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CHAPTER 21.01: GENERAL PROVISIONS

21.01.010 TITLE AND EFFECTIVE DATE

This title shall be officially known as "Title 21, Land Use Planning, of the Anchorage Municipal Code of Ordinances." It also may be called "Title 21," the "Zoning Ordinance," or "the Land Use Ordinance," and is referred to throughout this document as "this title." This title shall become effective on [insert effective date].

21.01.020 AUTHORITY

This title is adopted pursuant to authority granted generally by the Alaska Constitution, the Alaska Statutes (A.S.), and the Municipal Charter, and specifically by:

- A. Alaska Constitution, Article X, Sect. 11 (Home rule powers);
- B. Municipal Charter, section 10.02(7) (Requires ordinances for land use controls);
- C. Municipal Charter, section 12.02 (Requires a planning commission); and
- D. A.S. 29.35.180(b) (Requires a home rule borough to provide for planning, platting, and land use regulation).

21.01.030 PURPOSE OF THIS TITLE

The purpose of this title is to implement the comprehensive plan in a manner which protects the public health, safety, and welfare, by:

- A. Encouraging the efficient use of the available land supply in the municipality, including redevelopment of underutilized land;
- B. Promoting a balanced, diverse supply of affordable, quality housing located in safe and livable neighborhoods;
- C. Promoting a balanced supply of non-residential land uses that are compatible with adjacent land uses and have good access to transportation networks;
- D. Promoting well-planned development based on a design aesthetic that creates a sense of place and reflects the municipality's unique northern setting;
- E. Providing appropriate development incentives to achieve an economically balanced and diverse community and to promote further economic development in the municipality;
- F. Conserving the value of buildings and land;
- G. Protecting existing trees and vegetation, floodplains, river and stream corridors, wildlife habitat, scenic views, and other areas of environmental and historical significance by minimizing the adverse impacts of land development;
- H. Protecting development and residents of the municipality from flooding, wildfires, seismic risks, and other hazards;
- I. Encouraging development of a sustainable and accessible system of recreational facilities, parks, trails, and natural open space that meets year-round neighborhood and community-wide needs;

- 1 J. Facilitating the adequate and safe provision of transportation, water, sewage, drainage,
2 schools, parks, and other public facilities; and
- 3 K. Encouraging land and transportation development patterns that promote public health
4 and safety.

5 **21.01.040 APPLICABILITY AND JURISDICTION**

6 **A. General**

7 The provisions of this title shall apply to all land, buildings, structures, and uses thereof
8 located within the municipality, unless an exemption is provided by the terms of this title.

9 **B. Application to Governmental Units**

10 To the extent allowed by law, the provisions of this title shall apply to all land, buildings,
11 structures, and uses owned by government agencies, including all municipal, state, and
12 federal lands, within the corporate limits of the municipality. Where the provisions of this
13 title do not apply to such land, buildings, structures, and uses, such agencies are
14 encouraged to meet the provisions of this title.

15 **C. Compliance Required**

16 No building or structure shall be erected, converted, enlarged, reconstructed, or altered
17 for use, nor shall any land, building, or structure be used or changed, except in
18 accordance with all of the applicable regulations established by this title. No lot of record
19 that did not exist on the effective date of this title shall be created, by subdivision or
20 otherwise, that does not conform to the applicable requirements of this title, unless
21 allowed by section 21.01.090, *Transitional Provisions*.

22 **21.01.050 OFFICIAL ZONING MAP**

23 **A. Incorporation Into this Ordinance**

24 The official zoning map designates the location and boundaries of the various zone
25 districts established in this title. It consists of a series of map pages adopted by
26 ordinance and any subsequent amendments in accordance with this title. The official
27 zoning map is incorporated herein by reference and referred to as the "zoning map" in
28 this title. The zoning map shall be kept on file in the office of the department and is
29 available for public inspection during normal business hours. The map shall be the final
30 authority as to the current zoning status of lands, water areas, buildings, and other
31 structures in the municipality.

32 **B. Changes to Official Zoning Map**

33 Changes made in zone district boundaries or other matters portrayed on the official
34 zoning map shall be made only in accordance with the provisions of section 21.03.050,
35 *Rezoning (Zoning Map Amendments)*.

36 **C. Interpretation of District Boundaries**

37 In the case of any dispute regarding the zoning classification of property subject to this
38 title, the official zoning map contained in the department shall control, or other official
39 records as provided below. The director shall use the rules set forth below to interpret

1 the map. Appeals shall be made to the zoning board of examiners and appeals, pursuant
2 to section 21.03.210, *Appeals*.

3 1. Where the zoning map shows a zoning district boundary line located within or
4 following a street or alley right-of-way, utility line right-of-way, or easement, the
5 district boundary shall be considered to be in the center of the right-of-way,
6 easement, or waterway. If the actual location of such right-of-way, or easement,
7 as indicated in a recorded legal description of such, varies slightly from the
8 location shown on the zoning map, then the actual location shall control.

9 2. Where the zoning map shows a boundary line as being located a specific
10 distance from a street line or other physical feature, this distance shall control.

11 3. Where the zoning map shows a district boundary to coincide with a property line
12 or municipal border, the legal property line or municipal border shall be
13 considered to be the district boundary, unless otherwise indicated on the map.

14 4. Where the zoning map shows a district boundary to not coincide or
15 approximately coincide with any street, alley, waterway, or property line, and no
16 dimensions are shown, the location of the boundary shall be determined by use
17 of the scale appearing on the zoning map.

18 5. Where the zoning map shows a district boundary dividing an existing lot, each
19 part of the lot shall be used in conformity with the standards established by this
20 title for the zoning district in which that part is located.

21 6. Where the case record conflicts with the zoning map, the case record shall
22 control. For example, if the zoning map shows a property to be zoned RS-1, yet
23 the case record shows that the property was actually zoned I-1, the case record
24 would control and the map would be changed to reflect the case record. Any
25 permits issued in reliance on the erroneous designation shall be considered valid
26 under this title; however, the lot, structure, or use shall be considered
27 nonconforming and governed by chapter 21.11.

28 **21.01.060 CONFLICTING PROVISIONS**

29 **A. Conflict with Other Public Laws, Ordinances, Regulations, or Permits**

30 This title is intended to complement other municipal, state, and federal regulations that
31 affect land use. This title is not intended to revoke or repeal any other public law,
32 ordinance, regulation, or permit. However, where conditions, standards, or requirements
33 imposed by any provision of this title are either more restrictive or less restrictive than
34 comparable standards imposed by any other public law, ordinance, or regulation, the
35 provisions that are more restrictive or that impose higher standards or requirements shall
36 govern.

37 **B. Conflict with Comprehensive Plan**

38 Where conditions, standards, or requirements imposed by any provision of this title are
39 either more restrictive or less restrictive than any provision found in the comprehensive
40 plan, the provision of this title shall govern.

C. Conflict with Private Agreements

This title is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this title are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this title shall govern. Nothing in this title shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this title. In no case shall the municipality be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

21.01.070 SEVERABILITY

- A.** If any court of competent jurisdiction invalidates any provision of this title, then such judgment shall not affect the validity and continued enforcement of any other provision of this title.
- B.** If any court of competent jurisdiction invalidates the application of any provision of this title, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment.
- C.** If any court of competent jurisdiction judges invalid any condition attached to the approval of an application for development approval, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

21.01.080 COMPREHENSIVE PLAN

A. Purpose

The purpose of the comprehensive plan is to set forth the goals, objectives, strategies, and policies governing land use development of the municipality. As adopted, this section and the documents incorporated in this section constitute the comprehensive plan of the municipality.

B. Elements

1. Adopted Elements

The comprehensive plan consists of the adopted elements identified in the following table, and which are incorporated in this chapter by reference. Plans or other elements that are not listed below are not official elements of the comprehensive plan, though they may be valid planning tools. If elements of the comprehensive plan conflict, the element most recently adopted shall govern.

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

Area/Topic	Plan	Adoption Date	Amendments
Anchorage Bowl	Anchorage 2020, Anchorage Bowl Comprehensive Plan	AO 00-119(s); 2-20-01	AO 02-119; 9-10-02
	Spenard Commercial District Development Strategy	AR 86-121; 6-17-86 AO 87-145; 12-15-87	
	Tudor Road Public Lands and Institutions Plan	AR 86-162; 9-9-86	
	Anchorage Central Business District Comprehensive Development Plan	AR 83-194(s); 9-13-83	

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

Area/Topic	Plan	Adoption Date	Amendments
	Utility Corridor Plan	AO 90-13(s); 2-27-90	
	Section 36 Land Use Study (recommending Alternative 2)	AO-92-125; 11-10-92	
	The Ship Creek/Waterfront Land Use Plan (May 1991), including the Transportation Element	AO 91-88; 6-3-91	AIM 91-178
	Potter Valley Land Use Analysis	AO 99-144; 12-7-99	
	University-Medical District Plan	AO 03-129; 10-21-03	
Turnagain Arm	Turnagain Arm Comprehensive Plan	AO 87-22; 4-7-87	
	Girdwood Area Plan	AO 94-238(s); 2-28-95	AO 1998-176; 11-24-98
	Glacier-Winner Creek Access Corridor Study Final Routing Report	AO 97-11; 2-4-97	
	Girdwood-Iditarod Trail Route Study	AR 97-84; 5-20-97	
	Girdwood Commercial Areas and Transportation Master Plan	AO 00-124(s); 2-20-01	
Chugiak; Eagle River; Eklutna	Chugiak-Eagle River Comprehensive Plan	AO 92-133; 1-12-93	AO 96-86; 6-25-96--amended by Alternative 1 of HLB Parcel 1-085 Land Use Study
	Eagle River Greenbelt Plan	AR 85-88; April 1985	
	Chugiak-Eagle River Long-Range Transportation Plan	AO 96-104; 8-13-96	AO 03-128; 9-23-03
	Eagle River Central Business District Revitalization Plan	AO 03-74; 5-20-03	
Environmental Quality	Anchorage Coastal Zone Management Plan	AR 79-153; 8-28-79	AO 81-3; 3-3-81
	208 Areawide Water Quality Management Plan	AR-79-151; 7-31-79	AO 82-33(s); 4-20-82
	Eagle River PM-10 Control Plan	AR 90-30; 2-6-90	AR 91-197; 9-24-91
	Hillside Wastewater Management Plan	AO 82-52; 5-18-82	AO 85-167; 9-24-85 AO 85-168; 9-24-85 AO 93-203; 12-7-93 AO 97-64; 6-3-97 AO 98-78; 6-2-98 AO 98-90; 8-18-98 AO 99-51; 3-23-99 AO 01-141(s); 10-23-01 AO 04-150; 11-16-04
	1992 Air Quality Attainment Plan for Anchorage, Alaska	AR 92-279; 12-8-92	
	Anchorage Wetlands Management Plan	AO 82-33(s); 4-20-82	AO 84-16(sa); 2-28-84 AO 84-130(s); 8-14-84 AO 84-163; 7-31-84 AO 95-129; 3-12-96
Transportation	Street and Highway Landscape Plan	AO 81-180; 11-3-81	
	Areawide Trails Plan	AO 96-140; 4-8-97	
	Official Streets and Highways Plan	AO 79-10; 6-19-79	AO 83-200; 12-6-83 AO 84-255; 1-22-85 AO 86-132; 8-19-86 AO 96-97(s); 8-13-96 AO 97-85; 6-3-97 AO 00-122; 8-15-00 AO 05-115; 10-25-05
	Anchorage Long-Range Transportation Plan 2025	AO 05-115; 10-25-05	

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

Area/Topic	Plan	Adoption Date	Amendments
Parks, Greenbelts, and Recreational Facilities	Anchorage Park, Greenbelt, and Recreation Facility Plan	AO 85-188; 12-17-85	
	Areawide Library Facilities Plan	AR 84-83; 4-10-84	
	Updated Far North Bicentennial Park Plan	AR 85-87; 5-14-85	AO 02-165; 12-10-02
	Campbell Creek Park System Acquisition and Development Plan	GAAB Resolution No. R86-72	
	Rabbit Creek Greenbelt Plan	AR 87-16; 3-31-87	
	Chester Creek Greenbelt	AR 11-75; October 1975	

2. New Elements

Procedures for amending the comprehensive plan are set forth in section 21.03.030, *Comprehensive Plan Amendments*. That process may be used to amend existing elements of the plan or to adopt new plan elements, including, but not limited to:

- a. Plan elements that address new topic areas, such as, but not limited to, housing or public utilities;
- b. Neighborhood plans;
- c. Town center, district, or small-area plans; and
- d. Land use maps or residential intensity maps.

C. Periodic Review

The comprehensive plan shall be subject to periodic review in accordance with the procedure described in section 21.03.030, *Comprehensive Plan Amendments*.

D. Implementation—Conformity to Plans

The elements of the comprehensive plan shall be implemented as provided in this section and as provided in the remainder of this title. Zoning map amendments, land use approvals, and subdivisions shall conform to the goals, recommendations, policies, and maps of the comprehensive plan elements listed in this section. Where comprehensive plan elements conflict, the more specific shall govern.

21.01.090 TRANSITIONAL PROVISIONS

The purpose of transitional provisions is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, at the time of the adoption of this title.

A. Violations Continue

Any violation of the previous title 21 ordinance shall continue to be a violation under this title and shall be subject to the penalties and enforcement set forth in chapter 21.12, *Enforcement*, unless the use, development, construction, or other activity complies with the provisions of this title. Payment shall be required for any civil penalty assessed under the previous title 21, even if the original violation is no longer considered a violation under this title.

- 1 **B. Uses, Characteristics of Use, Structures, and Lots Rendered Conforming**
- 2 A use, characteristic of use, structure, or lot not lawfully existing at the time of the
- 3 adoption of this title is deemed lawful as of the effective date of this title, provided it
- 4 conforms to all of the requirements of this title.
- 5 **C. Uses, Characteristics of Use, Structures, and Lots Rendered Nonconforming**
- 6 1. When a lot is used for a purpose that was a lawful use before the effective date
- 7 of this title, and this title no longer classifies such use as an allowed use in the
- 8 zoning district in which it is located, such use shall be considered nonconforming
- 9 and shall be controlled by chapter 21.11, *Nonconformities*.
- 10 2. Where any characteristic of use, building, structure, or lot that legally existed on
- 11 the effective date of this title does not meet all standards set forth in this title,
- 12 such building, structure, or lot shall be considered nonconforming and shall be
- 13 controlled by chapter 21.11, *Nonconformities*.
- 14 **D. Processing of Applications Commenced or Approved Under Previous Ordinances**
- 15 1. **Pending Applications**
- 16 a. Any complete application that has been submitted for approval, but upon
- 17 which no final action has been taken by the appropriate decision-making
- 18 body prior to the effective date of this title, shall, within twelve months of
- 19 the date of acceptance for completeness, be reviewed in accordance
- 20 with the provisions of the ordinance in effect on the date the application
- 21 was deemed complete. However, in such cases, if the applicant fails to
- 22 comply with any applicable required period for submittal or other
- 23 procedural requirements, the application shall expire and subsequent
- 24 applications shall be subject to the requirements of this title. Any re-
- 25 application for an expired project approval shall meet the standards in
- 26 effect at the time of re-application.
- 27 b. For multi-phase projects, this subsection shall apply only to those phases
- 28 for which complete applications have been submitted for approval but
- 29 upon which no final action has been taken by the appropriate decision-
- 30 making body prior to the effective date of this title.
- 31 c. An applicant with an approved pending application may waive review
- 32 available under prior ordinances through a written letter to the director
- 33 and request for review under this title.
- 34 2. **Preliminary Plats**
- 35 a. Any complete preliminary plat application that has been submitted for
- 36 approval, but upon which no final action has been taken by the
- 37 appropriate decision-making body prior to the effective date of this title,
- 38 shall, within twelve months of the date of acceptance for completeness,
- 39 be reviewed in accordance with the provisions of the ordinance in effect
- 40 on the date the application was deemed complete. Subsequently, the
- 41 final plat for such subdivision applications also shall be processed and
- 42 reviewed according to the provisions of the ordinance applicable at the
- 43 time of submission of the complete application for preliminary plat.

1 b. An application for which preliminary approval of a plat was granted prior
2 to the effective date of this title may be processed for a final decision in
3 accordance with the preliminary approval, applicable terms of the
4 ordinance in place at the time of preliminary approval, and any other
5 approved permits and conditions, even if the application does not comply
6 with one or more requirements set forth in this title. Preliminary
7 approvals granted under the previous title 21 may be extended no more
8 than once, and for no longer than 24 months, pursuant to the extension
9 procedures applicable under the previous ordinance.

10 **3. Approved Projects**

11 a. Conditional use permits, subdivision plats, site plan approvals, grading
12 permits, building permits, land use permits, sign permits, and variances,
13 any of which are valid on [--- insert effective date] shall remain valid until
14 their expiration date. Projects with valid approvals or permits may be
15 carried out with the development standards in effect at the time of
16 approval, provided that the permit or approval is valid and has not
17 lapsed.

18 b. Any building or development for which a building permit or land use
19 permit was granted prior to the effective date of this title shall be
20 permitted to proceed to construction even if such building or
21 development does not conform to the provisions of this title.

22 c. If the development for which the building permit or land use permit is
23 issued prior to the effective date of this title fails to comply with the time
24 frames for development established for the permit, the building or land
25 use permit shall expire and future development shall be subject to the
26 requirements of this title.

27 **4. Remanded Cases**

28 If the board of adjustment remands a case to another decision-making body, that
29 body shall process the case under the rules applicable at the time the original
30 complete application was submitted for approval, unless the applicant has
31 waived review under previous ordinances pursuant to subsection D.1.c. above.

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