

TABLE OF CONTENTS

1

2

3 **CHAPTER 21.01: GENERAL PROVISIONS 6**

4 **21.01.010 Title and Effective Date 6**

5 **21.01.020 Authority 6**

6 **21.01.030 Purpose of this Title..... 6**

7 **21.01.040 Applicability and Jurisdiction 7**

8 A. General 7

9 B. Application to Governmental Units 7

10 C. Compliance Required 7

11 **21.01.050 Official Zoning Map..... 7**

12 A. Incorporation Into this Ordinance 7

13 B. Changes to Official Zoning Map 7

14 C. Interpretation of District Boundaries 7

15 **21.01.060 Conflicting Provisions 8**

16 A. Conflict with Other Public Laws, Ordinances, Regulations, or Permits..... 8

17 B. Conflict with Comprehensive Plan..... 8

18 C. Conflict with Private Agreements 9

19 **21.01.070 Severability 9**

20 **21.01.080 Comprehensive Plan 9**

21 A. Purpose 9

22 B. Elements..... 9

23 C. Periodic Review..... 11

24 **21.01.090 Transitional Provisions 11**

25 A. Violations Continue..... 11

26 B. Uses, Characteristics of Use, Structures, and Lots Rendered Conforming 11

27 C. Uses, Characteristics of Use, Structures, and Lots Rendered Nonconforming 11

28 D. Processing of Applications Commenced or Approved Under Previous Ordinances.. 12

29

30

31

1 **CHAPTER 21.01: GENERAL PROVISIONS**

2 **21.01.010 TITLE AND EFFECTIVE DATE**

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

7 **21.01.020 AUTHORITY**

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

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

15 **21.01.030 PURPOSE OF THIS TITLE¹**

16 The purpose of this title is to protect the public health, safety, and welfare, and to implement
17 the Anchorage Comprehensive Plan, by:

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

- 1 J. Facilitating the adequate and safe provision of transportation, water, sewage,
2 drainage, schools, parks, and other public facilities.

3 **21.01.040 APPLICABILITY AND JURISDICTION**

4 **A. General**

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

8 **B. Application to Governmental Units²**

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

15 **C. Compliance Required**

16 No building or structure shall be erected, converted, enlarged, reconstructed, or
17 altered 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
19 record that did not exist on the effective date of this title shall be created, by
20 subdivision or otherwise, that does not conform to the applicable requirements of this
21 title, unless 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 Department³ and is
29 available for public inspection during normal business hours. The map shall be the
30 final authority as to the current zoning status of lands, water areas, buildings, and
31 other 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
35 21.03.050, *Rezoning (Zoning Map Amendments)*.

36 **C. Interpretation of District Boundaries⁴**

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

1 interpret the map. Appeals shall be made to the Zoning Board of Examiners and
2 Appeals, pursuant to section 21.03.200, *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, easement, or
5 waterway, the district boundary shall be considered to be in the center of the
6 right-of-way, easement, or waterway. If the actual location of such right-of-
7 way, easement, or waterway, as indicated in a recorded legal description of
8 such, varies slightly from the location shown on the Zoning Map, then the
9 actual location shall control.

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

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

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

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

22 6. Where the case record conflicts with the zoning map, the case record shall
23 control. For example, if the zoning map shows a property to be zoned R-1,
24 yet the case record shows that the property was actually zoned I-1, the case
25 record would control and the map would be changed to reflect the case
26 record. Any permits issued in reliance on the erroneous designation shall be
27 considered valid under this title.⁵

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
33 requirements imposed by any provision of this title are either more restrictive or less
34 restrictive than comparable standards imposed by any other public law, ordinance, or
35 regulation, the provisions that are more restrictive or that impose higher standards or
36 requirements shall govern.

37 **B. Conflict with Comprehensive Plan⁶**

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

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
Anchorage Bowl	Anchorage 2020, Anchorage Bowl Comprehensive Plan	February 20, 2001
	Spenard Commercial District Development Strategy	June 1986
	Tudor Road Public Lands and Institutions Plan	April 1986

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

Area/Topic	Plan	Adoption Date
	Anchorage Central Business District Comprehensive Development Plan	Fall 1983
	Utility Corridor Plan	February 27, 1990
	Section 36 Land Use Study (recommending Alternative 2)	March 1991
	The Ship Creek/Waterfront Land Use Plan (May 1991), including the Transportation Element	June 3, 1991
	Potter Valley Land Use Analysis	1999
	University-Medical District Plan ⁸	October 21, 2003
	2006 Anchorage Bowl Land Use Plan Map	Proposed 2006
Turnagain Arm	Turnagain Arm Comprehensive Plan	June 6, 1987
	Girdwood Area Plan	February 1995
	Glacier-Winner Creek Access Corridor Study Final Routing Report	December 1996
	Girdwood-Iditarod Trail Route Study	May 1997
	Girdwood Commercial Areas and Transportation Master Plan	February 20, 2001
Chugiak; Eagle River; Eklutna	Chugiak-Eagle River Comprehensive Plan	January 1993 (amended by Alternative 1 of HLB Parcel 1-085 Land Use Study March 1996)
	Eagle River Greenbelt Plan	April 1985
	Chugiak-Eagle River Transportation Plan	May 1996
	Eagle River Central Business District Revitalization Plan	October 2003
Environmental Quality	Anchorage Coastal Zone Management Plan	July 1979
	208 Areawide Water Quality Management Plan	August 1979
	Eagle River PM-10 Control Plan	September 1991
	1992 Air Quality Attainment Plan for Anchorage, Alaska	December 1992
	Anchorage Wetlands Management Plan	April 1995
Transportation	Street and Highway Landscape Plan	November 1981
	Areawide Trails Plan	January 1996
	Official Streets and Highways Plan	August 1996; June 3, 1997; August 15, 2000
	AMATS 1997 Anchorage Bowl Long-Range Transportation Plan	1998
Parks, Greenbelts, and Recreational Facilities	Anchorage Park, Greenbelt, and Recreation Facility Plan	December 17, 1985
	Areawide Library Facilities Plan	April 1984
	Updated Far North Bicentennial Park Plan	1985
	Campbell Creek Park System Acquisition and Development Plan	1986
	Rabbit Creek Greenbelt Plan	October 1986
	Chester Creek Greenbelt	[No date listed in original code text]

1 2. **New Elements⁹**

2 Procedures for amending the Comprehensive Plan are set forth in section
3 21.03.030, *Comprehensive Plan Amendments*. That process may be used to
4 amend existing elements of the plan or to adopt new plan elements, including,
5 but not limited to:

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

11 **C. Periodic Review**

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

14 **21.01.090 TRANSITIONAL PROVISIONS**

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

18 **A. Violations Continue**

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

25 **B. Uses, Characteristics of Use, Structures, and Lots Rendered Conforming**

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

29 **C. Uses, Characteristics of Use, Structures, and Lots Rendered Nonconforming**

30 1. When a lot is used for a purpose that was a lawful use before the effective
31 date of this title, and this title no longer classifies such use as an allowed use
32 in the zoning district in which it is located, such use shall be considered
33 nonconforming and shall be controlled by chapter 21.11, *Nonconformities*.

34 2. Where any characteristic of use, building, structure, or lot that legally existed
35 on the effective date of this title does not meet all standards set forth in this
36 title, such building, structure, or lot shall be considered nonconforming and
37 shall be controlled by chapter 21.11, *Nonconformities*.

1 **D. Processing of Applications Commenced or Approved Under Previous**
2 **Ordinances**

3 **1. Pending Applications**

4 a. Any complete application that has been submitted for approval, but
5 upon which no final action has been taken by the appropriate
6 decision-making body prior to the effective date of this title, shall,
7 within six months¹⁰ of the date of acceptance for completeness, be
8 reviewed in accordance with the provisions of the ordinance in effect
9 on the date the application was deemed complete. However, in such
10 cases, if the applicant fails to comply with any applicable required
11 period for submittal or other procedural requirements, the application
12 shall expire and subsequent applications shall be subject to the
13 requirements of this title. Any re-application for an expired project
14 approval shall meet the standards in effect at the time of re-
15 application.

16 b. For multi-phase projects, this subsection shall apply only to those
17 phases for which complete applications have been submitted for
18 approval but upon which no final action has been taken by the
19 appropriate decision-making body prior to the effective date of this
20 title.¹¹

21 c. An applicant with an approved pending application may waive review
22 available under prior ordinances through a written letter to the
23 Director and request for review under this title.

24 **2. Preliminary Plats¹²**

25 a. Any complete preliminary plat application that has been submitted for
26 approval, but upon which no final action has been taken by the
27 appropriate decision-making body prior to the effective date of this
28 title, shall, within six months of the date of acceptance for
29 completeness, be reviewed in accordance with the provisions of the
30 ordinance in effect on the date the application was deemed complete.
31 Subsequently, the final plat for such subdivision applications also
32 shall be processed and reviewed according to the provisions of the
33 ordinance applicable at the time of submission of the complete
34 application for preliminary plat.¹³

35 b. An application for which preliminary approval of a plat was granted
36 prior to the effective date of this title may be processed for a final
37 decision in accordance with the preliminary approval, applicable
38 terms of the ordinance in place at the time of preliminary approval,
39 and any other approved permits and conditions, even if the
40 application does not comply with one or more requirements set forth
41 in this title. Preliminary approvals granted under the previous title 21
42 may be extended no more than once, and for no longer than 18
43 months, pursuant to the extension procedures applicable under the
44 previous ordinance.¹⁴

45 **3. Approved Projects**

46 a. Conditional use permits, subdivision plats, site plan approvals,
47 grading permits, building permits, land use permits, sign permits, and

1 variances, any of which are valid on [--- insert effective date] shall
2 remain valid until their expiration date. Projects with valid approvals
3 or permits may be carried out with the development standards in
4 effect at the time of approval, provided that the permit or approval is
5 valid and has not lapsed.

6 **b.** Any building or development for which a building permit or land use
7 permit was granted prior to the effective date of this title shall be
8 permitted to proceed to construction even if such building or
9 development does not conform to the provisions of this title.

10 **c.** If the development for which the building permit or land use permit is
11 issued prior to the effective date of this title fails to comply with the
12 time frames for development established for the permit, the building
13 or land use permit shall expire and future development shall be
14 subject to the requirements of this title.

15 **4. Remanded Cases**

16 If the Board of Adjustment remands a case to another decision-making body,
17 that body shall process the case under the rules applicable at the time the
18 original complete application was submitted for approval, unless the applicant
19 has waived review under previous ordinances pursuant to subsection D.1.c.
20 above.¹⁵

¹ 2005 NOTE: This section has been streamlined based on numerous comments. We've tried to remove all redundancies while at the same time keeping enough purpose statements to convey the wide range of issues addressed in title 21.

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: Unless otherwise specified, the term "Department" is defined in the code as the Planning Department.

⁴ NOTE: These are suggested new interpretation rules; there is nothing on this topic in the current title 21.

⁵ NOTE: This is a suggested new policy to deal with any permits that might have been issued in reliance on an incorrect designation.

⁶ 2005 NOTE: This is a new provision, based on questions from staff and ZBEA.

⁷ 2005 NOTE: This 2005 version is much simpler than the previous draft. Detailed "implementation" and "transition" provisions have been removed. With the creation of a new Land Use Plan Map, such provisions are expected to be obsolete. This is based on the existing AMC chapter 21.05.

⁸ 2005 NOTE: Table reorganized so that the key plan for each topic area is listed first, followed by others in chronological order. U-Med plan is new in this draft.

⁹ 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.

¹⁰ 2005 NOTE: Comments on the first draft of this provision questioned what happens if staff fails to meet the deadline – automatic approval, denial, or extension? Further discussion necessary to determine the appropriate policy in Anchorage. (Elsewhere in the 2005 draft code, the provision stating that inaction equals denial has been removed.) OLD 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.

¹¹ 2005 NOTE: Proposed new provision.

¹² 2005 NOTE: We have removed right-of-way vacation, variance, and conditional uses from this section, since none of those procedures involve a preliminary approval step as drafted in this title.

¹³ 2005 NOTE: Proposed new provision.

¹⁴ 2005 NOTE: The general contractors association strongly suggests that this extension period be extended to 36 months or longer. They believe that that original 12-month period may not be adequate in Anchorage. This draft extends the 12-month provision to 18 months.

¹⁵ 2005 NOTE: Proposed new provision.