

Title 21 Questions

1. Can we have an old/current zoning map to hang on the wall and a copy of the current regs, so we can make comparisons when reviewing the current Title 21 draft?

The Planning Department will provide two zoning maps and two copies of the current Title 21 to the ACC. In the meantime the current regulations can be found online at <http://livepublish.municode.com/livepublish/newonlinecodes.asp?infobase=12717>.

2. Requested: Current timeline/schedule for Module 2 and tentative schedule for Module 3 – Including steps for review/hearings before P&Z, Assembly, etc.

*The following is our best guess at the schedule and is **subject to change**:*

Public Draft of Module 3: April 04

Planning and Zoning Commission public hearings begin: September 04

Planning and Zoning Commission takes action: November 04

Assembly public hearings begin: February 05

Assembly takes action: March 05

3. Can there be examples within the body of the document that explain the intent of the different districts?

Example: Bernie's Auto Body is currently zoned _____ and changes to _____.

The neighboring businesses and homes are affected _____.

While examples can not be a part of the final code, we hope to provide some examples along with the potential rezoning scenarios mentioned in the answer to question 7.

4. Should people still be working on the sign ordinance in the downtown overlay district as it pertains to the new Title 21? In other words, will it be applicable?

The Muni recently passed the new sign code, the product of over a year's work by reputable consultants. Clarion will change the format of the new sign regulations to make them consistent with the format of the rest of the code, but they will not be recommending changes to the content. AO 2003-62 (S-1), the ordinance that adopted the sign code, also created the Downtown Sign Committee and directed that the committee present recommendations for a downtown sign overlay district to the Mayor and the Assembly. The applicability of the work of the committee will depend on decisions made by our community and our leaders.

5. Is the Site plan review or conditional use process typically more onerous for a petitioner?

Is this question referring to the current regulations or the proposed regulations? Under the current regulations, conditional uses and large retail site plan reviews go to the Planning and Zoning Commission for a public hearing and decision. Public Facility site plan reviews go to the Urban Design Commission (optional public hearing) and then the Planning and Zoning Commission (required public hearing) for a decision. Churches and bed and breakfasts require an administrative site plan review (by staff—no hearings or board decisions). In general, fees for a conditional use are greater than fees for a site plan review.

Under the proposed new regulations (Section 21.03: Review and Approval Procedures), conditional use applications will continue to go before the Planning and Zoning Commission for a public hearing and decision. There will be two types of site plan review: Administrative Site Plan Review and Major Site Plan Review. Uses requiring Administrative Site Plan Review (labeled 'S' in the Use Table in 21.05) will be approved by Planning Department staff within 30 days of receiving a completed application. Uses requiring a Major Site Plan Review (labeled 'M' in the Use Table) will have a

public hearing and decision by the Urban Design Commission. Under the new regulations, the conditional use process will be more onerous for the petitioner.

6. Has anyone done a head count on non-conformities?

Not yet. The number of non-conformities will depend on how the new code is implemented, and how the conversion from the old to the new zoning districts is handled. The Planning Department is working on creating visual examples of various options, so that the implications of each choice are understood.

7. Regarding consolidation of zones, can it be outlined exactly what is being deleted?

*The following list outlines all the current districts (with zoned land) and the new district to which the current land will **generally** be rezoned. The Planning Department is fully aware that an exact crossover does not work in all situations. The Department is working on creating new Land Use Maps and potential rezoning scenarios to bring before the public and the Assembly.*

Old R-1 → New R-1

Old R-1A → New R-1

Old R-2A → New R-2

Old R-2D → New R-2

Old R-2M → New R-3

Old R-3 → New R-4

Old R-4 → New R-4

Old R-5 → New R-1

Old R-5A → New R-5

Old R-6 → New R-6

Old R-7 → New R-1

Old R-8 → New R-9

Old R-9 → New R-9

Old R-10 → New R-10

Old R-11 → New TA

Old D-2 → New R-3

Old R-O → New NMU

Old PLI → New PLI

Old B-1A → New NMU

Old B-1B → New NMU

Old B-2A → New C-2A

Old B-2B → New C-2B

Old B-2C → New C-2C

Old B-3 → some to New GC, some to various MU districts

Old B-4 → New GC

Old I-1 → New I-1

Old I-2 → New I-2

Old I-3 → New I-2

Old W → New W

Old T → New OL

Old PC → mix of new districts as appropriate

Old AF → New AF

Old MC → New MC

Old MI → New MI

8. The Comp Plan never intended all R-3 zoned areas to be forced in to mixed use or required it be become Mixed Residential districts. It looks like that is happening. If so, why?

The R-3 zone is not proposed to become a Mixed-Use zone (meaning a mix of different use types like residential/commercial or residential/industrial). The proposed R-3 regulations attempt to provide a mix of dwelling types in R-3 neighborhoods, thus implementing Anchorage 2020 goals like providing a diversity and variety of housing types.

9. 21.04.020 A3 page 2. line 21: Is low density a problem in Anchorage area?

Anchorage is running out of developable land. Yet in our desire to maintain a healthy economy, our community encourages growth (job growth, population growth, etc...). In order to encourage and accommodate population growth, some areas of the city will naturally be built to higher densities than other areas. The Comprehensive Plan is partly a guide for how different areas of the city should develop. If areas that are designated for higher density residential development develop instead at low density, then there won't be enough dwelling units to accommodate population growth and the housing market will be tight and expensive, possibly restricting economic growth. Higher density areas also help to relieve the high cost of sprawl and create "more opportunities to live a less automobile-dependent lifestyle" (Anchorage 2020 page 51).

10. 21.04.020 B page 3 line 5-11 footnote 1: Why is non-conformance bad/ Is grandfathering not becoming more manageable?

Nonconforming structures are subject to limitations on repairs and maintenance on the nonconforming portion (the 10% rule of 21.55.060). They also may not be rebuilt on the same foundation if the structure burns down – this is a very bad thing since fire insurance policies typically assume that the foundation survives and may be reused, and therefore don't cover the cost of a new foundation. The existence of nonconforming structures is usually (but not always) easy to document with a combination of aerial photographs, tax records, and as-built surveys.

Nonconforming uses of structure or land are often difficult to document completely since they typically aren't distinguishable in aerial photographs, and the applicant has the additional burden of proving continuity (see 21.55.030.C and 21.55.050.E).

11. 21.04.020 D1-2 page 3, line 19: Does this language imply a requirement for mixed development in R-3 zones regardless of terrain, transportation systems, etc?

As proposed, it requires a mix of dwelling unit types, "regardless of terrain, transportation systems, etc..."

12. 21.04.020 D2aiii page 4, line 14: Once meeting the 3 types requirement, why is the "minimum number" applicable to additional types? (eg., 4th dwelling type is desired in a quantity of one).

I don't know—will pass this question on to the consultants.

13. 21.04.030 C2aii page 8, line 18: What is a "family self-sufficiency service"?

Defined in 21.05 (page 34) as "A governmentally operated or sponsored social service agency that provides aide to economically disadvantaged families in finding training, employment, and housing." There is only one currently in existence, in Fairview.

14. 21.04.030 page 8 "note": "...discussions are underway." By whom? When will we see this?

Mayor Begich has expressed interested in revising the Central Business District Plan. A major overhaul of the specific CBD regulations was not included in Clarion's Title 21 rewrite contract. There is \$60 thousand in the 2004 budget for revising the CBD plan—an RFP should be ready within a few months.

15. 21.04.030 page 8, line 22. So government buildings (city hall, federal building) are exempt but ACVB, et.al are not? (Conoco Philips). What is a reasonable time period in which this can be enforced?

As it is currently proposed, government buildings would not have to comply with this provision. Existing buildings would be grandfathered—there would be no amortization period.

16. 21.04.010 page 2: What regulations are there or will there be in place to keep “junk” out of sight (vehicles, motorcycles, RVs, blue tarp piles)?

See Accessory Use standards for “Outdoor Storage as an Accessory Use” (21.05 page 102), “Private Storage of Noncommercial Equipment” (21.05 page 103), “Vehicle Repair/Rebuilding, Outdoor, Hobby” (21.05 page 105). See Prohibited Accessory Uses and Structures (21.05 page 110) and Prohibited Temporary Uses and Structures (21.05 page 115). Other provisions may be in 21.07, coming in Module 3.

17. 21.04.040 page 10, line 31: What is “urban and suburban light manufacturing”?

“Manufacturing, Light” is defined in 21.05.060.B.4.a (page 75).

18. 21.04.020: R-2: How does this zoning district deal with the possibility of a developer combining several lots and building a 3 or 4 family development?

In 21.05.010.E (the use table, page 3), only single-family attached dwellings, single-family detached dwellings, and two-family dwellings are allowed in the R-2 zone. These dwelling types are defined in 21.05.030.A (pages 19 and 20). Thus no building with more than two dwelling units can be built in an R-2 zone. (not sure I understood the intent of this question)

19. 21.04.020 page 4: What is the rationale for changing previous R6 zone from “rural” intent without water and sewer to suburban that may encourage water and sewer? Does the muni intend to force/encourage people to subdivide their lots and increase density from what it is today?

I see nothing in the description of the R-6 zone that implies increasing density from what it is today. I see the words “large lots” and “low-density residential development” and “protecting and enhancing...physical and environmental features”. If the questioner is concerned that the single word “suburban” implies both increasing density and requiring sewer and water, he or she could submit a comment recommending that “suburban” be removed or changed. There is an unresolved debate about retaining the district descriptions “urban”, “suburban”, and “rural”.

20. 21.040.030 page 9, line 17: “Abutting residential areas...” DEFINE “protected from potentially negative impacts” – and how do we enforce this?

The design and development standards that will be part of Module 3 will discuss required buffering between incompatible land uses. The requirements will be implemented through all types of development permit processes, including platting and site plan reviews. We will encourage Clarion to define/clarify the requested quote.

21. 21.04.030 page 7, line 13 TABLE: How do Rs fit with C-1s? Do C-1s already exist? Where? An example might be helpful.

Please clarify the question. What does “R” mean in the context of the table?

22. 21.04.030 Zone Categories: Can the zone categories be further simplified? Is “neighborhood” one type? Are some of the zones “overlays” in function? Why general commercial and mixed commercial zones? Does light industrial include bus parks?

Clarion and staff are both satisfied with the suggested zone categories, but would be happy to hear suggestions for simplification. We considered the idea of making the Mixed Use districts into Overlay Districts, but felt that the creation of specific Mixed Use districts more accurately implemented the Anchorage 2020 Comprehensive Plan. General commercial and mixed use commercial districts are distinct because of the broad variety of commercial uses. Some types of commercial uses are very compatible with residential uses, while other types of commercial uses are incompatible with residential uses. “Bus parks” are included in the use “Storage Yard” (21.05 page 85), or if the vehicles are under 12,000 pounds GVW, in the use “Vehicle Storage Yard” (21.05 page 70). Both “Storage Yard” and “Vehicle Storage Yard” are permitted uses in the I-1 Light Industrial District (21.05 pages 13 and 15).

23. 21.04.040 G2c page 10. Line 1: Why do Food and Beverage establishments have to provide access to the waterfront?

As much of Anchorage’s coastline is used for recreation and housing, and very little is suitable for commercial/industrial development, the two marine districts (both in the Ship Creek/Port area) are intended to provide land for water-dependent and water-related uses. However, the MC district is the only commercial district on the coast—it is the only place in Anchorage where a waterfront restaurant could exist. If the small amount of land that is intended to be reserved for marine-related commercial uses is to have a restaurant use, which could not be considered water-dependent, then it should be done to provide a deliberate waterfront dining experience. Otherwise, placing a restaurant in the MC district would be wasting space needed for water-dependent and –related uses.

Seeing as “Restaurant” is not a permitted use in the MC district in 21.05 (the use table, page 10) we shall have to correct the discrepancy one way or the other.

24. 21.04.050 E1 f&g Lines 32-34: How will these aesthetic decisions be handled?

The design and development standards in 21.07 (Module 3) will provide clear and objective criteria by which to review development in the Mixed-Use districts. Neither Muni staff nor the boards and commissions will be making subjective aesthetic judgments about development projects. During the review of Module 3, we, as a community, will have to make sure that the clear and objective criteria is appropriate and desirable.

25. 21.04.050 page 11, line 22-25: Mixed Use Districts: “...contains a compatible mix...” Who determines what is compatible? Can this be better defined?

The quote in the question is from a purpose statement which is not intended to be the criteria/standards by which Mixed-Use development is reviewed. What might be a compatible mix is partly addressed on page 14 under “Required Mix and Proportion of Land Uses”. Other development and design standards will be included in 21.07 (Module 3).

26. 21.04.050 page 13 NOTE: When will we see the results of this discussion? Who is having it? Should we make a recommendation?

We hope that you will have this discussion in your groups, and also with your friends and family. PLEASE MAKE A RECOMMENDATION. This concept is new to Anchorage and many details have yet to be worked out. Muni staff and Clarion continue to discuss the concept as well.

27. 21.04.060 D1 line 23-26: PLI District: Is this Parks? If so, does it open Parks to development?

PLI stands for Public Lands and Institutions. This district includes parks, many schools, the UAA and APU campuses, Providence Hospital, the cemeteries, and much of the Heritage Land Bank land. It is basically unchanged from the PLI district we have now.

28. 21.04.060 Page 15, line 25: Is this a new definition for PLI lands? I though PLI = government buildings??

See question 27.

29. 21.04.070 page 18, Line 19-24: Overlay Zoning Districts – What defines a neighborhood?

At this time, there is no definition of neighborhood. The existing overlay district enabling ordinance (in the current code at 21.20.140), which is being carried forward to Chapter 21.03 (Review and Approval Procedures), requires an overlay zone to be at least two acres.

30. 21.04.070 page 17, line 14-16: Assemblymember Tesche has proposed an overlay district downtown as a result of the sign ordinance. Does that mean the work that ____ is doing now is meaningless?

Assuming you are referring to the Special Downtown Sign Committee, the answer is no, their work is not meaningless, for two reasons. One, there is a provision for a “generic” overlay district, currently in the code at 21.20.140, which is being brought into the new code in 21.03. The results of the Downtown Sign Committee, assuming they meet the standards of the overlay district enabling legislation, could be implemented as a Downtown Sign Overlay. Two, downtown has always had special treatment through the Central Business District Plan. This plan is due to be revised in the near future (within the next 5 years?) and specific downtown sign regulations could be included in the plan revision.

31. 21.04.070 (D) (1) Does the NCO district apply to new subdivisions?

The intent of the NCO was to fulfill Anchorage 2020 Comprehensive Plan goals and policies of protecting existing neighborhoods. To that end, the NCO district was intended for existing neighborhoods, but nothing in the text says that it couldn't apply to new subdivisions.

32. 21.04.070 page 19, E: Should this section include criteria for selecting or identifying no-build areas in floodplains?

Floodplains are mapped by the Corps of Engineers for the Federal Emergency Management Agency (FEMA) which establishes where construction may occur.

33. 21.04.070 Can an NCO be created by a single owner who is creating a subdivision? And – how large/small can an overlay district be???

See questions 29 and 31, and existing code section 21.20.140.

34. 21.05-1 TABLE, page 13: Under Visitor Accommodations, where is Bed & Breakfasts?

Bed and Breakfast is an Accessory Use and can be found in the Accessory Use Table (page 93) and use standards following.

35. 21.05.010 TABLE page 4. Roominghouse : does this include Bed & Breakfasts?

No. See question 34.

36. 21.05.010 TABLE page 5: Educational facility – Generally, Anchorage School District rezones to PLI. Are the residential district schools for privately owned schools?

It is true that ASD generally rezones their schools to PLI. However, that is not required. As proposed, the regulations allow both public and private schools in most residential zones.

37. 21.05.010 TABLE page 5: Vocational or Trade School: Why is this conditional use PLI? Look at King Career Center; this is not much greater impact than high schools with technology programs.

The thought behind making Vocational or Trade Schools a conditional use in the PLI was that these types of schools could include activities (i.e., carpentry, welding, heavy equipment operation, machinery service or repair) with significant impacts (noise, odor, vibration, etc...) on neighboring lands or uses. By requiring a CU permit, the community would be able to evaluate the potential impacts on a case-by-case basis.

38. 21.05.010 TABLE page 5: Some alternative schools are K-12 or K-8. Where do they fall in the table?

A K-12 school would fall under a High School/Middle School. A K-8 school would fall under an Elementary School. All the schools must meet the same standards. The primary reason for separating schools into two categories is that many high school students drive, so high schools have different traffic and parking needs and impacts.

39. 21.05.020 (B2) page 17, line 33: Why was 1000 feet selected? This seems way too short a distance.

The 1000 foot distance is carried forward from our current code (21.45.240).

40. 21.05.020 B page 17 line 16-27: Child-restricted Places: Isn't there a better term and less judgmental description than "criminal activity..." While descriptive, it is vague. And while it does define the direction we want to go, will it get us there? Also when will such places (legitimate businesses) wind up ghettoized?

Court-accepted independent studies have shown that sex-related businesses can cause an increase in prostitution, rape, and assaults, all of which are illegal (thus "criminal") activities.

41. 21.05.030 B5a page 29 line 33: What is the difference between a roominghouse and a quasi-institutional facility or even a regular apartment complex? This definition is too vague.

A roominghouse does not provide individual kitchen facilities, as an apartment complex will. A quasi-institutional facility is intended "for persons seeking rehabilitation or recovery from any ... infirmity". The definitions may need to be further clarified.

42. 21.05.030 (A)(1) (a) This definition is unclear – how is it different from an apartment or duplex or...?

"Dwelling, Mixed Use" is an apartment. The Household Living types are defined by type of structure—i.e., detached single family dwelling, town house, etc... Thus, an apartment over a store or an office didn't fit into one of the Household Living building types. We created a new type of household living to allow for dwelling units in buildings with other types of non-residential uses.

43. 21.05.030 (A) (3): Are these condos and townhouses?

"Dwelling, Single-Family Attached" is basically a zero-lot-line home. It is a single family dwelling, on its own lot, yet also attached to another single family dwelling on a different lot. "Townhouses" are three or more of this type of dwelling unit. "Dwelling, Two-Family" is two dwelling units on one lot, and condos ("Dwelling, multi-family") are three or more dwelling units on one lot.

44. 21.05.030 (A)(5)(b)(ii) Why do we need this level of detail here? Isn't this a building code issue?

If we do keep this level of detail, it should be consistent for all use categories.

Good point.