

Municipality of Anchorage

MEMORANDUM

DATE: March 7, 2016

TO: Planning and Zoning Commission

THRU: Hal H. Hart, AICP, Planning Department Director

FROM: *pm* Francis McLaughlin, Current Planning Section

SUBJECT: Case 2016-0033, Amendments to AMC 21.05.070D.17. to limit private outdoor storage and parking accessory to a residential use.

Background

Title 21 allows private outdoor storage of noncommercial equipment as an accessory use to a dwelling unit per Table 21.05-3: Table of Accessory Uses – Residential, Commercial, Industrial, and Other Districts. Private outdoor storage of noncommercial equipment is defined in AMC 21.05.070D.17.a. as “noncommercial trucks, boats, aircraft, off-road vehicles, recreational vehicles (RVs), or travel trailers.” The use-specific standards allow private outdoor storage of noncommercial equipment in the front setback only if it is placed in a driveway. Outdoor storage of noncommercial equipment is prohibited within five feet of any property line in Class A districts. It is also prohibited within 25 feet of any property line in Class B districts, unless the adjoining lot has the same ownership. Class A and B districts are defined in Table 21.08-1.¹ Outdoor storage of noncommercial equipment is prohibited in any side or rear setback, unless the setback abuts an alley.

Assembly Member Ernie Hall and the Municipal Land Use Enforcement Division collaborated in writing the proposed ordinance after determining that the regulations for private outdoor storage of noncommercial equipment do not adequately limit open storage of noncommercial equipment in the front yards of residential properties. The open storage of noncommercial equipment on residential lots negatively affects the character and appearance of residential neighborhoods and can reduce property values. Furthermore, outdoor storage of noncommercial equipment on residential lots can create disharmony between neighbors. The proposed ordinance restricts outdoor storage in front yards. The ordinance is not intended to have a significant impact on property owners. The ordinance does not change the open storage limitations in side and rear yards, and the public still has the option to pay for off-property storage in commercial and industrial areas.

Agency and Public Comments

Reviewing agencies had no objection to the proposed. No comments from community councils or the public were received.

¹ Class A districts are the R-1, R-1A, R-2A, R-2D, R-2M, R-3, R-4, R-4A, R-5, B-1A, B-1B, B-3, RO, MC, I-1, I-2, MI, and A. Class B districts are the R-6, R-7, R-8, R-9, R-10, TA, and WS.

Discussion

The proposed ordinance would subject the Class B districts to the same requirements as the Class A districts by removing the requirement for outdoor storage in Class B districts to be 25 feet back from any lot line. This reduces the setback requirement for outdoor storage in Class B districts by 20 feet.

The proposed ordinance creates a new use-specific standard in the R-1, R-1A, R-2A, R-2D, R-2M, R-3, and R-4 districts for outdoor storage of things other than noncommercial trucks, boats, aircraft, off-street road vehicles, recreational vehicles (RVs), or trailers. Outdoor storage of other things is allowed within 30 feet of the front lot line or between the front wall plane of the residential structure and the front lot line, whichever is less:

- 1) only if it is less than 200 square feet or three percent of the lot area, whichever is greater; and
- 2) is less than six feet in height.

The last provision in the proposed ordinance would make private outdoor storage of noncommercial equipment ineligible for nonconforming rights (AMC 21.12, Nonconformities).

The Department has prepared a substitute version of the proposed ordinance. The substitute version makes some technical corrections and minor changes to the first version. The first proposed change is to delete “adequate” from the third “whereas clause,” which is a needless word in that line. The second change adds the words “vehicles²” and “cars” to the use-specific standards. This change provides clarity to what is already the common practice of applying this subsection to personal vehicles.

The third change reformats “(A)” in order to allow noncommercial vehicles and equipment to be located within five feet of the front lot line if it is located in an “improved driveway.” Adding the word “improved” to driveways makes it clearer to the public that lawn areas are not considered driveways. The driveway regulations are already defined in 21.07.090H.12 *Off-Street Parking and Loading*. The third change is needed because the distance between many houses and their front property lines is only 20 feet. Therefore, many private vehicles that are parked in driveways would not be able to meet the five-foot setback. The reformatting removes this over-burdensome restriction to meet the setback, even while parked in an improved driveway.

The fourth change puts the 25-foot setback requirement back into Class B districts. This is already an existing requirement, so to remove it would allow storage and parking 20 feet closer than previously allowed, which was not the intention of the proposed ordinance.

² AMC 9.04.010., *Definitions – Vehicle*, means every device in, upon or by which any person or property is or may be transported or drawn upon a street, except devices moved by human power or used exclusively upon stationary rails or tracks.

The fifth change replaces “R-1, R-1A, R-2A, R-2D, R-2M, R-3, and R-4” with the “Class A districts, except the R-5 district.” The intent is to make new restrictions on outdoor storage in front yards apply to all of the urban districts, except the R-5 district. The R-5 district should be excluded from these restrictions on storage because many of the properties in the R-5 cannot meet them. The R-5 allows mobile homes on individual lots and manufactured home communities. The sixth change deletes an unnecessary “s” from “lot’s.” The last change corrects an error in the citation of the subsection by adding “.17” to “D.17.”

Recommendation

The Department recommends approval of the substitute version of the ordinance amending AMC 21.05.070D.17.

Attached:

1. Substitute Version of the AO
2. First Version of the AO

Submitted by: Ernie Hall, Assembly Member
Prepared by: Community and Economic Development
Committee

For reading: _____

ANCHORAGE, ALASKA
AO No. 2016-____(S)

1 **AN ORDINANCE AMENDING SECTIONS OF TITLE 21 TO PROTECT THE AESTHETIC**
2 **AND ECONOMIC VALUE OF PROPERTY, AND IMPROVE NEIGHBOR RELATIONS, BY**
3 **REDUCING THE AMOUNT OF OUTDOOR STORAGE ALLOWED IN RESIDENTIAL**
4 **FRONT YARDS AND PREVENTING STORAGE IMMEDIATELY ADJACENT TO SIDE AND**
5 **REAR PROPERTY LINES.**

6
7 (Planning and Zoning Case 2016-0033)

8
9 **WHEREAS**, current Anchorage Municipal Code related to junk in residential yards does not
10 adequately address the use of residential property, especially front yards, for storage of
11 materials and other property that may not meet the definition of junk;

12
13 **WHEREAS**, the keeping of materials, equipment, lumber and all other manner of property in
14 yards, especially residential front yards, diminishes the aesthetics of residential
15 neighborhoods, gives the impression of diminishment of, or actually diminishes real property
16 values, and creates disharmony between neighbors;

17
18 **WHEREAS**, there are adequate provisions in Code for the storage of materials in side or
19 rear yards as well as [ADEQUATE] opportunities for storage on nonresidential properties
20 such that the reduction in front yard storage will be of no significant impact to property
21 owners; now, therefore,

22
23 **THE ANCHORAGE ASSEMBLY ORDAINS:**

24
25 **Section 1.** Anchorage Municipal Code subsection 21.05.070D.17. (Attachment A) is
26 hereby repealed and re-enacted to read as follows (*the remainder of the section is not*
27 *affected and therefore not set out*):

28
29 **21.05.070 Accessory Uses and Structures**

30
31 * * *

32 D. Definitions and Use-Specific Standards for Allowed Accessory Uses and
33 Structures.

34
35 * * *

36 17. *Private outdoor storage or parking accessory to a residential use.*

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38 a. Use-specific standard

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40 i. The private outdoor storage or parking of noncommercial
41 vehicles and equipment, including noncommercial cars, trucks,
42 boats, aircraft, off-road vehicles, recreational vehicles (RVs), or

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travel trailers, is:

(A) permitted in the front setback only if the equipment is[:

1. IN THE DRIVEWAY, AND

2.] not within five feet of any property line in class A districts and not within 25 feet of any property line in class B districts, unless it is in an improved driveway.

(B) prohibited within 5 feet of any side or rear lot line, except in a side or rear setback abutting an alley.

ii. In the class A [R-1, R-1A, R-2A, R-2D, R-2M, R-3 AND R-4] districts, except the R-5 district, private outdoor storage or parking, not included in i., above, is prohibited within 30 feet of the front lot line or between the front lot line and the front wall plane of the house, whichever is less, if the storage:

(A) exceeds a total footprint of 200 sq feet or 3% of the lot[²S] area, whichever is greater, or

(B) exceeds six feet in height.

b. *Compliance.* Chapter 21.12, *Nonconformities*, does not apply to the uses identified in this subsection D.17.

Section 2. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2016.

Chair of the Assembly

ATTEST:

Municipal Clerk

Attachment A

- 1
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4 D. *Definitions and use-specific standards for allowed accessory uses and*
5 *structures.* This section defines the accessory uses listed in Table 21.05-3 and
6 also contains use-specific standards that apply to those uses. Accessory uses
7 shall comply with the applicable use-specific standards in this subsection, in
8 addition to complying with the general standards in subsection B.
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10 * * *

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12 17. *Private outdoor storage of noncommercial equipment accessory to a*
13 *residential use.*
14
15 a. *Definition.* The private outdoor storage of noncommercial
16 equipment, including noncommercial trucks, boats, aircraft, off-
17 road vehicles, recreational vehicles (RVs), or travel trailers.
18
19 b. *Use-specific standard.* The private outdoor storage of
20 noncommercial equipment is permitted in the front setback only
21 in the driveway, but not within five feet of any property line, and
22 is prohibited in any side or rear setback, except in a side or rear
23 setback abutting an alley. In class B districts, the setback shall
24 be 25 feet from any property line where the adjacent property is
25 not in common ownership.

Submitted by: Ernie Hall, Assembly Member
Prepared by: Community and Economic Development
Committee

For reading: _____

ANCHORAGE, ALASKA
AO No. 2016-_____

1 **AN ORDINANCE AMENDING SECTIONS OF TITLE 21 TO PROTECT THE AESTHETIC**
2 **AND ECONOMIC VALUE OF PROPERTY, AND IMPROVE NEIGHBOR RELATIONS, BY**
3 **REDUCING THE AMOUNT OF OUTDOOR STORAGE ALLOWED IN RESIDENTIAL**
4 **FRONT YARDS AND PREVENTING STORAGE IMMEDIATELY ADJACENT TO SIDE**
5 **AND REAR PROPERTY LINES.**

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7 (Planning and Zoning Case 2016-0033)

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9 **WHEREAS**, current Anchorage Municipal Code related to junk in residential yards does not
10 adequately address the use of residential property, especially front yards, for storage of
11 materials and other property that may not meet the definition of junk;

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13 **WHEREAS**, the keeping of materials, equipment, lumber and all other manner of property in
14 yards, especially residential front yards, diminishes the aesthetics of residential
15 neighborhoods, gives the impression of diminishment of, or actually diminishes real property
16 values, and creates disharmony between neighbors;

17
18 **WHEREAS**, there are adequate provisions in Code for the storage of materials in side or rear
19 yards as well as adequate opportunities for storage on nonresidential properties such that
20 the reduction in front yard storage will be of no significant impact to property owners; now,
21 therefore,

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23 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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25 **Section 1.** Anchorage Municipal Code subsection 21.05.070D.17. (Attachment A) is
26 hereby repealed and re-enacted to read as follows (*the remainder of the section is not*
27 *affected and therefore not set out*):

28
29 **21.05.070 Accessory Uses and Structures**

30
31 * * *

32 D. Definitions and Use-Specific Standards for Allowed Accessory Uses and
33 Structures.

34
35 * * *

36 17. *Private outdoor storage or parking accessory to a residential use.*

37
38 a. Use-specific standard

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40 i. The private outdoor storage or parking of noncommercial
41 equipment, including noncommercial trucks, boats, aircraft, off-
42 road vehicles, recreational vehicles (RVs), or travel trailers, is:

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(A) permitted in the front setback only if the equipment is:

- 1. in the driveway, and
- 2. not within five feet of any property line.

(B) prohibited within 5 feet of any side or rear lot line, except in a side or rear setback abutting an alley.

ii. In the R-1, R-1A, R-2A, R-2D, R-2M, R-3 and R-4 districts, private outdoor storage or parking, not included in i., above, is prohibited within 30 feet of the front lot line or between the front lot line and the front wall plane of the house, whichever is less, if the storage:

- (A) exceeds a total footprint of 200 sq feet or 3% of the lot's area, whichever is greater, or
- (B) exceeds six feet in height.

b. *Compliance.* Chapter 21.12, *Nonconformities*, does not apply to the uses identified in this subsection D.

Section 2. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2016.

Chair of the Assembly

ATTEST:

Municipal Clerk

Attachment A

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4 D. *Definitions and use-specific standards for allowed accessory uses and*
5 *structures.* This section defines the accessory uses listed in Table 21.05-3 and
6 also contains use-specific standards that apply to those uses. Accessory uses
7 shall comply with the applicable use-specific standards in this subsection, in
8 addition to complying with the general standards in subsection B.
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10 * * *

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12 17. *Private outdoor storage of noncommercial equipment accessory to a*
13 *residential use.*

14
15 a. *Definition.* The private outdoor storage of noncommercial
16 equipment, including noncommercial trucks, boats, aircraft, off-
17 road vehicles, recreational vehicles (RVs), or travel trailers.

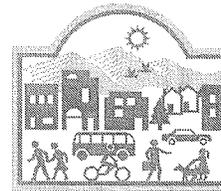
18
19 b. *Use-specific standard.* The private outdoor storage of
20 noncommercial equipment is permitted in the front setback only
21 in the driveway, but not within five feet of any property line, and
22 is prohibited in any side or rear setback, except in a side or rear
23 setback abutting an alley. In class B districts, the setback shall
24 be 25 feet from any property line where the adjacent property is
25 not in common ownership.

Departmental and Public Comments



Municipality of Anchorage

Planning Department
Long Range Planning Division



MEMORANDUM

Date: February 19, 2016

To: Dave Whitfield, Interim Manager, Current Planning Section

Cc: Corliss Kimmel, Office Associate, Current Planning Section

From: *CW* Carol Wong, Manager, Long-Range Planning Section

Subject: Case 2016-0033, An ordinance amending Title 21 regarding reduction to the amount of outdoor storage allowed in residential front yards and preventing storage immediately adjacent to side and rear property lines.

The proposed amendment to Title 21 seeks to modify land use regulations regarding the amount, location and types of outdoor storage allowed in residential front yards. Our understanding is that the maker of this amendment is seeking to address outdoor storage issues found in residential neighborhoods within the urban areas of the Anchorage Bowl.

The proposed amendment will:

1. Establish standards for private outdoor storage or parking of non commercial equipment, including their locations within the front yard setback.
2. Prohibit locating such storage within 5 feet of any side or rear lot line.
3. Prohibit storage within 30 feet of the front lot line or between the front lot line and the front wall plane of the house, which ever is less, and establishes limits on the total square footage and height allowed of such storage.
4. Eliminate the 25 foot setback from any property line requirement for private outdoor storage of noncommercial equipment in Class B districts.

Based on our review and staff discussions, we have the following comments:

1. Deleted "adequate" from the third "Whereas" statement, line 18. Inclusion of "adequate" implies a market analysis has been performed. Recommend verifying such an analysis has been conducted.
2. Per staff discussions, the recommendation to add "private vehicles" to page 1, line 39, will help clarify private vehicles are allowed to be parked on the driveway. Please review Chapter 9, as referenced in the "vehicle" definition to ensure consistency or may necessitate rewording.
3. Is it the intent of the maker of the ordinance to allow private outdoor storage within Class B districts within 5 feet of any property line? Class B districts are large parcels, usually designated in areas where a large lots are desired, on properties with steep slopes, significant environmental constraints as well as primarily served by septic and or wells. Could this change result in private storage that is inappropriate and could potentially impact health and safety on these lots?

MUNICIPALITY OF ANCHORAGE



Planning & Development Services Dept.
Development Services Division

Building Safety

MEMORANDUM

Comments to Miscellaneous Planning and Zoning Applications

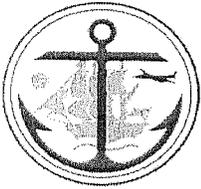
DATE: February 22, 2016

TO: Erika McConnell, Manager, Zoning and Platting

FROM: Ron Wilde, P.E.
Building Safety
343-8371

SUBJECT: Comments for Case 2016-0033
Title 21 amendment – outdoor storage

No Comment



MUNICIPALITY OF ANCHORAGE

Development Services Division

Right of Way Section

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

RECEIVED

FEB 18 2016

PLANNING DEPARTMENT

DATE: February 18, 2016
TO: Planning Division, Current Planning Section
THRU: Jack L. Frost, Jr., Right of Way Supervisor
FROM: Lynn McGee, Senior Plan Reviewer
SUBJ: Comments on Planning and Zoning Commission case(s) for March 7, 2016.

Right of Way Section has reviewed the following case(s) due February 19, 2016.

**2016-0033 Title 21 Amendment
(Ordinance Amending Title 21, Section 21.05.070, Accessory Uses and Structures)**
Right of Way Section has no comments as no work is planned which would affect the rights of way or easements.
Review time 15 minutes.

Municipality Of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY

RECEIVED

FEB 17 2016

M E M O R A N D U M

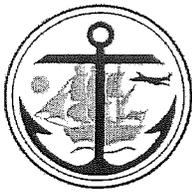
PLANNING DEPARTMENT

DATE: February 16, 2016
TO: Erika McConnell, Supervisor, Planning Section, Planning Division
FROM: Joe Sanks, Planning Engineer, AWWU
SUBJECT: **Zoning Case Comments**
Hearing Date: March 7, 2016
Agency Comments Due: February 19, 2016

AWWU has reviewed the materials and has the following comments.

- 16-0033 Amendment to Title 21 regarding reduction to the amount of outdoor storage allowed in residential front yards and preventing storage immediately adjacent to side and rear property lines.**
1. AWWU has no objection to this amendment.

If you have any questions pertinent to public water and sanitary sewer, you may call me at 564-2717 or the AWWU planning section at 564-2739, or e-mail joe.sanks@awwu.biz



MUNICIPALITY OF ANCHORAGE

Traffic Department

Stephanie Mormilo, P.E.

Municipal Traffic Engineer



MEMORANDUM

DATE: January 26, 2016

TO: Current Planning Section Supervisor.
Zoning and Platting Division

FROM: Kristen A. Langley, Traffic Safety Section Supervisor,
Traffic Engineering Department

SUBJECT: Traffic Engineering Comments

RECEIVED

FEB 16 2016

PLANNING DEPARTMENT

2016-0033 An ordinance amending Title 21 regarding reduction to the amount of outdoor storage allowed in residential front yards and preventing storage immediately adjacent to side and rear property lines.

1. Traffic Engineering has the following comment: Enactment may also result in spill-over of vehicles, trailers, etc. – that are currently stored on property – into the public rights-of-way. This may lead to new demands for parking enforcement placed upon APD.

RECEIVED

FEB 24 2016

MUNICIPALITY OF ANCHORAGE

CHUGIAK-EAGLE RIVER ADVISORY BOARD RESOLUTION 2016-01 **PLANNING DEPARTMENT**

February 20, 2016

MEETING Re: marijuana ordinance, HLB presentation, storage on residential lots, use of commercial parking lots

WHEREAS, the Chugiak Eagle River Advisory Board (Board) is established in Title 21 by Section 21.10.030.B and is constituted in order to review and make recommendations on actions regarding potential changes in land use law that impact multiple Community Council areas in the Chugiak Eagle River area; and

WHEREAS, the Board, with local representation present from Eklutna Village, South Fork, Eagle River Valley, Chugiak, Eklutna Valley and Birchwood Community Councils, met on February 20, 2016 to hear local testimony and to discuss the above local issues; and

WHEREAS, the Board after discussion and testimony requested:

1. The Marijuana ordinance should be amended so that setback distances between marijuana establishments and protected uses are measured lot line to lot line in the Chugiak-Eagle River area. Vote was 5 to 1 in support.

(A motion to increase the setback distance to 2,000 feet failed, 3 to 3)

- 2016-0033₂
2. A proposed ordinance "regarding a reduction to the amount of outdoor storage allowed in residential front yards and preventing storage immediately adjacent to side and rear property lines" should not apply to the Chugiak-Eagle River area. [P&Z case 2016-0033] Vote was 6 to 0 in support. Concerns expressed were potential impossibility for those with small lots to comply, questions on why back or rear side yard storage was even a problem. Reaction expressed was this was not necessary and an infringement on personal property rights.

3. A proposed ordinance prohibiting overnight parking of campers in commercial parking lots and establishing a new requirement for camper lots was opposed. Unanimous reaction was this type of decision should be left to the owners and managers of the parking lots. Vote was 6 to 0.

Respectfully submitted,

Debbie Ossiander