Several Follow-up Items

Please refer to pages 33-34 and Appendix A of the departmental review of “Follow-up Items” dated October 18, 2012.

The Assembly Title 21 Committee reviewed the revised draft landscaping section on October 18 and held several individual issues within the section, for which the Department was asked to provide additional information:

- A. Screening Landscaping Requirements for Industrial Uses Abutting Residential Zones
- B. Reference to Walkway Requirements of other Sections of Title 21
- C. Surety

#### A. Screening Landscaping Requirements for Industrial Uses Abutting Residential Zones

The Assembly Title 21 Committee requested the Department to identify use-specific standards for industrial uses in Chapter 21.05 which require Screening Landscaping, and to recommend which of those uses should only have to meet a Buffer Landscaping requirement when abutting a residentially zoned district.

The following table shows the industrial uses requiring screening landscaping when abutting residential districts. The average lot size for I-1 zoned properties is approximately 1 acre. After further evaluating the types of establishments described in the use definitions, the Planning Division does not have a recommendation at this point to reduce the screening requirements when these uses abut a residential district.

#### Industrial Uses Which Require Screening Landscaping when Abutting Residential Districts (Provisionally Adopted Title 21 with the Administration’s Amendments)

| Use                        | Use Definition   | Districts that Allow this Use |
|----------------------------|--|-------------------------------|
| General Industrial Service | Establishments engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Examples include: welding shops; machine shops; tool repair; electric motor repair; repair of heavy machinery; heavy truck servicing and repair; aircraft servicing and repair; tire retreading or recapping; exterminators; and vending machine sales and service. Accessory activities may include retail sales, offices, parking, and storage. | I-1 (P)<br>I-2 (P)            |
| Government Service         | A facility housing government shops, maintenance, and repair centers, and equipment storage yards.   | I-1 (P)<br>I-2 (P)<br>PLI (C) |

|                             |   |  |
|-----------------------------|---|--|
| Manufacturing,<br>Heavy     | An establishment engaged in the manufacture or compounding process of raw materials. Such activities may involve the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Examples include, but are not limited to: refining or initial processing of raw materials; rolling, drawing, or extruding of metals; asphalt batching plants and hot-mix plants, and RAP storage and processing; sawmills; manufacture or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine, varnish, charcoal, or distilled products, or similar industrial uses; steel fabrication shops or yards; and manufacture, service, or repair of railroad equipment. | I-1 (C)<br>I-2 (P)<br>MI (C)           |
| Manufacturing,<br>Light     | An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Examples include, but are not limited to: airplane, automobile, or truck assembly; repair of railroad equipment; beverage manufacture and brewery; boatbuilding; cabinet shops; machine or blacksmith shops; metalworking or welding shops; paint shops; processing and/or dressing of skins; and printing, publishing, and lithography.   | I-1 (P)<br>I-2 (P)<br>MC (C)<br>MI (C) |
| Impound Yard                | An area used for the storage of vehicles seized for any reason, including but not limited to traffic accidents, improper parking, and abandonment. No dismantling or disassembly of vehicles is permitted in an impound yard. The vehicle so stored may be sold from the impound yard by auction or otherwise, in accordance with state law.  | I-1 (P)<br>I-2 (P)<br>PLI (C)          |
| Motor Freight<br>Terminal   | A facility for freight pick-up, distribution, and storage. This may include intermodal distribution facilities for truck or shipping transport.   | I-1 (P)<br>I-2 (P)<br>MI (P)           |
| Storage Yard                | Any lot or portion of a lot that is used for the sole purpose of the outdoor storage of fully operable motor vehicles; construction equipment; construction materials; sand, gravel, topsoil, or the like; or other tangible materials and equipment.   | I-1 (P)<br>I-2 (P)<br>MC (P)<br>MI (P) |
| Junkyard or<br>Salvage Yard | Any lot, or portion of a lot, that is used for the purpose of the outdoor storage, handling, dismantling, salvage, wrecking, keeping, or sale of used, discarded, wrecked, or abandoned airplanes, appliances, vehicles, boats, building and building materials, machinery or equipment, or parts thereof, including but not limited to scrap metals, wood, lumber, plastic, fiber or other tangible materials defined under “junk” (see general definitions in chapter 21.14). Auto wrecking yards and salvage or scrap yards are included in this use. This does not include a composting facility or “vehicle repair/rebuilding, outdoor, hobby”.  | I-2 (C)                                |
| Landfill                    | The burial of hazardous or non-hazardous agricultural, residential, institutional, commercial, or industrial waste, including areas for the disposal of building and organic material and solid waste processing. This use does not include land reclamation.   | I-2 (C)<br>PLI (C)                     |

## **B. Reference to Walkway Requirements of other Sections of Title 21**

The Department was asked to cross-check the requirements of the revised draft Landscaping Section for consistency with requirements for walkways in other sections of Title 21.

Requirements for on-site walkways are established in Section 21.07.060E.4. The Assembly Title 21 Committee approved amendments to the walkways section on October 18, including the following amendment: (as printed on page 27 of the October 18 issue-response): “A walkway that crosses a required landscaping bed shall be credited against the required landscaping area and amount of landscaping material”.

Although other sections require walkways in certain specific situations, 21.07.060E.4. establishes the generally applicable walkway requirements and their relationship to required landscaping.

For these reasons, the Department recommends that the reference to walkways on page 10 of the revised draft landscaping section should be changed from section “21.07.090H.7”. to “21.07.060E.4.”

## **C. Surety**

Following, for review, is a proposed section which addresses the two-year surety requirements for installed landscaping. This draft was also sent to the ASLA landscaping committee for review and comment. The Planning Division also received an alternate surety proposal from Terry Schoenthal, which is provided below. The Planning Division and ASLA landscaping committee have not had a chance to meet to discuss either of these proposals.

Department proposal:

### **21.07.080G.4.b.**

#### **Guarantee of Landscaping Survival**

The owner shall be responsible only for landscaping installed to fulfill the minimum requirements of this title. In order to ensure the preservation or replacement of required and installed landscaping, the owner shall provide a warranty guarantee in a method, form, and term as prescribed to subdivisions per AMC 21.08.060. The warranty guarantee shall be in an amount equal to fifty percent (50%) of the certified cost to furnish and install required landscaping materials, and shall remain in effect for two years, starting on the date the municipality witnesses the installation per the approved landscape plan. At warranty end and prior to the municipality authorizing release of the guarantee, a licensed landscape architect or a certified arborist shall inspect the landscaping.

When landscaping is found to be complete and healthy as intended, the inspector shall provide affidavit of same to the Planning Director. At the direction of the above inspector, the owner shall replace failed or failing landscaping with healthy material per the approved plan and to the satisfaction of the inspector.

Terry Schoenthal proposal (reformatted for consistency of appearance):

**21.07.080G.4.b.**

**Surety**

A letter of credit, escrow, performance bond, or other surety approved by the municipal attorney shall be provided as a refundable deposit to be returned to the owner at the end of a two-year warranty period. The surety shall be returned upon inspection of the landscape improvements and determination that a full complement of trees and shrubs, as required to meet the minimum standards of this title are present on site and in good health. This determination shall be made by a licensed landscape architect or by a certified arborist. The surety shall apply to lots located in R-3, R-4, R4A, B1A, B3, RO, NMU, CMU, and industrially zoned lots (I1 & I2 where those lots are adjacent to residential lots). Value of the surety shall be based on lot area in accordance with the following table:

| <b>Lot Area</b>                 | <b>Value of Surety</b> |
|---------------------------------|------------------------|
| 10,000-15,000 square feet       | \$1,200.00             |
| 15,000-20,000 square feet       | \$1,750.00             |
| 20,000-30,000 square feet       | \$5,000.00             |
| 30,000-40,000 square feet       | \$7,500.00             |
| 40,000-50,000 square feet       | \$10,000.00            |
| 50,000-75,000 square feet       | \$12,500.00            |
| 75,000-100,000 square feet      | \$15,000.00            |
| 100,000 and greater square feet | \$20,000.00            |

This surety shall remain in place with the director for at least 24 months after installation to ensure survival and proper maintenance of the landscaping in accordance with this section. After the landscaping has been installed for 24 months, and an inspection has found that the required landscaping is in good health, the surety shall be released. If the landscape or some portion thereof is found to be dead or in poor condition, the owner shall replace those plant materials that are not acceptable with new plant materials in accordance with the size and species identified on the approved plan. If a property owner has installed more landscape materials than required by this Title, the owner shall be liable only for that portion of the landscape necessary to fulfill the requirements of this Title. Upon acceptable completion of landscape installation, the surety shall be released. Following release of the surety, it remains the responsibility of the owner to maintain landscape elements in accordance with subparagraph E.6.a below. Subsection may be waived for a landscaping area that meets the irrigation standards of subsection E.6.b, below.

## 7.23

### Dumpster Screening—Follow-up Amendment Language

The Assembly Title 21 Committee reviewed issue 7.23 on September 27 and decided to retain the provisionally-adopted dumpster screening section 21.07.080G., with amendments recommended by the Administration, and directed the Department to return to the Committee with amendment language to carry out the following additional changes:

- Clarify the words “abuts” and “faces.”
- Potentially provide an allowance for shared dumpsters, after clarifying if there a restriction by the utilities on shared dumpsters.
- Amend so that gates on screening can be left open the entire day of the trash pickup.
- Explore amendments to improve flexibility and practicality in the administrative variance process, for existing developments with no space to relocate or screen an existing dumpster without impacting other requirements for parking and snow storage, per the Committee discussion.

To carry out this direction, following is the section with **new amendment language highlighted in green shading** for the Assembly Committee’s review.

#### G. Screening

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##### 2. Refuse Collection

In order to improve the image of the municipality’s streets and neighborhoods, refuse collection receptacles shall be adequately screened from abutting streets. These receptacles shall also be located where they can be conveniently and safely accessed by the intended users and by refuse collection vehicles.

##### a. **Applicability**

The following standards shall apply to all refuse collection receptacles of all development, except for the Chugiak-Eagle River area where this section is reserved for inclusion in chapter 21.10. Refuse collection receptacles that abut an alley are exempted from the screening standards of this subsection. For purposes of this section, the term “refuse collection receptacles” includes dumpsters, garbage cans, debris piles, or grease containers, but does not include public trash receptacles for pedestrians placed in the right-of-way, public drop-off recycling receptacles, or waste receptacles for temporary uses such as construction sites. This section also does not apply to refuse collection receptacles that are stored indoors and brought outdoors on garbage pickup days.

**b. Residential Dwellings**

**i.** In class A districts:

**(A)** Except as allowed below, single-family [(ATTACHED AND DETACHED)], two-family, townhouse, and three-unit multifamily dwellings on lots less than 40,000 square feet shall not have dumpsters.

**(B)** A group of three or more single-family dwellings may share a dumpster if the following criteria are met:

**(1)** The dumpster is bear-proof;

**(2)** The Alaska Department of Fish and Game determines that a bear-proof dumpster would reduce the potential for problem bears in the neighborhood; and

**(3)** The dumpster is located and screened in accordance with the standards below.

*(Discussion: the change in subsection (B) above will allow multifamily properties to share dumpsters without being inadvertently tripped up by the bear-proofing requirement, which is intended specifically for single-family homes which may be bear habitat areas. Otherwise, based on discussions with Building Safety and the Fire Department, there do not seem to be any regulations in titles 21 or 23 that would prohibit multifamily or other properties from sharing dumpsters between properties.)*

**(C)** Single-family, two-family, townhouse, or three-unit multifamily dwellings on lots less than 40,000 square feet may have a dumpster if the dumpster is serviced from an alley.

**ii.** In class B districts, dumpsters are permitted and shall be screened in accordance with the standards below. [RESERVED—PREDOMINANT ZONING PROVISION]

**iii.** Notwithstanding all other requirements of this section, garbage cans and recycling bins that are 96 cubic feet or smaller are considered screened if they are not visible (except on garbage pickup days) from the abutting street from which vehicular access to the residence is taken.

**c. Site Plans**

Site plans for applicable development shall include the proposed location and type of refuse receptacle screening that will be used and the access provisions for service trucks. If a screening enclosure is necessary pursuant to G.2.e. below, the site plan shall include the construction details of the enclosure to ensure the dimensions comply with the service provider's standards. Site plans with refuse receptacles in alleys shall identify the location of the refuse receptacle and the methods with which the receptacle shall be contained in its identified location.

**d. Location**

Outdoor refuse collection receptacles shall not be located in any required front setback and shall, to the extent reasonably feasible and depending on the size, location, and configuration of the site, and need for access by refuse collection vehicles, be set back from the front plane of the principal structure. Refuse collection receptacles shall not be located within any area used to meet the minimum landscaping or parking requirements and loading berth requirements of this chapter, or be located in a manner that obstructs or interferes with any designated vehicular or pedestrian circulation routes onsite.

**e. Screening**

i. Each refuse collection receptacle shall be screened from view from [ABUTTING] streets abutting the property. The screening may be achieved by buildings, fences, landscaping, or a refuse collection receptacle screening enclosure.

ii. If a screening enclosure is necessary to meet the standards of this subsection, the screening enclosure shall consist of a durable, three-sided, screening structure. If the refuse collection receptacle is visible through the open side of the screening structure from [THE ABUTTING] streets, and the screening structure is located within 90 feet of the street or right-of-way, the opening shall be screened with a sight-obscuring gate. The enclosure and any gate shall be maintained in working order to function as a screening structure. The gate shall remain closed except on refuse collection days [TO ALLOW FOR TRASH PICK-UP].

*(Discussion: "The abutting streets", above, referred to streets abutting the property. Staff suggests a distance threshold instead, because the further away the dumpster is from the street, the less noticeable it is to the public.)*

**f. Maintenance of Refuse Collection Receptacle**

The lids of receptacles in screening enclosures without roof structures shall remain closed except when being accessed by users or refuse service trucks, and shall be maintained in working order.

**g. Procedure for Obtaining an Administrative Variance for Refuse Receptacle Location and Screening**

i. If a site was developed prior to [effective date] [AND COMPLIANCE WITH THE LOCATION REQUIREMENTS OF SUBSECTION 2.D. ABOVE IS EITHER PHYSICALLY IMPOSSIBLE OR WOULD RESULT IN NONCOMPLIANCE WITH OTHER REQUIREMENTS OF THIS TITLE], the property owner may apply for an administrative variance from [THIS SECTION.] the location requirements of subsection 2.d. and/or screening requirements of 2.c. above, using the administrative site plan review procedure in 21.03.180B. except that the following approval criteria shall be used:

(A) Compliance would conflict with other requirements of this title, or other laws, ordinances, or regulations;

(B) Compliance would be physically impossible;

(C) Compliance would interfere with refuse collection operations;

- (D) A proposed alternative achieves the intent of this section to the same or better degree; or
  - (E) The applicant demonstrates that compliance would be incompatible with the existing layout, function, or appeal of the development for its users, such as interference with or proximity to primary pedestrian access, outdoor activity spaces, windows to living spaces, snow storage, or vehicle access and parking.
- ii. An applicant for an administrative variance from this section shall submit the information specified in the title 21 user's guide.
  - iii. The director may grant an administrative variance [FROM THE LOCATION REQUIREMENTS OF SUBSECTION 2.D. ABOVE] with the following limitations:
    - (A) The director may allow the reduction of no more than two required parking spaces.
    - (B) The director shall not waive any requirements of subsection 2.e., *Screening*.
    - (C) If the variance allows a refuse receptacle to be placed in required landscaping, the total required landscape material [UNITS] for the area shall not be reduced.
    - (D) Any variance shall not result in an encroachment into a public right-of-way.
    - (E) The variance shall be the minimal action needed to afford relief and shall cause the least interference possible with the intent of this section and title.
  - iv. The director shall make written findings and conclusions for each administrative variance request.
  - v. If the request for an administrative variance is denied, the applicant may apply for a variance under section 21.03.240., or use the appeals process provided through section 21.03.180B.

*(Discussion: The administrative site plan review procedure and its appeals process provide a clearer administrative variance procedure for applicants. The administrative variance is expanded to apply to screening in addition to location.)*

- h. ***Amortization of Nonconforming Refuse Collection Receptacles***  
Existing dumpsters that are located at residential uses indicated in subsection 21.07.080G.2.b. shall be removed within 18 months from the effective date of this title. Sites with refuse collection receptacles that are subject to the location and screening requirements of subsections 21.07.080G.2.d. and G.2.e. shall meet the requirements of this section within seven[FIVE] years from the effective date of this title.