

CLERK'S OFFICE
APPROVED

Date: 10-12-10

Submitted by: CHAIR OF THE ASSEMBLY at the
Request of the MAYOR, and
ASSEMBLYMEMBER
OSSIANDER, on behalf of the
Title 21 Committee
Prepared by: Planning Department
For reading: September 28, 2010

ANCHORAGE, ALASKA
AO No. 2010-65

1 AN ORDINANCE TO AMEND PROVISIONALLY ADOPTED NEW TITLE 21
2 SECTION 21.07.130B., LARGE NONRESIDENTIAL ESTABLISHMENTS IN OR
3 SURROUNDED BY LARGE LOT RESIDENTIAL DISTRICTS, AMENDING
4 ANCHORAGE MUNICIPAL CODE TITLE 21 SUBJECT TO CONCURRENT
5 FINAL PASSAGE AND APPROVAL OF ALL PROVISIONALLY ADOPTED
6 CHAPTERS OF TITLE 21.

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9 WHEREAS, AR 2007-83 addresses the status of Title 21 chapters as provisionally
10 adopted by the Assembly; and

11
12 WHEREAS, provisional adoption is progressing as set out in AO 2006-172, as
13 modified by AO 2007-82; and

14
15 WHEREAS, the Assembly Title 21 Committee has reviewed this section; now,
16 therefore,

17
18 **THE ANCHORAGE ASSEMBLY ORDAINS:**

19
20 **Section 1.** Anchorage Municipal Code (AMC) section 21.07.130B., *Large*
21 *Nonresidential Establishments in or Surrounded by Large Lot Residential Districts*,
22 is hereby provisionally adopted, as set forth in the attachment, and as amended by
23 action of the Assembly in this ordinance, following review and recommendations
24 from the Planning and Zoning Commission, and subject to revision as the
25 Assembly deems appropriate during concurrent final passage and approval of all
26 provisionally adopted chapters of Title 21.


27
28 **Section 2.** In keeping with the purposes and intent set forth in AR 2007-83 and
29 AO 2006-172 (as modified by AO 2007-82), section 21.07.130B., *Large*
30 *Nonresidential Establishments in or Surrounded by Large Lot Residential Districts*,
31 as hereby provisionally adopted, shall not be deemed law of the Municipality nor
32 applied to land use matters until concurrent final passage and approval of all
33 provisionally adopted Title 21 chapters. Repeal of existing municipal code
34 necessary to effectuate such final passage and approval shall be implemented as
35 described by ordinance.
36

1 **Section 3.** This ordinance shall become effective immediately upon its passage
2 and approval by the Assembly.

3
4 PASSED AND APPROVED by the Anchorage Assembly this 12th day of
5 October 2010.

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9 _____
10 Chair of the Assembly

11
12
13 ATTEST:

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16 
17 _____
18 Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2010-65

Title: AN ORDINANCE TO AMEND PROVISIONALLY ADOPTED NEW TITLE 21 SECTION 21.07.130B., LARGE NONRESIDENTIAL ESTABLISHMENTS IN OR SURROUNDED BY LARGE LOT RESIDENTIAL DISTRICTS, AMENDING ANCHORAGE MUNICIPAL CODE TITLE 21 SUBJECT TO CONCURRENT FINAL PASSAGE AND APPROVAL OF ALL PROVISIONALLY ADOPTED CHAPTERS OF TITLE 21.
(PZC Case No. 2007-153)

Sponsor: MAYOR
 Preparing Agency: Planning Department
 Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:					
(In Thousands of Dollars)					
	<u>FY10</u>	<u>FY11</u>	<u>FY12</u>	<u>FY13</u>	<u>FY14</u>
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	\$ -
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					

PUBLIC SECTOR ECONOMIC EFFECTS:

New requirements for large nonresidential development in or surrounded by large lot districts may slightly increase review time for some plan reviewers and planning staff. After a transitional phase, at current case load, the increased review time is not predicted to increase the applicant's waiting time for a building permit, or for a hearing date before a board or commission.

PRIVATE SECTOR ECONOMIC EFFECTS:

New standards for large nonresidential development in or surrounded by large lot districts will (and are intended to) require more land area than would be required for the same development under the current code. Due to variations in parking and landscaping requirements, it is difficult to estimate the increase in costs that will result from these requirements.

Prepared by: Erika McConnell

Telephone: 343-7917



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 505-2010

Meeting Date: September 28, 2010

1 **From:** Mayor

2
3 **Subject:** AN ORDINANCE TO AMEND PROVISIONALLY ADOPTED NEW
4 TITLE 21 SECTION 21.07.130B., LARGE NONRESIDENTIAL
5 ESTABLISHMENTS IN OR SURROUNDED BY LARGE LOT
6 RESIDENTIAL DISTRICTS, AMENDING ANCHORAGE MUNICIPAL
7 CODE TITLE 21 SUBJECT TO CONCURRENT FINAL PASSAGE
8 AND APPROVAL OF ALL PROVISIONALLY ADOPTED CHAPTERS
9 OF TITLE 21.

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11
12 During the Planning and Zoning Commission's public notice period and hearing on
13 Chapter 21.05, *Use Regulations*, testimony was received regarding need for
14 regulations to ensure that large nonresidential developments in large lot areas
15 (such as schools and churches) were more compatible with the neighborhood and
16 community. Residents expressed the desire for large nonresidential
17 developments to have larger setbacks, height restrictions, and increased
18 vegetation retention so that the uses blend in with the adjoining neighborhoods.

19
20 Rather than placing repetitive use-specific standards on the various nonresidential
21 uses allowed in large lot residential districts, Planning Department staff
22 approached the matter in a manner similar to the "big box" regulations. Uses (that
23 are allowed in large lot residential districts or are commonly found in PLI zoning in
24 large lot areas) that are over a certain threshold have to comply with certain
25 additional standards. The section describing the standards is located in Chapter
26 21.07, *Development and Design Standards*, close to the "big box" regulations.

27
28 The standards apply to certain uses allowed in large lot districts that have a gross
29 floor area of more than 10,000 square feet. Applicable developments must
30 provide landscaped buffers, retain a certain amount of vegetated area, and
31 modulate long building walls or plant foundation landscaping along their length.
32 Parking and loading areas must be kept away from side and rear lot lines, and
33 taller buildings must be set back further from side and rear lot lines.

34
35 The Planning and Zoning Commission reviewed this document and made
36 recommendations which were considered by the Assembly Title 21 Committee.
37 This ordinance is recommended by the Assembly Title 21 Committee. (See
38 attachment.)
39

1 Adoption of this ordinance will be another step closer to the completion of the
2 Title 21 Rewrite Project. All chapters provisionally adopted by the Assembly
3 remain provisional until concurrent final passage and approval of all such
4 provisionally adopted chapters of Title 21, when the on-going re-write of Title 21 is
5 complete.
6

7 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE TO**
8 **AMEND PROVISIONALLY ADOPTED NEW TITLE 21 SECTION 21.07.130B.,**
9 **LARGE NONRESIDENTIAL ESTABLISHMENTS IN OR SURROUNDED BY**
10 **LARGE LOT RESIDENTIAL DISTRICTS, AMENDING ANCHORAGE**
11 **MUNICIPAL CODE TITLE 21 SUBJECT TO CONCURRENT FINAL PASSAGE**
12 **AND APPROVAL OF ALL PROVISIONALLY ADOPTED CHAPTERS OF**
13 **TITLE 21.**
14

15
16 Prepared by: Erika McConnell, Planning Department
17 Approved by: Jerry T. Weaver, Jr., Director, Planning Department
18 Concurring by: Greg Jones, Executive Director
19 Office of Community Planning & Development
20 Concurring by: Dennis A. Wheeler, Municipal Attorney
21 Concurring by: George J. Vakalis, Municipal Manager
22 Respectfully submitted: Daniel A. Sullivan, Mayor
23
24
25

26 Attachment: Title 21 Section 21.07.130B., Large Nonresidential
27 Establishments in or Surrounded by Large Lot Residential
28 Districts

Attachment

Attachment to ordinance to amend provisionally adopted new Title 21 section 21.07.130B., Large Nonresidential Establishments in or surrounded by Large Lot Residential Districts, amending Anchorage municipal code Title 21 subject to concurrent final passage and approval of all provisionally adopted chapters of Title 21.

B. Large Nonresidential Establishments in or Surrounded by Large Lot Residential Districts

Certain non-residential uses that are allowed in large lot residential districts have the potential to create negative impacts on large lot residential neighborhoods when the nonresidential uses are significantly larger and more intensive than the typical development in these areas. This section provides consistent standards for such cases.

1. Applicability

The standards of this section shall apply to any child care center, neighborhood recreation center, religious assembly, educational facility (elementary, middle, or high school, or instructional services), commercial horticulture, commercial kennel, veterinary clinic, cultural facility, or utility facility, or any combination thereof, where the sum of the gross floor area of all applicable buildings on the lot is more than 10,000 square feet, and the use is within a class B zoning district or the parcel under development abuts property in a class B zoning district for more than 50 percent of its boundary. Single-family residential dwelling units associated with such a use (e.g., a rectory) shall not be counted toward the gross floor area size threshold, but shall meet the standards below.

2. Relationship to Other Standards

The provisions of this section are in addition to other requirements of this title, and may be more stringent than other requirements of this title. Where there is a conflict with other applicable standards, the more stringent standard shall apply.

3. Setbacks

Structures that are over 35 in height feet shall be setback beyond the underlying side or rear setbacks of the district by one foot per foot of height over 35 feet.

4. Buffers

- a. L3 buffer landscaping shall be provided along all lot lines that abut a residential zoning district or a street.
- b. The developer shall retain existing vegetation in buffer areas that are in the side and rear setbacks.
- c. The decision-making body may adjust the buffer requirements of subsections 5.a. and 5.b. above if the applicant demonstrates that the requirements are unreasonable for the specific situation.

5. Parking

- a. No parking lot, circulation aisle, driveway, loading area, or vehicular storage area shall be within 25 feet of any side or rear lot line.
- b. Vehicle storage and fleet vehicle parking are not allowed within setbacks equal to those of the abutting property.

6. Vegetated Open Space

A minimum of 35 percent of the lot area shall remain as planted open area, landscaped area, bio-retention area (and other similar vegetated area designed to retain/detain storm water runoff), or natural vegetation area, to exclude buildings, driveways, parking areas, sidewalks, etc., unless the decision-making body determines that retention of less than 35 percent provides a development character in keeping with surrounding neighborhood.

7. Long Elevations

Building elevations longer than 100 feet that face residential lots or public streets shall provide façade modulations that meet either subsection 21.07.110C.6.a., or 21.07.110C.6.b., or provide an eight-foot wide foundation planting bed along the foundation of the entire elevation (breaks allowed for garage doors and pedestrian entrances), planted with at least one landscaping unit per linear foot, half of which shall be trees. Refer to table 21.07-1, *Landscaping Units Awarded*.

Content ID: 009275

Type: Ordinance - AO

AN ORDINANCE TO AMEND PROVISIONALLY ADOPTED NEW TITLE 21 SECTION 21.07.130B., LARGE NONRESIDENTIAL ESTABLISHMENTS IN OR SURROUNDED BY LARGE LOT RESIDENTIAL DISTRICTS, AMENDING ANCHORAGE MUNICIPAL CODE TITLE 21 SUBJECT TO CONCURRENT FINAL PASSAGE AND APPROVAL OF ALL PROVISIONALLY ADOPTED CHAPTERS OF TITLE 21.

Author: perrysu

Initiating Dept: Planning

Description: Ordinance to Amend Provisionally Adopted New Title 21 Section 21.07.130b., Large Nonresidential Establishments in or Surrounded by Large Lot Residential Districts

Keywords: Title 21 Rewrite New Section 21.07.130b.

Date Prepared: 8/3/10 10:29 AM

Director Name: Jerry T. Weaver, Jr.

Assembly Meeting Date: 9/28/10

Public Hearing Date: 10/12/10

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	9/17/10 9:27 AM	Exit	Joy Maglaqui	Public	009275
MuniManager_SubWorkflow	9/17/10 9:27 AM	Approve	Joy Maglaqui	Public	009275
Legal_SubWorkflow	8/13/10 1:41 PM	Approve	Rhonda Westover	Public	009275
Finance_SubWorkflow	8/13/10 9:23 AM	Approve	David Ryan	Public	009275
OMB_SubWorkflow	8/6/10 1:13 PM	Approve	Cheryl Frasca	Public	009275
OCPD_SubWorkflow	8/5/10 12:25 PM	Approve	Tawny Klebesadel	Public	009275
Planning_SubWorkflow	8/3/10 11:05 AM	Approve	Jerry Weaver Jr.	Public	009275
AllOrdinanceWorkflow	8/3/10 10:43 AM	Checkin	Susan Perry	Public	009275