Municipality of Anchorage

MEMORANDUM

DATE: January 17, 2008

TO: Planning and Zoning Commission

FROM: Tom Nelson, Planning Director

SUBJECT: Case No. 2007-152; Issue Response for **Chapter 21.05** of Title 21 Rewrite

Chapter 21.05: Use Regulations

1. **Issue:** 21.05.010B., *Table Organization* and D., *Use for Other Purposes Prohibited*

   The second to the last sentence of 21.05.010B. is confusing when read in combination with the last sentence of 21.05.010.D. These two sentences should be re-worded. Suggested language for last sentence in D; "Except as provided under C above, a property may be developed or used only for a use that (1) is specifically listed in the table as allowed within the applicable zoning districts, and (2) has been approved under any procedure identified as required for that use in that district."

   Staff Response: The second to last sentence of B. is about the organization of the table, recognizing that reasonable people could disagree about the classification of various uses. Then the reader must read section C., which states what happens when a use is not listed. Then section D. explains that development that doesn't comply with these regulations is prohibited.

   The proposed change to reference section C. in section D. makes sense.

   Staff Recommendation: Amend 21.05.010D. to read, "…authorizes that use only. Development or use of a property for any other use not specifically allowed in the tables and approved under the appropriate process or approved through section C. above, is prohibited."

2. **Issue:** Table 21.05-1: *Table of Allowed Uses—Residential Districts*

   Non-Residential uses over a certain size and those that will increase neighborhood traffic should be subject to a major site plan review. These uses always stir up concern. That should be recognized with an overt requirement. We've had some problems on the Hillside recently with building or expansion of churches. The use regulations say churches have to meet the standards for "Community Centers." This offers no protection for the neighborhood.

Neighborhoods in all residential zones appear to have no protection from busy religious assembly buildings that can have impacts comparable to big box stores in terms of parking, footprint, land clearing, and traffic.

Any non residential uses in residential areas should have a major site plan review if the building exceeds a certain square footage perhaps 4 times the size of the average home Any non residential uses that are allowed in R-6, with the current setbacks (50ft front/25ftside reinstated) should be required to set back parking lots to this distance to preserve the integrity and adjacent property values of the zone. Impervious surface coverage should be added as part of lot coverage in non residential uses in residential zones.

Non-residential uses in residential districts should be subject to major site plan review in most cases as their presence usually stirs up concern and this MSP requirement would recognize that.

Table of Allowed Uses: the Purpose statements for R6-10 are not always consistent with the allowed uses. Some allowed, commercial uses in R-8-9 appear to be traffic dependent. R8-9 parcels are often in the remoter areas with inadequate infrastructure. If the intent of large lots is to be honored, then non-residential uses in R6-10 should be subject to regulations that promote the desired characteristics of low density areas per their Purpose statements.

Commercial uses in R-6-10 should be removed (except for home based businesses that do not increase traffic) because SE Anchorage residents have repeatedly expressed their desire to remain strictly residential and safety is a factor in these districts of poor infrastructure (the Table of Allowed Uses for R6-10 refers mainly to this quadrant of the MOA because Eagle River and Girdwood have different codes).

A prior Title 21 draft contained language stressing the provisional allowance of non-residential uses in these districts subject to their compatibility with the purpose/intent statements. Add back the prior language.

The larger the non-residential entities are, the greater the setbacks, vegetative retention, and height restrictions should be. The foot print of such buildings should include parking lots and driveways; their lot coverage should be about the same as for residential uses in order to blend in with adjoining neighborhoods. A few examples of non-residential uses that appear to be especially inconsistent with R6-10 districts are: large child care centers (not home day care) and veterinary clinics.

Staff Response: Certain nonresidential uses are historically customary in residential areas. Examples include child care, religious assembly, schools, etc. Having these uses spread throughout residential neighborhoods is a benefit to the community. That said, some of these uses, when they are large, need standards to mitigate adverse impacts on the neighbors and the residential area in general.

Based on public comments and on growing concerns over some recent situations, staff is proposing a revised method to regulate this situation:

Currently, development in certain commercial use categories that has a gross floor area over 25,000 square feet is referred to the Large Commercial Establishment section of chapter 7, where there are specific standards for these developments. Instead, staff proposes that all development over a certain size threshold will be referred to this section, to be renamed something like “Large Development” and within that section will be various subsections based on the type and location of the large development. The section for large commercial establishments that exists now (the big

box regulations) would be carried forward as a subsection. There would be a subsection for nonresidential development in residential districts. There would also be subsections for that large development that may not have any additional standards, such as industrial development.

The benefit of this approach is that there is one place in the code to look if your development is over a certain size, and this can be easily reflected in the table, mostly likely through the use of a footnote. Without this approach, there is not a convenient location in the code to put regulations that would apply to a large group of uses in a large group of districts. The regulations could be listed in each of the residential districts, but that repetition would add significant length to chapter 4. They could be listed at the beginning of the use sections dealing with nonresidential development, but they might not be noticed there. Staff is confident that this proposed new organizational method will be the most clear for users of the code.

Several issues have yet to be determined: 1) the size threshold that will trigger the "Large Development" label; and 2) what standards will be applied to nonresidential "large development" in residential districts. Staff will continue to work on these issues and make a proposal through the chapter 7 issue response document.

Staff Recommendation: HOLD

3. **Issue:** Table 21.05-1: *Table of Allowed Uses—Residential Districts*

Allowed uses in R6-10 districts are not always consistent with the Purpose statements of these districts.

Ensure that large lot characteristics of 21.04.020, as well as the goals set forth in 2020 (for SE Anchorage) are met.

The remaining undeveloped land in SE Anchorage is often challenged, therefore, all R-6-10 should not be considered equally appropriate for the uses allowed in 21.05. Since Eagle River and Girdwood have different Comp Plans, the R6-10 allowed uses apply mainly to SE Anchorage. There could be different allowed uses on R6-7 should more infrastructure exist there, but many R6-10 parcels will not be suitable for anything but single family residential use without compromising safety.

Allowed uses that are not consistent, erode the large lot characteristics, or simply are not compatible with the environment found with many R6-10 lots are:

p. 5 Group Living: Assisted Living 3-8 residents would be poor choice for permitted use in some R6-10 because these locales often lack good road access, public transit, and ER response time can be long; in R7, the size needed to accommodate up to 8 residents plus parking for deliveries and staff could reduce the buffering that 21.04.020 states is a desirable feature.

Change Permitted to CU, especially for R8-10..

p. 5 Public Uses: Adult Care (3-8), Child Care Home (1-8) are permitted in R6-10 but the same concerns from above apply regarding road access, ER response, parking, and setbacks especially for the more remote parcels.

Child care centers with 9 or more children should be a conditional use in any residential zones without onsite utilities or direct access to a collector road. They generate a great deal

of traffic compared to a residential use, and it's often at peak hours. Neighborhood impacts need to be considered with public input.

See above

p. 5 Public Uses: Child Care Center (9+) requires only a site plan for R6-10. But this is a commercial operation and the Hillside District Plan will not be recommending commercial use in SE Anchorage; other current codes do not allow it either. It would be especially inappropriate in remoter parcels to have this operation where there are steep slopes, the access is challenged and excess traffic of a commercial facility would be inappropriate. Even schools are not permitted in R8-10, so why would this business. Child Care Centers often operate in churches where access, parking and infrastructure is not usually a problem; they could be limited to such facilities in R-6-7 districts.

Remove Child Care Center in R-8-10; at the very least make its use by CU.

p. 5 Public Uses: Neighborhood Recreation Centers—while badly needed—are permitted with a site plan in R6-10.

The same concerns above apply regarding increased traffic on poor roads. Churches and schools with parking and better road access would be more appropriate places for this semi-commercial entity. The remoter R6-10 parcels should allow this use only by CU or not at all because these districts often lack the public utilities needed to function.

p. 6 Public Uses: Religious Assembly is allowed in all R6-10 districts with a site plan.

The same concerns from above apply here for traffic, adequate setbacks, buffering and need for developed infrastructure, which often involves large structures. This use is not really a public use item given the restrictions that some churches impose on membership. At the very least a major site plan should be required if this use is permitted. Most certainly a different set of standards should apply for use in R6-10 when the square footage exceeds a certain size, such as four times that of an average house. Large structures associated with this use erode the purpose and desirability of larger lots according to 21.04.020. Develop stricter criteria for set backs, buffering, heights, and % of coverage for this use in R6-10, triggered by size.

p. 6 Public Uses: Instructional services are allowed by CU in R8-9 but not in R6-7. It would appear the infrastructure and access for R8-9 would be less suited to this use than in more developed areas. This appears to be an inconsistency. Again this is a commercial use in residential districts which is not allowed nor welcome.

Prohibit use in R8-9 to be consistent with the other large lot districts.

p. 6 Commercial Uses: Why would a large animal facility of principal use be allowed in residential districts with a major site plan when commercial kennels are allowed with a CU? Why would any of these uses be allowed in residential areas given that the HDP will be recommending no commercial areas in the Hillside.

These uses are well beyond home occupations. Currently LDA facilities are only allowed by CU and therefore it is inconsistent to allow a *principal* LDA facility by major site plan. Commercial operations do not belong in residential districts.

p. 7 Commercial Uses: A vet clinic is allowed by CU for R8-9 but not in R6-7. This is inconsistent because R8-9 are likely to be more remote with poorer access than in denser districts. It would require cliental to drive into areas not suited for commercial traffic.

It is inappropriate to consider such a heavy traffic, commercial use in rural areas especially where commercial use has been declared by the HDP public survey to be undesirable. Neither are commercial uses allowed in residential and it is inconsistent with the desired features of large lot neighborhoods as stated in 21.04.020A.

p. 7 Commercial Uses: Office, business, and general personal services are allowed by CU in R8-9 but not in R-6-7

It is inconsistent to consider commercial uses in remote areas of limited infrastructure. These uses, according to the definitions, could entail a great deal of traffic and this would be inappropriate for any of the large lot neighborhoods according to 21.04.020. Remove these uses even with a CU from R8-9 districts.

Staff Response: See Issue #2.

Assisted Living/Adult Care/Child Care: The Assembly passed legislation revising Title 21 with regards to these issues in 2006. When the Assembly has recently considered an issue, the department policy is to carry forward the Assembly action without modification.

Instructional service, Boarding kennel, Vet clinic, and other commercial uses: The allowance of instructional services, such as music or dance schools, boarding kennels, veterinary clinics, and the other commercial uses in the R-8 and R-9 by conditional use carries forward a current code provision. The R-8 and R-9 districts are generally on the eastern boundaries of the Hillside area of the Anchorage Bowl. Staff is unaware of any conditional use requests for one of these establishments in the R-8 or R-9 districts in the 30 or so years this option has been available. Staff has no objection to deleting these uses in the R-8 and R-9 districts.

Large Domestic Animal Facilities: The Assembly passed legislation revising Title 21 with regards to this issues in 2006. When the Assembly has recently considered an issue, the department policy is to carry forward the Assembly action without modification.

Staff Recommendation: Table 21.05-1, delete the following uses from the R-8 and R-9 districts: instructional services, commercial kennel, veterinary clinic, office, personal services.

See also Issue #2.

4. **Issue:** Table 21.05-1: *Table of Allowed Uses—Residential Districts*

Question why veterinary services cannot be rendered in the R-4A district since retail and pet services are permitted by right? Suggest allowing veterinary services by administrative site plan review.

Staff Response: Staff has no objection to this, but doesn't think the review should be a higher level than "retail and pet services".

Staff Recommendation: Table 21.05-1, allow veterinary services in the R-4A by "P".

5. **Issue:** Table 21.05-1: *Table of Allowed Uses—Residential Districts*

Large Domestic Animal Facility (LDAF) should be CU instead of site plan review if they numbers of animals exceed the base level. The traffic and hours of activity, the noise and odors are all concerns that the neighbors should help to assess through a CU process.

Staff Response: Yes, LDAF that exceed the standards of the LDAF accessory use are listed as conditional uses in the LDAF ordinance (AO 2005-150 (S-1)). This is an error in the use table that must be corrected.

Staff Recommendation: Amend Table 21.05-1 to list "Large domestic animal facility, principal use" as a "C" (for conditional use) in the R-5, R-6, R-7, R-8, and R-9 districts.

6. **Issue:** Table 21.05-1: *Table of Allowed Uses—Residential Districts*

Remove uses from large lot residential zones that are not compatible with the character or large residential lots.
Table 21.05-1, Office, business or professional – remove as allowed use in R-8 and R-9.
Table 21.05-1, General personal services – remove as allowed use in R-8 and R-9.

Staff Response: In allowing these uses in the R-8 and R-9 districts, staff was carrying forward the provisions of the current code,, but, as noted in Issue #3, does not object to deleting them from the R-8 and R-9 districts.

Staff Recommendation: See Issue #3.

7. **Issue:** Table 21.05-1: *Table of Allowed Uses—Residential Districts*

According to the proposed Title 21 changes <u>all</u> residential zones (R1-R10) would required Religious Assemblies to receive approval from an Administrative Site Plan Review before they could build. The "S" indicating this requirement is in the Table for every residential district. Change all of the "S" (Administrative Site Plan Review) requirements to a "P" (Permitted Use). The existing Title 21 ordinance allows "CHURCHES" as a Permitted Principal Use in all residential zones. This is currently working very well for Anchorage. Permitted Principal Use for churches in R-zones is possible because a subcommittee of individuals from the community and the planning staff worked together several years ago to create minimum standard requirements for churches to meet before they could receive a building permit (AO-21.45.235, Supplementary District Regulations). Prior to the establishment of our present code, churches were outlawed in Anchorage unless they obtained a CU (Conditional Use) permit. The proposed change from staff (above in blue) will eliminate all the previous work completed by the community subcommittee and essentially outlaw churches (Religious Assemblies) unless they receive approval from an Administrative Review process.

Churches in residential zones should be protected and governed by standards and minimums that would allow them in all residential zones as permitted uses. Administrative Site Plan Reviews would restrict the development of a local neighborhood church in a residential zone. These reviews require public comment from the surrounding area. Often negative comments based on personalities, beliefs, and/or a "not in my backyard" syndrome affects a lot of public opinion and

testimony. Sometimes this type of public comment can and does out voice petitioners. Small congregations would be at a tremendous disadvantage. This is why church development standards were adopted. These standards and minimums need to remain in our code and churches do not need to be discriminated against with regard to zoning locations.

The new Title 21 appears to be on a course to strictly limit future religious assembly construction. The Municipality of Anchorage currently allows Religious assemblies to be constructed in residential zones as a permitted use. The new Title 21 rewrite seems to be restricting Religious assemblies as permitted uses in just a few zoning districts. Table 21.05-1 only allows Religious assemblies in Residential zones under an Administrative Site Plan Review. According to Table 21.05-2, Religious assemblies are only a permitted uses in the follow zones: B-1A, B3, RO, NMU, CMU, RMU, I1, and PLI. These types of properties cost a great deal more than residential properties. It makes it cost restrictive for a start-up Religious assembly to purchase properties in these more expensive zoning districts. The proposed code also wants to establish a residential conservation clause. The proposed language is located in Title 21.04.020 (Residential Districts) item number A-3 and reads, "Conserve residential lands for housing by limiting conversion of the residential land base to non-residential uses, and by encouraging residential development to occur at or near zoned densities." This objective, if implemented, would restrict a Religious assembly (church) from purchasing residential property and rezoning it to PLI.

The Religious Land Use and Institutionalized Persons Act (RLUIPA) states:

No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person assembly, or institution-(A) is in furtherance of compelling government interest; and (B) is the least restrictive means of furthering that compelling government interest..

The subsection applies in any case in which… the substantial burden is imposed in the implement of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make individualized assessments of the proposed uses for the property involved.

Staff Response: In the current code, churches, although listed as permitted uses in most zoning districts, are required to go through an administrative site plan review (for which there is no category in the lists of allowed uses at the beginning of each zoning district in the current code) if they are in any residential district with the exception of the R-4. Current code section 21.45.235G.1. states, "A site plan must be prepared and approved by the director of community planning and development or his designee…". The current administrative site plan review process includes a public comment opportunity, although there is no public hearing before a board or commission. The proposed code requires the administrative site plan review requirement in all the residential districts, including the R-4. The proposed code also removes the public notice requirement for administrative site plan review (chapter 3), although staff will be revisiting this issue in the chapter 3 issue response paper. Except for these changes, the proposed code carries forward current requirements.

The objective quoted from the purpose statements of the residential districts is addressing the issue of rezoning from residential to nonresidential districts. The municipality has lost much of its residential land base to rezonings to commercial districts, and this purpose statement is reflecting Policy #14 from Anchorage 2020 which states that "No regulatory action under Title 21 shall result

in a conversion of dwelling units or residentially zoned property into commercial or industrial uses unless consistent with an adopted plan." The language in chapter 4 should be revised to clarify that the concern is about losing residential districts.

Also, note Issue #2. Due to public comments regarding large nonresidential development in residential districts (particularly in large lot districts) and several recent cases, the department is proposing additional standards for large nonresidential development in residential districts.

Staff Recommendation: In chapter 4, page 5, line 2, change "uses" to "districts".

See also Issue #2.

8. **Issue:** Table 21.05-1: *Table of Allowed Uses—Residential Districts*

Table 21.05-2 includes a classification for "Vocational or trade school" along with the other educational uses. Table 21.05-1 does not. Is there a reason for the omission? Clarify.

Staff Response: Table 21.05-1 lists those uses that are allowed in residential districts. As stated at the top of the table under the title, all uses not shown (listed) are prohibited in residential districts. Vocational/trade schools are not permitted in any residential districts and thus do not need to be listed in table 21.05-1.

Staff Recommendation: No changes recommended.

9. **Issue:** Table 21.05-1: *Table of Allowed Uses—Residential Districts* and Table 21.05-2: *Table of Allowed Uses—Commercial, Industrial, Mixed-Use, and Other Districts*

No uses should be permitted on a PLI parcel without some form of review (S - administrative site plan review, C – conditional use, M – major site plan review).
Table 21:05-2 All "P" (permitted use) references should be removed from the PLI column and replaced by "S", "C" or "M".

Staff Response: Staff disagrees. Some uses are perfectly appropriate for the PLI district and there is no reason that those uses should go through a more intensive level of review that would cost developer or taxpayer money and take staff time. Staff would be happy to discuss the merits of the various review processes proposed for the various uses in the PLI district, but the commenter has given no reasoning behind their comment and no specific examples of uses needing a higher level of review.

Staff Recommendation: No changes recommended.

10. **Issue:** Table 21.05-2: *Table of Allowed Uses—Commercial, Industrial, Mixed-Use, and Other Districts*

It seems consistent with B-1A to make multifamily dwellings a permitted use if it is above a commercial operation. An example of a building that would be defined by the B-1A definition is the

building on the southeast corner of Spenard and 26th. That has 5 retail units below and 6 residences above. Residential above commercial would often be small and inexpensive units so a commercial building would likely have more than one unit.

Staff Response: The type of development mentioned in the comment is envisioned in the B-1A, through the use "Dwelling, Mixed-Use", which is defined as "a dwelling that is located on the same lot or in the same building as a nonresidential use, in a single environment in which both residential and nonresidential amenities are provided." Thus dwellings that are in conjunction with commercial/retail uses are considered mixed-use dwellings and are allowed in the B-1A. "Dwelling, Multifamily" is defined as stand-alone dwelling without associated nonresidential development, and is not appropriate for the B-1A district.

Staff Recommendation: No changes recommended.

11. **Issue:** Table 21.05-2: *Table of Allowed Uses—Commercial, Industrial, Mixed-Use, and Other Districts*

We object to office and data processing facilities being not permitted uses in the I-2 district. We currently own two office buildings that were built adjacent to Campbell Creek and between the creek and the JBG Warehouse.

Staff Response: In order to implement the Anchorage 2020 Comprehensive Plan for the Anchorage Bowl, which calls for three major employment centers, it is appropriate to focus office development into commercial areas. In order to implement the 2020 Plan's designation of Industrial Reserves and to maintain sufficient industrially-zoned land for future industrial needs, it is appropriate to limit the uses allowed in the industrial zones, and particularly the I-2, to industrial uses. Uses such as office buildings in I-2 zones will enjoy nonconforming rights.

Staff does not object to allowing data processing facilities (as defined on page 71 of chapter 5) in the I-2 district.

Staff Recommendation: Table 21.05-2, allow data processing facilities in the I-2 district by "P".

12. **Issue:** Table 21.05-2: *Table of Allowed Uses—Commercial, Industrial, Mixed-Use, and Other Districts*

B-3 district allows nightclubs as a by right use, yet movie theaters are only allowed by conditional use. This seems backwards. Since nightclubs require a conditional use for the liquor license, and perhaps dinner theater as well, these should be conditional uses; however, movie theaters should be a permitted principal use.

Staff Response: There are many more nightclubs in town than movie theaters. Movie theaters attract large numbers of customers and should be located in the compact and intensive commercial areas. All of the existing and proposed movie theaters in the Anchorage Bowl are in areas designated to be mixed-use on the Land Use Plan Map. Thus it is unnecessary to allow movie theaters in the B-3.

Staff Recommendation: Table 21.05-2, delete "movie theaters" from the B-3 district.

13. **Issue:** Table 21.05-2: *Table of Allowed Uses—Commercial, Industrial, Mixed-Use, and Other Districts*

Type 4 towers are a permitted use in all residential districts. Why would business districts require a site plan review? The definition basically says these are antennas you can't see. They should be permitted in all districts.

Staff Response: Type 4 towers, which are stealth towers, should be permitted in all districts. NOTE TO COMMISSIONERS: In your review of chapter 4, you recommended that all towers in the Antenna Farm district go through a Major Site Plan Review. Please clarify whether Type 4 towers (stealth) would need a Major Site Plan Review in the Antenna Farm district. Staff recommends permitting them by-right.

Staff Recommendation: Table 21.05-2, allow type 4 towers in all districts as "P".

14. **Issue:** Table 21.05-2: *Table of Allowed Uses—Commercial, Industrial, Mixed-Use, and Other Districts*

B-3 no longer allowed to have general industrial services, governmental service, light manufacturing, warehouse, or wholesale establishments. The muni ought to be encouraging a broad range of uses for the type of incubator flex space found in the Huffman Business Park. Request that B-3 and CMU include general industrial service, governmental service, manufacturing, warehouse, and wholesale uses.

Staff Response: The Anchorage 2020 Comprehensive Plan envisions three major employment areas of the Anchorage Bowl (Downtown, Midtown, and the U-Med area) as well as half a dozen or so Town Centers, and a number of Neighborhood Centers. These areas are differentiated through zoning to have different uses, intensities, and scale of development. The more uses that are added to each zoning district, the more each district becomes similar to each other district, and then there might as well be only one district, and the community loses the ability to implement the direction of the comprehensive plan. Department staff have worked to create zoning districts that allow a range of compatible uses, implement our comprehensive plans, allow for the creation of distinctive neighborhoods, while also being sensitive to existing development.

The types of uses suggested in the comment are industrial uses, which are incompatible with many commercial uses, and thus inappropriate for the Commercial Mixed-Use district and the B-3 district.

Note that general industrial services, light manufacturing, warehousing, and wholesale establishments are not currently allowed in the B-3 district.

A review of the Huffman Business Park may warrant a change to the draft Land Use Plan Map to propose I-1 zoning for the Park rather than B-3.

Staff Recommendation: No changes recommended.

15. **Issue:** Table 21.05-2: *Table of Allowed Uses—Commercial, Industrial, Mixed-Use, and Other Districts*

Grocery and food store use should not require administrative site plan review in the NMU, CMU, and RMU districts. Muldoon Carrs (NMU), Huffman Shopping Center (CMU) and Anchorage Shopping Center (RMU) all contain large single purpose structures currently used as grocery stores. Under the proposed use regulations we will be unable to lease the space to another grocery store in the future without first obtaining administrative approval.

Staff Response: Grocery and food stores are frequently-used focal points of the community and the design of such establishments is extremely important. An administrative site plan review is not an "approval" of the use, but, as the name implies, a review of the design. Obviously with already constructed stores, the review will be limited, and focus rather on issues like pedestrian circulation, parking, landscaping, and lighting. But new developments should have an administrative site plan review to ensure compliance with the development and design standards of the code.

Staff Recommendation: No changes recommended.

16. **Issue:** Table 21.05-2: *Table of Allowed Uses—Commercial, Industrial, Mixed-Use, and Other Districts*

During their deliberations on chapter 4, the Planning and Zoning Commission recommended that tower development in the Antenna Farm district require a major site plan review.

Staff Response: Staff has no objection.

Staff Recommendation: Table 21.05-2, change type 1, type 2, and type 3, towers in the AF district to "M".

17. **Issue:** 21.05.020A., *Uses Involving the Retail Sale of Alcoholic Beverages*

This section should not apply to ANC terminal and terminal area concessions.

Staff Response: Under AS 4.11.480 and 15 AAC 104.145 the Municipal Assembly has the authority to protest issue, renewal and transfer of alcoholic beverage licenses within the municipality. We have had no indication from the Assembly that they wish to relinquish any part of that authority at any particular location within the Municipality.

Staff Recommendation: No changes recommended.

18. **Issue:** 21.05.020B.2.a., *Minimum Distance from Certain Uses*

In the education community, "A K-12 school" refers to a specific type of school that serves ALL Kindergarten through 12th grade class levels. It would be more appropriate to refer to "A school serving any Kindergarten through 12 grades". Revise text.

Staff Response: The proposed language would be clearer. Since the intent of the section is to keep these uses from being near places where there are children, staff proposes adding instructional services (such as dance or music schools) that serve children.

Staff Recommendation: Pages 20 and 61; amend this section and also section 21.05.050D.8.c.ii.(A). (unlicensed nightclubs) to read "A school or instructional service serving any combination of grades kindergarten through 12;[K-12 SCHOOL;]"

19. **Issue:** 21.05.030A.3., *Dwelling, Single-Family Attached* and A.5., *Dwelling, Townhouse*

The definitions and uses of "dwelling, single family attached" and "dwelling, townhouse" appear interchangeable. Suggest that this may be a redundancy and that A.3 be retained, with section A.5.b.ii added to section A.3.

Staff Response: The difference is the number of attached dwelling units and where such types of dwellings are allowed. There are zoning districts where two units that are attached are acceptable, but three or more are not acceptable. Thus it seemed practical to separate the concept of attached housing into "two" and "more than two".

Staff Recommendation: No changes recommended.

20. **Issue:** 21.05.030A.4.a., *Definition*

Each section refers to attached or detached dwellings. Here, though, the term "building" is used. Suggest substituting the term "dwelling" to maintain continuity.

Staff Response: The term "dwelling" references the use, while the term "building" references the type of construction. This is an important distinction, as the zoning districts allow certain uses, while some of the design standards apply to certain types of construction. For instance, site condos are multiple dwelling units on a single lot, so as a use, they are considered "dwelling, multifamily". But the construction type may be single-family buildings, so the design standards that apply would be those for single-family buildings.

Staff Recommendation: No changes recommended.

21. **Issue:** 21.05.030A.8.b.vi.(B)., *Minimum Size*

Increasing the minimum space size in mobile home parks will make existing parks nonconforming.

Staff Response: The department is not suggesting that all existing parks be rearranged so that each mobile home space is increased by 500 square feet. While there are provisions in chapter 12 that allow certain adjustments to existing mobile home parks without requiring them to correct any nonconformities, it would be less confusing to state that the increased space size applies only to newly created parks.

Staff Recommendation: Page 24, lines 15-18, amend to read "In manufactured home communities created after [date of passage], a[A]ll single mobile home or manufactured home spaces shall have a minimum of 3,500 square feet of land area[. A] and all duplex mobile home or manufactured home spaces shall have a minimum of 5,000 square feet of land area."

22. **Issue:** 21.05.030A.8.b.xiv., *Animals in MHCs*

Commenters disagreed as to whether this prohibition was necessary or appropriate. Some supported it. Others felt it was discriminatory. Some suggested allowing individual parks to set rules, but another stated that a court won't support an eviction due to breaking this rule. It was noted that dogs are sometimes problematic.

Staff Response: Staff recognizes that dogs (and cats) are treated differently from other small (and large) animals in Title 21, but notes that dogs and cats are the most common household pets in this country and the community as a whole has different tolerances for these common pets. The rewrite does not regulate dogs at all, except to allow doghouses that are not on a foundation to be placed in setbacks. Otherwise, the issue of dogs (and cats) is entirely regulated through Title 17 (enforced by Animal Control).

Due to the smallness of a mobile home space within a manufactured home community, keeping animals outdoors can have a much greater impact on a neighbor than would be the case in a conventional subdivision. (This includes dogs, but as noted above, staff does not propose regulating dogs in Title 21.)

Staff recognizes the issue of fairness, but continues to recommend this provision to protect the quiet enjoyment of residential living of residents in manufactured home communities.

Staff Recommendation: No changes recommended.

23. **Issue:** 21.05.030B., *Group Living*, and 040C.5., *Homeless and Transient Shelter*

The definitions for transitional living facilities, community correctional residential centers, habilitative care facilities and homeless and transient shelters seem to overlap, yet there are significant differences in where a facility can be located based on which definition applies. From working with Planning and Zoning in the past, it appears that they have some criteria they use, apart from the definitions in Title 21, to differentiate one type of facility from another. For example, they have explained that "The primary difference between being classified as having a rehabilitation program that is considered habilitative care versus one that is a CCRC is that a CCRC is permitted to allow persons under the jurisdiction of the courts in the program." This would include persons on parole or probation, whether or not they enrolled on their own or were referred to the program by the courts. It would be helpful for the definitions to contain more of this kind of information if it would be used to classify a program and determine where it is appropriate for it to exist.

The proposed changes include adding homeless and transient shelters to the conditional uses in an area zoned I-2 (heavy industrial). Currently homeless and transient shelters are a conditional use only in a PLI (public lands and institutions) district. Will the land area that is zoned PLI and I-2

grow or shrink as a result of the planned changes to zoning districts? Will any existing shelters be impacted by the changes (are they located in areas where zoning will restrict current or future use by the program)? It's difficult to tell from the maps available online, but at least one shelter appears to be in an area that will be rezoned to a district that does not allow that type of use.

Currently residential uses are generally not permitted in an I-2 district. Locating homeless and transient shelters facilities in I-2 and PLI districts does not facilitate treatment, work or school for clients as they lack access to public transportation. Also, what is the reasoning for allowing shelters in I-2 but not any other residential use?

Is there any reason that transitional living facilities are not a permitted or conditional use in a PLI district? Other similar types of facilities can be located in those areas, and it does not seem unlikely that an agency might operate more than one program on the same site. Given the overlap between the definitions (see above), it seems like there should be at least one type of area where all of these types of facilities could co-exist.

Staff Response: The definitions for these types of uses do attempt to differentiate between the various possibilities of programs and use types. For instance, the definition of CCRC states that it is for people "in transition from a correctional institution, performing restitution, or undergoing rehabilitation and/or recovery from a legal infirmity." Sometimes the language used is the same language used in state law, which is necessary to align the use with state definitions. The Title 21 user's guide can help clarify the differences between these uses.

Homeless and transient shelters: The department is not planning an areawide rezoning after the adoption of the proposed rewrite, so shelters that exist currently should not be affected. Staff does not object to removing shelters from the I-2 zone.

Transitional living facilities are not an allowed use in the PLI in the current code, which is likely why they are not proposed to be allowed in the PLI in the rewrite. Staff does not object to adding them as an allowed use in the PLI.

Staff Recommendation: In Table 21.05-2, remove "homeless and transient shelters" from the I-2 district, and allow "transitional living" in the PLI district by "C".

24. **Issue:** 21.05.030B.3., *Habilitative Care Facility*

Habilitative care facilities include juvenile offenders. What are the protections for residential zones?

Staff Response: Juvenile offenders need places to live after they leave a correctional facility, and limiting such places to commercial or industrial zones will not help such offenders reintegrate into society. Juveniles are not considered prisoners, but rather wards of the State Commissioner of Corrections. Habilitative care facilities proposed in any residential district must go through a conditional use approval process to address potential impacts.

Staff Recommendation: No changes recommended.

25. **Issue:** 21.05.040, *Public/Institutional Uses: Definitions and Use-Specific Standards* and 050, *Commercial Uses: Definitions and Use-Specific Standards*

The use specific standards of these sections should not apply to an Airport terminal building or to the many varied uses within such a terminal building or the associated terminal area concessions.

Staff Response: If these uses were inside the terminal, they would be considered accessory uses to the terminal and the use-specific standards wouldn't apply.

Staff Recommendation: No changes recommended.

26. **Issue:** 21.05.040A.2.b., *Use-Specific Standards for Adult Care Facilities with 1-8 Persons*

It says " … prohibited if the only direct street access is from a private street." A recent map of the Hillside showed virtually all of the neighborhood streets as "private." I don't think that map is correct, but if it is, then this precludes any Adult Care facilities on the Hillside.

Staff Response: The map that the commenter is referring to is likely a map of streets that are "privately maintained", as most of the Hillside is outside of the Anchorage Roads and Drainage Service Area (ARDSA). But it is not true that most Hillside streets are private streets.

These regulations on adult care, carried forward from current code, were passed in 2006. Staff recalls that this provision was likely due to concerns about emergency vehicle access on private roads.

It is department policy not to make changes to recently adopted ordinances, as the department has made its recommendation to the Assembly, and the Assembly has considered the matter and decided their course of action. It is the prerogative of the Planning and Zoning Commission and the Assembly to revisit recently adopted ordinances.

Staff Recommendation: No changes recommended.

27. **Issue:** 21.05.040A.4.c.iii., *Factors for Consideration*

This section requires that care facilities adhere to Title 23, which is not adopted in the areas outside of the Anchorage Bowl Area. The State Fire Marshall's office reviews and approves all such facilities outside the bowl area, it is doubtful they will submit to municipal oversight of a state function.

Staff Response: The building code, which has been adopted by the state and by the municipality, applies throughout the whole municipality. Everyone in the municipality is obligated to adhere to the building code, but it is not enforced outside the Building Safety Service Area.

These regulations on adult care, carried forward from current code, were passed in 2006. It is department policy not to make changes to recently adopted ordinances, as the department has made its recommendation to the Assembly, and the Assembly has considered the matter and decided their course of action.

Staff Recommendation: No changes recommended.

28. **Issue:** 21.050.040C.2., *Community Center*

Community Centers must have criteria to ensure compatibility with the residential uses in the district, including the building FAR and scale, lot coverage, including the parking lot coverage,, and the hours of operation. If the community centers exceed 3x the average square footage of the nearby residences, there should be a public hearing CU. This should include public or private community centers and places of religious assembly. There should also be some consideration of separation of large centers so that there are not de facto districts without planning for them. For example, the O'Malley Seward district has become a de facto recreation center. Lower Huffman Road is a de factor church and church school corridor for about ½ mile (with an LDAF squeezed in).

Staff Response: See Issue #2.

Staff Recommendation: See Issue #2.

29. **Issue:** 21.05.040C.2.b.ii., *Minimum Lot Area and Width*

Change to read: **"**Notwithstanding the general dimensional standards of chapter 21.06, community centers and religious assemblies subject to this subsection shall have a minimum lot area of 14,000 square feet."

The existing code also has this wording, section 21.45.235 (B). However, now would be the best time to change the wording to eliminate possible conflicts and problems in the future. The phrase, "at any point" would eliminate some properties from being used as religious assembly sites or require them to obtain a conditional use for the property. One example would be the Anchorage Baptist Temple site. Our site is triangular in shape. At the very northeastern section of the site, we have a portion of the lot that is less than 100 feet in width. Depending on who interprets the proposed language (at any point) and how they interpret the language, a site could be rejected. ABT's site could be in jeopardy of future development as a religious assembly site because it does not meet the criteria proposed. Other sites may also have a similar problem. The language should be clarified rather than left to private interpretation for future developments.

Staff Response: Staff agrees that the language requiring a lot with a community center or a religious assembly to be 100' wide <u>at any point</u> is not really necessary, and it seems likely that there are many of these facilities in the Municipality that don't comply with this standard. However, a lot with one of these facilities should be wider than a lot meeting the minimum standard for the district, in order to ensure the lot has appropriate proportions to facilitate the use. The 100' lot width requirement would be measured at the midpoint of the side lot lines, as directed in chapter 21.06.

Staff Recommendation: Staff recommends amending subsection 21.05.040C.2.b.ii. to read, "…shall have a minimum lot area of 14,000 square feet and a minimum lot width of 100 feet [AT ANY POINT]."

30. **Issue:** 21.05.040C.7., *Religious Assembly*

Provide provision that states that if a religious assembly has a permitted use and a conditional use on site, the permitted use may be changed without needing to amend the conditional use.

Staff Response: If a change to the permitted use has impacts on the conditional use, then an amendment to the conditional use will also be needed. If the change has no impacts on the conditional use, then a conditional use amendment would not be needed. It is on a case-by-case basis.

Staff Recommendation: No changes recommended.

31. **Issue:** 21.05.040C.7.a., *Definition*

Clarify definition of Religious Assembly. Remove the phrase, "without limitation," from the third line.

Staff Response: "Without limitation" means that the list of examples is not an exhaustive list, and this term is used in many of the different descriptive sections. It recognizes that there may be other appropriate accessory uses that have not been listed. It would be too difficult (and likely too lengthy) to list every possible accessory use.

Staff Recommendation: No changes recommended.

32. **Issue:** 21.05.040C.7.a., *Definition*

Change definition of "religious assembly" to: A building or structure, or group of buildings or structures, intended primarily for the conducting of organized religious services, accessory uses may include, without limitation, parsonages, meeting rooms, and child care provided for persons while they are attending religious functions, broadcast ministries, bookstores, vehicle service and repair facilities (for bus ministries and staff vehicles), lawn and garden sheds, warehouse and storage buildings, community service centers, gymnasiums, food distribution ministries, and sports fields and domes. Schools associated with religious assemblies are considered an accessory use.

Again, the proposed language continues to restrict Religious assemblies and their needs associated with accomplishing their ministries. Religious assemblies offer a variety of community and family ministries. Restricting accessory uses for Religious assemblies prevents them from expanding into additional ministry areas to serve people in a variety of different ways.

A Pastor of a small community church, located in a residential zone would be prohibited from providing a broadcast ministry because the proposed code would not recognize Broadcast ministries as accessory use to a religious assembly. The religious assembly would have to be located in a Commercial, Industrial, Mixed-Use, or other district allowing Broadcast facilities.

The proposed code would prevent a Religious assembly from constructing a vehicle repair facility on their property if they are not located in a zone other than residential. The vehicle repair facility is not considered an accessory use and would be in violation.

These are additional indicators that the proposed code changes are trying to limit the zoning districts where religious assemblies and their accessory uses will be permitted.

Schools associated with Religious assemblies have always been an accessory use. Adopting the new language of Title 21 will make it very difficult for a Religious assembly to begin a private religious school.

Two follow-up questions need to be addressed. What happens to existing Religious assembly site in residential zones that currently have some of theses accessory uses that would no longer be allowed? Could they develop additional facilities on their property without having to obtain a conditional use permit or without being labeled a non-conforming use?

Staff Response: The intrinsic use of a religious assembly is the conducting of organized religious services. While some establishments do provide other services, they do not need to exist at the establishment in order for it to be a religious assembly. For instance, a church does not need to provide child care in order to be considered a church. Thus the issue becomes which uses that can be or are often associated with religious assemblies are minor in nature and thus can be considered accessory to the principal use of religious assembly, and which uses can be associated with religious assemblies but either may also be stand-alone uses and thus have their own standards, or else have significant impacts that need to be regulated separately?

Schools are an example of a use that can be associated with a religious assembly, but are also stand-alone uses with associated standards, and often create significant impacts due to their size. The department recommends that any school associated with a religious assembly be considered a second principal use on the site and be required to comply with the use-specific standards for schools, in order to address the impacts created by a school.

Some of the other suggested accessory uses, such as broadcasting, vehicle repair, warehousing and storage, and sports fields are also not intrinsic to the use "religious assembly", and are listed as principal uses, some with use-specific standards. If these principal uses are allowed to be considered accessory uses to religious assemblies, they would often be placed in residential areas, where many of them are not allowed as principal uses. Is it appropriate for a religious assembly to have its vehicle repair in a residential area? Other residential uses are not allowed to have these things as accessory uses, so by not allowing religious assemblies to have them as accessory uses, we are treating all the uses in residential areas equally.

Religious assemblies in residential areas with existing facilities would be grandfathered.

Staff Recommendation: No changes recommended.

33. **Issue:** 21.05.040C.7.b.iii., *Maximum Height*

It's not unusual for church spires to hide cell phone and perhaps other towers. There could be an accommodation of allowing a greater height for the spire if it contains a hidden tower. The description of Type 4 towers on page 45 and the bottom of page 46 allow 65' towers in residential districts.

Staff Response: In chapter 6, spires are allowed to extend 30 feet over the maximum building height in residential districts (see chapter 6 issue response summary for an amendment addressing this issue), so a spire could conceivably be 70 feet high.

Staff Recommendation: In the chapter 6 issue response, a clarifying amendment is proposed for chapter 5: page 38, lines 25-26, amend as follows: "…the maximum height for a religious assembly [OR A PORTION THEREOF] may increase to 40 feet…".

34. **Issue:** 21.05.040E., *Educational Facility*

Clarify educational facilities standards.
Educational Facility supporting paragraph, add to the first sentence: This category includes any public and private school at the elementary, middle, junior high, or high school level that offers courses of general or specialized study leading to a degree.

Staff Response: These schools don't generally offer a degree; staff is not sure why this would be a good addition.

Staff Recommendation: No changes recommended.

35. **Issue:** 21.05.040E., *Educational Facility*

ASD has a number of non-school facilities where classification is not entirely clear. For example, the Student Nutrition Facility on Labar Street is not a business in the private sector sense, yet it does prepare and sell food for consumption at the schools. Other examples are its central school bus depot at 3500 E. Tudor Road, its maintenance, operations and facilities buildings also at Labar. Clarify.

Staff Response: The Student Nutrition Facility would be categorized as "Commercial Food Production" (page 72 of chapter 5), and the central school bus depot and the maintenance and operations facilities would be categorized as "Government Service" (pate 71 of chapter 5).

Staff Recommendation: No changes recommended.

36. **Issue:** 21.05.040E.3.a., *Definition*

Pre-school is excluded from elementary school definition and is categorized as a "child care facility". ASD has Early Childhood special education programs within their elementary school facilities. These provide and oversee services for children ages 3 to 5 who experience developmental delays or have other special needs. Are these then classified as "child care facilities"?

Where ECE programs are included in elementary schools, consider them as accessory programs or uses not subject to restrictions of "child care facilities".

Increasingly, ASD is implementing early childhood education, especially for children with special needs. These programs are included within ASD facilities. However, neither the schools nor the programs are "child care facilities". Will these programs continue to be permitted in schools?

Make a distinction between early childhood education programs and primarily "child care facilities.

Staff Response: If the activities referenced above are licensed by DHHS, then they would be considered a "child care facility". If such activities are not licensed by DHHS, then they would be considered part of the school operating program and for title 21 purposes, part of the use "school".

Staff understands that these programs are not licensed by DHHS, and thus will continue as part of the school use.

Staff Recommendation: No changes recommended.

37. **Issue:** 21.05.040E.3.b., *Use-Specific Standards (also apply to "Boarding School" and "Middle and High School")*

Are there any requirements for schools with less than 100 students or can they be built anywhere?

Staff Response: Schools with capacity for fewer than 100 students can be developed by the process and in the district identified in Tables 21.05-1 and 21.05-2. In the public hearing draft, all elementary, middle, and high schools are required to go through a major site plan review, which entails a public hearing before the Urban Design Commission. There are no use-specific standards for schools with capacity for fewer than 100 students, but they would still go through a major site plan review and be required to comply with general design and development standards in code (such as parking, landscaping, etc…).

The school district has no site design standards for charter schools. It appears that they rely on land use regulations and procedures to address the suitability of proposed locations. Staff intends to conduct further research on design requirements for these schools to determine whether additional design standards, such as standards for open space (play space), would be appropriate, and to reconsider the proposed threshold at which the standards would apply.

Staff Recommendation: HOLD

38. **Issue:** 21.05.040E.3.b.ii., *Applicability*

Change applicability to schools with capacity for <u>50</u> [100] students or more.

Staff Response: See Issue #37.

Staff Recommendation: See Issue #37.

39. **Issue:** 21.05.040E.3.b.iii., *Public Schools*

It is assumed "public schools" are limited to ASD schools. ASD schools are subject to both building codes adopted by the Municipality and ASD design standards. The Municipality has its own Design Criteria Manual (DCM) for municipal buildings. Although ASD standards commonly refer to M.A.S.S. for street and parking civil design, ASD schools are generally not subject to the DCM. Recently, MOA Planning review of the Chugiak Elementary School site design required adherence to DCM. Portions of the DCM require certain site lighting coverage and fixture types. Those

requirements are more expensive in both initial capital cost and in long term energy and maintenance costs with no apparent cost benefit to offset the increase. As ASD is responsible for its own construction, maintenance and energy budgets, it will continue to meet the intent of Title 21 and does not intend to reflect the proscriptive DCM lighting standards.

Clarify the term "…standards of this section…" as meaning standards of Title 21.

Staff Response: The "standards of this section" on line 15 of page 40 means the standards applying to Elementary, Middle, and High Schools and Boarding Schools (subsection 21.05.040E.3.b.). This section makes no mention of the *Design Criteria Manual* (DCM) or the *Municipality of Anchorage Standard Specifications* (MASS). Schools will have to meet the lighting requirements of Title 21 in section 21.07.130.

Staff Recommendation: No changes recommended.

40. **Issue:** 21.05.040E.3.b.iv.(B)., *Minimum Lot Dimensions and Setbacks*

The State of Alaska DEED references the Council of Educational Facility Planners International (CEFPI) site planning site standards, which are now more tailored to individual school needs rather predetermined sizes. One of our concerns with the proposed Title 21 provisions on site size is that, even though the "minimum" is stated, recent discussions with the Municipality have questioned ASD's and DEED's standards as being too large for the Anchorage bowl that is running out of available school site properties. Urban sites, such as Denali School, are not able to provide sites for the full outdoor program described in our educational specifications. The public school site selection and acquisition process was revised by Assembly Ordinance. This section should reflect the Ordinance.

Either 1) retain the size provision for private schools, but defer public schools to revised site selection criteria in administrative policies and procedures; or 2) test site coverage and size to urban school scenarios. For public schools, the criteria should reference ASD educational specifications. Reflect Assembly Ordinance, if appropriate.

Staff Response: In the ASD comments on Public Review Draft #2, they noted that their site size standards required larger sites than stated in this section, and they asked for "a strong statement that the sizes are exceptions to the norm specified by the Anchorage School District educational specifications in compliance with State of Alaska DEED standards." Staff felt that this was made clear in subsection 21.05.040E.3.b.iii.

This comment seems to indicate concern that the proposed site sizes are too large.

AMC Title 25 states "The optimum standards for school sites are 15 acres for an elementary school, 30 acres for a junior high or middle school and 50 acres for a senior high school in order to provide a standard school building with required parking, recreational and sports area and other appurtenances while allowing some flexibility in site and school building design." The recent amendments to the public school site selection and acquisition process did not address the issue of site size.

The vast majority of existing public schools significantly exceed the minimum site size standards proposed by the rewrite. Even Denali Elementary, an urban school, has a capacity for 471 students and sits on five acres, which meets these standards. Only two elementary schools (Ursa Major and

Ursa Minor) and one secondary school (Chugiak HS) do not meet these standards. For public schools, ASD educational specifications are references and do apply when they are more stringent than the standards of Title 21.

These minimum standards are important so that schools, particularly those developed in and near residential neighborhoods, have enough site area to provide for the needs of the attendees, minimizing the spillover of school activities into streets and neighborhoods.

Staff Recommendation: No changes recommended.

41. **Issue:** 21.05.040E.3.b.vi., *Temporary Structures for School Expansion Space (Relocatables)*

Draft #3's revision excludes relocatables from "…traffic circulation routes...". The phased high school construction projects, carried on simultaneous with fully-functioning schools, has limited locations for relocatables. Some traffic circulation routes, which are not required for fire lanes or otherwise, may be used for relocatables. Add "required" to "…traffic circulation routes…."

Draft #3's revision excludes relocatables from "…in required parking...". The phased high school construction projects, carried on simultaneous with fully-functioning schools, has limited locations for relocatables. The school's enrollment may have been purposefully reduced during the phased construction (the east lot at Service HS), such that otherwise required parking spaces are reduced also. This restriction stipulated with "shall" leaves no room for negotiation of interim conditions. Leave room for negotiation by softening language.

Draft #3's revision excludes relocatables from "…required landscaping areas…". The phased high school construction projects, carried on simultaneous with fully-functioning schools, has limited locations for relocatables. There have been times when relocatables have occupied areas of required landscaping (the south lawn at Service HS) because they are economically the most responsible. Of course, once they are removed, the required landscaping is restored. Compared to traffic circulation and parking, landscaping is a lower priority for temporary conditions requiring relocatables.

Delete landscaping provision or soften language to allow for negotiations.

Staff Response: Title 21, with input from the community and then finally adopted into law by elected representatives of the community, sets the standards that the community expects for development—both private development and public development. The school district, as part of the community, is expected and required to adhere to these standards. The planning department has attempted to accommodate issues raised by the school district during the code rewrite process. However, there is no reason the school district should be able to ignore or negotiate away standards that all other property owners and developers cannot ignore or negotiate away. Surely space can be found on school sites for relocatables that are not in required parking or vehicular circulation areas, or in required landscaping. Required landscaping doesn't mean ALL landscaping, it means site perimeter and parking lot perimeter landscaping.

Staff Recommendation: No changes recommended.

42. **Issue:** 21.05.040G.2., *Park and Open Space, Public or Private*

The new definition of park and open space (replacing the current practice of park designation within the PLI zone) appears to focus on recreation, de-emphasizing walking and other passive uses. The proposed definition calls for "play grounds, play fields or open space." It should include solar access, views, habitat protection, water quality protection and so forth.

The park and open space district needs to be defined in terms broader than recreation needs of the community if it is going to be applied to a variety of park lands. Insert "and to provide aesthetic and health benefits from solar access, views, and connection to open space and the natural setting; and to conserve natural systems such as habitat and waterways." Or similar language. This is in keeping with our adopted parks plan and Comp 2020.

Staff Response: The first definition of "recreation" in Webster's New World Dictionary is "refreshment in body and mind, as after work, by some form of play, amusement, or relaxation". The term "recreation needs" should be interpreted with this definition in mind.

Staff considers some clarification to be necessary in the definition and proposes an amendment below.

Staff Recommendation: Page 43, line 3, amend to read, "A<u>n</u> [NON-COMMERCIAL, NOT-FOR PROFIT FACILITY OR] area designed to serve…".

43. **Issue:** 21.05.040K.2.b.iv., *Tower Structure Height*

This would allow a tower of 95' in a residential area. That seems excessive. The towers needed in neighborhoods would likely be cell towers that do not appear to need vertical separation of their antennas. This paragraph should start with "Except in residential areas …"

Staff Response: This provision is carried forward from current code. Operation of cell towers is by line of sight, and topography is a factor, so it can be important for these towers to be high enough to operate effectively. Also, the shorter the towers, the less area they can cover and the more towers there will be.

Another issue is that it is often impossible to have more than one provider at the same point on the tower—increased height is both a bonus for collocation and a necessity to provide space for more than one antenna. Providers are trying to fill current service gaps, which is especially vital for the E-911 system.

Staff Recommendation: No changes recommended.

44. **Issue:** 21.05.040K.2.d.iii., *Collocation*

The last sentence is not clear.

Staff Response: Since the Municipality is requiring collocation, the collocation must be at a "reasonable rate"—the tower owner cannot fleece the antenna owner. Staff is proposing an amendment to attempt to make the sentence clearer.

Staff Recommendation: Page 48, lines 13-14, amend to read, "Reasonable compensation shall be the usual and customary rates commonly applied at the time of application [AS INDICATED IN THE MUNICIPALITY AT THE TIME OF THE REQUEST FOR COLLOCATION, SUBJECT TO PROOF BY THE PETITIONER]."

45. **Issue:** 21.05.040K.2.l., *Abandonment*

If a tall tower is "abandoned" by those using the upper portion of it, but there is still a user on the lower portion, will the upper portion be considered abandoned - and subject to removal if structurally feasible? This could be an issue if the tower is much more substantial than needed by the one remaining user, particularly for a grandfathered tower that exceeds height restriction within the Airport Height Overlay District.

Staff Response: The last line of the section (page 51, lines 32-34) states, "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." As long as at least one antenna on a tower is being used, the tower would not be considered "abandoned."

Staff Recommendation: No changes recommended.

46. **Issue:** 21.05.050B.1.b, Animal Shelter Use-specific Standards

The soundproofing requirement should be distance-based rather than applying only where a lot is "adjacent". For example, an animal shelter across a local street could be 60 feet away from a residentially zoned lot, and would be considered "adjacent". Meanwhile, an animal shelter separated from a residential lot by only a 50-foot wide lot would not be considered adjacent. An appropriate sound-mitigating distance should be identified and used instead of the word "adjacent".

The soundproofing requirement should also apply when a noisy use is near a mixed-use district. Mixed-use districts are intended to provide a comfortable outdoor environment and potential provide for residential mixed-use. For example, chapter 5, page 60, lines 2 and 3 protect both residential and mixed-use districts from motorized sports facilities.

Staff Response: Staff agrees and proposes amendments below to address these issues.

Another issue that has been raised in other forums is the need for a measurable standard of sound, rather than just requiring a "soundproof building". Staff suggests a decibel level that matches the nighttime acceptable noise level for residential districts set by the Health Department.

The Animal Control Advisory Board brought to staff's attention the existence of veterinary clinics that treat large animals, where it is impractical for large animals to be brought inside for treatment/testing. Large animal practitioners should be exempt from this requirement.

Staff Recommendation: Page 55, lines 15-18, revise as follows: "*i. General Standards when Use is within 100 Feet of [ADJACENT TO] a Residential or Mixed-use District* All facilities, including all treatment rooms, cages, pens, kennels, training rooms and exercise runs, shall be maintained within a completely enclosed[, SOUNDPROOF] building so that the decibel level at the

property line does not exceed 50. Areas for the care of large animals that are associated with veterinary clinics are exempt from this requirement, but shall meet the setback standards of subsection 21.05.050B.3.b.iv."

47. **Issue:** 21.05.050B.3.b.ii., *Lot Coverage* and b.iv.(B)., *Setbacks*

Do not allow lot coverage of Large Domestic Animal Facilities (LDAF) to exceed that of the underlying zoning district. In R6 or R8 you could allow 20,000 to 40,000 sf structures. That's way out of scale with residences that don't exceed a footprint of 5,000 at the most and more typically 2,000 sf footprint.

10 foot setbacks for uncovered enclosures is not adequate even with Level 3 landscaping. These can be active use areas (barrel racing, horse jumping) and totally denuded areas and the buffer should be the district standard.

Staff Response: The Large Domestic Animal Facility use was adopted by the Assembly in 2006. [AO 2005-150 (S-1) (Amended)] When the Assembly has recently considered an issue, the department policy is to carry forward the Assembly action without modification.

Staff Recommendation: No changes recommended.

48. **Issue:** 21.05.050B.3.b.v., *Fences*

Barbed wire is and has been used throughout the Anchorage area for the purpose of controlling livestock and protecting property. In 1996 Land Use Enforcement had this same issue arise for electric fencing used in a residential area. Municipal legal department deemed that LUE could not restrict the use of electric fencing any more than any other fencing material, i.e.: barbed wire fencing. Has there been a change in the law to restrict the use of viable fencing materials in urban or rural settings?

Staff Response: There was a legal opinion made in the mid 1990s that stated that an electric fence on private property was not a public nuisance. Title 21 currently regulates fence types (21.45.110 limits sight-obscuring fences); the barbed wire limitation comes from recently-adopted Assembly legislation (Large Domestic Animal Facilities) which the department is not proposing to change.

Staff Recommendation: No changes recommended.

49. **Issue:** 21.05.050C., *Assembly*

Just a note that the listings under "Assembly" do not match those in the IBC for assembly occupancies. See IBC section 303.

Staff Response: The purpose of the IBC is different from the purpose of the zoning code, and thus the categories often differ.

Staff Recommendation: No changes recommended.

50. **Issue:** 21.05.050D.8.c.ii., *Minimum Distance from Certain Uses*

Change section to read: Except for teen nightclubs and underage dances permitted under AMC chapter 10.55, 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:

A) A K-12 school, public, private, or periodical;

B) Property zoned residential; or

C) TA-zoned property designated as residential in the Turnagain Arm Area Plan

Adding the words, "public, private, or parochial" will clarify that the intent of the staff's wording was to include private and parochial schools in the definition of K-12 school.

Staff Response: The definitions of "Elementary School" and "High School or Middle School" state that they are a "public, private, parochial, or charter school", so it isn't necessary to repeat it in this section. Issue #18 notes that the intent of the separation distance is to keep the use separated from places where children are likely to be. Thus staff suggests amending as proposed in Issue #18.

Staff Recommendation: Page 61, line 8, amend to read, "A <u>school or instructional service serving any combination of grades kindergarten through 12;</u> [K-12 SCHOOL;]"

51. **Issue:** 21.05.050D.11., *Theater Company or Dinner Theater*

Is it necessary to place a limit on the number of seats and square footage of a dinner theater? Would it not make more sense to allow the CU approval process handle the appropriate size of the facility.

Staff Response: The issue isn't having too large of a theater, but distinguishing between a small theater and a major entertainment facility. There are differences in land use impacts between Cyrano's Theater and the Performing Arts Center.

Staff Recommendation: No changes recommended.

52. **Issue:** 21.05.050F.2.b.ii., *Use-Specific Standards*

It says " … in the B3 district shall have a maximum gross floor area of 5,000 square feet." If the goal is to limit the size in B3 to encourage them to go to midtown or downtown, this makes sense. Until those are defined, this could be a problem. How would the Credit Union 1 building on Abbott fit here?

Staff Response: The draft Land Use Plan Map proposes that most of the areas currently zoned B-3 that have large financial institutions are intended to become mixed-use districts at some point in the future. This and other provisions (such as parking reductions for mixed-use areas) should encourage developments like Credit Union 1 to rezone to a mixed-use district in accordance with the Land Use Plan Map. The department is considering other incentives, such as waiving the rezoning fee for a period of time.

Staff Recommendation: No changes recommended.

53. **Issue:** 21.05.050I., *Vehicles and Equipment*

Neither this section nor AMC 21.05.060A makes allowance for heavy equipment repair and service. This will result in many nonconforming uses throughout the business and industrial districts.

Staff Response: Heavy equipment repair and service is part of the use "General Industrial Service" at 21.05.060A.3.

Staff Recommendation: No changes recommended.

54. **Issue:** 21.05.050I.7., *Vehicle Service and Repair, Major*

This use should be subject to the same level of standards where abutting a residential district as is minor vehicle service and repair.

Staff Response: Staff concurs.

Staff Recommendation: Page 68, after line 23, add the following:

Use-Specific Standards

i. Vehicle service bays facing a rear or side setback shall be screened from adjacent residential properties by a screening fence of at least six feet in height. Required landscaping shall be between the fence and the property line.

ii. Noise generating equipment shall be inaudible at the property line of a residentially zoned property.

55. **Issue:** 21.05.060A.1., *Data Processing Facility*

ASD has its IT data processing facility on the campus of West HS/Romig MS. According to this provision, that facility is an I (Industrial) type use and is not permitted on PLI land use by Table 21.05- 2. Can it be considered an allowable accessory use? Clarify.

Staff Response: Staff does not object to adding "data processing facility" as an allowed use in the PLI district.

Staff Recommendation: Table 21.05-2, add "data processing facility to the PLI district as "P".

56. **Issue:** 21.05.060D.l., *Bulk Storage of Hazardous Materials*

The provision concerning bulk storage and/or distribution of hazardous materials should be clarified to more specifically define what constitutes "bulk storage", whether retail distribution or only bulk distribution is covered, and what materials are considered hazardous.

Staff Response: "Hazardous materials" are defined in Anchorage Municipal Code Title 16. Bulk storage of hazardous materials would be any establishment that stores and/or retails or wholesales the materials.

Staff Recommendation: No changes recommended.

57. **Issue:** 21.05.060E.7.b., *Use-Specific Standards*

Use specific standards for snow disposal sites should not apply to sites within the AD district for snow removed from within the ANC boundaries.

Staff Response: If the ANC leases space for off-site snow to be hauled onto ANC property and stored, the snow disposal site would have to meet Title 21 standards. Otherwise the snow disposal site standards would not be applied at the ANC.

Staff Recommendation: No changes recommended.

58. **Issue:** Table 21.05-4: *Table of Accessory Uses—Residential Districts*

Question the reasoning behind allowing bee keeping in high density residential areas, as in the R-3 and R-4 districts. The R-4 district does not allow for the outdoor harboring of animals, why bees?

Staff Response: Staff has tried to make as few changes as possible to the residential districts in current code. Currently beekeeping is allowed in the R-3 and R-4. Staff has not heard that this has caused any problems.

Staff Recommendation: No changes recommended.

59. **Issue:** Table 21.05-4: *Table of Accessory Uses—Residential Districts*

Going from a three bedroom B&B to a four or five bedroom B&B requires an administrative site plan review, which is very expensive. The fee can discourage this. Why is a site plan review needed for a four bedroom B&B?

Staff Response: Residential zones are established for the quiet enjoyment of residential living, not for businesses. Some commercial operations are traditionally found within residential zones and are accommodated there through various means. Larger bed and breakfast establishments have more of an impact on a neighborhood than smaller bed and breakfast establishments, and thus a higher level of review. The established threshold for when a review is required has long been between three bedrooms and four bedrooms. One change between the existing and proposed codes is that five bedroom B&Bs have required a conditional use permit in the current code, and the proposed code only requires an administrative site plan review.

The fees are calibrated to the amount of work required to process an application. It is possible that the fee schedule may be revisited after the adoption of the new code, since some of the processes will have changed, but there are no guarantees that a fee will change.

Staff Recommendation: No changes recommended.

60. **Issue:** Table 21.05-5: *Table of Accessory Uses—Commercial, Industrial, Mixed-Use, and Other Districts*

All "P" (permitted use) references except beekeeping should be removed from the PLI column and replaced by "S", "C" or "M".

Home occupations should not be an allowed use in PLI district since private residences are not an allowed use.

Staff Response: Beekeeping has been a permitted accessory use since 1985 and we are unaware of any problems caused by allowing the practice of beekeeping without any review by the Planning Department.

Staff agrees that "home occupations" should not be allowed in the PLI district.

Staff Recommendation: Page 94, remove the "P" from "home occupations" in the PLI district.

61. **Issue:** Table 21.05-5: *Table of Accessory Uses—Commercial, Industrial, Mixed-Use, and Other Districts*

Drive-through businesses should be a permitted use in the NMU and CMU zones. The current Muldoon Shopping Center has a drive-through ice cream store and the current Huffman shopping center has a drive-through dry cleaner. Also, we do not view drive-in banks or food establishments as being incompatible with other permitted uses in NMU and CMU zones.

Staff Response: The existing drive-throughs will have grandfather rights, but the NMU and CMU districts are intended for compact, pedestrian-friendly mixed-use development, and the drive-through is not conducive to this environment. Drive-throughs are appropriate for districts with a more auto-oriented focus.

Staff Recommendation: No changes recommended.

62. **Issue:** 21.05.070D.1.b.iii.(A).(4)., *Purpose*

This policy statement seems out of place for use specific standards.

Staff Response: While most accessory uses don't have purpose statements, these help explain why there are five pages of ADU requirements. These purpose statements come from the ADU legislation, which was passed in 2003.

Staff Recommendation: No changes recommended.

63. **Issue:** 21.05.070D.1.b.iii.(B).(4).(a)., *Uses*

There has been no clear cut explanation as to why a home which offers child care cannot also have an ADU?

Staff Response: The issue is cumulative impacts of commercial uses in residential neighborhoods and preserving the principal and primary use on the lot as residential living. However, note that only child care centers are prohibited on lots with an ADU. Child care homes, which allow care of up to eight children are allowed.

Staff Recommendation: No changes recommended.

64. **Issue:** 21.05.070D.3., *Beekeeping*

Para A—25' is extreme. Bees naturally go up in the air within 10' of the hive entrance. The extra 15' adds nothing but inconvenience siting a hive. And many older lots are 60' wide. Newer lots even narrower. A 25' border will require a hive to be placed in the center of the lot, which may not be feasible.

Para B—how to comply with this para, since almost every lot will have "adjacent property" on all sides with varying ownership.

Para C—other barriers besides fences should be recognized such as side of building, natural vegetation, hung fabric; fences not allowed to be 6' high between lots, so that prevents hives being near sides of lot; bees' angle of flight more important than height of obstruction—3' barrier that is 2' from hive forces bees upwards better than 6' barrier 20' from hive; It is unclear what is meant by the fence extending 10' beyond the hive "in all directions." Does this mean the hive needs to be enclosed on all four sides by a 6' fence? Again, it would make more sense to focus on the flight angle to determine the width of the barrier in front of the hive. The barrier could be shorter if it was closer to the hive. No barriers are needed on the sides or back of the hive. These arbitrary heights and distances do not take into account bee's flight patterns.

The rules do not take into account that beekeepers occasionally place hives on garage roofs or otherwise elevate the hives. In that case, these rules are not necessary since the bees' flight is above neighboring properties.

We suggest you confer with an experienced beekeeper about bee behavior. The rules can be less restrictive and still avoid undue nuisance to neighbors.

Staff Response: These regulations regarding beekeeping, which are carried forward from current code, were adopted in 1985. The ordinance was introduced by Assemblymember Carol Maser at the request of the Cook Inlet Beekeepers Association, and a local beekeeper, Georgia Britt, was involved in drafting the regulations, which according to the PZC resolution, were modeled after existing ordinances from Tucson, Arizona and Seattle, Washington. This information implies that experienced beekeepers were involved in creating these provisions.

In the last ten years, the municipality has received zero complaints regarding bees.

If new information exists to create better beekeeping regulations, department staff has no objection to revising them, but due to over 20 years of success with the existing regulations and the multitude of other issues needing attention, staff would like to postpone such a revision to a later date (after the adoption of the code rewrite).

Staff Recommendation: No changes recommended at this time.

65. **Issue:** 21.05.070D.7., *Drive-Through Service*

This subsection seems to have a number of substantive issues and inconsistencies in use of language, terms and references to other parts of the code.

If the definition of "drive-through service" facility is not intended to include all types of uses with vehicle queuing (eg., car wash), then the definition should clarify that the drive-through services accessory use type does not include vehicle queuing without service windows—such as car washes, vehicle repair bays or self-storage facilities. The definition could clarify that a drive-through service facility includes not only queuing but also a service area—usually a window—where the service occurs. Or, alternatively, if the use is intended to include car washes and vehicle service bays, then those should be included in the list of primary uses allowed to have drive-throughs.

The subsection could more clearly articulate why drive-throughs and queuing spaces are of enough concern to apply use-specific development standards.

The list of primary uses in subsection b on lines 6-7 does not leave room for uses not on the list. For example, is dry clean drop-off a potential use? Will there be other uses?

The way the draft code categorizes drive-through service uses and divides its standards between 21.05.070D.7 and 21.07.090L seems to have opened it to potential inconsistencies in how it addresses vehicle queuing from one use type to another. For example, prohibition against queuing spaces between the building and the abutting street does not apply to all queuing uses (eg., car wash queues). Is it consistent to allow one use but not another to place queuing next to the street? The same may potentially apply to any screening or noise buffering standard which may apply to queuing spaces in a drive-through use but not a car wash. The code requirements should be revised or reorganized to ensure a consistent overall policy for queuing spaces.

The first use-specific standard "a" is too discretionary for the front counter plan review. It should either become more specific or should be made subject to the opinion of the traffic engineer or director through an administrative site plan review.

Lastly, the section does not seem to adequately protect neighboring properties from off-site impacts, particularly on abutting public streets and residential properties. Provide a screening requirement and more comprehensive noise and pollution provisions.

A drive-through use abutting a residential lot requires L2 landscaping. A sight and noise obscuring fence should be required along with the landscaping abutting a residential or mixed-use zoned lot. The L2 landscaping doesn't seem sufficient to buffer the abutting residential from an incompatible use such as a drive through, particularly those that are in operation late at night. A low wall should be provided abutting a right-of-way, such as a sidewalk.

Staff Response: Staff recommends limiting the definition of drive-through service accessory uses to facilities in which the user receives services or obtains goods at an exterior service station while remaining in their motor vehicles. This captures banks, restaurants and food/beverage kiosks. For vehicle service uses such as fueling stations, car washes, and vehicle repair bays, other use-specific standards and the queuing provisions of 21.07.090L still apply. Therefore, not all uses with queuing spaces are drive-through uses.

Staff recommends a specific list of the use types for which drive-through services are allowed, and to include general personal services as a use type on that list.

Staff Recommendation: Page 103, lines 3-21, revise as follows:

Drive-Through Service

a. Definition

The physical facilities of an establishment that encourage or permit customers to receive services or obtain goods while remaining in their motor vehicles. A drive-through facility consists of two parts—the queuing lane and a service station where the service occurs. The queuing and service facilities of motor vehicle related uses such as fueling stations, car washes and vehicle service and repair are not included in the definition drive-through service as an accessory use, and are addressed elsewhere in this title.

b. Use-Specific Standards

The purpose of these standards is to allow for drive-through facilities by reducing the impacts they may create, such as noise, glare, and fumes from idling cars, noise from voice amplification equipment, or traffic interferences with vehicle and pedestrian circulation. Drive-through services are allowed as accessory uses to the following primary uses: restaurant, pharmacy, financial institution, general personal services and food and beverage kiosk. The following standards apply to all drive-through services:

i. Queuing [STACKING] Spaces

Vehicle queuing [STACKING] spaces shall be provided pursuant to section 21.07.090L. [21.07.090I.]

ii. Impact on Adjacent Uses

1. A drive-through that is adjacent to a residential or mixed-use zoned property shall be located, sized, and designed to minimize traffic, noise, air emissions, and glare impacts on surrounding properties, based on the findings of an administrative site plan review.

2. No drive-through queuing [STACKING] spaces shall be located between the building and an abutting right-of-way.

3. When a drive-through service facility [USE] abuts a residential or mixed-use zoned lot [IN A RESIDENTIAL DISTRICT], a six-foot high screening fence or wall [L2 BUFFER LANDSCAPING] shall be provided along that lot line between the drive-through facility and required perimeter landscaping.

4. The noise generated on the site by talk boxes shall be inaudible at the property line of residential or mixed-use zoned properties.

66. **Issue:** 21.05.070D.12., *Home Occupation*

If a home has a wind tower or solar panels generating electricity that is "sold" to Chugach Electric, is that a "home occupation?" Solar panels may occupy more that 500 square feet.

Staff Response: No, alternative energy facilities that provide energy back into the grid would not be considered home occupations. Solar panels are not regulated through Title 21 except that they

must meet the height restrictions for the zoning district they are in, and the department is working on an ordinance to address wind energy facilities.

Staff Recommendation: No changes recommended at this time.

67. **Issue:** 21.05.070D.12.b.x., *Use-Specific Standards*

Request that this section be deleted as it unduly limits the right of a property owner to have a home office to support him or her self.

Staff Response: As noted in other issues, the primary purpose of the residential zones is for the quiet enjoyment of residential living. This regulation prevents the cumulative impacts of multiple commercial uses in residential districts. Staff does not object to removing the limitation on home occupations and ADUs.

Staff Recommendation: Page 106, lines 23-24, amend to read, "A home occupation shall not be permitted on any lot with an [ACCESSORY DWELLING UNIT,] adult or child care facility, or assisted living facility."

68. **Issue:** 21.05.070D.13.b.v., *Fences*

See comment for 21.05.050B.3.b.v above this should be deleted.

Staff Response: See issue #48.

Staff Recommendation: No changes recommended.

69. **Issue:** 21.05.070D.14., *Outdoor Keeping of Animals*

Important to encourage food self sufficiency, healthy food, and local food source (eggs); if noise and smell are issues, directly address them; no "population restriction"—humane laws appropriate method to handle this; regulations should encourage people to keep backyard farm animals.

We could not find a definition of "large domestic animals" in 21.13.030. We assume it includes cows and horses. We don't know if it includes sheep or pygmy horses, for example.

The words "poultry," "chicken," and/or "hen" should be used in this section to allow residents to search www.municode.com for the codes on these animals. Currently, there are no codes that specifically relate to chickens and other small animals besides dogs and cats, creating a great deal of confusion. Anything that can be done to assist residents in finding the applicable codes would be a huge help.

Animal Control should be telling us how many pets we can have, provide citizens with the opportunity to obtain a license for multiple pets, and then perform inspections. Animal Control needs to be the agency that tells us where, how, and how many pets we can have, not Title 21, Land Use.

The prohibition of animals, particularly chickens and the outdoor enclosure requirements may cause an increased burden to animal control when the code takes effect. We encourage Planning and Zoning to consider a code that treats all domesticated animals equally and request that Title 17 be our primary regulation of animals in the municipality rather than Title 21.

We believe that rabbits and chickens should be allowed anyplace where dogs are allowed, and any licensing or permitting should not be any more than required for dogs or domestic cats.

Staff Response: The Planning Department has been having discussions with the Health Department and the Animal Control Advisory Board about which animal regulations should be in Title 17 and which in Title 21. We generally agree that the regulations about type and number of animals should be transferred to Title 17, but will not remove those provisions from this draft until a change to Title 17 is effected.

Staff recognizes that dogs and cats are treated differently from other small (and large) animals in Title 21, but notes that dogs and cats are the most common household pets in this country and the community as a whole has different tolerances for these common pets than they do for fowl or rabbits or other non canine or feline pets.

The recently passed LDA ordinance defines "large domestic animal" as "domestic or semi-domestic animals such as horses, cows, pigs, llamas and other similar animals of similar size, but not dogs, canis familiaris". This definition will be added to chapter 14.

Staff Recommendation: See changes recommended for this section in the following issues.

70. **Issue:** 21.05.070D.14.b.i., *Use-Specific Standards*

It is not made clear why mobile home parks should have more restrictive measures than non-mobile home park areas. As it is written, the code may be seen as biased against mobile home park residents. Strike this language from the chapter.

How does a small yard in a mobile home park differ from a small yard with a house on a foundation? Some mobile home parks allow large dogs. I know someone that has 2 rabbits outside and lives in a mobile home park and the park allows it.

This regulation is clearly discriminatory and does not take into account the ability of trailer owners to have the same rights as any other individual living in this city. I am against this across the board denial of persons living in trailer parks rights to own pets out of doors in pens.

There is no reason why clean well kept outdoor pens would not have a place within this city of Anchorage in trailer parks.

Staff Response: The difference is that the minimum mobile home space is 3,000 square feet while most single family lots are a minimum of 6,000 square feet. Outdoor animals in manufactured home communities (mobile home parks) are much closer to neighboring homes with a greater chance of causing negative impacts on the neighbors. Also see Issue #22.

Staff Recommendation: No changes recommended.

71. **Issue:** 21.05.070D.14.b.iii.(B).(1)., *Use-Specific Standards*

Attempting to ban specific species, which is presumably for noise reasons, ends in failure or confusion—someone will always find some animal that is noisy but not banned. Deal with this through the noise ordinance.

Staff Response: While it may be true that someone will always find a noisy animal that is not banned, if we are aware of animals (species) that consistently cause problems and generate noise complaints, why not address the problem up front rather than make an aggrieved neighbor suffer for a period of time and go through a relatively extensive complaint process?

Staff Recommendation: Page 108, lines 32-33, amend to read, "The outdoor keeping of roosters, turkeys, guinea fowl, peacocks, or geese is prohibited."

72. **Issue:** 21.05.070D.14.b.iii.(B).(2)., *Use-Specific Standards*

The limit to 3 animals on a ¼ acre lot is low, especially for small animals. Three might be about right for larger small animals, such as sheep and llamas. But if it is just someone who wants to have 4 or 5 pet chickens or gerbils, that doesn't seem excessive even on a small lot. Rather than focusing on the number of animals, would it make more sense to focus on the available land on the lot and the size (weight, biomass, etc.) of the animals? The number of pets should be limited to 5 or 6, without regard to lot size. After, say, 6 animals the use will be closer to a commercial or breeding facility than household pets. What are the limits for dogs and cats?

The Seattle code allows for 3 animals in 5,000 sq ft with an additional animal for each additional 1,000 sq ft. This makes more sense especially when keeping laying hens. It takes a minimum of 3 hens to make a stable social group. It's actually best to keep 4 hens to allow for the inevitable loss of one. In most areas of Anchorage this lot size would allow individuals to keep small family flocks without allowing overly large groups of birds.

Requested Change: Edit section to read "Up to three (3) animals may be kept on lots of 5,000 square feet or less, with an additional one (1) animal per additional 1,000 square feet of lot area."

Six is a good number of chickens for a 10,000 sf lot.

As to the number of chickens to be allowed... 3 hens provide my family of four all the eggs we need, 5 hens allow me to share eggs regularly with others. Hens are small, the limiting factor at my house is the size of the coop, not the size of my yard. I don't have any smell and minimal clucking once or twice a day from my hens currently. I think it would be safe to allow people on a city lot 5-7 hens, but I would not be opposed to following the codes from Seattle.

Staff Response: Based on the comments and testimony on this issue as well as discussions with the Animal Control Advisory Board, staff recommends increasing the number of animals as proposed in the staff recommendation.

Staff Recommendation: Page 108, lines 34-36, amend as follows: "Up to five [THREE] animals may be kept on lots of 6,000 [10,000] square feet or less, with an additional one [(1)] animal per additional 1,000 [3,000] square feet of lot area. A facility license may be required pursuant to title 17."

73. **Issue:** 21.05.070D.14.b.iii.(B).(3)., *Use-Specific Standards*

Setback rule is ridiculous; There doesn't seem to be any reason to require that chicken coops and similar enclosures be 10'-25' from sidelines. The normal building setback is 5'. That seems enough. There is no justification for having a higher side setback on larger lots than smaller lots, either.

Mandating that the enclosures for all animals except dogs and cats be set back from the property line is not logical. If a dog that can bark and bite is allowed to the edge of the property, animals as innocuous as laying hens should also be allowed to the edge of the property. I understand that residents who do not have hens, rabbits or other outside pets besides dogs and cats have concerns about where these animals will be housed, and would agree that the outbuilding should be 10 feet from the lot line.

Requested Change: Edit section to read "Structures for the outdoor keeping of animals shall be at least 10 feet from any lot line."

Setback should be for structure, but not enclosure.

Staff Response: As noted in other responses, the rules for dogs and cats have been and continue to be different than for other animals.

Setbacks are a common and useful method of reducing impacts of animals on neighbors and neighboring properties. Setbacks exist in current code, and in the recently passed Large Domestic Animal ordinance, setbacks are used to reduce impacts on neighbors.

In consultation with the Animal Control Advisory Board, Planning staff recommends retaining the proposed setbacks specific to outdoor keeping of animals, clarifying that the underlying setbacks also apply to structures or enclosures for the outdoor keeping of animals, and reducing the required setback for animal structures or enclosures in the large lot districts to be no more than that required in small lot districts.

Staff Recommendation: Page 108, lines 28-30, amend to read, "On lots of 40,000 square feet [ONE ACRE] or greater, structures for the outdoor keeping of animals shall not encroach into the setbacks of the zoning district, and structures and enclosures shall be at least 10 [25] from any lot line."

Page 108, line 31, amend to read, "On lots smaller than 40,000 square feet [ONE ACRE], the following shall apply:"

Page 108, lines 37-38, amend to read, "Structures for the outdoor keeping of animals shall not encroach into the setbacks of the zoning district, and structures and enclosures shall be at least 10 feet from any lot line."

74. **Issue:** 21.05.070D.14.b.iii.(B).(5)., *Use-Specific Standards*

Administrative permit is unacceptable; The permitting requirement seems excessive. We read in the newspaper that the permit will cost $115 every other year. For small animals, that is excessive. It would make more sense not to require a license for these small animals, but then regulate nuisance sound and noise. Requiring a license seems way out of scale to the problem.

Paragraphs (6) and (7) give too much discretion to the licensing officer. The ordinance should require that the pets be kept in sanitary conditions and avoid unreasonable noise or odors and danger to the public health and safety. We assume the zoning code already requires this as to dogs and cats, and the same should apply to other animals. The licensing means that if anyone complains about a pet, the licensing officer can take the easy route and revoke the license. That is not fair. There ought to be a hearing process to determine whether the animals or conditions violate these standard.

In contrast, Portland code requires no permit for 3 or fewer animals, and for 4 or more a multi-animal facility permit is required annually for $31. In Madison, Wisconsin, an annual $10 coop permit is required for the keeping of 3 or fewer hens. By making the permit cost reasonable, it is more likely that individuals will abide by the regulation.

Requested Change: No permit required for 3 or fewer animals. For four or more an annual permit costing twice the annual dog permit fee.

This permit as outlined in the draft AMC can have "additional restrictions, limitations, and conditions" not listed in the code. Examples included limitations on the hours the animals may be kept outdoors, or measures to control animal odors. This vague language should be removed from the AMC. In order to ensure fairness, all restrictions, limitations, and conditions should be reviewed and approved within the AMC. If a specific problem arises, then it makes sense to either require a permit, if one had not been required previously, or to modify the permit appropriately.

Requested Change: Strike 14.b.iii.(B)(6). Modify 14.b.iii.(B)(7) to read "In cases where legitimate complaints have occurred a permit with additional limitations may be required, if one had not been required before; or the current permit may be modified to remedy the situation. Such modification or revocation shall be effective from and after ten days following the mailing of written notice (continues as currently written)…"

Staff Response: Staff has no objection to deleting the permit requirement.

Staff Recommendation: Page 109, lines 1-17, delete subsections (B).(5)., (B).(6)., and (B).(7).

75. **Issue:** 21.05.070D.14.b.iii.(A)., *Use-Specific Standards*

(1) states that roosters, turkeys, and geese are prohibited on lots of less than one acre.

R-6 zoning has traditionally been properties where horses and other large animals as well as the above mentioned roosters, turkeys, and geese are allowed by code with setbacks. To take those rights away from an R-6 lot simply because it is less than an acre in size is unfair and illogical. There are many smaller lots intermixed with the larger ones. If you wish to prohibit something, prohibit by zone, not lot size.

Please make whatever restrictions you are unable to avoid **by zone and not lot size**. I, and probably most other people, purchased an unrestricted R-6 lot specifically for the freedom to have any animals I'm able to care for, including horses.

Staff Response: The issue of impacts is related to lot size, not to zoning. If this were regulated by zoning rather than lot size, people with one acre lots in the R-1 district would not be able to keep the animals that are determined to be acceptable on large lots. However, in order to be consistent with

the Large Domestic Animal Facility ordinance, staff proposes (shown in Issue #73 above) to change the threshold to 40,000 square feet.

Staff Recommendation: Amend as shown in Issue #73.

76. **Issue:** 21.05.070D.14.b.iii.(B).(7)., *Use-Specific Standards*

Revocation of a permit prior to receipt of notification seems heavy handed. Request altering the sentence "from mailing of written notice" to "from receipt (or service) of written notice" to give the owner opportunity to address the issues.

Staff Response: The department has no way of knowing when a person receives their notice. We can only know when we send it out and then allow a reasonable amount of time for delivery and receipt. But, pursuant to Issue #74, this section is proposed to be deleted.

Staff Recommendation: Amend as recommended in Issue #74.

77. **Issue:** 21.05.070D.17.b., *Parking of Business Vehicles, Outdoors, Accessory to a Residential Use*

How is this enforceable? What if husband and wife work for two companies which provide take-home vehicles? One gets to drive a company car but the other does not? What if the occupant of an ADU has a take-home vehicle, are they not going to be allowed to drive a company car when the owner has a take-home vehicle? What about a home occupation, an owner can't have two vehicles for his business? Request this section be deleted.

Staff Response: Staff proposes to allow two business vehicles per residence.

Staff Recommendation: Page 110, line 19, amend to read, "Only <u>two</u> [ONE] vehicle<u>s</u> bearing visible evidence of a business/commercial purpose…".

78. **Issue:** 21.05.070D.19.b.iii., *Use-Specific Standards*

There are many subdivisions which do not have access to alley ways and that have 5 foot side yard setbacks. How can an owner get a vehicle to the rear of the house when there is no ability to do so? This section is not realistic, request that it be deleted.

Staff Response: Generally, the community expects that residential zones be dedicated to residential uses. Some short-term minor vehicle repair and service can be tolerated in the visible portions of a residential property, but extended work and/or storage of non-functioning vehicles and associated parts and repair equipment is not acceptable unless it is out of view. Not all residential properties are equal and some natural or man-made constraints may limit a particular dwelling site's ability to accommodate extended vehicle repair or restoration. If access to the rear yard or garage is not available, then an off-site alternative must be used rather than to harmfully impact the local neighborhood with what many consider to be an unsightly or nuisance accessory use.

Staff Recommendation: No changes recommended.

79. **Issue:** 21.05.070E.1., *Use of an Intermodal Shipping Container (Connex) Trailer*

There are so many of these in use, this is too restrictive. They may be ugly, but the alternative is to have the stuff that is in them piled up outside or an even crummier looking shed. Why not use wording similar to Type 4 towers "… located to minimize visual and aesthetic impacts to surrounding land uses and shall to the greatest extent practical, blend into the existing environment." Maybe require that they be painted to match the principal structure. They could be limited to one per lot and be required to meet the standard setback requirements. Requirements similar to those for relocatables at schools could also be applied. I bet every school has at least one connex. They are used to hold sports equipment at every track I use. Businesses use them all over town. There's a fleet of them behind WalMart on Dimond. For businesses, a connex can provide good temporary storage in times of sudden growth. There is really no efficient substitute. When businesses face the reality of this requirement, the requirement will be changed like the sign law was.

We support the proposed limits on the use of Connex trailers. The vote was 10 in favor, 4 opposed, and 6 abstained.

The use of connex trailers can and should be accommodated. Requiring siding and a pitched roof on the connex will ensure that it blends with the neighborhood. Any unit over 120 sq. ft. requires a building permit to ensure conformance with municipal code. Also connex trailers can now be purchased in varying lengths, from 8 ft.

Staff Response: Connex trailers are industrial equipment and are not intended to be used as structures. Using them as storage structures is inappropriate in residential and commercial zones.

The department does not support allowing connex trailers in residential zones. Staff recognizes that this issue will be discussed by the Commission and the Assembly.

In order to address the prohibition more appropriately, to allow connexes at the airport and in the Marine Commercial district, and to require screening when connexes are used at schools and parks, staff proposes to reword the section as shown below.

Staff Recommendation: Page 111, lines 5-8, amend to read, "a. The use of a connex trailer or similar structure is <u>prohibited in any residential, commercial, or mixed-use district</u> [ONLY ALLOWED IN INDUSTRIAL AND PLI DISTRICTS], except that loading or unloading, and use during construction is allowed in any district.

b. Self-storage establishments in compliance with the development standards of 21.05.060D.4., *Self-Storage Facility*, are exempt from this restriction.

<u>c. Connex trailers in the PLI and PR districts shall be screened on all sides by structures, vegetation, and/or fences at least as high as the connex trailer.</u>"

80. **Issue:** 21.05.070E.1., *Use of an Intermodal Shipping Container (Connex) Trailer*

Revise to include the Airport district among those districts in which the use of connex trailer or similar structures is allowed.

Staff Response: See Issue #79.

Staff Recommendation: See Issue #79.

81. **Issue:** 21.05.070E.3., *Cloth Garages*

These are ugly. But they look better than the blue tarps my neighbor replaced with his cloth garage. It would be better to limit the size, perhaps nothing bigger than the motorhome size, and require they meet setback requirements than to ban them completely.

Regarding prohibition of temporary use of cloth garages in residential areas. These are handy for neighborhood parties outside. What else can you do if you have a large group and it might rain? This should be loosened up. Can you apply the requirements in section D but decrease the number of consecutive days the cloth garage is allowed to be used? Also, how can we distinguish "tents" on line 37 of this page, from "cloth garages?

We do not support the proposed prohibition on the use of cloth garages in residential districts. The vote was 1 in favor, 12 opposed, and 4 abstaining on whether to support the prohibition.

Staff Response: Few of these types of structures can meet any of the structural standards required to be met by other structures, creating a safety hazard. They are currently required to meet setback standards and get a building permit, yet few do.

Temporary shelters for special events, such as wedding tents, are not considered this type of use.

Recent proposals to place large, nonresidential inflatable structures in residential zones have led staff to propose expanding the definition as shown below.

Staff Recommendation: Page 111, lines 12-13, amend to read, "3. **Fabric Structures** [CLOTH GARAGES] Frame-supported, [OR] arch-supported, or inflated tension fabric or membrane structures, fabricated off-site and assembled on-site…"

82. **Issue:** 21.05.070E.5., *Use of Mobile Home, Recreational Vehicle, or Travel Trailer as Residence*

We support the prohibition of mobile homes and recreational vehicles and travel trailers as residences as proposed. However, we do not want this to prohibit people from living in their trailer or RV at the Golden Nugget Camper Park.

Request that the provision of Section 21.05.080B.3.e, allowing a mobile home on a property while the principal dwelling is being built in the rural districts, be referenced here.

Staff Response: This provision will not affect camper parks. The proposed reference should be added.

Staff Recommendation: Page 111, line 24, amend to read, "Except as allowed by 21.05.080B.3.e., i[I]n all zoning districts, mobile homes, recreational vehicles, and travel trailers…".

83. **Issue:** 21.05.070E.8.c., *Parking of Commercial Vehicles, Outdoor*

This seems to be misworded. Can you delete "actually then" and have a clearer meaning?

Staff Response: Staff has no objection to this change.

Staff Recommendation: Page 112, line 7, amend to read, "Any trailer bearing commercial signage, logo, or [ACTUALLY THEN] carrying…".

84. **Issue:** 21.05.080, *Temporary Uses and Structures*

This entire section of Temporary Use Standards needs more definition. What constitutes a temporary use? Who determines a temporary use? Also, how do people know if a permit is required or not?

The types of temporary uses described in the section are usual and customary for Religious assemblies (churches) to conduct. Does this mean that churches must now obtain a permit if they plan to have a church picnic on their property? Will a church youth group sponsoring a garage sale fund raiser in the parking lot need to get a permit? Does a religious organization need a permit to hand out Thanksgiving food boxes? The list of questions could go on forever.

Section f. OTHER TEMPORARY USES, item number iii. states: " Temporary uses that occur wholly within an enclosed permanent building." Does this mean that permits are needed before a religious assembly or their private school could conduct a holiday bazaar, a candy sale fund raiser, an athletic wrestling or basketball tournament, etc.?

If permits are not required for these types of events please make it clear in the code so there is no confusion in the future.

Staff Response: The Planning Department does not issue any sort of temporary use permit, and it is not appropriate to reiterate the permit requirements of other departments in Title 21. Thus the examples mentioned in the comment would not require a permit from the Planning Department. However, some temporary uses do need to be regulated because they are regularly abused, and some temporary uses need to be specifically allowed because they may not be allowed as permanent principal uses (such as temporary living in a motor home). Some clarifying amendments are needed, as proposed below.

Section f. includes "other temporary uses" that are allowed in any zoning district in accordance with the standards of the section (lines 29-30 on page 112). No permit from the planning department is required for any temporary use that is wholly within an enclosed permanent building, but other municipal departments may required other permits, depending on the type of event.

Staff Recommendation: Page 112, lines 37-39, amend to read, "Use of the sales office to market sites outside of the project is prohibited[, UNLESS SPECIFICALLY APPROVED AS PART OF THE TEMPORARY USE PERMIT]."

Page 113, lines 6-8, amend to read, "Temporary use of non-loading areas for tractor trailers, office trailers, construction equipment <u>or materials, construction worker parking</u>, or Intermodal shipping container (connex) trailers, during construction or renovation."

Page 113, lines 9-10, amend to read, "e. ***Temporary Living in a Mobile Home, Motor Home, or Other Recreational Vehicle*** Notwithstanding Title 23, o[O]ne mobile home, motor home, or other recreational vehicle with a fully operable…"

Page 114, lines 5-6, amend to read, "1. **Fabric Structures [**CLOTH GARAGES**]** Frame-supported [OR], arch-supported, or inflated tension fabric or membrane structures…"

Page 114, lines 17-19, amend to read, "Permanent alterations to the site, including site grading and installation of underground utilities, are prohibited, unless specifically authorized by the director and the municipal engineer [UNDER AN APPROVED TEMPORARY USE PERMIT]."

85. **Issue:** 21.05.080C.1., *Cloth Garages*

Request that this section be deleted as it is a redundancy of Section 21.05.070E.3, prohibited structures.

Staff Response: Some will consider cloth garages to be permanent structures, and others will consider them to be temporary structures. This covers both bases.

Staff Recommendation: No changes recommended.

Technical Edits and Clarifications

1. Throughout Chapter 21.05: every time there is a use-specific standard that says "Any use that involves the retail sale of alcohol is subject to the land use permit for alcohol process; see section 21.05.020A.", add "special" before "land use permit".

2. Page 21, lines 37-41, 21.05.030A.1, 21.05.030A.1.b, *Dwelling, Mixed-use Use-specific Standards*, revise to clarify the sentence as follows: "The residential portion of a mixed-use building or development shall comply with section 21.07.100G, *Standards for Multifamily Residential*. The non-residential portion of a mixed-use building or development shall comply with the public/institutional and commercial design standards in section 21.07.110 and/or the large commercial establishment standards of 21.07.120. In case of overlap and/or conflict, the more stringent standard shall control [BUILDINGS CONTAINING MIXED-USE DWELLINGS IN THE R-4A DISTRICT SHALL COMPLY WITH THE APPLICABLE RESIDENTIAL DESIGN STANDARDS IN SECTION 21.07.100, RESIDENTIAL DESIGN STANDARDS. BUILDINGS CONTAINING MIXED-USE DWELLINGS IN THE MIXED-USE DISTRICTS SHALL COMPLY WITH THE MIXED-USE DEVELOPMENT STANDARDS IN SECTION 21.04.030O]."

   The changes clarify which residential design standards in 21.07.100 apply. They also correct the applicability of the residential versus public/institutional and commercial design standards to be consistent with the approach recommended in 21.07.100G.2 and 21.07.110B.

3. Page 22, lines 10-11, 21.05.030A.2.b., *Multifamily Dwelling Use-specific Standards*, revise as follows in order to clarify which standards apply to site condominium type multifamily development projects: "

   i. Multifamily developments that consist of three or more units in one building shall comply with [THE RESIDENTIAL DESIGN STANDARDS OF] section 21.07.100G., *Standards for Multifamily Residential*, except as provided in subsection iii below.

   ii. Dwellings with single-family style and two-family style construction in m[M]ultifamily developments [THAT CONSIST OF ONE OR TWO UNITS IN A BUILDING] shall comply with [THE RESIDENTIAL DESIGN STANDARDS OF] section 21.07.100E., *Standards for Single-family and Two-family Residential Dwellings*.

   iii. Dwellings with townhouse style construction in multifamily developments shall comply with 21.07.100F., *Standards for Townhouse Residential*."

4. Page 30, lines 14-15, 21.05.030B.4.b.i., *Administrative Permit*, change "health authority approval certificate" to "certificate of on-site systems approval". This is just a name change.

5. Page 42, after line 7, 21.05.040F.1., *Health Services*, add the following use-specific standard as a cross-reference: "

   b. Use-specific Standard
   Applicable health service establishments shall comply with the medical facility accessible parking requirements; see section 21.07.090.J.4."

6. Page 42, line 19, 21.05.040F.2., *Hospital / Health Care Facility*, add the following use-specific standard as a cross-reference: "Hospital/health care facilities shall comply with the medical facility accessible parking requirements of section 21.07.090.J.4."

7. Page 42, after line 33, 21.05.040F.3., *Nursing Facility*, add the following use-specific standard as a cross-reference: "Nursing facilities shall comply with the medical facility accessible parking requirements of section 21.07.090.J.4."

8. Page 43, line 43, 21.05.040H.4.a., *Public Safety Facility*, amend to read, "…emergency personnel, and related administrative and support services. Examples include…"

9. Page 63, line 21, 21.05.050E.2.b.i., *Food and Beverage Kiosk Use-specific Standards*, revise as follows to correct the reference: "Any food and beverage kiosk with drive-through service shall

comply with the "drive-through service" accessory use standards in section 21.05.070D.7. [VEHICLE STACKING SPACES SHALL BE PROVIDED PURSUANT TO SECTION 21.07.090I.]"

10. Page 64, after line 24, 21.05.050F.2.b., *Financial Institution* Use-specific Standards, add the following use-specific standard as a reference, "*iii.* Any financial institution with drive-through service shall comply with the "drive-through service" accessory use standards in section 21.05.070D.7."

11. Page 66, after line 25, 21.05.050H.6., *General Retail*, provide the following Use-specific Standard as a reference: "Any general retail use such as a pharmacy with drive-through service shall comply with the "drive-through service" accessory use standards in section 21.05.070D.7."

12. Page 67, line 19, 21.05.050I.2.a., *Parking Lot, Principal Use*, revise as follows for more consistent use of parking related terms throughout the code, "An off-street, surface parking lot [SURFACED, GROUND-LEVEL AREA] where motor vehicles are parked for not more than 72 consecutive hours."

13. Page 67, lines 22-23, 21.05.050I.2.a., *Parking Lot, Principal Use* Use-specific Standards, revise as follows: "Principal use parking lots shall be landscaped in accordance with subsection 21.07.080F.6., Parking Lot Landscaping and shall be designed in accordance with subsection 21.07.090H., *Parking and Loading Facility Design Standards*.

14. Page 67, lines 26-29, 21.05.050I3.a., *Parking Structure, Principal Use*, revise as follows for consistency with language elsewhere in the code including the related definition in Chapter 14: "A parking structure with two or more levels or stories [FLOORS] where motor vehicles are parked for not more than 72 consecutive hours [PRIMARILY FOR THE PARKING OF MOTOR VEHICLES]. The parking structure [FACILITY] may be above[,] and/or below [OR PARTIALLY BELOW] grade [GROUND], and the levels may be partially or fully enclosed. A parking [THE] structure may occupy a portion of a building which also includes commercial [INCLUDES LIMITED RETAIL OR OFFICE] space such as offices or retail [, PARTICULARLY] on the ground floor."

15. Page 68 lines 37-38, 21.05.050I.8.b.ii., *Vehicle Service and Repair, Minor*, revise as follows: "Noise generating equipment such as mechanical car wash equipment, outdoor air compressors or o[O]utdoor vacuuming facilities shall be inaudible at the property line of a residentially zoned property [DISTRICT].

16. Page 77, lines 5-7, 21.05.060D.4.b.iv., *Self-storage Facility Use-specific Standards*, revise as follows to eliminate redundancy with Table 21.07-11, "[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.]

17. Page 109, lines 24-25, 21.05.070D.15.b., *Outdoor Display Use-specific Standards*, revise as follows: "No materials may be displayed in areas intended for vehicular [OR PEDESTRIAN] circulation, required parking, required open space, required unobstructed clear width of pedestrian walkways, or required landscaping."

18. Page 109, lines 29-30, 21.05.070D.16.a., *Outdoor Storage*, revise and move the following sentence from the definition to the use-specific standards: "Merchandise in outdoor storage shall not be directly available to the consumer without the assistance of an employee."

19. Page 109, line 37, 21.05.070D.16.b., *Outdoor Storage Use-specific Standards*, define "front plane of the principal building".

20. Page 114, line 37, 21.05.080D.10., General Requirements for All Temporary Uses and Structures, revise as follows: "Tents and other temporary structures shall be located so as not to interfere with the normal…"

21. Page 46, after line 8, insert the following illustration of tower types: