

ANCHORAGE, ALASKA
AO No. 2014-_____

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 21, *LAND***
2 ***USE PLANNING* (NEW CODE – EFFECTIVE JANUARY 1, 2014), TO AMEND**
3 **SECTION 21.03.020, *COMMON PROCEDURES*; TO ADD A NEW SECTION,**
4 **21.03.185, *STREET NAME ALTERATIONS*; TO MODIFY SELF STORAGE**
5 **REQUIREMENTS FOR PAVING ACCESSIBLE PARKING SPACES AND**
6 **WALKWAYS; TO MODIFY LANGUAGE REGARDING SETBACKS FOR THE**
7 **OUTDOOR KEEPING OF ANIMALS; TO MODIFY THE APPLICABILITY OF**
8 **REGULATIONS REGARDING PARKING STRUCTURES; TO PROVIDE TEMPORARY**
9 **LIGHTING REGULATIONS; AND TO AMEND SUBSECTION 21.08.030F.8.**
10 **REGARDING STREET NAME ALTERATIONS.**

11
12 (Planning and Zoning Commission Case 2014-0186)
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14 **WHEREAS**, experiences in the last nine months have indicated that some
15 changes to the common procedures section of the “new” Title 21 are needed; and
16

17 **WHEREAS**, experiences and community feedback in the last nine months have
18 indicated that modifications of some other sections of the “new” Title 21 are needed; and
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20 **WHEREAS**, the regulations regarding street name alteration are required to be
21 adopted by the Assembly in accordance with AMC section 3.40.
22

23 **NOW, THEREFORE, THE ANCHORAGE ASSEMBLY ORDAINS:**
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25 **Section 1.** Sections 21.03.020B.3., *Initiation of Pre-Application Conference*, and B.4.,
26 *Pre-Application Conference Content*, are amended as follows (*the remainder of the*
27 *section is not affected and therefore not set out*):
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29 **3. Initiation of Pre-Application Conference**

30 **a.** The potential applicant shall request a pre-application conference[,
31 **IN THE MANNER PRESCRIBED IN THE USER’S GUIDE,**] with the
32 director by email, phone, or in writing. The director shall schedule a
33 pre-application conference after receipt of a proper request.

34 **b.** At least one week p[P]rior to the pre-application conference, the
35 applicant shall provide to the director a description of the character,
36 location, and magnitude of the proposed development and any
37 other supporting documents such as maps, drawings, models, and
38 the type of entitlement sought. It is the applicant's responsibility to
39 provide sufficiently detailed plans and descriptions of the proposal
40 to enable staff to make the informal recommendations discussed
41 below.
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4. Pre-Application Conference Content

a. [THE DIRECTOR SHALL SCHEDULE A PRE-APPLICATION CONFERENCE AFTER RECEIPT OF A PROPER REQUEST.

B. APPLICANTS SHALL PROVIDE THE INFORMATION SPECIFIED IN THE USER'S GUIDE PRIOR TO THE PRE-APPLICATION CONFERENCE.]

[C.] At the conference, the applicant, the director, and any other persons the director deems appropriate and available to attend shall discuss the proposed development. Based upon the information provided by the applicant and the provisions of this title, the parties should discuss in general the proposed development and the applicable requirements and standards of this title.

[Re-letter remaining sections]

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

Section 2. Section 21.03.020C., *Community Meetings*, is amended as follows (*the remainder of the section is not affected and therefore not set out*):

21.03.020C. Community Meetings

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2. Timing and Number of Community Meetings

When required, there shall be at least one community meeting held prior to[AFTER] the pre-application conference [(IF APPLICABLE)] and [, BUT PRIOR TO] the submittal of an application.

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

Section 3. Table 21.03-1 is amended as follows:

TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS					
Type of Application or Procedure	Section	Notice Required			Community Council
		Written (Mailed)	Published	Posted	
Alcohol—Special Land Use Permit	21.03.040	✓	✓	✓	✓
Appeals to Board of Adjustment	21.03.050A.	✓	✓	-	-
[APPEAL OF AN ENFORCEMENT ORDER]	[21.13]	[-]	[-]	[✓]	[-]
Appeals to ZBEA	21.03.050B.	✓	✓	-	✓
Comprehensive Plan Amendments, Substantive	21.03.070C.	-	✓	-	✓
Conditional Uses	21.03.080	✓	✓	✓	✓

TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS					
Type of Application or Procedure	Section	Notice Required			Community Council
		Written (Mailed)	Published	Posted	
Master Plan, Area	21.09.030E.	✓	✓	✓	✓
Master Plan, Development	21.09.030F.	✓	✓	✓	✓
Master Plan, Institutional	21.03.110	✓	✓	✓	✓
Neighborhood or District Plans	21.03.130	-	✓	-	✓
Nonconforming Uses of Land or Structures, Replication of	21.12.030C.	✓	✓	✓	✓
Nonconforming Structures, Replication of	21.12.040D.	✓	✓	✓	✓
Public Facility Site Selection	21.03.140	✓	✓	✓	✓
Rezoning (Zoning Map Amendments)	21.03.160	✓	✓	✓	✓
Site Plan Review, Administrative	21.03.180C.	-	✓	-	✓[-]
Site Plan Review, Major	21.03.180C.	✓	✓	✓	✓
<u>Street Name Alterations</u>	<u>21.03.185</u>	<u>✓</u>	<u>✓</u>	=	=
Street and Trail Review	21.03.190	-	✓	-	✓
Subdivisions (with existing physical access)	21.03.200	✓	✓	✓	✓
Subdivisions (without existing physical access)	21.03.200	✓	✓	-	✓
Abbreviated Plats	21.03.200D.	-	✓	-	✓
Modification or Removal of Plat Notes	21.03.200G.	✓	✓	✓	✓
Title 21, Text Amendments	21.03.210	-	✓	-	✓
Vacation of Public and Private Interest in Land	21.03.230	✓	✓	✓	✓
Variances	21.03.240	✓	✓	✓	✓
Administrative Variances	21.03.240J.	✓	✓	✓	✓

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

Section 4. Subsection 21.03.020H.3., *Written (Mailed) Notice*, is amended to add a new subsection 3.e. as follows:

e. Street Name Alterations

Notwithstanding the remainder of this subsection H.3., written notice for street name alterations shall be limited to all owners of property fronting on a subject street. Such notice shall be mailed at least 21 days before the street name alteration is submitted to the mayor in accordance with section 21.03.185. The notice shall state the present and proposed street names and shall direct that any comments on the alteration be submitted

in writing to the director.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

Section 5. Subsection 21.03.020H.5., *Posted Notice*, is amended as follows:

5. Posted Notice

When table 21.03-1 requires that notice be posted, the applicant shall cause a notice(s), on a form(s) provided by the department, to be posted on the property, visible from each developed right-of-way adjacent to the property, for at least 21 days before the scheduled public hearing date. In computing such period, the day of posting shall not be counted, but the day of the public hearing shall be counted. If no part of the subject property is visible from the public right-of-way, the notice shall be posted along the nearest street in the public right-of-way. Posted notices shall include the case number or case type, a contact phone number, and the municipal website address [ALL THE CONTENT SPECIFIED IN SUBSECTION H.1. ABOVE EXCEPT FOR THE LEGAL DESCRIPTION]. Before the public hearing, the applicant shall submit to the department an affidavit, signed by the person who did the posting or the person who caused the posting to be done, that notice was posted as required by this subsection. Posted notices shall be removed by the applicant within 30 days after the close of the public hearing on the application.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

Section 6. A new section 21.03.185, *Street Name Alterations*, shall be added as follows:

21.03.185 Street Name Alterations

A. Generally

A street name alteration may be proposed by petition or by a government agency. The petition or proposal shall be submitted to the department. The department shall reject any street name alteration that does not conform to the standards of section 21.08.030, *Design Standards*, and any applicable regulations. The criteria established in AMC 3.97.025 for honorary renaming shall apply.

B. Procedure

1. Petition for Alteration

- a. A petition for street name alteration shall include:
 - i. The existing street name;
 - ii. The proposed street name;

iii. Signatures of 51 percent of the owners of property fronting the street, and the legal description of each signatory's property.

iv. A map showing the location of the subject street.

b. The department shall determine whether a petition conforms to subsection 1.a. above. For the purposes of this section, the person listed on the current municipal property tax rolls as the owner of a lot or parcel shall be presumed to be the present owner of the lot or parcel.

2. Government Agency Proposal for Alteration

A proposal for street name alteration by a government agency shall include the existing street name, an explanation of the need for the street name alteration, and a map showing the location of the subject street. The department shall work with the owners of property fronting the street to determine a proposed new street name.

3. Public Notice

Notice shall be provided in accordance with section 21.03.020H.

4. Departmental Review

The director shall review each petition/proposal and provide a recommendation to approve or disapprove the alteration and the reasons therefore.

5. Action by Mayor

The recommendation of the director shall be submitted to the mayor. The mayor shall issue an executive order either approving or disapproving the alteration. The municipal clerk shall mail notice of the issuance of the executive order to all owners and residents of property fronting on the subject street, and to the person who submitted the petition/proposal for street name alteration. The notice shall include the procedure for protesting the executive order under subsection B.6. below.

6. Protests

a. A protest may be filed at the municipal clerk's office within 30 days of the date the municipal clerk mails notice of the executive order. Absent a protest, the executive order shall become effective at the end of the 30 day protest period. If a protest is filed, the executive order shall be suspended pending the resolution of the protest in accordance with this subsection.

b. Upon the timely filing of a protest petition signed by 33 percent of the owners of property fronting on the subject street protesting the issuance of an executive order under

subsection B.5. above, the municipal clerk shall schedule a public hearing on the matter before the assembly.

c. The municipal clerk shall notify all owners and residents of property fronting on the subject street, and, in the case of a duplicate street name, all owners of property fronting on the unaffected street, of the public hearing not less than 14 days before the hearing.

d. The question before the assembly shall be whether or not to ratify the executive order. The executive order shall become effective upon the passage of a resolution of ratification. If a resolution of ratification fails to pass, the executive order shall be void.

Section 7. Subsection 21.05.060D.4., *Self-Storage Facility*, is amended as follows (*the remainder of the section is not affected and therefore not set out*):

4. Self-Storage Facility

b. Use-Specific Standards

iv. Paving and Drainage

(A) All parking lots and driveways, interior aisles, and walkways shall be paved to municipal standards. In class B areas, the areas may be graveled with D-1, except that all ADA requirements shall be met, including paving accessible parking spaces and walkways from accessible parking spaces to the building.

(B) Provisions shall be made to prevent any contamination of the domestic water supply or to prevent excessive or contaminated surface runoff from the site onto adjacent lands or streams. Drainage flow patterns shall be shown on the site plan or a separate approved map. Drainage shall comply with section 21.07.040.

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

Section 8. Subsection 21.05.070D.13., *Outdoor Keeping of Animals*, is amended as follows (*the remainder of the section is not affected and therefore not set out*):

13. Outdoor Keeping of Animals

b. Use-Specific Standards

- ii. The following standards apply to the outdoor keeping of all animals except for dogs, domestic cats, and large domestic animals:

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(D) On lots smaller than 40,000 square feet, the following shall apply:

(1) Excessively noisy animals such as roosters, turkeys, guinea fowl, peacocks, or geese are prohibited.

(2) Up to five animals may be kept on lots of 6,000 square feet or less, with an additional one animal per additional 1,000 square feet of lot area. A facility license may be required pursuant to title 17.

(3) Animals kept outdoors shall be kept out of the setbacks of the zoning district and at least 10 feet from any lot line. [STRUCTURES FOR THE OUTDOOR KEEPING OF ANIMALS SHALL NOT ENCROACH INTO THE SETBACKS OF THE ZONING DISTRICT AND SHALL BE AT LEAST 10 FEET FROM ANY LOT LINE.]

(4) It shall be unlawful for any owner or custodian of an animal under this section to permit it to make chronic animal noise, as defined in AMC section 17.05.010.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

Section 9. Subsection 21.07.090M., *Structured Parking*, is amended as follows (*the remainder of the section is not affected and therefore not set out*):

1. Purpose [AND APPLICABILITY]

Parking structures and structured parking within [OCCUPIED] buildings shall comply with the provisions of this subsection, in order to be compatible with the architectural character and quality of adjacent buildings; avoid adverse impacts to abutting sidewalks or residential properties; use color, massing, and other architectural features to reduce apparent bulk; and screen potential visual impacts from garage lighting or parked vehicles. It is also the intent of this section to ensure safe and convenient vehicle access and parking, and to avoid impeding traffic on adjacent streets and pedestrian facilities. [THE REQUIREMENTS WHICH FOLLOW DO NOT APPLY TO GARAGES FOR INDIVIDUAL DWELLINGS.]

2. Applicability

This subsection M. applies to all parking structures and structured parking

within buildings, with the following exceptions:

- a. The requirements do not apply to garages for individual dwellings.
- b. Where at-grade parking is provided under or partially under a building, the ground floor level of any side of the building that abuts surface parking on the same site (i.e., the surface parking extends or continues under the building) is exempt from this subsection.

3. Ground Floor Use

In the B-3, R-4, and R-4A districts along streets that have been specifically designated in the comprehensive plan as a main street, transit street, mixed-use street, or with a similar street typology, ground-floor structured parking shall be enclosed along that street frontage by a first-story habitable space that:

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[Re-number remaining sections]

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

Section 10. Subsection 21.07.100, *Exterior Lighting*, is amended as follows:

[[RESERVED]]

A. Nonresidential Uses and Districts

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

B. Lighting Regulations to be Replaced

It is the intent of the municipality to replace these temporary lighting regulations with a more comprehensive section, using the amendment process laid out in section 21.03.210, *Title 21 – Text Amendments*.

(AO 2012-124(S), 2-26-13)

Section 11. Subsection 21.08.030F.8., *Street Names and Addresses*, is amended as follows:

8. Street Names and Addresses

- a. The subdivider shall provide names for all new streets in the subdivision, which names shall neither duplicate, nor be subject to confusion with, the spelling or the pronunciation of any existing street name in the municipality. The subdivider's selection of street names shall be subject to review by the director, who may reject any proposed street name that does not conform to this section or

to any regulation promulgated pursuant to this section. The municipality shall name all streets that are peripheral to the subdivision and all extensions of existing streets into the subdivision.

b. The director may promulgate regulations establishing a uniform street designation terminology. All street names shall conform to the terminology so established.

c. Street names may be modified using the procedure set forth in subsection 21.03.185.[ADOPTED BY THE DIRECTOR, WHICH SHALL BE APPROVED BY THE PLATTING BOARD.]

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

Section 12. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 20__.

Chair of the Assembly

ATTEST:

Municipal Clerk