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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 City 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 TITLE¹

The provisions of this Title are enacted to protect the public health, safety, and general welfare, and to implement the policies of the Anchorage comprehensive plan. The provisions are specifically intended to:

- A. Foster convenient, compatible, and efficient relationships among land uses;
- B. Promote a healthful and convenient distribution of population by regulating and limiting the density of development;
- C. Ensure greater public safety, convenience, and accessibility through the physical design and location of land use activities;
- D. Encourage the efficient use of the available land supply in the Municipality, including redevelopment of underutilized land in central areas;
- E. Promote a balanced supply of commercial, industrial, institutional, and transportation land uses that is compatible with adjacent land uses and has good access to transportation networks;
- F. Preserve the character and quality of residential neighborhoods;
- G. Promote a balanced, diverse supply of affordable, quality housing located in safe and livable neighborhoods;
- H. Promote well-planned development based on a design aesthetic that creates a sense of place and incorporates Anchorage's unique northern setting;

¹ NOTE: This section is based loosely on the existing 21.35.010, "Purpose of Title." However, that section has been heavily supplemented with purpose statements gleaned from Anchorage 2020 and feedback from our interviews.

- I. Ensure that the appearance, visual scale, and orientation of new developments are compatible with that of comprehensive plan goals and objectives for surrounding neighborhoods;
- J. Promote the vitality and development of Anchorage's major employment centers, town centers, and its other commercial and mixed-use districts;
- K. Manage congestion in the streets;
- L. Ensure the provision of adequate open space for light, air, and fire safety;
- M. Conserve the value of buildings and land;
- N. Protect the wide diversity of fish, wildlife, and habitats throughout the Municipality that thrive and flourish in harmony with the community;
- O. Preserve and protect existing trees and vegetation, floodplains, river and stream corridors, scenic views, and other areas of scenic and environmental significance from adverse impacts of land development;
- P. Protect development and residents of Anchorage from flooding, wildfires, seismic risks, and other hazards;
- Q. Encourage development of a sustainable and accessible system of recreational facilities, parks, trails, and open space that meets year-round neighborhood and community-wide needs.
- R. Facilitate the adequate and safe provision of transportation, water, sewage, drainage, schools, parks, and other public facilities;
- S. Provide appropriate development incentives to achieve an economically balanced and diverse community;
- T. Ensure that service demands of new development will not exceed the capabilities of existing streets, utilities, or other public facilities and services; and
- U. Encourage and enhance pedestrian and vehicular connections between new and existing residential development and adjacent neighborhoods; between commercial developments; and between new and existing residential development and nearby employment centers, shopping, and community services such as parks and schools.

21.01.040 APPLICABILITY AND JURISDICTION

A. General

The provisions of this Title shall apply to all land, buildings, structures, and uses thereof located within the Municipality of Anchorage, unless an exemption is provided by the terms of this Title.

B. Application to Governmental Units²

To the extent allowed by law, the provisions of this Title shall apply to all land, buildings, structures, and uses owned by government agencies, including all municipal, state,³ and federal lands, within the corporate limits of the Municipality of Anchorage. Where the provisions of this Title do not apply to such land, buildings, structures, and uses, such agencies are encouraged to meet the provisions of this Title.

C. Compliance Required

No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use, nor shall any land, building, or structure be used or changed, except in accordance with all of the applicable regulations established by this Title. No lot of record that did not exist on the effective date of this Title shall be created, by subdivision or otherwise, that does not conform to the applicable requirements of this Title, unless allowed by Section 21.01.060, *Transitional Regulations*.

21.01.050 OFFICIAL ZONING MAP

A. Incorporation Into this Ordinance

The official zoning map designates the location and boundaries of the various zone districts established in this Title. It consists of a series of map pages adopted by ordinance and any subsequent amendments in accordance with this Title. The official zoning map is incorporated herein by reference and referred to as the “zoning map” in this Title. The zoning map shall be kept on file in the office of the Department⁴ and is available for public inspection during normal business hours. The map shall be the final authority as to the current zoning status of lands, water areas, buildings, and other structures in the municipality.

B. Changes to Official Zoning Map

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

C. Interpretation of District Boundaries⁵

In the case of any dispute regarding the zoning classification of property subject to this Title, the official zoning map contained in the Department shall control. The Director shall use the rules set forth below to interpret the map. Appeals shall be made to the Zoning Board of Examiners and Appeals, pursuant to Section 21.03.210, *Appeals*.

² NOTE: This section is written very broadly to cover all levels of government, and encourages compliance by any governmental agencies not subject to MOA laws. Thus, for example, a new federal building would be encouraged to comply with MOA land use laws, even though federal properties are exempt from local land use controls.

³ NOTE: Additional research needed on the status and statutory basis for municipal regulation of state-owned airports.

⁴ NOTE: Unless otherwise specified, the term “Department” will be defined in the code as the Planning Department.

⁵ NOTE: These are suggested new interpretation rules; there is nothing on this topic in the current Title 21.

1. Where the zoning map shows a zoning district boundary line located within or following a street or alley right-of-way, railroad or utility line right-of-way, easement, or waterway, the district boundary shall be considered to be in the center of the right-of-way, easement, or waterway. If the actual location of such right-of-way, easement, or waterway, as indicated in a recorded legal description of such, varies slightly from the location shown on the Zoning Map, then the actual location shall control.
2. Where the zoning map shows a boundary line as being located a specific distance from a street line or other physical feature, this distance shall control.
3. Where the zoning map shows a district boundary to coincide with a property line or municipal border, the legal property line or municipal border shall be considered to be the district boundary, unless otherwise indicated on the map.
4. Where the zoning map shows a district boundary to not coincide or approximately coincide with any street, alley, railroad, waterway, or property line, and no dimensions are shown, the location of the boundary shall be determined by use of the scale appearing on the zoning map.
5. Where the zoning map shows a district boundary dividing a lot, each part of the lot shall be used in conformity with the standards established by this Title for the zoning district in which that part is located.
6. Where the case record conflicts with the zoning map, the case record shall control. For example, if the zoning map shows a property to be zoned B-3, yet the case record shows that the property was actually zoned I-1, the case record would control and the map would be changed to reflect the case record. Any permits issued in reliance on the erroneous designation shall be considered valid under this Title.⁶

D. Transition to New Zoning Districts⁷

Upon the effective date of this Title, land that is presently zoned within an existing zoning classification shall be classified within one of the zoning classifications set forth in Chapter 21.04, *Zoning Districts*. The following Table 21.01-1 summarizes the transition from old districts to the new districts set forth in this Title. The boundaries of each zoning district will remain the same unless amended in the future in accordance with the provisions of this Title.

⁶ NOTE: This is a suggested new policy to deal with any permits that might have been issued in reliance on an incorrect designation.

⁷ NOTE: This section will continue to be revised throughout the drafting process, especially following drafting and discussion of the zoning districts chapter. Further discussion is needed as to what happens to properties currently zoned in districts that are proposed for elimination in the new code. Many communities typically rezone such properties to a new district as part of a comprehensive citywide rezoning (e.g., the R-7 properties could be rezoned to R-6 or R-9). Another option would be to keep the old districts on the books, but treat them as obsolete districts and not allow any new rezonings to those districts; sunseting of the districts also could be required after a certain period (e.g., five years).

TABLE 21.01-1: TRANSITION TO NEW ZONING DISTRICTS	
Old Title 21	New Title 21 (This Document)
PLI	PLI
R-1	R-1
R-1A	R-1
R-2A	R-2
R-2D	R-2
R-2M	R-3
R-3	R-4
R-4	R-4
R-5	[Eliminated – Annotated Outline, p. 29]
R-5A	R-5
R-6	R-6
R-7	[Eliminated – Annotated Outline, p. 29]
R-8	[Eliminated – Annotated Outline, p. 29]
R-9	R-9
R-10	R-10
R-11	TA ?
D-2	[Eliminated – Annotated Outline, p. 29]
D-3	[Eliminated – Annotated Outline, p. 29]
R-O	[Eliminated – Annotated Outline, p. 29]
B-1A	C-1A
B-1B	C-1B
B-2A	C-2A
B-2B	C-2B
B-2C	C-2C
B-3	?
B-4	[Eliminated – Annotated Outline, p. 29]
I-1	I-1
I-2	I-2
I-3	[Eliminated – Annotated Outline, p. 29]
W	W
T	[Eliminated – Annotated Outline, p. 29]
PC	PC (or NMU, CMU, RMU)
AF	AF
MC	MC
MI	MI

21.01.060 TRANSITIONAL REGULATIONS

The purpose of transitional regulations 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 21.10, *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.

B. Uses, Structures, and Lots Rendered Conforming

A use, structure, or lot not lawfully existing at the time of the adoption of this Title is deemed lawful as of the effective date of this Title, provided it conforms to all of the requirements of this Title.

C. Uses, Structures, and Lots Rendered Nonconforming

1. When a lot is used for a purpose that was a lawful use before the effective date of this Title, and this Title no longer classifies such use as an allowed use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by Chapter 21.09, *Nonconformities*.
2. Where any building, structure, or lot that legally existed on the effective date of this Title does not meet all standards set forth in this Title, such building, structure, or lot shall be considered nonconforming and shall be controlled by Chapter 21.09, *Nonconformities*.

D. Processing of Applications Commenced or Approved Under Previous Ordinances

1. Pending Applications

- a. Any complete application that has been submitted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this Title, shall, within six months⁸ of the date of acceptance for completeness, be reviewed in accordance with the provisions of the ordinance in effect on the date the application was deemed complete. If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this Title. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.
- b. An applicant with an approved pending application may waive review available under prior ordinances through a written letter to the Director and request for review under this Title.

2. Preliminary Approvals

An application for which preliminary approval of a plat, right-of-way vacation, or variance, or concept approval or a conditional use, was granted prior to the effective date of this Title may be processed for a final decision in accordance with the preliminary approval, applicable terms of the ordinance in place at the time of preliminary approval, and any other approved permits and conditions, even if the application does not comply with one or more requirements set forth in this Title. Preliminary approvals granted under the previous Title 21 may be extended no more than once, and for no longer than 12 months, pursuant to the extension procedures applicable under the previous ordinance.

⁸ NOTE: The six-month provision puts a cap on the time available for the old code to continue, but it also puts a burden on staff to review the applications within a certain period. The six-month period is provided for discussion purposes; a longer period could be used, or the time limit period could be removed altogether.

3. Approved Projects

- a. Conditional use permits, subdivision plats, site plan approvals, grading permits, building permits, sign permits, and variances, any of which are valid on [--- insert effective date] shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out with the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed.
- b. Any building or development for which a building permit was granted prior to the effective date of this Title shall be permitted to proceed to construction even if such building or development does not conform to the provisions of this Title.
- c. If the development for which the building permit is issued prior to the effective date of this Title fails to comply with the time frames for development established for the building permit, the building permit shall expire and future development shall be subject to the requirements of this Title.

21.01.070 CONFLICTING PROVISIONS

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

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

B. 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.

21.01.080 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.

21.01.090 COMPREHENSIVE PLAN⁹

A. Purpose; Scope of Section

The purpose of the comprehensive plan is to set forth the goals, objectives and policies governing the future land use development of the municipality that guide the assembly in taking legislative action to implement the plan. As adopted, this Section and the documents incorporated in this Section constitute the comprehensive plan of the Municipality of Anchorage.

B. Elements¹⁰

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 or incorporated into the comprehensive plan elsewhere in this Title 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 21.01-2: COMPREHENSIVE PLAN ELEMENTS			
Area/Topic	Plan	Adoption Date	Title 21 Section Reference (if applicable)
Anchorage Bowl	Anchorage 2020, Anchorage Bowl Comprehensive Plan	February 20, 2001 (AO 82-85; AO 2000-119(S)) ¹¹	
	Anchorage Central Business District Comprehensive Development Plan	Fall 1983 (GAAB Resolution 73-46; AR 83-194(S))	
	Spenard Commercial District Development Strategy	June 1986 (AR 86-121; AO 87-145)	[x-ref to Chapter 21.07, <i>Development and Design Standards</i>]
	Section 36 Land Use Study (recommending Alternative 2)	March 1991 (AO 92-125)	

⁹ NOTE: The Comprehensive Plan section is largely carried forward from existing AMC chapter 21.05. The Comprehensive Plan provisions in the current code are more extensive than typically found in a zoning code. With staff's guidance, we have removed references to obsolete plans and difficult-to-administer provisions. For example, Land Use Classifications (current AMC 21.05.050) and Residential Densities (current AMC 21.05.060) are not carried forward.

¹⁰ NOTE: These elements are listed in a table to make them easier to read. The source text in former AMC 21.05.030 contained numerous footnotes. Those footnotes are omitted here where they provided historical background but had no regulatory function. A small number of the original footnotes having a regulatory function have been moved into the body of the code, as noted below.

¹¹ NOTE: Enacting ordinances for comprehensive plan elements are included here as a continuation of the listing scheme in the original code, but will be deleted once staff confirms that the titles of these documents will provide enough information to incorporate the referenced provisions. (As written, some Ordinance and Resolution numbers do not correspond to the dates listed for the completion or adoption of the referenced comprehensive plan element. Are some of the listed Ordinance and Resolution numbers obsolete?)

TABLE 21.01-2: COMPREHENSIVE PLAN ELEMENTS

Area/Topic	Plan	Adoption Date	Title 21 Section Reference (if applicable)
	The Ship Creek/Waterfront Land Use Plan (May 1991), including the Transportation Element	June 3, 1991 (AO 91-88, as amended by attachment of Assembly Information Memorandum (AIM) 178-91)	
	Potter Valley Land Use Analysis	(AO 99-144)	
	Goose Lake Plan	August 1983 (AR 83-195)	
	Tudor Road Public Lands and Institutions Plan	April 1986 (AR 86-162)	
	Utility Corridor Plan	February 27, 1990 (AO 90-13(S))	
Turnagain Arm	Turnagain Arm Comprehensive Plan	June 6, 1987 (AO 79-208; AO 85-16; AO 87-22)	
	Girdwood Area Plan	February 1995 (AO 94-238(S), as amended November 24, 1998 by AO 98-176 § 1)	
	Glacier-Winner Creek Access Corridor Study Final Routing Report	December 1996 (AO 97-11)	
	Girdwood-Iditarod Trail Route Study	May 1997 (AR 97-84)	
	Girdwood Commercial Areas and Transportation Master Plan	February 20, 2001 (AO 2000-124(S), as amended)	
Chugiak; Eagle River; Eklutna	Chugiak-Eagle River Comprehensive Plan	January 1993 (AO 79-136; AO 92-133), amended by Alternative 1 of HLB Parcel 1-085 Land Use Study March 1996 (AO 96-86 § 1 (June 25, 1996))	
	Chugiak-Eagle River Transportation Plan	May 1996 (AO 96-104 § 2 (August 13, 1996))	
	Eagle River Greenbelt Plan	April 1985 (AR 85-88)	
Environmental Quality	Anchorage Coastal Zone Management Plan	July 1979 (AR 79-153; AO 81-3)	[x-ref to Chapter 21.07, <i>Development and Design Standards</i>]
	Anchorage Wetlands Management Plan	April 1995 (AO 82-33(S); AO 84-16(SA); AO 84-130(S); AO 84-163; AO 95-129 § 2 (March 12, 1996))	[x-ref to Chapter 21.07, <i>Development and Design Standards</i>]
	208 Areawide Water Quality Management Plan	August 1979 (AR 79-151, executive summary contained in AIM 147-79; AO 82-33(S)). Refer to AMCR Chapter 21.67 for certain permitting requirements.	
	1992 Air Quality Attainment Plan for Anchorage, Alaska	December 1992 (AR 82-170; AR 92-279)	
	Eagle River PM-10 Control Plan	September 1991 (AR 90-30; AR 91-197)	

TABLE 21.01-2: COMPREHENSIVE PLAN ELEMENTS

Area/Topic	Plan	Adoption Date	Title 21 Section Reference (if applicable)
Transportation	Areawide Trails Plan	January 1996 (AO 78-203; AO 85-16; AO 96-140 § 2 (April 8, 1997)) (Reference to GAAB Resolution RE 73-100 (the Borough Bikeways plan) is omitted according to the instruction of a footnote in the original code.)	
	Official Streets and Highways Plan	August 1996 (AO 79-70; AO 83-200; AO 84-255; AO 86-132; AO 96-97(S) § 1 (August 13, 1996); AO 97-85 § 1 (June 3, 1997); AO 2000-122 § 1 (August 15, 2000).	
	Street and Highway Landscape Plan	November 1981 (AO 81-180)	
	AMATS 1997 Anchorage Bowl Long-Range Transportation Plan	(AR 98-25)	
Parks, Greenbelts, and Recreational Facilities	Anchorage Park, Greenbelt, and Recreation Facility Plan	December 17, 1985 (AO 85-188; AO 87-4)	
	Areawide Library Facilities Plan	April 1984 (AR 82-170)	
	Updated Far North Bicentennial Park Plan	[No date listed in original code text] (GAAB Resolution RE 74-128; AR 85-87)	
	Campbell Creek Park System Acquisition and Development Plan	[No date listed in original code text] (GAAB Resolution R86-72).	
	Chester Creek Greenbelt	[No date listed in original code text] (AR 11-75)	
	Rabbit Creek Greenbelt Plan	October 1986 (AIM 882-79 ¹² (a); AIM 882-79A; AR 87-16)	

2. New Elements¹³

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;

¹² NOTE: Cited as "AM ___" in original text. Verify that this is equivalent to "AIM" (Assembly Information Memorandum), as above.

¹³ NOTE: This new section provides broad enabling authority for new plan elements, such as new land use plan maps. The section authorizes the adoption of neighborhood plans as amendments to the comprehensive plan, but it doesn't codify the neighborhood planning process, which is still being developed in Anchorage as a separate project.

- 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

1. Conformity to Plans¹⁴

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, except where comprehensive plan elements are partially implemented or implemented with specific exceptions as indicated below.

2. Anchorage 2020 Anchorage Bowl Comprehensive Plan¹⁵

a. Implementation of Current Plan

The goals, policies, and objectives of the *Anchorage 2020 Anchorage Bowl Comprehensive Plan* will be implemented through a series of land use plans and functional plans. In addition, the *Anchorage 2020 Anchorage Bowl Comprehensive Plan* will be implemented by amendments to this Title.

b. Applicability of Former Plan

The *Generalized Land Use Plan* and the *Residential Intensity Plan* in the 1982 *Anchorage Bowl Comprehensive Development Plan* shall remain elements of the comprehensive plan for the Anchorage Bowl, but only to the extent not in conflict with the *Anchorage 2020 Anchorage Bowl Comprehensive Plan* or until repealed or superseded by subsequent ordinances, including adoption of future plans.

c. Transition

Until more specific implementation strategies or plans for the *Anchorage 2020 Anchorage Bowl Comprehensive Plan* are adopted, the approving authority shall review an application for an entitlement for conformity to the plan in accordance with the following hierarchy and procedure:

- i. The approving authority may approve an application for an entitlement only if it does not conflict with the goals, policies,

¹⁴ NOTE: Detailed provisions regarding Land Use Classifications and Residential Densities have been eliminated as suggested in the Diagnosis.

¹⁵ NOTE: This existing section has been revised to include only Anchorage 2020. We have moved provisions dealing with other plan elements that have specific code requirements to the new development and design standards chapter, and they will be cross-referenced in the table in subsection (B).

and objectives of the *Anchorage 2020 Anchorage Bowl Comprehensive Plan*.

- ii. If in conformance with the plan goals, policies, and objectives, the approving authority must then determine if the application is in conformance with the *Land Use Concept Plan* of the *Anchorage 2020 Anchorage Bowl Comprehensive Plan*, where applicable.
- iii. Where the *Land Use Concept Plan* is not applicable, the approving authority may approve an entitlement only if the approving authority also finds that the application is consistent with the other applicable elements of the comprehensive plan listed in this Section.
- iv. Where not governed by the *Land Use Concept Plan* or the comprehensive plan elements listed in subsection B. above, the approving authority may approve an entitlement only upon finding that the application is consistent with the *1982 Generalized Land Use Plan* and the *Residential Intensity Plan*, except as set forth below.
 - (A) *Generalized Land Use Plan*
Entitlements shall conform to the *Generalized Land Use Plan*, except where the approving authority finds one of the following:
 - (1) Existing uses that do not conform to the *Generalized Land Use Plan* are integrated compatibly into the area;
 - (2) The proposed use may be made compatible with conforming uses by [special limitations or]¹⁶ conditions of approval concerning such matters as access, landscaping, screening, design standards and site planning; or
 - (3) The proposed use does not conflict with the *Anchorage 2020 Anchorage Bowl Comprehensive Plan* goals and policies pertaining to the surrounding neighborhood or the general area. Entitlements at a boundary between land use categories shall be subject to design standards that will make the entitlement compatible with land uses in the adjacent land use category.
 - (B) *Generalized Residential Intensity Map*
 - (1) The densities on the *Generalized Residential Intensity Plan* refer to the range of dwelling units per gross acre within a large contiguous

¹⁶ NOTE: Removing findings related to special limitations could discourage the use of this process.

area. Residential density within smaller areas under common ownership, particularly those with wetlands or marginal soils or requiring transitional space, may exceed the density designated on the generalized residential intensity map. However, adequate internal circulation, open space, and transitional space or buffering shall be provided. The average density of the small areas, including the areas devoted to open space and buffering, shall not exceed the density designated on the generalized residential intensity map.

- (2) Entitlements shall conform to the generalized residential intensity maps, interpreted in accordance with the above subsection of this Section, except where the approving authority finds that:
- (3) A greater residential intensity does not alter the plan for the surrounding neighborhood or general area because of one of the following:
 - Development is governed by cluster housing, planned unit development, or a planned unit development site plan;
 - The area is near an existing high-density node, and, through approval of a zoning map amendment, has been determined to be appropriate for development at a greater intensity to concentrate housing at a focal location; or
 - The area is adjacent to a neighborhood, community, or regional shopping center, or to a principal transit corridor.
- (4) A lesser residential intensity would provide a clear and overriding benefit to the surrounding neighborhood.
- (5) The proposed residential density does not conflict with the *Anchorage 2020 Anchorage Bowl Comprehensive Plan* goals and policies pertaining to the surrounding neighborhood or the general area.

(C) *Parcels Near Boundaries*

Because the comprehensive plan is necessarily generalized, entitlements at or within 500 feet of boundaries in the *Generalized Land Use Plan* and *Generalized Residential Intensity Plan* shall be

treated as follows: Areas clearly within a particular classification shall follow the standards of that classification. The classification of areas at or near boundaries on the *Generalized Land Use Plan* and *Generalized Residential Intensity Plan* shall be interpreted in accordance with the goals, policies, and objectives of the *Anchorage 2020 Anchorage Bowl Comprehensive Plan*, provided that interpretation shall not be a basis for cumulative encroachment.¹⁷

- v. The decision of the approving authority shall include findings applying the above hierarchy as necessary to determine whether to approve, approve with conditions, or disapprove an application for an entitlement under the procedure in this subsection.

¹⁷ NOTE: "Cumulative encroachment" should be clarified if this section is retained.