

**Attachment A**  
**to Planning and Zoning Commission Resolution No. 2008-034**  
**Recommended Amendments for Chapter 21.03**

1. Page 6, Section 21.03.020B.2.b., lines 2-4  
“Pre-application conferences are not required for the first change[S] to already-approved conditional use approvals [PERMITS], major site plans, and subdivision plans if the following conditions are met. Subsequent changes to these approvals require a pre-application conference.[:]”
2. Page 8, Section 21.03.020D.3., line 3  
“Fees are not subject to waivers [AND ARE NON-REFUNDABLE].”
3. Page 9, Section 21.03.020G.2.b., lines 23-24  
“The waiver shall be justified in writing, provided along with the verification of application completeness, and shall be included as part of the case record.”
4. Page 10, Section 21.03.020G.6., lines 9-10  
“The applicant shall prepare a written summary of the community meeting(s), which shall be submitted to the director and the affected community council(s) no later than seven days after the date of the meeting.”
5. Page 11, Table 21.03-1: Summary of Notice Requirements  
Add a row for “Master Plan, Area”, Section “21.09.030E.”, with check marks in all three columns.  
Add a row for “Master Plan, Development”, Section “21.09.030F.”, with check marks in all three columns.  
Add a new column titled “Community Council Notice.” Add check marks to the following rows: “Alcohol—Special Land Use Permit”, “Appeals to ZBEA”, “Comprehensive Plan Amendments, Substantive”, “Conditional Uses”, “Master Plan, Area”, “Master Plan, Development”, “Master Plan, Institutional”, “Neighborhood or District Plans”, “Public Facility Site Selection (except schools)”, “Rezoning (Zoning Map Amendments)”, “Site Plan Review, Major”, “Street and Trail Review”, “Subdivisions (with existing physical access)”, “Subdivisions (without existing physical access)”, “Abbreviated Plats”, “Modification or Removal of Plat Notes”, “Title 21, Text Amendments”, “Vacation of Public and Private Interest in Land”, and “Variances”.

6. Page 12, Section 21.03.020H.3.c., lines 11-36  
Change section 3.c., *Community Councils*, into section H.6. Amend lines 11-14 to read, “Any officially recognized community council whose boundary includes any part of the subject property, and any additional such council whose boundary lies within 1,000 feet of any part of the subject property shall receive written (mailed) notice in accordance with H.3. above.”  
Amend lines 35-36 to read, “All community councils shall receive notice of substantive amendments to the comprehensive plan, neighborhood or district plans, street and trail review, and amendments to the text of title 21.”
7. Page 14, Section 21.03.020L., line 14  
“The applicant may request a postponement of his or her case for any other reason, which he or she shall state to the commission.”
8. Page 16, Section 21.03.040A.2., lines 3-6  
“Notwithstanding A.1. above, catering and special event permits issued by the state Alcoholic Beverage Control Board [, AND HELD NO MORE THAN 12 TIMES IN A CALENDAR YEAR AT THE SAME PHYSICAL LOCATION] are exempt from these approval requirements, but shall meet AMC title 10 requirements and the following:  
a. When multiple permits are issued for the same location, the permits shall be for discreet events, and shall not be used to avoid the special land use permit process; and  
b. The catering and special event permit shall be reviewed by the chief of police in order to address any recurring problems at the site that have involved the police.”
9. Page 17, Section 21.03.040C.7., line 36  
Add a new section b. as follows, and make the existing b. into c.: “The use holding the permit has been discontinued, vacant, or inactive for a continuous period of at least one year; or”
10. Pages 18-19, Section 21.03.050A.3.a., lines 26-37 and 1-2  
“3. Notification of Decision and Appeal Filing  
a. When the appellant is not the applicant, the director shall notify the applicant of the appeal.  
b. Persons who wish to be notified of a decision by a land use board or commission and of any appeal filed on that decision, shall submit a form provided by the department to the director at any time before the end of the appeal period. The director shall cause the signed resolution or summary of action to be mailed to such persons on the date of service, and also notification of any appeals filed on that decision.”

#### 4. Appellees Before Board

- a. An appellee brief may be filed as provided in [SECTION] subsection A.8[7]. by:
  - i. The party in whose favor the lower administrative body's decision was rendered.
  - ii. Any municipal agency.
  - iii. Any party of interest for the application, as defined in chapter 21.14.
- b. Persons who wish to become an appellee shall file a notice of intent to file a brief with the municipal clerk's office on a form prescribed by the municipal clerk, within 10 days after the end of the appeal period. The municipal clerk shall notify such persons of the date the record is available and of the date the appellant's brief is filed.

[APPELLEES WHO WISH TO BE NOTIFIED BY THE MUNICIPAL CLERK'S OFFICE OF THE DATE THE RECORD IS AVAILABLE AND OF THE DATE THE APPELLANT'S BRIEF IS FILED MUST FILE A NOTICE OF INTENT TO FILE A BRIEF WITH THE MUNICIPAL CLERK'S OFFICE ON A FORM PRESCRIBED BY THE MUNICIPAL CLERK WITHIN 20 DAYS AFTER THE DECISION OF THE LOWER ADMINISTRATIVE BODY FROM WHICH THE APPEAL IS TAKEN. AN APPLICANT FOR A SITE PLAN, CONDITIONAL USE, OR SUBDIVISION, WHO IS NOT THE APPELLANT, MUST FILE A NOTICE OF INTENT TO FILE A BRIEF WITH THE MUNICIPAL CLERK'S OFFICE WITHIN SEVEN DAYS OF RECEIPT OF THE APPELLANT'S NOTICE OF APPEAL TO BECOME AN APPELLEE.]”

(Renumber remaining sections in 21.03.050A.)

#### 11. Page 19, Section 21.03.050A.4.a., lines 4-8

“An appeal to the board of adjustment must be perfected by a party of interest for the application no later than 20 days from the date of service of the decision being appealed [THE WRITTEN FINDINGS OF FACT AND DECISION OF THE ADMINISTRATIVE BODY FROM WHICH THE APPEAL IS TAKEN IS APPROVED, ON THE RECORD, AND BECOMES A FINAL APPEALABLE DECISION, IS MAILED OR OTHERWISE DISTRIBUTED OR DELIVERED TO THE APPLICANT].”

#### 12. Page 19, Section 21.03.050A.5., lines 23-26

“Allegations of new evidence or changed circumstances shall be raised by written motion for rehearing, filed with the municipal clerk no later than 20 days after the date of service of the decision of the lower administrative body[‘S INITIAL DECISION BECOMES FINAL].”

13. Page 19, Section 21.03.050A.5.a.i., lines 27-29  
“The municipal clerk shall automatically reject any motion filed more than 20 days after the date of service of the decision of the lower administrative body[‘S INITIAL DECISION BECOMES FINAL], without hearing or reconsideration by the lower administrative body.”
14. Page 21, Section 21.03.050A.7.c., lines 3-4  
“The appellant’s reply brief is due no later than 15 [10] days after the date the clerk’s office sends notice, by certified mail, [SERVICE OF NOTICE] that the appellee briefs have been filed.”
15. Page 21, Section 21.03.050A.10.c., lines 39-40  
“The board of adjustment shall [, UNLESS IT SUBSTITUTES ITS INDEPENDENT JUDGMENT PURSUANT TO SUBSECTION D. BELOW,] defer to the judgment of...”
16. Page 22, Section 21.03.050A.10.d., lines 3-9  
“[NOTWITHSTANDING THE PROVISIONS OF SUBSECTION 10.C. ABOVE, THE BOARD OF ADJUSTMENT MAY, BY AN AFFIRMATIVE VOTE OF TWO-THIRDS OF THE FULLY CONSTITUTED BOARD, SUBSTITUTE ITS INDEPENDENT JUDGMENT FOR THAT OF THE LOWER ADMINISTRATIVE BODY ON ANY DISPUTED ISSUES OR FINDINGS OF FACT. SUCH JUDGMENT MUST BE SUPPORTED ON THE RECORD BY SUBSTANTIAL EVIDENCE. FOR THE PURPOSE OF THIS SUBSECTION, THE FULLY CONSTITUTED BOARD OF ADJUSTMENT SHALL NOT INCLUDE THOSE MEMBERS WHO DO NOT PARTICIPATE IN THE APPEAL.]”
17. Page 22, Section 21.03.050A.12.a., lines 40-42  
“If the board of adjustment remands a case to the lower administrative body, the board [A DECISION REMANDING A CASE] shall describe any issue upon which further evidence shall [SHOULD] be taken, and shall set forth any further directions the board deems appropriate for the guidance of the lower administrative body.”
18. Page 23, Section 21.03.050B.1.e., line 25  
“Denial of a minor modification under section 21.03.120 when the director is the decision-making body.”
19. Page 24, Section 21.03.050B.3.a., lines 7-9  
“An appeal of an administrative decision to the zoning board of examiners and appeals, as set out in subsection B.1. above, must be filed no later than 20 days after the date of service [WRITTEN NOTIFICATION] of the decision.”

20. Page 27, Section 21.03.070C.2., lines 43-45  
“The planning and zoning commission may submit a recommendation for approval, and the assembly may approve an amendment [ONLY] if, in the judgment of the commission or assembly, the amendment meets the following approval criteria.”
21. Page 30, Section 21.03.080C., lines 28-30  
“The planning and zoning commission may approve a conditional use approval [PERMIT] application [ONLY UPON FINDING THAT] if, in the judgment of the commission, all of the following criteria have been met.”
22. Pages 30 and 31, Section 21.03.080C., lines 40 and 7-8  
Replace C.4. and C.7. with, “The site size, dimensions, shape, location, and topography are adequate for the needs of the proposed use and any mitigation needed to address potential impacts.”  
Renumber remaining criteria.
23. Page 31, Section 21.03.080E., after line 35  
“3. The platting authority under this subsection may require that any street right-of-way, walkway, utility easement, or other public area designated under the final approval be dedicated to the public.”
24. Page 31, Section 21.03.080F.  
Delete all references in section F. to the R-4A district.
25. Page 32, Section 21.03.080F.1.e., lines 11-12  
“Maintaining population densities and lot coverage that are consistent with available public services, the character of the surrounding neighborhood, and the comprehensive plan.”
26. Page 32, Section 21.03.080F.2.a., lines 22-24  
“...If any portion of a proposed PUD is located within the R-1, R-1A, R-2A, R-2D, R-5, or [R-6,] R-7[, R-8, OR R-9] zoning districts, the minimum site area shall be 5.0 acres. If any portion of a proposed PUD is located within the R-6, R-8, or R-9 zoning districts, the minimum site area shall be 10 acres.”

27. Page 32, Section 21.03.080F.2.b., lines 26-30

“A minimum of 30% of the site shall be reserved as [USABLE] open space which shall meet the following standards:

i. At least one-half of such [USABLE] open space shall be contiguous;

ii. In class A districts, no portion of the required open space shall be less than 2,000 square feet in area or less than 30 feet in its smallest dimension, except for individual yards, balconies, or decks pursuant to b.iv. and b.v. below;

iii. In class B districts, no portion of the required open space shall be less than half of the minimum lot size of the underlying district in area, or less than 100 feet in its smallest dimension, except for individual yards, balconies, or decks pursuant to b.iv. and b.v. below;”

Renumber remaining sections.

28. Page 33, Section 21.03.080F.2.c., lines 1-11

“...combined within a single structure, nonresidential uses shall be separated from dwelling units by L3[4] buffer [SCREENING] landscaping.

...

iii. Level 4[3] screening [BUFFER] landscaping shall be planted along each boundary of the PUD adjacent to a nonresidential district...

iv. Common open space with L4 screening landscaping shall be provided along any lot line abutting a residential neighborhood where any adjoining lot is greater than 150% of the average lot size along that lot line of the PUD.”

Renumber remaining sections.

29. Page 34, Section 21.03.080F.3.b., lines 3-4

“The applicant may propose any residential use, and in class A zoning districts, may propose any commercial use that is allowed in the R-4 district in table 21.05-1.”

30. Page 37, Section 21.03.100B.1.g., line 3

“Clearing more than one [TWO] contiguous acre[S].”

31. Page 37, Section 21.03.100C.2.d., lines 22-29

“A land use permit shall become null and void unless the work approved by the permit is commenced (see “start of construction” in chapter 21.14) within 12 months after the date of issuance. [NO WORK SHALL BE CONSIDERED TO HAVE COMMENCED FOR THE PURPOSES OF THIS PARAGRAPH UNTIL AN INSPECTION HAS BEEN MADE AND RECORDED.] If after start of construction [COMMENCEMENT] the work is discontinued for a period of 12 months, the permit therefore shall immediately expire. No work

authorized by any permit that has expired shall thereafter be performed until a permit has been reinstated, or until a new permit has been secured.”

32. Page 41, Section 21.03.100E.8., lines 2-9

“The amount of the fee in lieu shall be the full cost [LESSER OF 75% OF THE COST] of the improvements as estimated by an engineer registered as a professional engineer in Alaska [OR AS PROVIDED IN A FEE SCHEDULE ADOPTED BY REGULATION BY THE MUNICIPAL ENGINEER, WHICH FEE SCHEDULE MAY BE ADJUSTED BY REGULATION ANNUALLY TO ACCOUNT FOR INCREASES IN CONSTRUCTION COSTS IN THE ANCHORAGE AREA]. In the event the applicant or successor in interest later elects or is required to install improvements for which the fee was paid, the fee shall be refunded (without interest), so long as the claim for refund is filed within two years from the date of initial payment.”

33. Page 41, Section 21.03.110A.5., lines 37-38

“Consider [PROTECT THE INTEGRITY OF ADJACENT NEIGHBORHOODS BY ADDRESSING] the impacts of institutional development on adjacent neighborhoods [AREAS].”

34. Page 42, Section 21.03.110B., lines 1-2

“...develop large, complex sites with multiple buildings and uses following a contextually aesthetic [UNIFORM AND COHESIVE] design theme.”

35. Page 43, Section 21.03.110C.2.d.xi., line 15

“Commercial spaces, not including concessionaire space that is intended to serve the institutional community [AND/OR USES OVER 1,000 SQUARE FEET].”

36. Page 43, Section 21.03.110C.2.f., lines 29-35

“The institutional master plan shall include the elements listed below. These elements may set different standards than those found in title 21. [CHAPTER 21.05, *USE REGULATIONS*; CHAPTER 21.06, *DIMENSIONAL STANDARDS AND MEASUREMENTS*; AND CHAPTER 21.07, *DEVELOPMENT AND DESIGN STANDARDS*.] The plan shall list the specific sections of title 21 for which different standards are to be established by the master plan, and provide rationale for any different standards proposed. Where different standards are approved in the institutional master plan, those standards shall be applied instead of the corresponding standards in title 21.”

37. Page 44, Section 21.03.110C.2.f.v.(D)., line 25

Add as new (D) “Historic structures;” and re-letter remaining items.

38. Page 44, Section 21.03.110C.2.g., lines 37-39  
“This information shall include, at a minimum, the general location and approximate scale of anticipated development that may occur within a 20 year period.”
39. Page 45, Section 21.03.110D., after line 44  
Add new section D.9.:  
“9. Approval of Final Institutional Master Plan  
a. The approval of an institutional master plan expires 12 months after the date of approval by the assembly unless, before the approval expires, the applicant files the final institutional master plan, including any modifications or conditions required by the assembly, with the director.  
b. The director shall certify the final institutional master plan within 60 days of filing by the applicant, or if the plan is not in compliance with the assembly’s approval, the director shall issue a detailed list of reasons and recommended amendments to the final institutional master plan to achieve compliance.  
c. Until the approval of an institutional master plan by the assembly and the filing by the applicant of a final institutional master plan accepting the modifications or conditions required by the assembly, the affected institution shall continue to be governed solely by the provisions of title 21 other than this chapter.”
40. Page 46, Section 21.03.110E., lines 2-4  
“An institutional master plan may be approved if the assembly finds that it is consistent with the comprehensive plan[, COMPATIBLE WITH ANY ADOPTED NEIGHBORHOOD PLANS FOR ADJACENT AREAS,] and will achieve the following:”
41. Page 47, Section 21.03.120A., lines 27-28  
“...the planning and zoning commission, [THE PLATTING BOARD,] or the urban design commission.”
42. Page 47, Section 21.03.120B.1., lines 34-35  
“...the planning and zoning commission, [THE PLATTING BOARD, AND] or the urban design commission may approve...”
43. Page 47, Section 21.03.120B.1.b., line 42  
“...21.07.020B.;”



44. Page 48, Section 21.03.120B.1.c., lines 1-2  
“[SUBDIVISION STANDARDS SET FORTH IN CHAPTER 21.08, *SUBDIVISION STANDARDS*, EXCEPT FOR THE IMPROVEMENT STANDARDS IN SUBSECTION 21.08.050;]  
Re-letter remaining sections.
45. Page 48, Section 21.03.120C.1.b., lines 21-22  
“In no instance may an applicant use the minor modification process to obtain approval for adjustments to more than three standards applicable to the same development.”
46. Page 48, Section 21.03.120C.3., lines 26-30  
**“3. Minor Modifications Approved by Assembly, Planning and Zoning Commission, [PLATTING BOARD] or Urban Design Commission**  
The assembly, planning and zoning commission, [PLATTING BOARD,] or urban design commission may approve a minor modification allowed under this section at any time before taking action on a development application.”
47. Page 48, Section 21.03.120C.5., lines 36-37  
“Denial of a minor modification [APPLICATION] may be appealed to the same body as an appeal of the underlying approval process. For instance, denial of a minor modification in a conditional use application may be appealed to the board of adjustment, as the board of adjustment hears appeals of conditional use approvals [ZONING BOARD OF EXAMINERS AND APPEALS IN ACCORDANCE WITH SUBSECTION 21.03.050B]. Denial of a minor modification associated with a permitted use may be appealed to the zoning board of examiners and appeals.”
48. Page 49, Section 21.03.130A.1., lines 23-25  
“The goal of a neighborhood or district plan is to protect and promote positive elements of neighborhood or district character and identity, while promoting [PROMOTE] the orderly growth, improvement, and future development of the neighborhood, community, or municipality.”
49. Page 49, Section 21.03.120A.2.a., after line 35, add to 2.a.  
“Plans sponsored by the municipality, including the mayor, the assembly, the planning and zoning commission, and various departments, are not subject to this section, but rather shall follow the process of section 21.03.070C., *Comprehensive Plan Amendments, Substantive.*”

50. Page 50, Section 21.03.130C.1., lines 38-40  
“Within 45 [90] days of the submittal of a plan, the department shall review the plan and determine whether the plan meets the standards for form, content, and for consistency with sound planning, as set forth in subsection D. below.”
51. Page 51, Section 21.03.130C.1.b., lines 1-7  
“If the department determines the plan does not meet the threshold standards of subsection D., the staff shall provide written notification to the sponsor of all deficiencies with respect to form, content, process, and any changes, additions, or deletions which, in the opinion of staff, may correct such deficiencies. [THE SPONSOR MAY INDICATE ITS WILLINGNESS TO MAKE SUCH CHANGES, ADDITIONS, OR DELETIONS. ONLY IN SUCH EVEN MAY THE SPONSOR BE PERMITTED TO CONTINUE WITH THE PLAN.]”
52. Page 53, Section 21.03.130E.1., lines 3-6  
“When, pursuant to subsection C. above, a plan is ready for public review, the department shall, within 21 [30] days of its determination, provide copies of the plan simultaneously to all municipal and state agencies with jurisdiction over elements of the plan, and to all community councils.”
53. Page 53, Section 21.03.130F.1., lines 25-26  
“[AT THE CONCLUSION OF THE 120 DAY REVIEW PERIOD, T]The commission shall schedule a public hearing within 60 days following the final day of the public review period.”
54. Page 54, Section 21.03.140B.1., lines 31-34  
“Unless exempted by subsection B.3[2]. below, the planning and zoning commission shall review and decide the selection of sites for any of the following facilities that are to be owned[, OR LEASED] by a government agency not exempt by law from municipal land use regulation, and shall review and approve the RFP (or similar guidelines) for any of the following facilities that are to be leased by a government agency not exempt by law from municipal land use regulation:”
55. Page 54, Section 21.03.140B.1.a., lines 35-37  
“Any newly constructed building or buildings and any existing building acquired by purchase or lease, in which government operations or activities occupy more than a total of 75,000 [100,000] square feet of gross floor area [ON THE SITE];”

56. Page 55, Section 21.03.140B.1., line 3  
“c. Fire stations;”  
Re-letter remaining subsections.
57. Page 55, Section 21.03.140B.1., after line 5  
Add a new “e. A facility that, in the judgment of the director, warrants a public process for site selection due to the potential for significant impacts on surrounding properties.”
58. Page 55, Section 21.03.140B.2., line 6  
“2. Notwithstanding B.3. below, the planning and zoning commission shall review and make recommendations, and the assembly shall decide the selection of a site for a school facility.”  
Renumber existing B.2. to become B.3.
59. Page 55, Section 21.03.140B.2.b., lines 14-15  
“[THE SELECTION OF SITES FOR PUBLIC SCHOOLS, WHICH SHALL INSTEAD BE UNDERTAKEN PURSUANT TO AMC CHAPTER 25.25.]”  
Renumber remaining subsections..
60. Page 55, Section 21.03.140F., lines 29-32  
“1. The department shall review each proposed site selection application in light of the approval criteria set forth in subsection I.[H.] below, and distribute the application to other reviewers as deemed necessary.  
2. Based on the results of those reviews, the department shall provide a report to the planning and zoning commission.  
3. For school site selections, the department shall also provide the report to the Anchorage school board for its review and recommendation.”
61. Page 56, Section 21.03.140G., lines 2-4  
“1. The commission shall hold a public hearing on any site selection that is subject to review under this section.  
2. For school site selections, the school board and the commission may meet in a joint public hearing; however, the school board and the commission shall separately consider and make recommendations to the assembly. Both recommendations shall then be forwarded as a package to the assembly for approval.  
3. For all other site selections, [AT THE CLOSE OF THE HEARING,] the commission shall decide on the proposed site based on the approval criteria of subsection I.[H.] below.”

62. Page 56, Section 21.03.140, line 5

**“H. Assembly Action**

For school site selections, upon receipt of the recommendations from the commission and the Anchorage school board, the assembly shall hold a public hearing and take one of the following actions:

1. Approve a specific recommended site;
2. Reject some or all recommended sites; or
3. Remand the evaluated and recommended sites to the commission and the school board for further investigation, review, and evaluation.”

Re-letter current “H. Approval Criteria” to “I. Approval Criteria”

63. Page 56, Section 21.03.140, lines 23-24

**“J. Request for Assembly Hearing [APPEAL]**

1. The planning and zoning commission decision is final unless, within 20 days of the date of service, any party of interest requests an assembly hearing in a letter sent to the director.
2. The assembly may hold a public hearing on the case at their discretion.”

[DECISIONS ON PUBLIC FACILITY SITE SELECTIONS MAY BE APPEALED TO THE ASSEMBLY.]

64. Page 57, Section 21.03.160A., lines 18-21

“This section states the procedures and approval criteria necessary to process an amendment to the official zoning map. Zoning is not effective if it is too easily or frequently changed. Zoning is intended to provide a degree of certainty that is important for long-term investment and neighborhood cohesion and stability. The purpose of rezoning is not to relieve particular hardships...”

65. Page 59, Section 21.03.160D.7.a., lines 9-13

“The planning and zoning commission shall hold a public hearing on the proposed rezoning, and, at the close of the hearing, taking into account the recommendations of the department and public input, and based upon the approval criteria of subsection E. below, shall recommend approval, approval with special limitation or other modifications, or denial. The commission shall [BASE ITS RECOMMENDATION ON THE APPROVAL CRITERIA IN SUBSECTION E. BELOW, AND SHALL] include written findings based on each of the approval criteria.”

66. Page 60, Section 21.03.160D.10., lines 15-17

“Following denial of a rezoning request, no new application for the same or substantially the same rezoning shall be accepted within two [ONE] years of the date of denial, unless denial is made without prejudice.”

67. Pages 60-61, Section 21.03.160E., lines 27-36 and 1-18

“1. The rezoning shall be in the best interest of the citizens of Anchorage and shall promote[S] the public health, safety, and general welfare;

...

4. The rezoning is consistent with the stated purpose of the proposed zoning district and the applicable portions of the comprehensive plan;

...

6. The rezoning will [IS] not [LIKELY TO] result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts shall [WILL] be substantially mitigated;

7. The proposed rezoning shall [IS] not [LIKELY TO] result in significant adverse impacts upon adjacent land uses, or such impacts shall be mitigated through stipulations [OTHER PROPERTY IN THE VICINITY OF THE SUBJECT TRACT];

8. [THE REZONING DOES NOT RESULT IN A SPLIT-ZONED LOT;

9.] The applicant [HAS] demonstrates[D, ] to the satisfaction of the planning commission and the assembly[,] that the supply of land in the desired zoning district [IN THE GENERAL AREA] is insufficient or inadequate for the stated [INTENDED] purpose[, ] and, if approved, would not substantially reduce the amount of land available within the general area for future community needs; [THAT SUFFICIENT LAND OF THE EXISTING ZONING DISTRICT REMAINS IN THE AREA TO MEET THE NEEDS OF THE COMMUNITY; AND]

9. The rezone does not initiate, continue, or exacerbate a pattern that is inconsistent with the comprehensive plan;

10. The proposed rezoning is compatible with and does not detract from existing or planned land uses, and where specific areas are designated on the zoning or comprehensive plan maps, that these areas are adequately protected; and [MAINTAINS AND PRESERVES THE COMPATIBILITY OF SURROUNDING ZONING AND DEVELOPMENT, AND PROTECTS AREAS DESIGNATED FOR SPECIFIC USES ON THE ZONING MAP FROM INCOMPATIBLE LAND USES OR DEVELOPMENT INTENSITIES.]

11. The rezoning does not result in a split-zoned lot.”

68. Page 61, Section 21.03.160F., lines 20-21

“The comprehensive plan map and the approval criteria of subsection E. above may be interpreted with flexibility within the following requirements [PARAMETERS]:”

69. Page 64, Section 21.03.160I.1., lines 11-13  
“The zoning strategy may substitute, alter, or adopt the specific requirements of chapters 21.05, 21.06, and 21.07 (see subsection I.4. below) in order to allow the development to achieve the goals of the comprehensive plan and title 21 in a unique way [MEET THE UNIQUE NEEDS OF THE DEVELOPMENT].”
70. Page 69, Section 21.03.180C.2.f., lines 20-22  
“The urban design commission shall hold a public hearing on the proposed application and, taking into account the recommendations of the department and public input, shall act to approve, approve with conditions, or deny the proposed major site plan, based on the approval criteria of subsection E. below.”
71. Page 72, Section 21.03.190B.2.b., lines 5-6  
“iii. Long- and short-term impacts on existing and projected [ADJACENT] land uses and planned transportation systems;  
iv. Impacts on the surrounding transportation system including the induced need for off-site upgrades and connections;”  
Renumber remaining subsections.
72. Page 85, Section 21.03.210B.2., lines 6-9  
“Petitions for text amendment shall be filed with the director in ordinance form or in a form established in the title 21 user’s guide.”
73. Page 85, Section 21.03.210B.5.b., lines 42-43  
“Starting on [two years after the effective date], t[T]ext amendments shall be considered no more than two times per year, at a joint public hearing of the planning and zoning commission and the assembly.”
74. Page 88, Section 21.03.230A., lines 36-38  
“The platting authority shall consider the merits of each vacation request, and in all cases the platting authority shall deem the area being vacated to be of current and/or future value to the municipality unless proven otherwise.”
75. Page 92, Section 21.03.240G.1., lines 23-36  
“b. Because of these physical circumstances, the strict application of the code creates an exceptional or undue hardship upon the property owner, and would [STRICT INTERPRETATION OF THE PROVISIONS OF THE ZONING ORDINANCE] deprive the

applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance.

...

- d. The variance, if granted, will not adversely affect the use of adjacent property as permitted under this code [HAS NO ADVERSE AFFECT ON THE USE OF ADJACENT OR NEARBY PROPERTY];
- e. The variance, if granted, does not change the character of the zoning district where the property is located, is in keeping with the intent of the code, and [GRANTING THE VARIANCE] does not permit a use not otherwise permitted in the district in which the property lies;”

## Technical Edits

1. Conditional Uses  
Throughout the chapter, change all “conditional use permit” to “conditional use approval.”
2. Page 9, Section 21.03.020G.2.a.,  
Add “Institutional Master Plan” to those types of applications that require a community meeting.
3. Pages 7 and 9, Section 21.03.020G.,  
As community meetings are required to happen before applications are submitted, this section should come before the “Authority to File Applications” section. Move “Community Meetings” to be section C. and re-letter the remaining sections.
4. Page 15, Section 21.03.040,  
Amend to reflect recently passed ordinance.
5. Page 31, Section 21.03.080, line 40  
Change “that” to “than.”
6. Page 32, Section 21.03.080F.2.b.iv., line 35  
Change “deckes” to “decks.”
7. Page 34, Section 21.03.080F.3.b., line 6  
Change “even” to “event.”
8. Page 47, Section 21.03.120B.1., line 34  
Change “and the urban design commission” to “or the urban design commission.”
9. Page 55, Section 21.03.140B.1.b., line 2  
Change the cross reference from “21.03.200” to “21.03.190.”

- 10.** Page 55, Section 21.03.140B.2.d., line 18  
Amend to read, “Any facility site selection for [UNDER] which over...” for readability.
- 11.** Page 57, Section 21.03.160B.3., line 34  
Change “NC” to “B-1A.”
- 12.** Page 59, Section 21.03.160D.8., line 26  
Change “director” to “department.”
- 13.** Page 84, Section 21.03.200G.9.c., line 30  
Amend the cross reference from “21.03.210C.9.” to “21.03.200C.9.”
- 14.** Page 90, Section 21.03.240B.1., line 33  
Change “platting board” to “platting authority.”