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CHAPTER 21.03: REVIEW AND APPROVAL PROCEDURES¹

21.03.010 PURPOSE AND STRUCTURE OF THIS CHAPTER

This chapter describes the procedures for review and approval of all applications for development activity in the Municipality of Anchorage. Common procedures, which are applicable to all or most types of development applications, are set forth in section 21.03.020. Subsequent sections set forth additional provisions that are unique to each type of application, including timetables, staff and review board assignments, review standards, and other information.

21.03.020 COMMON PROCEDURES

A. Applicability

The common procedures of this section 21.03.020 shall apply to all applications for development activity under this title unless otherwise stated.

B. Pre-Application Conferences

1. Purpose

The purpose of a pre-application conference is to familiarize the applicant and the municipal staff with the applicable provisions of this title that are required to permit the proposed development.

2. Applicability

a. *Required for New Applications*

A pre-application conference is required prior to submittal of the following types of applications:

- i. Rezoning (Map Amendments) (section 21.03.050);
- ii. Subdivisions and Plats, except for Abbreviated Plats (section 21.03.060);
- iii. Conditional Uses (section 21.03.070);
- iv. Major Site Plan Review (section 21.03.080C);
- v. Public Facility Site Selection (section 21.03.090); and
- vi. Projects involving Class A or B wetlands.

No application for these types of approvals shall be accepted until after the pre-application conference is completed and the applicant receives written notification of the conclusions. This review shall take place prior to any substantial investment, such as land acquisition for a proposed development, site and engineering design, or the preparation of other data.

b. *Exception for Some Changes to Already-Approved Applications²*

Pre-application conferences are not required for changes to already-approved conditional use permits, variances, major site plans, and subdivision plans if the following conditions are met:

- 1 i. For non-residential development, the proposed increase in
2 building square footage is less than 25 percent of the existing
3 building square footage.³
- 4 ii. For residential development, the proposed increase in the
5 number of units or lots is not more than 25 percent of the
6 existing number of units or lots.
- 7 c. **Optional for All Other Applications**
8 A pre-application conference is optional prior to submission of any
9 other application under this title not listed in subsection a. above.
- 10 d. **Waiver⁴**
11 The Director may waive the pre-application requirement if the Director
12 finds that the projected size, complexity, anticipated impacts, or other
13 factors associated with the proposed development clearly, in his or
14 her opinion, support such waiver. The waiver shall be made in writing
15 and shall become a part of the case record for the application.
- 16 3. **Initiation of Pre-Application Conference**
17 The potential applicant shall request a pre-application conference, in the
18 manner prescribed in the User's Guide, with the Director.⁵ Prior to the pre-
19 application conference, the applicant shall provide to the Director a
20 description of the character, location, and magnitude of the proposed
21 development and any other supporting documents such as maps, drawings,
22 models, and the type of development permit sought. It is the applicant's
23 responsibility to provide sufficiently detailed plans and descriptions of the
24 proposal to enable staff to make the informal recommendations discussed
25 below.
- 26 4. **Pre-Application Conference Content⁶**
27 The Director shall schedule a pre-application conference after receipt of a
28 proper request. At the conference, the applicant, the Director, and any other
29 persons the Director deems appropriate and available to attend shall discuss
30 the proposed development. Based upon the information provided by the
31 applicant and the provisions of this title, the parties should discuss in general
32 the proposed development and the applicable requirements and standards of
33 this title.
- 34 5. **Checklist Of Pre-Application Conference⁷**
35 Within ten days after the date of the pre-application review, the Director shall
36 notify the applicant in writing of the staff's informal recommendation regarding
37 the desired development activity with respect to the following items:
- 38 a. Applicability of Municipality policies, plans, and requirements as they
39 apply to the proposed development.
- 40 b. Appropriateness of the development with respect to the policies set
41 forth in the comprehensive plan and the regulations in this title.
- 42 c. Need, if any, to prepare a subdivision plat.
- 43 d. Any site plan considerations or requirements.

- 1 e. Any concerns or requirements related to the anticipated impact upon
2 public rights-of-way and public improvements, and appropriate
3 requirements to mitigate those impacts, including but not limited to
4 traffic impact assessments.
- 5 f. Any concerns related to neighborhood impacts, land use, landscaping
6 concepts, and overall project design.
- 7 g. Possible alternatives or modifications related to the proposed
8 application.
- 9 h. Procedures that will need to be completed to review and act on the
10 proposed change.

11 **6. Informal Recommendations Not Binding**
12 The informal recommendations of the Director are not binding upon the
13 applicant or the Municipality, but are intended to serve as a guide to the
14 applicant in making the application and advising the applicant in advance of
15 the formal application of any issues which will or may subsequently be
16 presented to the appropriate decision-making body. Because a pre-
17 application conference precedes the actual application, some key issues
18 relating to a specific proposal may not be apparent at the pre-application
19 conference.

20 **7. Application Required Within Six Months**
21 After a pre-application conference has been completed, an application must
22 be submitted within six months, unless one extension is granted by the
23 Director not to exceed an additional six months. If a complete application is
24 not submitted within six months or an extension has not been granted, a new
25 pre-application conference shall be required prior to submitting an application.

26 **C. Authority to File Applications**

- 27 1. Unless otherwise specified in this title, applications for review and approval
28 may be initiated by:
- 29 a. The owner of the property that is the subject of the application;
- 30 b. The owner's authorized agent; or
- 31 c. Any review or decision-making body.
- 32 2. When an authorized agent files an application under this title on behalf of a
33 property owner, the agent shall provide the Municipality with written
34 documentation that the owner of the property has authorized the filing of the
35 application.
- 36 3. When a review or decision-making body initiates action under this title, it does
37 so without prejudice toward the outcome.

1 **D. Application Contents, Submission Schedule, and Fees**

2 1. **Title 21 User’s Guide**

3 The Mayor shall compile the requirements for application contents, forms,
4 fees, and the submission and review schedule (including recommended time
5 frames for review) in a User’s Guide, which shall be made available to the
6 public. The Mayor may amend and update the User’s Guide from time to
7 time, upon recommendation of the Director.

8 2. **Form of Application**

9 Applications required under this chapter shall be submitted in a form and in
10 such number as required in the User’s Guide.

11 3. **Processing Fees**

12 Applications shall be accompanied by the fee amount that is listed in the
13 User’s Guide.

14 4. **Waivers**

15 The Director may waive certain submittal requirements in order to reduce the
16 burden on the applicant and to tailor the requirements to the information
17 necessary to review a particular application. The Director may waive such
18 requirements where he or she finds that the projected size, complexity,
19 anticipated impacts, or other factors associated with the proposed
20 development clearly, in his or her opinion, support such waiver.

21 **E. Verification of Application Completeness⁸**

22 1. The Director shall only initiate the review and processing of an application if
23 such application is complete. The Director shall make a determination of
24 application completeness within 15 days of application filing.⁹ If the
25 application is determined to be complete, the application shall then be
26 processed according to this title. If an application is determined to be
27 incomplete, the Director shall provide notice to the applicant along with an
28 explanation of the application’s deficiencies. No further processing of an
29 incomplete application shall occur until the deficiencies are corrected in a
30 future re-submittal. If the applicant receives no notice within 20 days, the
31 application shall be considered complete and processed according to this title.

32 2. An application shall be considered complete if it is submitted in the required
33 form, includes all mandatory information, including all supporting materials
34 specified in the Title 21 User’s Guide, and is accompanied by the applicable
35 fee. A pre-application conference shall have been held, if required, pursuant
36 to section 21.03.020.B, *Pre-Application Conferences*.

37 3. Any supplemental technical reports, special studies, and/or revised
38 application materials that are submitted following the original application must
39 be received at least thirty days prior to a public hearing. The Municipality may
40 postpone and reschedule a public hearing or approval deadline if such reports
41 and studies are submitted less than thirty days prior to a public hearing,
42 unless the applicable board or commission waives this time limit in a specific
43 case for cause. Copies of such additional materials shall be delivered to all
44 reviewers who received the original application packet.¹⁰

- 1 4. As a consequence for any false or misleading information submitted or
2 supplied by an applicant on an application, that application will be deemed
3 incomplete.

4 **F. Community Meetings¹¹**

5 1. **Purpose**

6 The purpose of a community meeting shall be to provide an informal
7 opportunity to inform the affected neighborhood(s) and community council(s)
8 of the details of a proposed development and application, how the developer
9 intends to meet the standards contained in this title, and to receive public
10 comment and encourage dialogue at an early time in the review process.

11 2. **Applicability¹²**

12 a. ***Types of Applications***

13 A community meeting shall be required following the submittal of any
14 of the following types of applications, unless a waiver is granted by
15 the Director pursuant to subsection b. below.

- 16 i. Rezoning;
- 17 ii. Subdivisions and Plats, except for Abbreviated Plats (section
18 21.03.060);
- 19 iii. Conditional Uses;
- 20 iv. Major Site Plan Review; and
- 21 v. Public Facility Site Selection (including schools).

22 b. ***Waiver***

23 The Director may waive the community meeting requirement if he or
24 she determines that the proposed development or subdivision will not
25 have significant community impacts in any of the areas listed below.
26 The waiver shall be in writing and shall be included as part of the
27 case record.

- 28 i. Traffic;
- 29 ii. Impacts upon natural resources protected under chapter
30 21.07 of this code;
- 31 iii. Provision of public services such as safety, schools, or parks;
- 32 iv. Compatibility of building design or scale; or
- 33 v. Operational compatibility, such as lighting, hours of operation,
34 odors, noise, litter, or glare.

35 3. **Timing and Number of Community Meetings**

36 a. When required, there shall be at least one community meeting held
37 prior to preparation of the staff report and/or recommendation, if
38 required; and at least 14 days prior to any public hearing.

- 1 b. If more than one community council has boundaries within or
2 adjacent to a proposed development subject to this section, the
3 Director shall require that representatives from all affected councils be
4 notified.
- 5 c. The Director may also require that additional community meetings
6 occur based on consideration of the proposed development's mix of
7 uses, density, complexity, potential for impacts, or the need for off-site
8 public improvements created by the development.
- 9 **4. Notice of Community Meeting**
10 The applicant shall give written notice of the community meeting to the
11 affected community council(s) at least 21 days prior to the community
12 meeting, pursuant to the general notice provisions of section 21.03.020.G.
- 13 **5. Attendance at Community Meeting**
14 a. If a community meeting is required, the applicant or applicant's
15 representative shall attend the community meeting. The applicant
16 shall be responsible for scheduling the community meeting,
17 coordinating the community meeting, and for retaining an
18 independent facilitator if needed.
- 19 b. The Director may choose to have a staff member attend the meeting
20 in order to provide guidance on applicable municipal requirements. If
21 so, the Director shall advise the applicant of such decision in writing
22 within seven days of making a determination of application
23 completeness. If a staff member is directed to attend, the applicant
24 shall be responsible for scheduling the meeting at a time when the
25 staff member can attend.¹³
- 26 c. All community meetings shall be convened at a place in the vicinity of
27 the proposed development.
- 28 **6. Summary of Community Meeting**
29 The applicant shall prepare a written summary of the community meeting(s),
30 which shall be submitted to the Director no later than seven days after the
31 date of the meeting. The written summary shall be included in the
32 Director/staff report provided to the decision-making body at the time of the
33 first public hearing to consider the application. At a minimum, the written
34 summary shall include the following information:
- 35 a. Dates and locations of all meetings where citizens were invited to
36 discuss the applicant's proposals;
- 37 b. Content, dates mailed, and number of mailings, including letters,
38 meeting notices, and any other written material;
- 39 c. The number of people that participated in the meetings;
- 40 d. A summary of concerns, issues, and problems expressed during the
41 meetings, including:
- 42 i. The substance of the concerns, issues, and problems;

- ii. How the applicant has addressed or intends to address concerns, issues, and problems expressed at the meetings; and
- iii. Concerns, issues, and problems the applicant is unwilling or unable to address and why.

G. Notice¹⁴

1. Content of Notices

Notice of all public hearings required under this chapter shall, unless otherwise specified in this title:

- a. Identify the date, time, and place of the public hearing;
- b. If applicable, describe the property involved in the application by street address or by legal description and nearest cross street;
- c. Describe the nature, scope, and purpose of the proposed action;
- d. Indicate that interested parties may appear at the hearing and speak on the matter; and
- e. Indicate where additional information on the matter may be obtained.

2. Summary of Notice Requirements¹⁵

The following Table 21.03-1 summarizes the notice requirements of the procedures set forth in this chapter.

TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS				
Type of Application or Procedure	Section	Notice Required		
		Mailed	Published	Posted
Amendments to the Comprehensive Plan, Substantive	21.03.030.B	-	✓	-
Amendments to the Comprehensive Plan, Cosmetic	21.03.030.C	-	-	-
Amendments to Text of Title 21	21.03.040	-	✓	-
Rezoning (Map Amendments)	21.03.050	✓	✓	✓
Subdivisions (with existing physical access)	21.03.060	✓	✓	✓
Subdivisions (<i>without</i> existing physical access)	21.03.060	✓	✓	-
Abbreviated Plats	21.03.060.D	-	✓	-
Conditional Uses	21.03.070	✓	✓	✓
Administrative Site Plan Review	21.03.080.B	-	-	-

TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS				
Type of Application or Procedure	Section	Notice Required		
		Mailed	Published	Posted
Major Site Plan Review	21.03.080.C	✓	✓	✓
Public Facility Site Selection	21.03.090	✓	✓	✓
Special Flood Hazard Permits	21.03.100	✓	✓	✓
Land Use Permits	21.03.110	-	-	-
Certificates of Zoning Compliance	21.03.120	-	-	-
Sign Permits	21.03.130	-	-	-
Temporary Uses	21.03.140	-	-	-
Record of Survey Maps	21.03.150	-	-	-
Vacation of Plats and Rights-of-Way	21.03.160	✓	✓	✓
Street Name Alterations	21.03.170	✓	✓	-
Verification of Nonconforming Status	21.03.180	-	-	-
Minor Modifications	21.03.190	-	-	-
Variances	21.03.200	✓	✓	✓
Appeals to Board of Adjustment	21.03.210.A	✓	✓	-
Appeals to ZBEA	21.03.210.B	✓	✓	-

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3. Published Notice

When Table 21.03-1 requires that notice be published, the Director shall cause a notice to be published in a newspaper having general circulation. The notice shall be published at least 21 days before the scheduled hearing date. In computing such period, the day of publication shall not be counted, but the day of the hearing shall be counted.

4. Written (Mailed) Notice

When Table 21.03-1 requires that written notice be provided, the Director shall deposit such notice into first class mail at least 21 days prior to the scheduled date of the hearing. In computing such period, the day of mailing shall not be counted, but the day of the hearing shall be counted. Written notice shall be provided to the following persons or groups:

- 1
2
3
4
- a. **Owners of Subject Property**
All persons listed on the records of the municipal assessor as owners of land subject to the application, at the mailing addresses of such persons in the records of the municipal assessor.
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- b. **Adjacent Property Owners**
All persons listed on the records of the municipal assessor as owners of any land within 500 feet of the outer boundary of the land subject to the application, or owners of the 50 parcels nearest to the outer boundary of the land subject to the application, whichever is the greater number of parcels, at the mailing addresses of such persons in the records of the municipal assessor.
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- c. **Community Councils**
Any officially recognized community council whose boundary includes land described in paragraph a. of this subsection, and any additional such council whose boundaries lie within 1,000 feet of any part of the subject property.¹⁶ Furthermore, the Department shall provide notice to additional community councils in the following instances:
- 18
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22
- i. Each recognized community council within the Municipality shall receive written notice where the subject parcel is one of the following regional public lands or facilities: a public airport; a designated regional or urban park; or a public school or public university with areawide attendance.
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- ii. If the subject parcel is a branch public facility that serves a specific delineated area, such as a public school or fire station, then any community council whose boundaries lie within the delineated district of service of a branch public facility shall receive written notice.
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- iii. Any community council whose boundaries lie beyond the minimum notification distance shall receive notice regarding proposals of potentially major scope or controversy that, in the opinion of the director, are likely to have a significant impact on the residents of the community council beyond the minimum notification distance.
- 34
35
36
- d. **Additional Persons**
Such additional persons or geographic areas as the Director may designate.¹⁷
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5. **Posted Notice**
When Table 21.03-1 requires that notice be posted, the applicant shall cause a notice to be posted on the property for at least 21 days before the scheduled hearing date. In computing such period, the day of posting shall not be counted, but the day of the hearing shall be counted. If no part of the subject property is visible from the public right-of-way, the notice shall be posted along the nearest street in the public right-of-way. Posted notices shall include all the content specified in subsection 1. above except for the legal description. Before the public hearing, the applicant shall submit to the Department an affidavit, signed by the person who did the posting or the

1 person who caused the posting to be done, that notice was posted as
2 required by this subsection. Posted notices shall be removed by the applicant
3 within 30 days of the hearing on the application.

4 **6. Constructive Notice**

5 Minor defects in any notice shall not impair the notice or invalidate
6 proceedings pursuant to the notice if a bona fide attempt has been made to
7 comply with applicable notice requirements. Minor defects in notice may
8 include, but are not limited to, errors in a legal description or typographical or
9 grammatical errors that do not impede communication of the notice to
10 affected parties. Failure of a party to receive written notice shall not invalidate
11 subsequent action. In all cases, however, the requirements for the timing of
12 the notice and for specifying the time, date, and place of a hearing shall be
13 strictly construed. If questions arise at the hearing regarding the adequacy of
14 notice, the decision-making body shall make a formal finding as to whether
15 there was substantial compliance with the notice requirements of this title.

16 **7. Presumption of Notice**

17 When the records of the Municipality document the publication, mailing, and
18 posting of notices as required by this subsection, it shall be presumed that
19 notice of a public hearing was given as required by this subsection.

20 **H. Concurrent Processing**

21 Where possible without creating an undue administrative burden on the Municipality's
22 decision-making bodies and staff, this title intends to accommodate the simultaneous
23 processing of applications for different permits and approvals that may be required for
24 the same development project in order to expedite the overall review process.
25 Review and decision-making bodies considering applications submitted
26 simultaneously shall render separate reports, recommendations, and decisions on
27 each application based on the specific standards applicable to each approval.

28 **1.** Examples of concurrent filing and processing of applications include, but are
29 not limited to:

- 30 **a.** A site plan along with a conditional use;
31 **b.** A subdivision plan along with a site plan or variance or vacation;
32 **c.** A variance along with a conditional use or site plan.

33 **2.** Some forms of approval depend on the applicant having previously received
34 another form of approval, or require the applicant to take particular action
35 within some time period following the approval in order to avoid having the
36 approval lapse. Therefore, even though this title intends to accommodate
37 simultaneous processing, applicants should note that each of the permits and
38 approvals set forth in this title has its own timing and review sequence.

39 **3.** The expected time frame and approval process for a consolidated application
40 shall follow the longest time frame and approval process required from among
41 the joined application types.

1 **I. Findings of Fact¹⁸**

2 Unless otherwise specified, every decision made under this chapter shall be based
3 upon written findings of fact, and every finding of fact shall be supported in the record
4 of the proceedings. The approval criteria required to exist on any matter upon which a
5 board or commission is required to act under this chapter are limitations on the power
6 of the board or commission to act. A mere finding or recitation of the approval criteria
7 unaccompanied by findings of specific facts shall not be deemed findings of fact and
8 shall not be deemed compliance with this title.

9 **J. Conditions of Approval**

10 Some procedures set forth in this title authorize the decision-making body to impose
11 such conditions upon the premises benefited by the approval as may be necessary to
12 reduce or minimize any potential adverse impact upon other property in the area, or to
13 carry out the general purpose and intent of the comprehensive plan and this title. In
14 such cases, any conditions attached to approvals shall be directly related to the
15 impacts of the proposed use or development and shall be roughly proportional in both
16 extent and amount to the anticipated impacts of the proposed use or development.
17 No conditions of approval, except for those attached to variance approvals, shall be
18 less restrictive than the requirements of this title or applicable special limitations.

19 **K. Lapse of Approval**

20 The lapse of approval time frames established by the procedures of this title may be
21 extended only when all of the following conditions exist:

- 22 1. The provisions of this title must expressly allow the extension;
- 23 2. An extension request must be filed prior to the applicable lapse-of-approval
24 deadline;
- 25 3. The extension request must be in writing and include justification; and
- 26 4. Unless otherwise noted, authority to grant extensions of time shall rest with
27 the decision-making body that granted the original approval (the one being
28 extended).

29 **21.03.030 COMPREHENSIVE PLAN AMENDMENTS¹⁹**

30 **A. Levels of Plan Review**

31 The Comprehensive Plan should be reviewed and reassessed regularly in order to
32 evaluate its effectiveness and adequacy in guiding the growth of the Municipality and
33 to determine whether or not the plan continues to meet the long-term planning needs
34 of the Municipality. Because this review need not necessarily result in the complete
35 revision of the plan, several levels of review are contemplated in this section.

36 1. **Complete Plan Revision (20-year Intervals)**

37 The Director shall initiate a full review and complete revision of the
38 Comprehensive Plan at least once every 20 years, preferably following the
39 decennial census. As part of this review, the Director shall provide the
40 Planning and Zoning Commission with an overall assessment of the
41 adequacy and effectiveness of the existing plan, including identification of

1 new issues not adequately addressed, issues which require further study and
2 investigation, and suggested improvements. The Planning and Zoning
3 Commission shall consider the staff assessment and shall recommend
4 amendments or issues that the Commission feels should be pursued or
5 investigated. Any amendments shall follow the procedures of subsections B.
6 and C. below.

7 **2. Targeted Plan Review (5-year Intervals)**

8 The Director shall initiate a targeted review of the plan at least once every five
9 years, or at the time of an area-wide rezoning, in order to make it consistent
10 with economic and demographic trends, recent and proposed land use
11 decisions, and adopted studies and plans. Any amendments shall follow the
12 procedures of subsections B. and C. below.

13 **3. Other Plan Amendments**

14 In addition to the regularly scheduled reviews described above, any review or
15 decision-making body, or the director of any municipal department, or any
16 citizen may propose a plan amendment at any time to reflect changing
17 circumstances. All such proposals shall be processed in accordance with the
18 procedures in subsections B. and C. below.

19 **B. Procedure for Substantive Amendments**

20 **1. Procedure**

21 **a. *Initiation; Determination by Commission***

22 i. Proposals for substantive amendments to the Comprehensive
23 Plan shall be submitted to the Director. The Director shall,
24 within a reasonable time, submit a report and
25 recommendation to the Planning and Zoning Commission
26 regarding whether or not the proposed substantive
27 amendment should be reviewed by the Assembly and the
28 Planning and Zoning Commission. Upon receiving the report
29 and recommendation, the Commission shall, by majority vote,
30 determine whether or not to proceed and review the proposed
31 amendment.

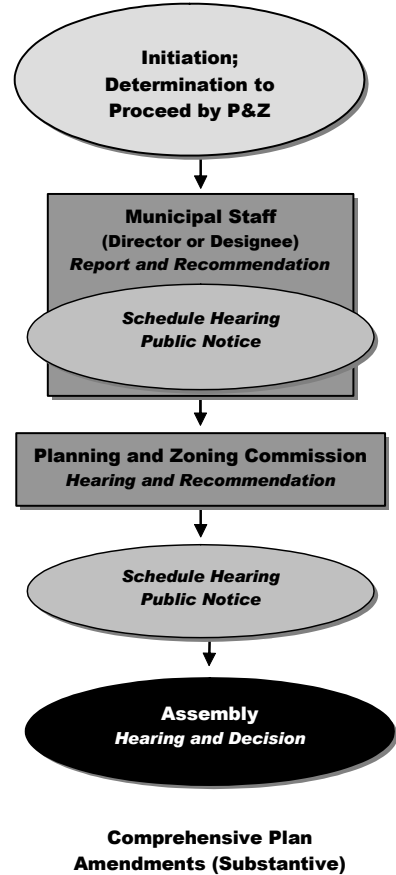
32 ii. A proposal for a substantive amendment may be submitted
33 concurrently with a rezoning request that conflicts with the
34 Comprehensive Plan, under subsection 3. below.

35 **b. *Public Hearings and Public Notice***

36 Two public hearings shall be held on each proposed substantive
37 amendment, the first before the Planning and Zoning Commission
38 and the second before the Assembly. Notice of the hearings shall be
39 provided in accordance with sections 21.03.020.G.

c. **Hearing and Recommendation by Planning and Zoning Commission**

The Director shall review each proposed substantive amendment in light of the review considerations set forth in subsection 2. below and distribute the application, as deemed necessary, to other reviewers. Based on the results of those reviews, the Director shall provide a report and recommendation to the Planning and Zoning Commission at the first public hearing on the proposed substantive amendment. This report shall include a discussion of all plans and policies that have been adopted by the Municipality and are relevant to the proposed amendment. Based on testimony received, the staff report, and the review considerations in subsection 2. below, the Commission shall recommend that the Assembly approve, approve with modifications, or deny the proposed amendment.



d. **Hearing and Action by Assembly**

Within 90 days following the Commission’s action, the Assembly shall hold a public hearing on the proposed amendment. The Assembly shall, within 90 days of the hearing, based on the Commission’s recommendation, testimony received, and the review considerations in subsection 2. below:

- i. Approve the amendment by ordinance, either as submitted or with modifications suggested by staff, the Planning and Zoning Commission, or the Assembly;
- ii. Reject the proposed amendment; or
- iii. Refer the proposed amendment back to the Planning and Zoning Commission or to a committee of the Assembly for further consideration.

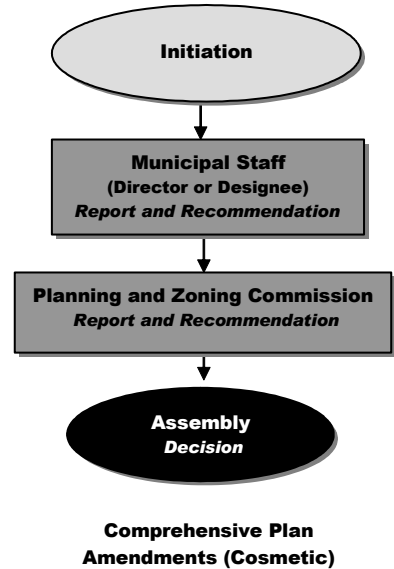
2. **Review Considerations**

Proposals for amendments to the Comprehensive Plan shall be evaluated based upon whether the amendment is necessary in order to address the following:

- a. A change in projections or assumptions from those on which the Comprehensive Plan is based;

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- b. Identification of new issues, needs, or opportunities that are not adequately addressed in the Comprehensive Plan;
- c. A change in the policies, objectives, principles, or standards governing the physical development of the Municipality or any other geographic areas addressed by the Comprehensive Plan; or
- d. Identification of errors or omissions in the Comprehensive Plan.



3. Simultaneous Review of a Rezoning and a Related Substantive Amendment

The Assembly may direct, on their own motion, that a specific substantive amendment proposal be considered by the Planning and Zoning Commission according to the same schedule as a related request for the rezoning of a particular tract or parcel affected by the substantive amendment. In such a case, the Planning and Zoning Commission shall submit its report and recommendation regarding the substantive plan amendment to the Assembly at the same time it submits the report and recommendation on the rezoning case. The schedule for the review of the rezoning, as set forth in section 21.03.050, *Rezonings*, shall prevail over the schedule in this section. The Assembly and Planning and Zoning Commission shall consider the plan amendment proposal and the rezoning request separately, and shall act separately on the two items.

C. Procedure for Cosmetic Amendments

1. Initiation

Any review or decision-making body, or director of any municipal department, may, at any time on their own motion, request that the Director investigate and evaluate a specific cosmetic amendment proposal.

2. Review by Planning and Zoning Commission

Upon receiving a request for a cosmetic amendment, the Director shall forward the proposed amendment to the Planning and Zoning Commission for consideration, along with a staff report and recommendation. The Planning and Zoning Commission shall submit, within a reasonable time, a report and recommendation to the Assembly regarding whether or not the proposed amendment should be adopted as submitted, adopted with modifications, or rejected.

3. Action by Assembly

The Assembly shall consider the reports and recommendations of the Planning and Zoning Commission and the Director at a regularly scheduled Assembly meeting, and will take action to either: (1) approve or deny the amendment, (2) approve the amendment with modifications, or (3) refer the

1 matter back to the Planning and Zoning Commission for further consideration.
2 No public hearing or public notification is required.

3 **21.03.040 AMENDMENTS TO TEXT OF TITLE 21²⁰**

4 **A. Purpose and Scope**

5 The Assembly may amend the text of this title in accordance with the procedures set
6 forth in this section. The purpose of text amendments is not to relieve particular
7 hardships, nor to confer special privileges or rights on any person, but rather to make
8 adjustments to text that are necessary in light of changed conditions or changes in
9 public policy, or that are necessary to advance the general welfare of the Municipality.

10 **B. Procedure**

11 **1. Initiation of Amendments and Filing of Applications**

12 A petition for amendment to the text of this title may be initiated by any review
13 or decision-making body, any owner of a legal or equitable interest in land
14 located in the Municipality, or any resident of the Municipality. Petitions for
15 text amendment shall be filed with the Director in a form established by the
16 Director in the User's Guide.

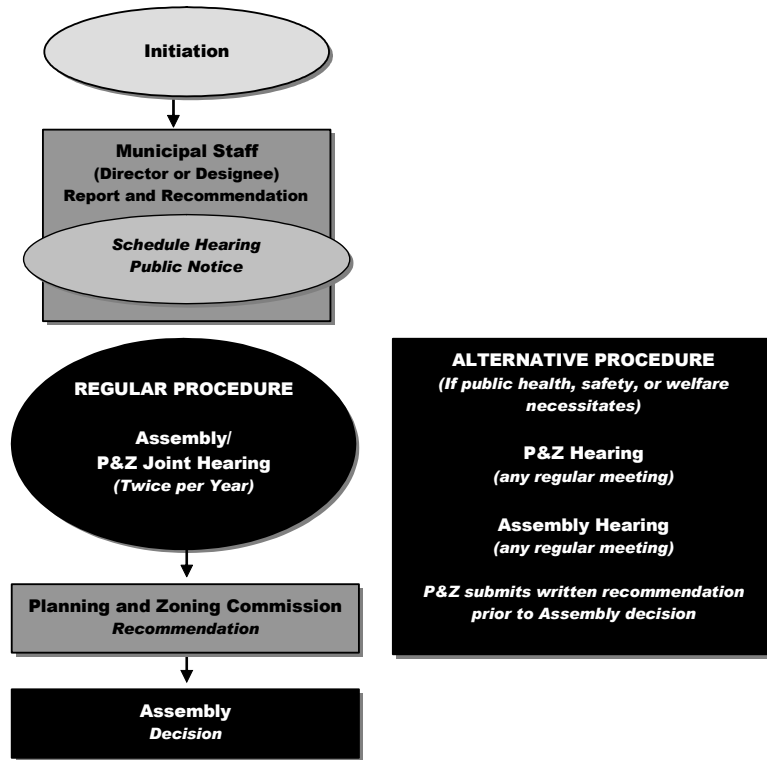
17 **2. Director Review, Report, and Recommendation**

18 The Director shall review each proposed text amendment in light of the
19 approval criteria of subsection C. below and distribute the application to other
20 reviewers as deemed necessary. Based on the results of those reviews, the
21 Director shall provide a report and recommendation to the Planning and
22 Zoning Commission.

23 **3. Joint Public Hearing²¹**

24 **a.** Written and published notice of public hearings on text amendments
25 shall be provided pursuant to the general notice provisions of section
26 21.03.020.G.

27 **b.** Text amendments shall be considered two times per year at a joint
28 public hearing of the Planning and Zoning Commission and the
29 Assembly. However, where the Assembly determines by a majority
30 vote that the public health, safety, or welfare necessitates, text
31 amendments may be considered at any regularly scheduled meeting
32 of the Assembly, provided that the Assembly holds a public hearing
33 on the proposed amendment and the Planning and Zoning
34 Commission holds a public hearing and provides a written report and
35 recommendation on the proposed amendment prior to the Assembly's
36 decision.



Amendments to Text
of Title 21

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4. Planning and Zoning Commission Review and Recommendation

- a. As soon as possible after the public hearing, but no later than 60 days, the Planning and Zoning Commission shall make a recommendation to the Assembly to approve or deny the text amendment based on the approval criteria of subsection C. below.
- b. If the Commission recommends approval of the amendment, the Director shall draft an ordinance effectuating the recommendation and shall submit the ordinance to the Assembly.
- c. If no recommendation is made within 60 days, then the Planning and Zoning Commission may request an extension of time from the Assembly. If no recommendation is made and no extension is granted, then the Assembly may act on the proposed amendment without a recommendation from the Planning and Zoning Commission.

5. Assembly Action

After reviewing the reports and recommendations of the Director and the Planning and Zoning Commission, the Assembly shall vote to approve, approve with amendments, or deny the proposed amendment, based on the

1 approval criteria of subsection C. below. The Assembly also may refer the
2 proposed amendment back to the Planning and Zoning Commission or to a
3 committee of the Assembly for further consideration. Text amendments shall
4 be approved in the form of ordinances.

5 **C. Approval Criteria²²**

6 Text amendments may be approved if the Assembly finds that all of the following
7 approval criteria have been met:

- 8 1. The proposed amendment will promote the public health, safety, and general
9 welfare;
- 10 2. The proposed amendment is consistent with the Comprehensive Plan and the
11 stated purposes of this title; and
- 12 3. The proposed amendment is necessary or desirable because of changing
13 conditions, new planning concepts, or other social or economic conditions.

14 **D. Successive Applications**

15 Following denial of a text amendment request, no new application for the same or
16 substantially the same amendment shall be accepted within one year of the date of
17 denial. This provision may be waived in an individual case, for good cause shown, by
18 the affirmative vote of three-fourths of the members of the Assembly.

19 **21.03.050 REZONINGS (ZONING MAP AMENDMENTS)²³**

20 **A. Purpose and Scope**

21 The boundaries of any zone district in the Municipality may be changed or the zone
22 classification of any parcel of land may be changed pursuant to this section. The
23 purpose is not to relieve particular hardships, nor to confer special privileges or rights
24 on any person, but to make adjustments to the official zoning map that are necessary
25 in light of changed conditions or changes in public policy, or that are necessary to
26 advance the general welfare of the Municipality. Rezoning shall not be used as a
27 way to legitimize nonconforming uses or structures, and should not be used when a
28 conditional use, variance, or minor modification could be used to achieve the same
29 result.

30 **B. Minimum Area Requirements²⁴**

31 A rezoning shall only be considered for properties of 1.75 acres (76,230 square feet)
32 or more, except for:

- 33 1. A rezoning extending the boundaries of an existing use district; or
- 34 2. A rezoning initiated by the municipal administration to place municipally
35 owned land in a PLI, PR, or OL use district.²⁵

C. General Procedure

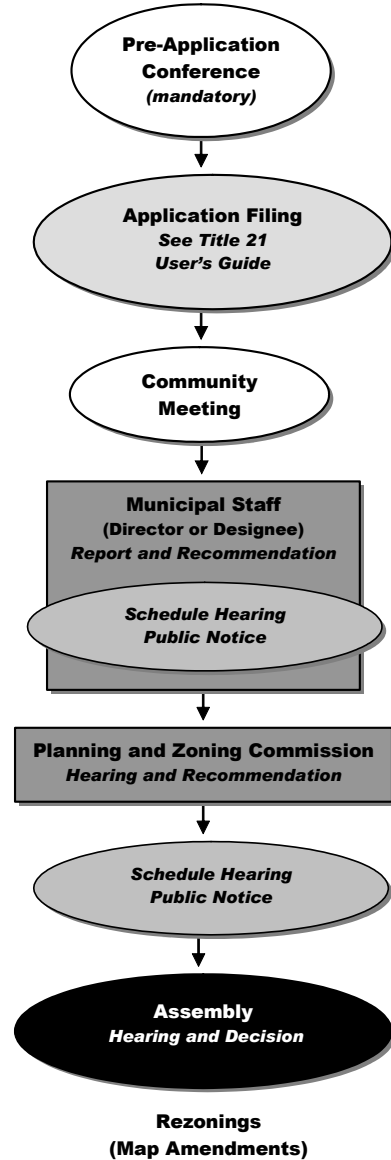
1. Initiation

a. A rezoning may be initiated by the Assembly, the Planning and Zoning Commission, or by the director of any municipal department.

b. In addition, any person may initiate a rezoning by submitting a petition favoring the rezoning signed by the owners of at least 51 percent of the property within the area to be rezoned. For the purposes of this subsection, an owner of property subject to the Horizontal Property Regimes Act (A.S. 34.07) owns a percentage of the appurtenant common areas equal to the percentage for that property stated in the recorded declaration committing the property to the Horizontal Property Regimes Act.

c. A rezoning application shall expire one year after submittal unless a public hearing on the application has been held by the Assembly on or before that date; provided, however, that the Director or designee may extend the application for six months if the reason for the delay was due to circumstances beyond the control of the applicant.

d. Rezoning shall precede Corps of Engineers wetland permit applications.



2. Pre-Application Conference

Before filing an application, a private-party applicant shall request a pre-application conference with the Director. See section 21.03.020.B.

3. Submission Requirements

a. Applicants for a rezoning shall submit the materials specified in the User's Guide. Additional materials may be required for certain types of rezoning, such as rezoning with special limitations.

b. The Planning and Zoning Commission or the Director may require the submission of such other information as may be necessary to permit

1 the informed exercise of judgment under the approval criteria set forth
2 in subsection D. below. Such information shall be related to the scale
3 and location of the rezoning application and may include, without
4 limitation, traffic, soil, hydraulic, visual, aesthetic, water, air quality,
5 noise, and sewage analyses.

6 **4. Public Hearings**

7 Published, written, and posted notice of public hearings on rezonings shall be
8 provided in accordance with section 21.03.020.G. In addition, the notice shall
9 list the protest provisions set forth in subsection 7. below. Where the
10 rezoning has been initiated by someone other than the property owner or his
11 or her designated agent, the Director also shall mail a notice to all owners of
12 the property to be reclassified, as shown in the current municipal assessor's
13 records.

14 **5. Review and Recommendation by Planning and Zoning Commission**

15 a. The Planning and Zoning Commission shall hold a public hearing on
16 the proposed rezoning and, at the close of the hearing, recommend
17 approval, approval with special limitations or other modifications, or
18 denial. The Commission shall base its recommendation on the
19 approval criteria in subsection D. below, and shall include written
20 findings based on each of the approval criteria.

21 b. If the Commission recommends approval or approval with special
22 limitations or other modifications, within 60 days of the Commission's
23 written resolution, the Director shall forward the recommendation to
24 the Assembly with an ordinance to amend the official zoning map in
25 accordance with the recommendation.

26 c. If the Commission recommends denial, that action is final unless,
27 within 15 days of the Commission's written resolution recommending
28 denial, the applicant files a written statement with the municipal clerk
29 requesting that an ordinance amending the zoning map in
30 accordance with the application be submitted to the Assembly. The
31 draft ordinance shall be appended to an Assembly Informational
32 Memorandum (AIM) for consideration by the Assembly.²⁶

33 **6. Action by Assembly**

34 The Assembly shall hold a public hearing on the proposed rezoning and shall,
35 at the close of the hearing, taking into account the recommendations of the
36 Director, Planning and Zoning Commission, and public input, and based upon
37 the approval criteria of subsection D. below:

38 a. Approve the zoning map amendment by ordinance;

39 b. Approve the zoning map amendment by ordinance with special
40 limitations (see subsection E.);

41 c. Deny the amendment; or

42 d. Refer the proposed amendment back to the Planning and Zoning
43 Commission or to a committee of the Assembly for further
44 consideration.

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7. **Protests**
Any owner of property subject to a proposed rezoning may protest the rezoning by filing a written protest with the Clerk pursuant to this subsection.
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- a. The protest shall object to the rezoning and shall state the factual and/or legal basis for the protest, contain a legal description of the property on behalf of which the protest is made, and be signed by the owners of at least one-third of the property, excluding rights-of-way, of:
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- i. The land to which the amendment applies; or
- ii. The land within 300 feet of the outer boundary of the land to which the amendment applies;
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- Excluding land owned by the Municipality, except where the Municipality joins in the protest.
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- b. To be valid, the protest must be received by the municipal clerk after notice of a public hearing before the Assembly on a zoning map amendment and at least one business day before the time set for the Assembly public hearing on the amendment.
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- c. Assembly approval of a rezoning subject to a valid protest under this subsection shall require an affirmative vote of eight Assembly members.
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8. **Waiting Period for Reconsideration**
Following denial of a rezoning request, no new application for the same or substantially the same rezoning shall be accepted within one year of the date of denial, unless denial is made without prejudice.
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9. **Form of Amending Ordinance**
An ordinance amending the zoning map shall contain the following:
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- a. The name of each zoning district being applied or changed in the ordinance;
- 29
- b. The legal description of the subject property;
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- c. Any special limitations being applied to the subject property; and
- 31
- d. An effective clause.
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- D. **Approval Criteria**²⁷
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- The Assembly may approve a rezoning, and the Planning and Zoning Commission may recommend approval, if the rezoning meets all of the following criteria:
- 35
1. The rezoning will promote the public health, safety, and general welfare;
- 36
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2. The rezoning is consistent with the Comprehensive Plan and the purposes of this title;

- 1 3. The rezoning is consistent with the stated purpose of the proposed zoning
2 district;
- 3 4. Facilities and services (including roads and transportation, water, gas,
4 electricity, police and fire protection, and sewage and waste disposal, as
5 applicable) will be available to serve the subject property while maintaining
6 adequate levels of service to existing development;
- 7 5. The rezoning is not likely to result in significant adverse impacts upon the
8 natural environment, including air, water, noise, stormwater management,
9 wildlife, and vegetation, or such impacts will be substantially mitigated; and
- 10 6. The rezoning is not likely to result in significant adverse impacts upon other
11 property in the vicinity of the subject tract.

12 **E. Rezoning with Special Limitations²⁸**

13 Pursuant to this subsection, a rezoning may include special limitations that restrict
14 structures, or the use of land or structures, to a greater degree than otherwise
15 provided for a use district applied by the rezoning.

16 **1. Purposes**

17 A rezoning may include special limitations for one or more of the following
18 purposes:

- 19 a. To prohibit structures, or uses of land or structures, that would
20 adversely affect the surrounding neighborhood or conflict with the
21 comprehensive plan; or
- 22 b. To conform the zoning map amendment to the comprehensive plan,
23 or to further the goals and policies of the comprehensive plan; or
- 24 c. To conform development under the zoning map amendment to
25 existing patterns of development in the surrounding neighborhood; or
- 26 d. To mitigate the adverse effects of development under the zoning map
27 amendment on the surrounding neighborhood and on public facilities
28 and services.

29 **2. Types of Limitations**

30 A special limitation shall do one or more of the following:

- 31 a. Limit residential density; or prohibit structures, or uses of land or
32 structures, otherwise permitted in a use district;
- 33 b. Require compliance with design standards for structures and other
34 site features;
- 35 c. Require compliance with a site plan approved under this title;
- 36 d. Require the construction and installation of improvements, including
37 public improvements; or

1 e. Impose time limits for taking subsequent development actions.

2 **3. Effect of Approval**

3 a. A use district subject to special limitations shall be identified on the
4 zoning map by the suffix "SL," and the number of the ordinance
5 applying the special limitations shall be printed on the zoning map.

6 b. Where a special limitation in a zoning map amendment conflicts with
7 any less restrictive provision of this title, the special limitation governs.

8 **F. Rezoning to Create, Alter, or Eliminate Overlay Districts²⁹**

9 **1. Purpose and Applicability**

10 The Assembly may, through the rezoning process, establish overlay districts
11 that supplement the regulations of the underlying base zoning districts, in
12 order to address special land use needs, to meet an objective of the
13 Comprehensive Plan or neighborhood plan, or other specific planning
14 objective. A rezoning for an overlay district may be applied to the zoning map
15 in order to:

16 a. Permit, require, prohibit or restrict structures or the use of land or
17 structures;

18 b. Alter the provisions of the use-specific regulations as applied to
19 property within the overlay district;

20 c. Require new development or attributes of new development to
21 conform to a specific architectural or design theme;

22 d. Require a design review approval process; and/or

23 e. Alter the development standards of the underlying district by
24 decreasing or increasing the requirements with regard to building
25 height, yards, lot area, lot width, lot coverage, and lot densities of the
26 underlying district.

27 **2. Minimum Area Requirements**

28 No overlay district zoning map amendment shall be considered or approved
29 that applies an overlay district to an area less than 2.00 acres, excluding
30 rights-of-way, except for an amendment extending the boundaries of an
31 existing overlay district.

32 **3. General Procedure for Creating, Altering, or Eliminating Overlay
33 Districts**

34 Overlay districts shall be established, altered, or eliminated using the general
35 rezoning procedure set forth in subsection C. above, *General Procedure*,
36 except as modified by the following provisions:

37 **a. Contents of Adopting Ordinance**

38 An ordinance amending the zoning map for an overlay district shall
39 contain the following:

40 i. The name of the overlay district that the ordinance applies;

1 **B. Applicability**

2 **1. General**

3 The procedures of this section, and the standards and requirements set forth
4 in chapter 21.08, *Subdivision Standards*, shall apply to all subdivisions or
5 resubdivisions that result in the portioning, dividing, combining, or altering of
6 any lot, parcel, or tract of land, including subdivisions or resubdivisions
7 created by an exercise of the power of eminent domain by an agency of the
8 state or Municipality.

9 **2. Applicable Review Procedure³²**

10 **a. General Procedure**

11 All subdivisions applications shall be reviewed according to the
12 process set forth in subsection C. below, *Review and Approval of*
13 *Subdivision Plans*, unless they qualify for the abbreviated plat
14 procedure.

15 **b. Abbreviated Plat Procedure**

16 Certain subdivisions may follow the streamlined procedure set forth in
17 subsection D. below, *Abbreviated Plat Procedure*. Eligible preliminary
18 plats are:

19 i. A movement or elimination of lot lines that does not:

20 **(A)** Result in an increase in the permitted density of
21 residential units within the area being subdivided or
22 resubdivided.

23 **(B)** Allow a change in the permitted use to which the lot
24 or tract may be devoted under existing zoning.

25 **(C)** Deny adequate access to and from all lots or tracts
26 created by the subdivision or those adjacent to it.

27 ii. The subdivision of a single tract, parcel, or lot into no more
28 than three tracts or eight lots, provided that the subdivision
29 does not:

30 **(A)** Allow a change in the permitted use to which the lot
31 or tract may be devoted under existing zoning.

32 **(B)** Deny adequate access to and from all lots or tracts
33 created by the subdivision or those adjacent to it.

34 **(C)** Divide a tract, parcel or lot:³³

35 **(1)** Created within the previous four years
36 pursuant to the approval of a preliminary plat
37 under this section 21.03.060; or

38 **(2)** Contiguous to or having an owner either in
39 an individual capacity or as an owner of a
40 corporation, partnership, or other legal entity

1 of a preliminary plat approved within the
2 previous 48 months.

3 (3) That is ten acres or more in the R-5, R-6, R-
4 7, and R-10 zoning districts or that is
5 governed by AO 84-21.

6 iii. Vacations and relocations under section 21.03.160.

7 iv. Subdivision of a cemetery into burial plots.

8 v. A plat required by section 21.03.070.G. for final approval of a
9 conditional use, or section 21.03.080.F. for final approval of a
10 site plan.

11 vi. A plat depicting the creation of two attached single-family lots.

12 **3. Subdivision Approval is Prerequisite to Other Approvals**

13 a. No building permit, land use permit, zoning certificate of compliance,
14 or certificate of occupancy may be issued for any building, structure,
15 or improvement located within a subdivision, and no plat for a
16 subdivision may be recorded with the State of Alaska, until a plan for
17 the subdivision has been approved, all required dedications of land
18 have been made, and all required improvements have been installed
19 in accordance with the procedures and requirements of this section,
20 or an approved subdivision agreement is in place pursuant to section
21 21.08.060, *Subdivision Agreements*.³⁴

22 b. The Municipality shall not accept or maintain any street, and shall not
23 extend or connect any street lighting, water service, or sanitary sewer
24 service to any subdivision of land, until and unless a plat for the
25 subdivision has been approved and recorded in accordance with the
26 requirements set forth in this section.

27 **4. Restriction on Sale or Transfer of Subdivided Land Without Approved**
28 **Plat**

29 Any person who transfers or sells any land located within the Municipality by
30 reference to a plat that has not been approved by the Municipality and
31 recorded by the State of Alaska shall be guilty of a violation of this title. The
32 description by metes and bounds in the instrument of transfer or other
33 document used in the process of selling or transferring shall not exempt the
34 transaction from such penalties. The Municipality also may enjoin such
35 transfer or sale by filing an action for an injunction.

36 **5. Existing Lots of Record**

37 No provision of chapter 21.08, *Subdivision Standards*, applies to any lot in a
38 subdivision legally created and filed of record before the effective date of this
39 title, unless the lot is further subdivided or resubdivided.

C. Review and Approval of Subdivision Plans

1. Applicability

This section shall apply to all subdivisions not meeting the eligibility criteria for the abbreviated plat procedure.

2. Pre-Application Conference

A pre-application conference is required prior to submission of a new subdivision application or most modifications to already-approved subdivision plans. See section 21.03.020.B.

3. Submission of Preliminary Plat

a. Unless waived by the Platting Board, a preliminary plat shall include all land under contiguous ownership, unless separate legal descriptions exist as a matter of record. If only a portion of the land is intended for immediate development, the remaining portion shall be given a tract number and shall be part of the preliminary and final plat. Requirements for surveying this remaining tract may be waived at the discretion of the Platting Board. By plat note, development shall not be allowed on the remaining tract until approved under this section.

b. In submitting a preliminary plat application, applicants shall submit the materials specified in the User's Guide to the Department, by the deadlines established in the User's Guide.³⁵

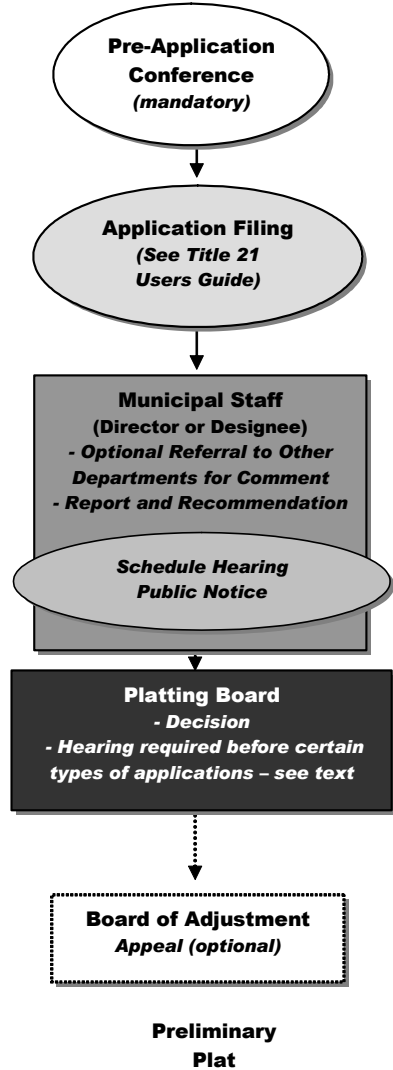
c. For subdivision plats that have A or B wetlands, the applicant shall have initiated Corps of Engineers wetland permitting prior to submitting the preliminary plat.

4. Action on Preliminary Plat

a. Approval or Denial by Platting Board

Subject to paragraph b. below, the Platting Board shall, based on the approval criteria of subsection C.6. below, take action on the preliminary plat within 90 days after the submission date, or shall return the plat to the applicant for modification or correction.³⁶ The reasons for denial of a plat shall be stated upon the records of the Platting Board.

b. Referral to Other Agency



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- 1 If the Platting Board finds that:
- 2 i. It cannot determine whether a preliminary plat conforms to
 - 3 the approval criteria of subsection C.6. below, because a
 - 4 specific controlling land use, public facility, or other public
 - 5 policy issue has not been resolved; and
 - 6 ii. An official board, commission or legislative body of the
 - 7 Municipality or another government has been identified as
 - 8 being responsible for resolving that issue;

9 then, upon an affirmative vote of six members, the Platting Board may
10 refer the issue to the responsible official, board, commission or
11 legislative body and postpone action on the plat for a period not
12 exceeding 90 days or to its next regular meeting after the responsible
13 official, board, commission or legislative body responds to the referral,
14 whichever occurs first.

15 **c. *Public Hearing***
16 The Platting Board shall hold a public hearing before action on the
17 following types of subdivision applications:

- 18 i. Approval of a preliminary plat, except applications allowed to
- 19 use the abbreviated plat procedure;
- 20 ii. Approval of a final plat that differs from the preliminary plat
- 21 (see section 21.03.060.C.4.b.);
- 22 iii. Modification or deletion of a condition of plat approval;
- 23 iv. Granting of a variance from the provisions of chapter 21.08,
- 24 *Subdivision Standards*;
- 25 v. Removal of or modification(s) to plat notes; and
- 26 vi. Vacation of dedicated right-of-way; BLM and section line
- 27 easements; or platted landscape, drainage, slope, or
- 28 protective well radii easements.

29 **d. *Approval Period; Time Extensions***
30 i. Notwithstanding any subsequent change in the subdivision
31 regulations, zoning regulations, and zoning districts, the
32 approval of the preliminary plat shall be effective:

33 (A) For at least 24³⁷ months and up to 60 months from
34 the date of approval when it pertains to a
35 development of no less than ten acres and includes a
36 phasing plan and based upon the Platting Board's
37 evaluation of the size, complexity, and phasing
38 elements of the development.

39 (B) For 24 months from the date of approval when it
40 pertains to a development of less than ten acres.

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- ii. The preliminary plat shall become null and void after the approval period unless an extension of time is granted by the Platting Board. A request for a time extension must be made in writing by the subdivider. The extension request must be received by the Director prior to the expiration of the preliminary plat to be eligible for consideration by the Platting Board.
 - iii. Such a time extension shall be granted only if the Board finds that current conditions are substantially the same as those that existed when the preliminary plat was originally approved. The Director shall conduct the reevaluation for every extension request that does not raise the total time of extension for a particular plat beyond 24³⁸ months and present his or her findings to the Board. Every extension request that raises the total time of extension for a particular plat beyond 24 months shall be evaluated in the same manner as an original plat application, including payment of the applicable fee.
 - iv. Only two time extensions may be approved for a preliminary plat approved by the Platting Board. Approval of the second extension shall require a noticed public hearing.³⁹
 - v. Preliminary plats being finalized in portions or phases shall not be construed to automatically extend the original approval period. Such an extension may only be granted by the Platting Board in accordance with the procedures set out in this subsection.⁴⁰
- e. **Appeals**
All decisions as to approval or denial of a preliminary plat by the Platting Board shall be final unless appealed to the Board of Adjustment.
- f. **Resubmittal Following Denial**
No new application for the same or substantially the same preliminary plat shall be accepted by the Platting Board within one year of denial of the original application. The waiting period required by this section may be waived in an individual case, based upon new evidence or changed circumstances, by the affirmative vote of a majority of the Platting Board.
5. **Final Plat**
- a. **Procedure When Final Plat Corresponds to Preliminary Plat as Approved**
 - i. A hearing on the final plat shall not be required when such plat essentially conforms to the preliminary plat approved by the Platting Board. The final plat shall, in addition, meet all conditions imposed by the Board in approving the preliminary plat.

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- ii. The final plat map shall constitute only that portion of the approved preliminary plat that is proposed to be recorded and developed at the time. If only a portion of the approved preliminary plat is proposed for final plat approval, such portions shall conform to all requirements of this section and chapter 21.08, *Subdivision Standards*.

 - iii. The following procedure shall be followed for the final plat:⁴¹
 - (A) The final plat shall be submitted to the Department for examination as to compliance with all terms of the preliminary plat as approved by the Platting Authority. If all conditions have been met, a statement to that effect, appearing on the final plat, shall be signed by the Director. The final plat shall not be signed until the documents described in paragraph iv. and v. below have been received.

 - (B) Upon acceptance of the final plat, the Department shall forward the final plat to the Project Management and Engineering Department for final checking and inspection before final approval is given. If requested, a subdivision survey shall be submitted to the Project Management and Engineering Department with a complete set of field and computation notes showing the original or reestablished corners of the plat and of lots within the plat. Traverse sheets and work sheets showing the closure within the allowable limits of error of the exterior boundaries of each irregular block and lot of the subdivision may also be required. Final approval by the Project Management and Engineering Department shall be indicated by a statement appearing on the plat.

 - iv. Final approval by the Platting Board shall be dependent upon receipt of the following material:
 - (A) A statement from the Department of Development Services stating that all conditions imposed by the Department on the preliminary plat and approved by the Platting Board have been met. This approval by the Department of Development Services shall not affect any subsequent requirements relating to sewage disposal and water supply as they apply to any lots within the plat.

 - (B) A certificate from the tax collecting official or a note on the face of the plat stating that all municipal real property taxes levied against the property are paid in full, or, if approval is sought between January 1 and the tax due date, that there is on deposit with the

- 1 chief fiscal officer an amount sufficient to pay
2 estimated real property tax for the current year.
- 3 (C) A certificate to plat showing the legal and equitable
4 owners, including mortgagees, contract purchasers
5 and fee owners, of the land to be platted, plus all
6 grants, reservations, covenants, deed restrictions and
7 easements of record which may condition the use of
8 the property.
- 9 v. If the subdivision is to be served by a community water or
10 sewer system, the Department of Development Services may
11 require the subdivider to provide the following before the
12 Platting Board finally approves the plat:
- 13 (A) Any approvals or certificates required by the state
14 Departments of Environmental Conservation and
15 Natural Resources.
- 16 (B) An agreement under the standards and procedures
17 set out in section 21.08.060, *Subdivision*
18 *Agreements*, to ensure that the system installed will
19 be compatible with existing public water and sewer
20 systems.
- 21 (C) Approval of the plans, specifications, and installation
22 and operating procedures for the system by the
23 municipal water and wastewater utility pursuant to
24 chapter 21.08, *Subdivision Standards*, and
25 regulations promulgated thereunder.
- 26 (D) Final plats affecting land neither supplied, nor under
27 subdivision agreement to be supplied, both with
28 public water and public sewer, shall be submitted to
29 the Department of Development Services for a
30 determination that all lots and proposed water and
31 wastewater facilities conform to chapter 15.65 at the
32 time of determination.
- 33 b. ***Procedure When Final Plat Differs from Preliminary Plat***
- 34 i. The subdivider shall submit to the Director all information
35 required under the Title 21 User's Guide for the preliminary
36 plat. Such application shall be submitted at least 60 days⁴²
37 prior to the regular Platting Board meeting at which he or she
38 desires to have his or her plat placed on the agenda.
- 39 ii. The Platting Board shall take action on the final plat within 90
40 days after all required materials have been submitted to be
41 heard, or shall return the plat to the applicant for modification
42 or correction. The reasons for denial of a plat shall be stated
43 upon the records of the Platting Board.

- 1 f. Provides for the efficient movement of vehicular and pedestrian traffic;
- 2 g. Ensures adequate and properly placed utilities;
- 3 h. Provides access for firefighting apparatus;
- 4 i. Provides opportunities for recreation, light, and air and avoids
- 5 congestion;
- 6 j. Facilitates the orderly and efficient layout and use of the land; and
- 7 k. Furthers the goals and policies of the comprehensive plan and
- 8 conforms to the comprehensive plan in the manner required by
- 9 section 21.01.090, *Comprehensive Plan*.

10 **D. Abbreviated Plat Procedure**

11 **1. Authorization**

12 The preliminary plats described in subsection
13 B.2.b. above are subject to approval under
14 the abbreviated procedure in this subsection
15 instead of the procedure in subsection C.
16 above; provided that preliminary plats
17 described in B.2.b. are not subject to
18 approval under this section where the
19 applicant is an agency of the municipal, state,
20 or federal governments.

21 **2. Submission Requirements**

22 All of the submission requirements for
23 preliminary plats that are listed in the Title 21
24 User's Guide shall be required for
25 abbreviated plats, except that the Director
26 shall establish submission requirements by
27 regulation under chapter 3.40 for plats
28 depicting the vacation and any associated
29 relocation of a public utility easement.

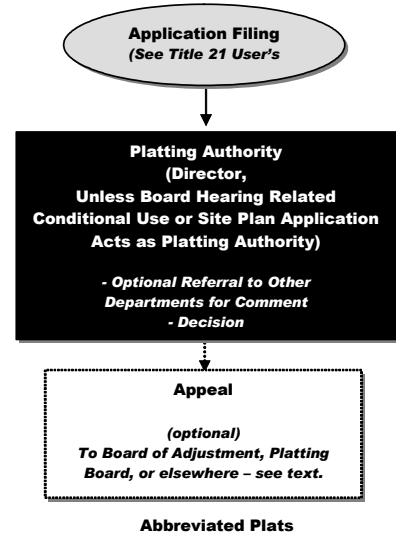
30 **3. Public Notice**

31 Before acting on a preliminary plat application under this section, the Director
32 shall publish notice pursuant to section 21.03.020.G.

33 **4. Action on Plat⁴³**

34 **a. *Platting Authority***

35 The Director is the platting authority for abbreviated plats, except as
36 provided in section 21.03.070.G. for conditional uses, section
37 21.03.080.F. for site plans, and section 21.03.160 for vacation or
38 relocation of certain dedicated public areas. The Director may refer
39 any application to the Platting Board that he or she deems may need
40 further or more extensive analysis and public comment concerning
41 access into adjacent property.



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- b. **Review and Decision**
The platting authority shall review each proposed subdivision in light of the approval criteria of subsection C.6. above and shall consult other municipal offices or agencies as necessary. Based on the results of that review, the platting authority shall act to approve, approve with conditions, or deny the plat.
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- c. **Variances**
- i. When acting as the platting authority under this section, the Director may not grant variances from the provisions of chapter 21.08, *Subdivision Standards*.
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- ii. When acting as the platting authority under section 21.03.070.G., *Platting for Conditional Uses*, or 21.03.080.F., *Platting for Site Plans*, the board or commission hearing an application for conditional use or site plan approval may grant variances to the provisions of chapter 21.08, *Subdivision Standards*, in accordance with section 21.03.190, *Variances*.
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- d. **Duration of Preliminary Approval**
Preliminary plat approval expires after 18 months; provided that the Board hearing an application for conditional use or site plan approval may extend the expiration of preliminary plat approval in conjunction with extending the time for implementing the conditional use or site plan.
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- e. **Appeals**
Decisions of the Director under this section are final unless appealed within 15 days:
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- i. To the Board of Adjustment under section 21.03.200.A., where the authority hearing an application for conditional use or site plan approval is the platting authority under section 21.03.070.G. for conditional uses, or section 21.03.080.F. for site plans.
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- ii. To the Platting Board in all other cases.
- An appeal under this subsection shall be treated as an original application for preliminary plat approval under this section.
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- f. **Approval of Final Plat**
A final plat submitted pursuant to the approval of a preliminary plat under this section is subject to approval in accordance with subsection C.5. above, provided that the municipal surveyor may waive a field survey for a final plat that merely eliminates interior lot lines.

1 **E. Right-of-Way Acquisition Plat**

2 **1. Generally**

3 A plat for a subdivision created by a government agency's acquisition of a
4 street or trail right-of-way is subject to approval under this section and is not
5 subject to any other approval procedure for plats under this title.

6 **2. Submission Requirements**

7 A right-of-way acquisition plat shall contain the information specified in the
8 User's Guide and shall be submitted to the Director.

9 **3. Applicability of Requirements**

10 **a.** A right-of-way acquisition plat is not subject to any of the other
11 submission requirements for plats under this title.

12 **b.** A right-of-way acquisition plat is not subject to section 21.08.050,
13 *Improvements*.

14 **c.** Survey requirements for a right-of-way acquisition plat shall be
15 established by agreement between the municipal surveyor and the
16 government agency applying for plat approval, or, if there is no such
17 agreement, by the provisions of this title.

18 **4. Action**

19 **a. *Platting Board***

20 The Director shall act as the platting authority unless the government
21 agency applying for plat approval requests a public hearing before the
22 Platting Board.

23 **b. *Duration of Approval***

24 The preliminary approval of the right-of-way acquisition plat shall be
25 for a period of 18 months; provided, however, that the Director may
26 grant an extension of time for filing the final plat upon a finding that it
27 is in the public interest to do so.

28 **c. *Appeals***

29 All decisions of the Director under this section shall be final unless
30 appealed to the Platting Board within 15 days. An appeal under this
31 subsection shall be treated as a subdivision plat pursuant to section
32 21.03.060C.

33 **5. Requirements for Final Plat**

34 Requirements for final right-of-way acquisition plats shall be established by
35 agreement between the Director and the government agency applying for plat
36 approval, or, if there is no such agreement, by the provisions of this title.

37 **21.03.070 CONDITIONAL USES⁴⁴**

38 **A. Purpose**

39 The conditional use permit review procedure provides a discretionary review process
40 for uses with unique or widely varying operating characteristics or unusual site
41 development features. The procedure encourages public review and evaluation of a

1 use's operating characteristics and site development features and is intended to
2 ensure that proposed conditional uses will not have a significant adverse impact on
3 surrounding uses or on the community-at-large.

4 **B. Relationship to Site Plan Requirements**

5 **1. Coordination with Review of Site Plans**

6 If a site plan is necessary for the proposed conditional use pursuant to section
7 21.03.080, then the review and approval of both the site plan and the
8 conditional use shall be coordinated. The two applications shall be filed
9 together and review of each application shall proceed simultaneously.
10 However, the Planning and Zoning Commission shall render separate
11 decisions on each application, recognizing that the applications are distinct
12 and are subject to different standards for approval.⁴⁵

13 **2. Lapse and Expiration of Conditional Use Approval**

14 If a site plan is necessary for the proposed conditional use pursuant to section
15 21.03.080, the approval of the conditional use shall be conditioned on the
16 subsequent approval of the site plan. Accordingly, the approval of any
17 conditional use shall lapse, and become null and void, upon the expiration of
18 the approved site plan, unless otherwise restricted by the Municipality. If a
19 conditional use does not require a site plan, or is not tied to a site plan, then
20 the conditional use does not lapse unless it is subject to a specified time limit
21 as a condition of approval.

22 **C. Conditional Uses in Nonconforming Structures or Lots**

23 If a proposed conditional use involves one or more structures or lots that do not
24 conform to the regulations of the district in which the conditional use is to be located,
25 then, unless the applicant has previously obtained the necessary variances from the
26 appropriate decision-making body, the application for conditional use approval shall
27 be accompanied by an application for alteration of a nonconforming structure or lot.
28 This application shall be processed concurrently with the conditional use application
29 by the Planning and Zoning Commission. However, approval of alteration of a
30 nonconforming structure and/or lot request shall be a prerequisite to approval of the
31 conditional use. The notices required for the nonconformity alteration application shall
32 be combined with the notices required for the conditional use application.

33 **D. Procedure**

34 **1. Pre-Application Conference**

35 Before filing an application, the applicant shall request a pre-application
36 conference with the Director. See section 21.03.020.B.

37 **2. Application**

38 A conditional use permit application shall contain the information specified in
39 the Title 21 User's Guide and shall be submitted to the Director. If site plan
40 review is required under section 21.03.080, then the applicant shall file a site
41 plan review application for simultaneous review.

42 **3. Public Hearing Notice**

43 Notice of public hearings shall be published, mailed, and posted in
44 accordance with section 21.03.020.G.

4. **Director’s Review and Report**

The Director shall review each proposed conditional use permit application in light of the approval criteria of subsection E. below and, as deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the Director shall provide a report to the Planning and Zoning Commission.

5. **Planning and Zoning Commission’s Review, Hearing, and Decision⁴⁶**

The Planning and Zoning Commission shall hold a public hearing on the proposed application and act to approve, approve with conditions, or deny the proposed conditional use permit, based on the approval criteria of subsection E. below.

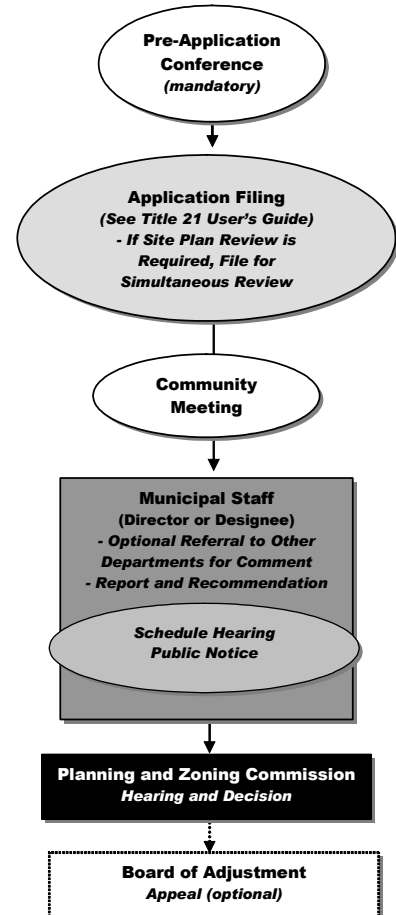
E. **Approval Criteria**

The Planning and Zoning Commission may approve a conditional use permit application only upon finding that all of the following criteria have been met:

1. The proposed use is consistent with the Comprehensive Plan and all applicable provisions of this title and applicable state and federal regulations;
2. The proposed use is consistent with the purpose and intent of the zoning district in which it is located;
3. The proposed use is consistent with any applicable use-specific standards set forth in chapter 21.05;
4. The proposed use is compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
5. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent feasible; and
6. The proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.

F. **Changes to Terms and Conditions of Approval**

Any changes to the terms and conditions of approval of the conditional use that cannot be made using the minor modification process (see section 21.03.180) shall require separate review and approval by the Planning and Zoning Commission. Any



Conditional Uses

1 application for approval of such changes shall be filed, processed, reviewed, and
2 approved or denied in the manner set forth in this section for the original application.
3 This section shall not apply, however, to modifications to the approved site plan for
4 the conditional use, which are governed by section 21.03.080.G., *Amendments to*
5 *Approved Site Plans*.

6 **G. Platting for Conditional Uses⁴⁷**

7 1. If development under a final approval under this section will create a
8 subdivision or requires the vacation of a dedicated public area, the final
9 approval is not effective until a final plat for the subdivision or vacation is
10 approved and recorded in accordance with this title. A preliminary plat
11 required under this section is subject to approval as required by section
12 21.03.060, *Subdivisions and Plats*.

13 2. Unless the authority granting final approval directs in the final approval that it
14 shall act as the platting authority, the Platting Board is the platting authority for
15 site plans under this subsection.

16 3. The platting authority under this subsection may require that any street right-
17 of-way, walkway, utility easement, or other public area designated under the
18 final approval be dedicated to the public.

19 **H. Abandonment of Conditional Use⁴⁸**

20 An otherwise lawful conditional use permit shall expire if:

21 1. For any reason the conditional use is abandoned in its entirety for a period of
22 one year or longer; or

23 2. The property owner notifies the Planning and Zoning Commission of the
24 abandonment of the conditional use permit. A conditional use shall not be
25 abandoned under this subsection if the result of the abandonment is the
26 creation of a nonconforming land use.

27 **21.03.080 SITE PLAN REVIEW**

28 **A. Purpose**

29 The purpose of the site plan review process is to ensure compliance with the
30 development and design standards and provisions of this title, and to encourage
31 quality development in the Municipality reflective of the goals, policies, and objectives
32 of the Comprehensive Plan. For land uses requiring a site plan review, such uses
33 may be established in the Municipality, and building or land use permits may be
34 issued, only after a site plan showing the proposed development has been approved
35 in accordance with the procedures and requirements of this section.

36 **B. Administrative Site Plan Review**

37 **1. Applicability⁴⁹**

38 a. Land uses requiring administrative site plan review are identified in
39 section 21.05.010, *Table of Allowed Uses*.

1 d. **Director's Review and Report**

2 The Director shall review each proposed major site plan application in
3 light of the approval criteria of subsection E. below and, as deemed
4 necessary, distribute the application to other reviewers. Based on the
5 results of those reviews, the Director shall provide a report to the
6 Urban Design Commission.

7 e. **Urban Design Commission's Review, Hearing, and Decision⁵²**

8 The Urban Design Commission shall hold a public hearing on the
9 proposed application and act to approve, approve with conditions, or
10 deny the proposed major site plan, based on the approval criteria of
11 subsection E. below. The Commission may delay taking action on a
12 public facility site plan only if the Commission finds the submittal is
13 incomplete or the Commission is advised by the Director that a matter
14 before the Planning and Zoning Commission or the Assembly will
15 have a material impact on the public facility site plan or exterior
16 building improvements.

17 f. **Appeals**

18 Denial of a major site plan may be appealed to the Planning and
19 Zoning Commission.

20 g. **Conformance with Commission Decision Required for Public
21 Projects**

22 No agency may proceed with implementation of a public facility site
23 plan, implementation of exterior building improvements, or
24 implementation of revisions to approved site or landscaping plans and
25 exterior building elevations that do not conform to the Commission's
26 actions under this section.

27 D. **Expiration**

28 1. **General**

29 A site plan approval shall automatically expire at the end of 12 months after
30 the date of its issuance if a building or land use permit for at least one building
31 in the development proposed in the site plan is not approved. A change in
32 ownership of the property does not affect this time frame.

33 2. **Extension**

34 Upon written application submitted at least 30 days prior to the expiration of
35 the permit period by the applicant and upon a showing of good cause, the
36 Director may grant one extension not to exceed 12 months.⁵³ The approval
37 shall be deemed extended until the Director has acted upon the request for
38 extension. Failure to submit an application for an extension within the time
39 limits established by this section shall render the site plan approval void.

40 E. **Approval Criteria**

41 An administrative or major site plan review application shall be approved upon a
42 finding that the site plan meets all of the following criteria:

- 43 1. The site plan is consistent with the Comprehensive Plan;

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- ii. Immediately following the Director's determination that a proposed amendment is minor, the Director shall:
 - 3 (A) Issue a minor amendment affidavit, which shall be
 - 4 transmitted to the Urban Design Commission for their
 - 5 information; and
 - 6 (B) Attach a form stating the nature of the modification,
 - 7 date of approval, and bearing the signature of the
 - 8 Director to the site plan mylar on file in the
 - 9 Department.
 - 10 iii. If the original approval had been recorded, the amended plan
 - 11 shall be recorded by the Municipality at the applicant's
 - 12 expense.
- 13 b. **Types of Minor Amendments**
- 14 The following are amendments which the Director may reasonably
- 15 determine to be "minor":
- 16 i. Insubstantial changes to the text to add clarity or correct
 - 17 conflicting provisions.
 - 18 ii. Changes in street alignment if such changes further the intent
 - 19 of the Plan and this Code, and are acceptable to the
 - 20 Municipal Engineer.
 - 21 iii. Changes in building envelope, setback, and similar provisions
 - 22 of ten percent or less.
 - 23 iv. Changes in landscaping, sign placement, lighting fixtures, etc.
 - 24 to further the intent of the Plan and this Code.

25 **21.03.090 PUBLIC FACILITY SITE SELECTION⁵⁶**

26 **A. Purpose**

27 This section sets forth a process by which the Planning and Zoning Commission shall

28 review and decide upon acquisition of sites, including acquisition by lease, before

29 certain public facilities may be authorized, or publicly owned land is designated as the

30 site for certain public facilities.

31 **B. Applicability⁵⁷**

- 32 1. Unless exempted by subsection 2. below, the Planning and Zoning
- 33 Commission shall review and decide the selection of sites for any of the
- 34 following facilities that are to be owned, or leased for no less than ten years
- 35 including all options to extend or renew, by a government agency not exempt
- 36 by law from municipal land use regulation:
- 37 a. Any newly constructed building or buildings in which government
 - 38 operations or activities occupy more than a total of 4,000 square feet
 - 39 on the site, and any existing building acquired by purchase or lease in

1 which government operations or activities occupy more than 15,000
2 square feet;

3 b. Any use of land over five acres in area;

4 c. Any trail alignment not part of a road construction project; and

5 d. Any public snow disposal or landfill site.⁵⁸

6 2. This section shall not apply to the following:

7 a. Any site that is

8 i. Designated for the subject use on a municipal plan adopted
9 by the Assembly;

10 ii. Determined by a dedication to the Municipality on a final plat
11 approved and recorded in accordance with this title; or

12 iii. Subject to approval of a conditional use under this title.

13 b. The selection of sites for public schools, which shall instead be
14 undertaken pursuant to AMC chapter 25.25.

15 c. Any facility site selection reviewed by the Commission or approved by
16 the Assembly before [the effective date of this title.];

17 d. Any facility site selection under which there have been substantial
18 expenditures for design or construction before [the effective date of
19 this title.]

20 **C. Required Information**

21 The agency proposing a site selection shall submit to the Commission all information
22 identified in the User's Guide. This information shall include, but need not be limited
23 to, an evaluation of alternative sites, or an explanation why no alternative sites were
24 considered.

25 **D. Public Hearing**

26 The Commission shall hold a public hearing on any site selection that is subject to
27 review under this section. Notice of the public hearing shall be given in the manner
28 prescribed for a public hearing on a conditional use application.

29 **E. Approval Criteria⁵⁹**

30 The Commission shall review the proposed site for consistency with the goals,
31 policies, and land use designations of the Comprehensive Plan and other municipal
32 plans adopted by the Assembly, conformity to the requirements of this title, and the
33 effects of the proposal on the area surrounding the site. The following specific criteria
34 shall be considered:

- 1 1. Whether the site will allow development that is compatible with current and
 2 projected land uses;
- 3 2. Whether the site is large enough to accommodate the proposed use and
 4 future additions or another planned public facility;
- 5 3. Whether the site is located near a transit route, if applicable;
- 6 4. Whether there are existing or planned walkways connecting the site to transit
 7 stops and surrounding residential areas, where applicable;
- 8 5. The environmental suitability of the site;
- 9 6. Whether adequate utility infrastructure is available to the site; and
- 10 7. Whether the site is located in a designated regional center or town center.
 11 Municipal, state, and federal administrative offices shall locate in the Central
 12 Business District. Satellite government offices and other functions are
 13 encouraged to locate in regional or town centers if practicable.⁶⁰

21.03.100 SPECIAL FLOOD HAZARD PERMITS

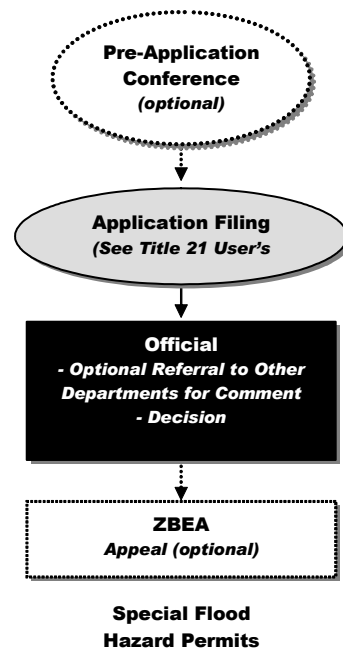
A. Applicability

Any use, structure, or activity listed in the floodplain regulations (section 21.04.070.E., *Flood Hazard Overlay District*) as requiring a special flood hazard permit is prohibited until the issuance of such permit. Applications for special flood hazard permits may be made to the Municipal Engineer.

B. Application Contents

Any application for a special flood hazard permit shall contain the following material:

1. The elevation in relation to mean sea level of the lowest floor, including basement, of all structures;
2. The elevation in relation to mean sea level to which any structure has been floodproofed;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential⁶¹ structure meet the floodproofing criteria in section 21.04.070.E.7., *Construction Requirements (in Flood Hazard Overlay District)*; and
4. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.



1 **C. Evaluation; Additional Information**

2 Upon receipt of an application for a special flood hazard permit, the Municipal
3 Engineer shall transmit copies of the application, together with pertinent information,
4 to interested and affected departments and agencies within the Municipality,
5 requesting technical assistance in evaluating the proposed application. The Municipal
6 Engineer may require more detailed information from the applicant where special
7 circumstances necessitate. Such additional information may include:

- 8 1. A valley cross section showing the channel of the stream, elevation of land
9 areas adjoining each side of the channel, cross sectional areas to be
10 occupied by the proposed development, and high water information.
- 11 2. Specification of proposed construction and materials, floodproofing, filling,
12 dredging, grading, channel improvement, water supply, and sanitary facilities.
- 13 3. A profile showing the slope of the bottom of the channel or flow line of the
14 stream.
- 15 4. A report of soil types and conditions.

16 **D. Criteria for Issuance**

17 Permits shall be issued if the application and supporting material demonstrate that:

- 18 1. The proposed use or structure poses a minimal increase in probable flood
19 height or velocities caused by encroachment.
- 20 2. The proposed water supply and sanitation systems and the ability of these
21 systems to prevent disease, contamination, and unsanitary conditions will not
22 be impaired by flooding.
- 23 3. The susceptibility of the proposed facility and its contents to flood damage is
24 minimal.
- 25 4. There will be adequate access to the property in times of flood for ordinary
26 and emergency vehicles.
- 27 5. The proposed use, structure, or activity is in conformance with all applicable
28 land use regulations.
- 29 6. All necessary floodproofing will be provided.

30 **E. Time for Acting on Application**

31 The Municipal Engineer shall act on an application in the manner described in this
32 section within 30 days from receiving the application, except that, where additional
33 information is required, the official shall act within 30 days of the receipt of such
34 additional requested information.

1 **F. Notice on Subdivision Plats**

2 Where any portion of a subdivision is situated within a flood hazard district, a note
3 shall be placed on the plat that reads as follows: "Portions of this subdivision are
4 situated within the flood hazard district as it exists on the date hereof. The boundaries
5 of the flood hazard district may be altered from time to time in accordance with the
6 provisions of section 21.04.070.E.3., *Creation of Flood Hazard Overlay District;*
7 *Official Flood Hazard Reports and Maps.* All construction activities and any land use
8 within the flood hazard district shall conform to the requirements of section
9 21.04.070.E., *Flood Hazard Overlay District.*"

10 **G. Appeals**

11 An appeal from a decision of the Municipal Engineer regarding a flood hazard permit
12 shall be brought in accordance with section 21.03.200B.

13 **21.03.110 LAND USE PERMITS⁶²**

14 **A. Purpose**

15 [RESERVED]⁶³

16 **B. Applicability**

17 **1. Inside Building Safety Service Area**

18 Inside the Building Safety Service Area, a building permit shall be considered
19 the land use permit and shall be required pursuant to title 23. The issuance of
20 a building permit may also be subject to the improvement requirements
21 referenced in subsection E. below.

22 **2. Outside Building Safety Service Area**

23 Outside the Building Safety Service Area, a land use permit shall be required
24 prior to:

- 25 **a.** Construction or placement of a building or addition to an existing
26 building whose floor area is 100 square feet or greater;
- 27 **b.** Excavation of more than 300 cubic feet on any lot or tract;
- 28 **c.** Filling or grading more than 900 cubic feet on any lot or tract;
- 29 **d.** Changing the principal use of a building; or
- 30 **e.** Clearing and grubbing more than 2,000 square feet.

31 **C. Procedures**

32 **1. Application Filing**

33 Applications for land use permits shall be submitted to the Building Official on
34 the form provided.

35 **2. Approval Procedure**

36 **a.** The Building Official shall review each application for a land use
37 permit.

- 1 b. The Building Official shall determine whether the application complies
2 with all requirements of title 23. The Director shall determine whether
3 the application complies with all requirements of title 21, and shall
4 inform the Building Official of his or her determination.
- 5 c. The Building Official shall issue a land use permit upon finding that
6 the application and the proposed work complies with the approval
7 criteria of subsection D. below.
- 8 d. A land use permit shall become null and void unless the work
9 approved by the permit is commenced within 12 months⁶⁴ after the
10 date of issuance. No work shall be considered to have commenced
11 for the purposes of this paragraph until an inspection has been made
12 and recorded. If after commencement the work is discontinued for a
13 period of 12 months, the permit therefore shall immediately expire.
14 No work authorized by any permit that has expired shall thereafter be
15 performed until a permit has been reinstated, or until a new permit
16 has been secured.

17 **3. Changes to Approved Permits**

- 18 a. After a land use permit has been issued, no substantial changes or
19 deviations from the terms of the permit or the application and
20 accompanying plans and specifications shall be made without the
21 specific written approval of such changes or deviations by the building
22 official.
- 23 b. An amendment to a land use permit that requires payment of an
24 additional fee, either because of an increase in the size of the
25 buildings, a change in the scope of work, or an increase in the
26 estimated cost of the proposed work, shall not be approved until the
27 applicant has paid the additional fees and the amendment has been
28 properly reviewed and approved for conformance with the building
29 code.

30 **4. Revocation of Land Use Permit**

31 The Department may revoke and require the return of any land use permit by
32 notifying the permit holder in writing, stating the reason for such revocation.
33 The Department shall revoke land use permits for any of the following
34 reasons:

- 35 a. Any material departure from the approved application, plans, or
36 specifications;
- 37 b. Refusal or failure to comply with the requirements of this title or any
38 other applicable state or local laws;
- 39 c. False statements or misrepresentations made in securing such
40 permit.

41 **5. Appeals**

- 42 a. Appeals of land use permit decisions or revocations relating to title 21
43 compliance shall be made to the Zoning Board of Examiners and
44 Appeals.

- 1 b. Appeals of land use permit decisions or revocations relating to title 23
2 compliance shall be made to the Building Board of Examiners and
3 Appeals.

4 **D. Approval Criteria**

5 No land use permit shall be issued unless the Building Official determines that all
6 required approvals have been granted and the plans comply with all applicable
7 provisions of title 23, and the Director determines the plans comply with all applicable
8 provisions of this title.

9 **E. Improvements Associated with Land Use Permits⁶⁵**

10 **1. Improvements Required**

11 The issuance of a land use permit under this section for the construction of a
12 residential, commercial, or industrial structure on a lot, shall be subject to the
13 permit applicant providing the dedications and improvements required for a
14 subdivision in the same improvement area under chapter 21.08, *Subdivision*
15 *Standards*. In applying the provisions of chapter 21.08, *Subdivision*
16 *Standards*, under this section, the term “lot” shall be substituted for the term
17 “subdivision,” the term “permit applicant” shall be substituted for the term
18 “subdivider,” and the term “Municipal Engineer” shall be substituted for the
19 term “platting authority.”⁶⁶

20 **2. Exceptions**

21 The requirements in subsection 1. above shall not apply to a land use permit
22 to the extent that:

- 23 a. The permit has been approved by the Municipality prior to [insert
24 effective date];
- 25 b. The Traffic Engineer determines that a street dedication or
26 improvement is not required for traffic circulation;
- 27 c. A dedication or improvement has been provided to the applicable
28 standard in chapter 21.08, *Subdivision Standards*;
- 29 d. A dedication or improvement will be provided under a subdivision
30 agreement that has been entered into under section 21.08.060,
31 *Subdivision Agreements*, or under an established assessment district;
32 or
- 33 e. The Municipality has already appropriated funds to construct an
34 improvement.

35 **3. Standards for Requiring Dedications and Improvements**

36 Where chapter 21.08 grants discretion to determine whether a dedication or
37 improvement will be required, or to determine the design standards for a
38 dedication or improvement, the Municipal Engineer shall determine the
39 requirement or standard that applies to a land use permit under this section
40 by applying the following standards:

- 1 a. The dedication or improvement shall be reasonably related to the
2 anticipated impact on public facilities and adjacent areas that will
3 result from the use and occupancy of the structure that is the subject
4 of the building or land use permit. The Municipal Engineer may
5 require the permit applicant to provide information or analyses to
6 determine impacts on public facilities and adjacent areas, including
7 without limitation the following:
- 8 i. A traffic impact analysis, or similar information. The Traffic
9 Engineer⁶⁷ may require a traffic impact analysis if the same
10 would be required⁶⁸ for approval of a subdivision, conditional
11 use, or site plan for similar development under this title.
- 12 ii. A drainage study, or similar information. A drainage study
13 may be required if the same would be required for approval of
14 a subdivision, conditional use, or site plan for similar
15 development under this title.
- 16 iii. An estimate of the financial and social costs of impacts on
17 public facilities and adjacent areas without the required
18 improvements, including without limitation visual continuity of
19 improvements, maintenance costs of public facilities, parking,
20 drainage, noise and dust control, pedestrian and vehicle
21 safety and access, and emergency vehicle access and
22 response time.
- 23 iv. Information concerning the consistency of the impacts of the
24 proposed development with the comprehensive plan.
- 25 b. The estimated cost of constructing the improvement shall be
26 reasonable when compared to the estimated cost of the proposed
27 development under the land use permit. The determination of
28 reasonableness shall be based on cost estimates for the
29 improvement and the proposed development that the permit applicant
30 or applicant's agent submits under penalty of perjury.⁶⁹ If the
31 Municipal Engineer determines that the estimated cost to the
32 applicant to complete all the improvements required by this section is
33 unreasonable in relation to the estimated cost of the proposed
34 development, the Municipal Engineer may reduce or eliminate
35 required improvements as necessary to make the relationship
36 between such costs reasonable.
- 37 c. The Municipal Engineer shall consider the potential development of
38 all adjacent parcels, lots, or tracts under common ownership, in
39 addition to the lot, parcel, or tract that is the subject of the permit
40 application, and the impacts associated therewith, in applying the
41 standards in this subsection.
- 42 d. The Municipal Engineer may approve adjustments to the
43 improvement requirements under this section to the extent that
44 compliance with the standards would result in an adverse impact on
45 natural features such as wetlands, steep slopes, or existing mature
46 vegetation; existing development; or public safety.

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4. **Phasing of Installation**
Except as provided in this section, all required improvements shall be constructed and accepted by the Municipality before any certificate of zoning compliance is issued for the permitted construction. If the Municipal Engineer determines that it is not reasonable to require compliance with the preceding sentence, no permit may be issued until the applicant enters into an agreement for construction of the required improvements, with performance guarantees,⁷⁰ in the form required for subdivision improvements under section 21.08.050, *Improvements*.
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5. **Warranty**
All improvements required under this section shall be subject to the warranty and guarantee of warranty requirements provided for subdivision improvements in section 21.08.050, *Improvements*.
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6. **Oversizing**
If an improvement exceeding the requirements of this section is requested by the Municipality and is necessary for the adequate and efficient development of surrounding areas, the Municipality may require the applicant to install or accommodate oversizing. In such event the Municipality shall reimburse the applicant for the cost of the oversizing at least as soon as budgeted funds are available after completion and acceptance of the improvements. This subsection shall not be a limitation on the Municipality's ability to require a utility to oversize its facilities or a limitation on the manner in which the Municipality may pay its proportionate share of the costs of oversizing.
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7. **Fee in Lieu**
A fee in lieu of the required improvements may be accepted if the Municipal Engineer determines:
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- a. That the improvements or construction activities associated therewith would create a potential undue safety hazard to motorists or pedestrians; or
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- b. Due to the nature of existing development on adjacent properties it is unlikely that improvements would be extended in the foreseeable future and the improvements associated with the development under review do not, by themselves, provide a sufficient improvement to safety or capacity or a sufficient benefit to the property to be developed under the building or land use permit to warrant construction.
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8. **Fee Amount**
The amount of the fee in lieu shall be the lesser of seventy-five percent 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.

1 **9. Appeals**

2 A permit applicant may appeal a decision of the Municipal Engineer
3 concerning required improvements under this section to the Platting Board⁷¹
4 by filing a written notice of appeal with the secretary of the platting board not
5 later than 10 days after receipt of written notice of the decision. The appeal
6 shall be placed on the agenda of the next regularly scheduled platting board
7 meeting that occurs not less than 20 days after the filing of the appeal. The
8 platting board shall hear the appeal de novo.

9 **21.03.120 CERTIFICATE OF ZONING COMPLIANCE**⁷²

10 **A. Purpose**

11 A certificate of zoning compliance shall be required at the completion of any
12 development in the Municipality, to ensure that the development complies with all
13 applicable standards of this title.

14 **B. Applicability**

15 A certificate of zoning compliance shall be required prior to the occupancy of any
16 building, structure, or land, except that temporary uses and structures approved in
17 accordance with section 21.03.140 shall be exempt from certificate of zoning
18 compliance requirements. Inside the Building Safety Service Area, a certificate of
19 occupancy shall be considered the certificate of zoning compliance.

20 **C. Issuance**

21 **1. Certificate**

22 Upon approval by the Director, the Building Official may issue a certificate of
23 zoning compliance, which is valid as long as the conditions of the building or
24 land use permit remain in effect.

25 **2. Conditional Certificate**

26 Upon approval by the Director, the Building Official may issue a conditional
27 certificate of zoning compliance, which shall be valid only for the period of
28 time stated in the certificate, for a specified portion or portions of a building
29 that may safely be occupied prior to final completion of the entire building
30 and/or site. Conditions that are attached to the conditional certificate of
31 zoning compliance must be completed prior to the expiration of the certificate.
32 When such conditions have not been completed prior to the expiration date of
33 the conditional certificate, the certificate of occupancy shall immediately
34 expire. Upon receipt of a written application to the Building Official stating
35 satisfactory reasons for the failure to complete work within the given time
36 period, the Building Official may renew the certificate for a specified period of
37 time, not to exceed 180 days.

38 **3. Appeals**

39 Appeals of decisions on certificates of zoning compliance shall be to the
40 Zoning Board of Examiners and Appeals.

41 **D. Standards**

42 The building official shall issue a certificate of zoning compliance when, after
43 examination of the building, structure, landscaping and/or other improvements or

changes to the property, the Department finds that the building complies with the applicable provisions of this title and other applicable ordinances and construction codes of the Municipality. This review shall include, but is not limited to: off-street parking, landscaping, and other development standards listed in chapter 21.07, *Development and Design Standards*.

21.03.130 SIGN PERMITS⁷³

A. Applicability

No person shall erect, locate, move, alter, or replace any sign or cause a sign to be located or maintained, unless all applicable provisions of this section and chapter 21.01, *Signs*, have been met.

B. Approval Requirements for Signs

Proposed signs shall be required to receive a permit from the Building Official as set forth in the table below.

TABLE 21.03-3: SIGN PERMIT REQUIREMENTS		
	Permit	No Permit
Sign Plate		X
Permanent Building Sign	X	
Permanent Freestanding Sign	X	
Entrance/Exit		X
Instructional		X
Temporary – on a parcel		X
Temporary – for a business		X
Construction signs		X
Temporary for any Residential Unit		X

C. Application

An application for a sign permit shall be made to the Building Official on the form provided. When any person other than the owner of the property submits a sign application, the owner of the property or a designated agent for the owner shall also sign such application.

D. Review and Approval

Sign permit applications shall be reviewed and approved pursuant to the procedure outlined in 21.03.110C.2, *Approval Procedure (for Land Use Permits)*.

E. Appeals

Appeals of decisions on sign permit applications shall be to the Zoning Board of Examiners and Appeals, per section 21.03.200.B.

21.03.140 TEMPORARY USES

A. Applicability⁷⁴

No use that is classified as a temporary use in the zoning district in which it is to be located shall be placed or established on the property without first receiving a temporary use permit.

B. Filing and Contents of Application

An application for a temporary use permit shall be filed with the Department on a form specified in the User's Guide.

C. Filing Deadline

All applications for temporary use permits shall be filed at least two weeks prior to the date the temporary use will commence, or at least four weeks prior to the date the temporary use will commence if public safety support is requested from the Municipality. The Director may waive this filing deadline requirement in an individual case, for good cause shown.

D. Approval Criteria

The Director shall issue a temporary use permit only upon finding that the temporary use satisfies the applicable requirements set forth in section 21.05.080, *Temporary Uses and Structures*.

E. Duration of Permit⁷⁵

The maximum duration of a temporary use permit shall be six months, with one six-month extension allowed at the discretion of the Director.



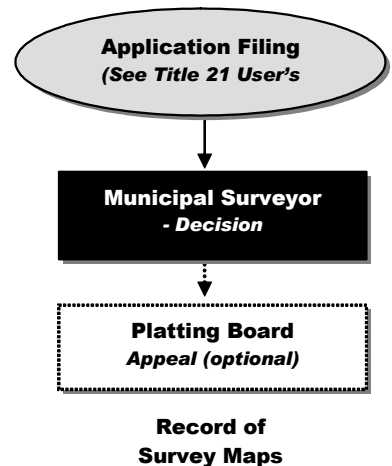
21.03.150 RECORD OF SURVEY MAPS⁷⁶

A. Purpose and Authorization

The purpose of this section is to provide for the approval of record of survey maps to be filed with the district recorder for the state. Record of survey maps shall be reviewed and approved in accordance with this section.

B. Use of Record of Survey Maps

1. A record of survey map is a map depicting the exterior boundaries of a legally created lot, parcel, or tract, and includes a correction to a record of survey map.



1 2. A record of survey map shall not be used to depict the boundaries of a lot,
2 parcel, or tract, which lot, parcel, or tract was created or subdivided contrary
3 to law. A record of survey map shall not subdivide property or recombine lots
4 into acreage, and any record of survey map purporting to do so shall be null
5 and void.

6 **C. Required Submittals**

7 An applicant for approval of a record of survey map shall submit the materials
8 specified in the Title 21 User's Guide.

9 **D. Monuments**

10 Monuments set for the survey shall conform to the standards of the Department of
11 Project Management and Engineering.

12 **E. Approval**

13 A record of survey map is subject to approval by the municipal surveyor, who shall
14 approve a record of survey map if it conforms to this section.

15 **F. Appeals**

16 All decisions of the municipal surveyor under this section shall be final unless
17 appealed to the Platting Board within 15 days.

18 **21.03.160 VACATION OF PLATS AND RIGHTS-OF-WAY**

19 **A. Authority**

20 The Platting Board shall consider the merits of each vacation request, and in all cases
21 the Platting Board shall deem the area being vacated to be of value to the Municipality
22 unless proven otherwise. The burden of proof shall lie entirely with the petitioner.
23 The presumption contained herein does not apply to vacations of private easements
24 where the beneficiaries have provided written concurrence.

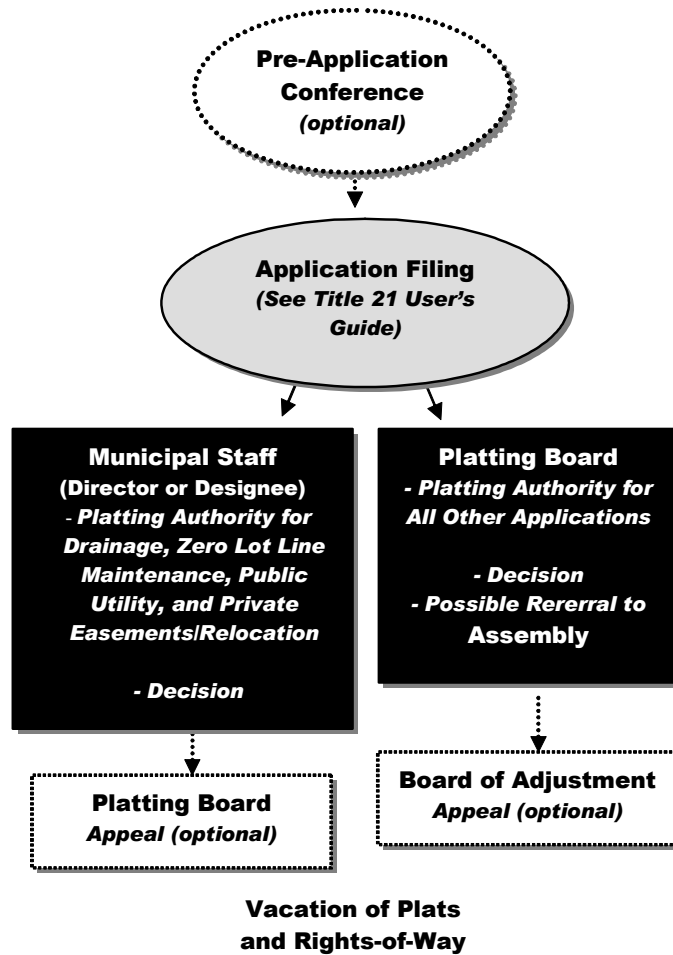
25 **B. Required Submittals**

26 Applicants for vacation requests shall submit the materials specified in the Title 21
27 User's Guide.

28 **C. Decision-Making Responsibilities for Vacations**

29 1. The Director is the platting authority for applications to vacate the following
30 platted interests:

- 31 a. Drainage easements granted under section ---.
- 32 b. Zero lot line maintenance easements.
- 33 c. Public utility easements.
- 34 d. Private easements, but only upon the written concurrence of the
35 beneficiaries.



- 1 e. Relocation of any of the above-described interests.
- 2 2. The Platting Board is the platting authority for all other applications to vacate
- 3 a dedicated public area.
- 4 **D. Action**
- 5 1. The Director or Platting Board shall take action on the vacation application
- 6 within 60 days after the submission date. The reasons for the approval of the
- 7 vacation shall be stated upon the case record.
- 8 2. The action of the Platting Board on an application to vacate a public area is
- 9 final, unless referred to the Assembly under subsection 3. below.
- 10 3. The Department shall refer to the Assembly the action of the Platting Board
- 11 on an application to vacate a public area, with an ordinance authorizing the
- 12 conveyance of the area proposed to be vacated, when:
- 13 a. Within 15 days of the Platting Board 's action a government agency or
- 14 a person aggrieved by the action files with the Department a written
- 15 request that the matter be forwarded to the Assembly; or

1 lawfully established at the time it became nonconforming; and proof that the
2 use has not been discontinued or abandoned, except as provided in
3 subsection B. below. The Director shall be authorized to require additional
4 information if deemed necessary to permit an accurate determination.

5 2. If any nonconformities are verified, a Verification of Nonconforming Status
6 shall be recorded with the District Recorder's Office clearly identifying the land
7 by parcel number and/or a legal description of the property. Such
8 verifications shall run with the land, and their status shall not be affected by
9 changes of tenancy, ownership, or management.

10 3. A Verification of Legal Nonconforming Status shall not be required for
11 continued daily operation or maintenance of a nonconforming lot, use,
12 structure, or characteristic of use.

13 **B. Exceptions**

14 Notwithstanding subsection A. above:

15 1. Where the contention for nonconforming use is raised in a court in any action
16 brought to enforce this title before an application for determination has been
17 filed under this section, this section shall not be applicable and the court shall
18 have jurisdiction to determine the issue.

19 2. Nothing in this section shall be construed to deprive the Director the right to
20 make a decision regarding a claimed nonconforming use or status as incident
21 to a valid pending application for a land use permit, or to reject an application
22 for decision as provided for by section 21.03.110.

23 **21.03.180 MINOR MODIFICATIONS⁸⁰**

24 **A. Purpose and Scope**

25 This section sets out the required review and approval procedures for "minor
26 modifications," which are minor deviations from otherwise applicable standards that
27 may be approved by the Director, the Assembly, the Planning and Zoning
28 Commission, the Platting Board or the Urban Design Commission. Minor
29 modifications are to be used when the small size of the modification requested, and
30 the unlikelihood of any adverse effects on nearby properties or the neighborhood,
31 make it unnecessary to complete a formal variance process.

32 **B. Applicability**

33 1. **Minor Modifications to General Development and Zoning District
34 Standards⁸¹**

35 As part of the review and approval of any procedure set forth in this chapter,
36 the Director, the Assembly, the Planning and Zoning Commission, the Platting
37 Board, and the Urban Design Commission may approve minor modifications
38 of up to a maximum of ten percent from the following general development
39 and zoning district standards provided that the approval criteria of subsection
40 D. below are met.

41 a. Minimum lot area or setback requirements (chapter 21.06);

- 1 b. General development standards set forth in chapter 21.07,
2 *Development and Design Standards*;
- 3 c. Subdivision design and improvement standards set forth in chapter
4 21.08, *Subdivision Standards*.
- 5 2. **Exceptions to Authority to Grant Minor Modifications**⁸²
6 In no circumstance shall any decision-making body approve a minor
7 modification that results in:
- 8 a. An increase in overall project density;
- 9 b. A change in permitted uses or mix of uses;
- 10 c. A deviation from the use-specific standards, set forth in chapter
11 21.05; or
- 12 d. A change in conditions attached to the approval of any subdivision
13 plan (section 21.03.060), site plan (section 21.03.080), or conditional
14 use permit (section 21.03.070).

15 C. **Procedure**

- 16 1. **Minor Modifications Approved by Director**
17 The Director may initiate or approve a minor modification allowed under this
18 section at any time prior to submittal of the staff report on an application to
19 another decision-making body, if a report is required, or prior to final decision,
20 if no report is required.
- 21 2. **Minor Modifications Approved by Assembly, Planning and Zoning**
22 **Commission, or Platting Board**
23 The Assembly, Planning and Zoning Commission, or Platting Board may
24 initiate or approve a minor modification allowed under this section at any time
25 before taking action on a development application.
- 26 3. **Written Findings Noted on Pending Application**
27 Staff shall specify any approved minor modifications and the finding
28 supporting such modifications on the pending development application for
29 which the modifications were sought.
- 30 4. **Limitation on Minor Modifications**⁸³
31 a. An applicant may request application of the minor modification
32 process to his or her development only once during the review
33 process.
- 34 b. In no instance may an applicant use the minor modification process to
35 obtain approval for more than three standards applicable to the same
36 development.

37 D. **Approval Criteria**⁸⁴

38 The decision-making body may approve the minor modification only if it finds that the
39 modification meets all of the criteria below:

- 1 2. The requested modification is consistent with the Comprehensive Plan and
2 the stated purpose of this title;
- 3 2. The requested modification meets all other applicable building and safety
4 codes;
- 5 3. The requested modification does not encroach into a recorded easement;
- 6 4. The requested modification will have no significant adverse impact on the
7 health, safety, or general welfare of surrounding property owners or the
8 general public, or such impacts will be substantially mitigated; and
- 9 5. The requested modification is necessary to either: (a) compensate for some
10 practical difficulty or some unusual aspect of the site of the proposed
11 development not shared by landowners in general; or (b) accommodate an
12 alternative or innovative design practice that achieves to the same or better
13 degree the objective of the existing design standard to be modified. In
14 determining if “practical difficulty” exists, the factors set forth in section
15 21.03.200G., *Approval Criteria (for Variances)* shall be considered.

21.03.190 VARIANCES⁸⁵

A. Purpose and Scope

The variance process is intended to provide limited relief from the requirements of this title in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the reasonable use of land in a manner otherwise allowed under this title. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this title may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this title render the land difficult or impossible to use because of some unique physical attribute of the property itself. State and/or federal laws or requirements may not be varied by the Municipality.

B. Decision-Making Bodies Authorized to Consider Variance Requests⁸⁶

1. The Platting Board shall be authorized to review and consider all requests for variances to standards set forth in chapter 21.08, *Subdivision Standards*.
2. The Planning and Zoning Commission shall be authorized to review and consider all requests for variances of standards relating to utility distribution facilities, which are set forth in section 21.07.050; and variances of standards relating to telecommunication facilities, which are in section 21.05.040.K.
3. Requests for variances from the airport height zoning regulations set forth in section 21.04.070.C. shall be referred to the Federal Aviation Administration.
4. The Zoning Board of Examiners and Appeals shall be authorized to review and consider variance requests from all other provisions of this title. The Zoning Board of Appeals may only grant variances from dimensional standards. No variance may be granted from the definitions set forth in chapter 21.13.

1 **C. Application⁸⁷**

2 An application for a variance shall be submitted to the secretary of the board on a
3 form contained in the User's Guide.

4 **1.** An application for a variance to the Zoning Board of Examiners and Appeals
5 shall include either:

6 **a.** An as-built survey with an original signature and seal by a registered
7 professional land surveyor in the State of Alaska; or

8 **b.** A plot plan survey with an original signature and seal by a registered
9 professional land surveyor, licensed in the State of Alaska.

10 The as-built or plot plan survey drawing shall clearly show current existing
11 conditions.

12 **2.** If the application involves new construction or demolition, the as-built survey
13 shall clearly show the extent of the proposed changes.

14 **3.** The as-built survey or plot plan shall be drawn to scale, be clear, legible,
15 show all structures existing on-site at the time of application, including eaves,
16 cantilevers or any structures 30 inches or more above ground, and show
17 detailed dimensions of the item for which relief is sought.

18 **4.** The basis for lot measurements shall be identified on the as-built survey or
19 plot plan.

20 **5.** The as-built or plot plan shall also include, at a minimum, the legal description
21 of the petition site, lot square footage, dedicated easements and abutting
22 rights-of-way, include a directional arrow to the north, scale of map, grid
23 number and date of survey.

24 **6.** As-built surveys submitted shall be no more than two years old at the time of
25 application, and shall meet or exceed the most recently adopted "Alaska
26 Society of Professional Land Surveyors Minimum Standards for the Practice
27 of Land Surveying."

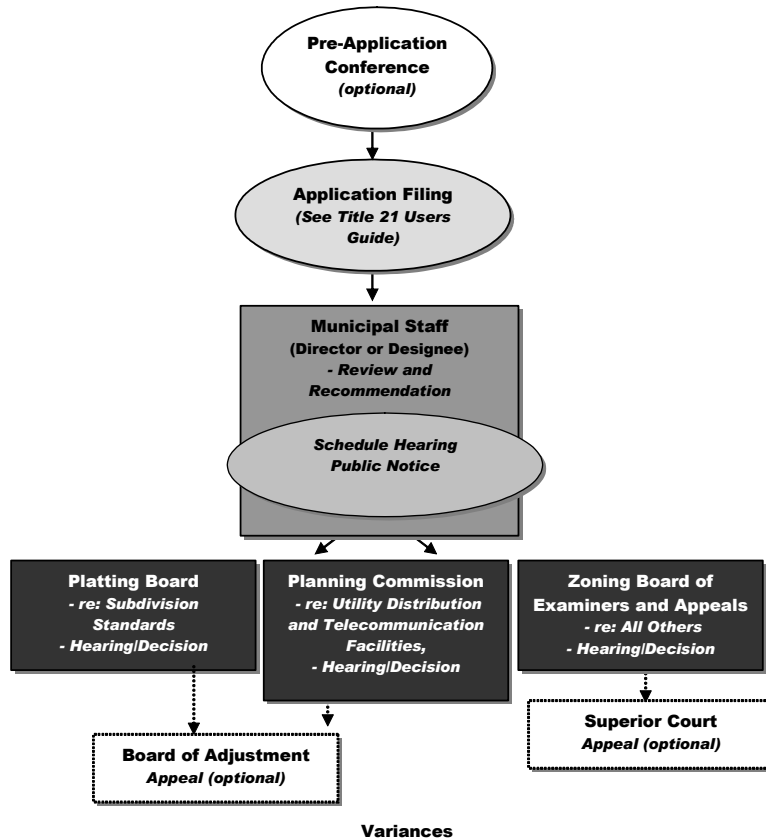
28 **7.** The Director may request other drawings or material essential to an
29 understanding of the application and its relationship to the surrounding
30 properties, including:

31 **a.** Site contours or a clear depiction of ground slope, if slope is a
32 consideration in the review;

33 **b.** Location of adjacent structures, if fire/safety issues are a
34 consideration;

35 **c.** Height of structures; and

36 **d.** Any other data that will assist in the review.



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D. Action by the Review Body

1. Once the application is complete, the Director shall schedule the application for consideration at a public hearing, and shall transmit to the appropriate review body all applications and other records pertaining to the variance prior to the hearing. Upon receiving the application materials from the Director, the review body shall hold a public hearing on the proposed variance. Written, published, and posted notice of the hearing shall be provided pursuant to section 21.03.020.G.
2. In considering the application, the review body shall review the application materials, the approval criteria of subsection E., and all testimony and evidence received at the public hearing.
3. After conducting the public hearing, the review body may: deny the application; conduct an additional public hearing on the application; or grant the minimum required variance. Any approval or denial of the request shall be by resolution, accompanied by written findings of fact that the variance meets or does not meet each of the applicable criteria set forth in subsection E., stating the reasons for such findings. A concurring vote of a majority of the fully constituted membership of the entity, minus those excused by conflicts of interest, shall be required to grant a variance.

- 1 4. Under no circumstances shall the review body grant a variance to allow a use
2 not permitted in the zone district containing the property for which the
3 variance is sought.
- 4 5. Under no circumstances shall the review body grant a variance from any
5 written conditions attached by another decision-making body to the approval
6 of a conditional use permit, subdivision plat, or site plan.

7 **E. Approval Criteria**

8 The application must state with particularity the relief sought and must specify the
9 facts or circumstances that are alleged to show that the application meets the
10 following standards:

11 **1. Variances from this Title Other than the Subdivision Regulations or**
12 **Airport Height Zoning Regulations**

- 13 a. Special conditions exist that are peculiar to the land involved and that
14 are not applicable to other land in the same district;
- 15 b. Strict interpretation of the provisions of the zoning ordinance would
16 deprive the applicant of rights commonly enjoyed by other properties
17 in the same district under the terms of the zoning ordinance;
- 18 c. Special conditions and circumstances do not result from the actions
19 of the applicant and such conditions and circumstances do not merely
20 constitute pecuniary hardship or inconvenience;
- 21 d. Granting the variance would be in harmony with the objectives of the
22 zoning ordinance and not injurious to the neighborhood or otherwise
23 detrimental to the public welfare;
- 24 e. Granting the variance will not permit a use that is not otherwise
25 permitted in the district in which the property lies; and
- 26 f. The variance granted is the minimum variance that will make possible
27 a reasonable use of the land.

28 **2. Variances from Subdivision Regulations**

- 29 a. There are special circumstances or conditions affecting the property
30 such that the strict application of the provisions of the subdivision
31 regulations would clearly be impractical, unreasonable or undesirable
32 to the general public;
- 33 b. The granting of the specific variance will not be detrimental to the
34 public welfare or injurious to other property in the area in which such
35 property is situated;
- 36 c. Such variance will not have the effect of nullifying the intent and
37 purpose of the subdivision regulations or the comprehensive plan of
38 the municipality; and

d. Undue hardship would result from strict compliance with specific provisions or requirements of the subdivision regulations. The applicant may supplement the form with supporting documents.

3. Variances from Airport Height Zoning Regulations

The Federal Aviation Administration shall complete an airspace determination that concludes that the proposed variance would not create a hazard.

4. Variance for Number of Parking Spaces

A variance for the number of parking spaces shall be granted on the basis of the demonstrated need for parking and if the spillover of parking onto other properties will be avoided.

F. Lapse of Approval

Any variance granted shall become null and void:

1. If the variance is not exercised within one year of the date it is granted, or
2. If any building, structure, or characteristic of use permitted by variance is moved or altered so as to enlarge the variance or discontinue it.

G. Appeals

1. An appeal from a decision of the Platting Board shall be brought in accordance with sections 21.03.210A.
2. An appeal from a decision of the Zoning Board of Examiners and Appeals shall be brought in accordance with section 21.03.210C.

21.03.200 APPEALS⁸⁸

A. Appeals to Board of Adjustment

1. Jurisdiction of Board⁸⁹

The Board of Adjustment shall decide appeals:

- a. From decisions regarding the approval or denial of a plat or a variance from the provisions of chapters 21.08, *Subdivision Standards*; and
- b. From decisions regarding the approval or denial of applications for approval of conditional uses (section 21.03.070).

2. Initiation of Appeal⁹⁰

Decisions may be appealed to the Board of Adjustment by:

- a. Any governmental agency or unit; or
- b. Any party of interest for the application. For purposes of this section, "parties of interest" for a particular application shall include the applicant, the owner of the subject property, the owner of property within the notification area for the subject application, and anyone that

1 presented oral or written testimony at a public hearing on the
2 application.⁹¹

3 **3. Appellees Before Board**

4 a. If a decision is appealed to the Board of Adjustment as provided in
5 subsection 2., an appellee brief may be filed as provided in section
6 subsection 7. by:

7 i. The party in whose favor the lower administrative body's
8 decision was rendered.

9 ii. Any municipal agency.

10 iii. Any party of interest for the application, as defined in
11 subsection 2. above.

12 b. Appellees who wish to be notified by the municipal clerk's office of the
13 date the record is available and of the date the appellant's brief is filed
14 must file a notice of intent to file a brief with the municipal clerk's
15 office on a form prescribed by the municipal clerk within 20 days after
16 the decision of the lower administrative body from which the appeal is
17 taken. An applicant for a site plan, conditional use, or subdivision,
18 who is not the appellant, must file a notice of intent to file a brief with
19 the municipal clerk's office within seven days of receipt of the
20 appellant's notice of appeal to become an appellee.

21 **4. Perfection of Appeal; Notice of Appeal; Appeal Fee**

22 a. An appeal to the Board of Adjustment must be perfected by a party of
23 interest for the application no later than 20 days from the date the
24 written findings of fact and decision of the administrative body from
25 which the appeal is taken is approved, on the record, and becomes a
26 final, appealable decision, is mailed or otherwise distributed or
27 delivered to the applicant.⁹² The appeal is perfected by the filing of a
28 notice of appeal, appeal fee, and cost bond in accordance with this
29 section.

30 b. The notice of appeal must be filed with the municipal clerk on a form
31 prescribed by the Municipality and must contain detailed and specific
32 allegations of error. If the appellant is not the applicant, the appellant
33 shall, within three days after filing the notice of appeal, serve a copy
34 of the notice of appeal on the applicant by certified mail to the
35 applicant's last known address. Proof the notice was served shall be
36 provided to the municipal clerk.

37 c. The appellant shall pay an appeal fee as provided in a fee schedule
38 to be approved by the Assembly. In addition, the appellant shall file a
39 cost bond equal to the estimated cost of preparation of the record.
40 Following completion of the record, the actual cost thereof shall be
41 paid by the appellant. All costs and fees shall be returned to the
42 appellant if the decision of the lower body is reversed in whole or in
43 part.

1 commission recording secretary and shall pay the cost of such
2 preparation. The appellant shall file the transcript with the municipal
3 clerk. If the appellant fails to file the transcript within 30 days of the
4 filing of the notice of appeal, the appeal shall be automatically denied.

- 5 c. Upon completion of the record, the municipal clerk shall notify the
6 appellant by certified mail of the cost of its preparation. If the
7 appellant fails to pay the costs within seven days of receiving the
8 notice, the appeal shall be automatically denied. Upon timely
9 payment of costs, the municipal clerk shall, by certified mail, serve a
10 copy of the record on the appellant. The municipal clerk shall also
11 notify by certified mail the appellees who have filed a notice of intent
12 to file a brief that the record is available for pickup. Upon request, the
13 municipal clerk shall provide a copy of the record to an appellee or
14 the public. A copying cost for the record will be charged as set out in
15 AMCR 3.90.002. The appellee shall also be charged any mailing
16 costs, including the cost of mailing the notice of record availability.

17 **7. Written Arguments**

18 a. ***Brief of Appellant***

19 The appellant to the Board of Adjustment may file a written brief of
20 points and authorities in support of those allegations of error specified
21 in the notice of appeal with the municipal clerk's office not later than
22 15 days after service of the appeal record. The municipal clerk shall
23 deliver a copy of the appellant's brief to the municipal staff assigned
24 responsibility for the appeal. The municipal clerk shall also notify by
25 certified mail those appellees who have filed a notice of intent to file a
26 brief that the appellant's brief is available for pickup. Upon request,
27 the municipal clerk shall provide a copy of the appellant's brief to
28 appellees, who shall be charged copying costs as provided in AMCR
29 3.90.002 and any mailing costs applicable.

30 b. ***Brief of Appellee***

31 An appellee who has filed a notice of intent to file a brief may also file
32 with the municipal clerk's office a written reply to the notice of points
33 on appeal and any brief in support thereof no later than 30 days after
34 the service of the appeal record. The municipal clerk shall notify the
35 appellant by certified mail that appellee briefs have been filed. The
36 municipal staff may, with the approval of the Director of the Office of
37 Economic and Community Development, prepare and submit to the
38 municipal clerk a written reply to the notice of appeal and any brief in
39 support thereof no later than 30 days after service of the appeal
40 record.

41 c. ***Reply Brief***

42 An appellant may file a written reply brief to appellee briefs submitted
43 pursuant to subsection b. of this section. The appellant's reply brief is
44 due no later than ten days after service of notice that the appellee
45 briefs have been filed.

46 d. ***Timing of Briefs***

47 If a brief is not filed within the time prescribed by the User's Guide,
48 the municipal clerk shall notify the Board of Adjustment that the brief

1 was filed late. The Board shall determine whether to accept a late
2 brief and whether to allow additional time for any qualified opposing
3 party to file reply or rebuttal briefs if allowed.

4 **e. Form of Briefs**

5 All briefs shall be prepared to specifications set forth in the Title 21
6 User's Guide. The municipal clerk shall not accept a brief unless it is
7 in the form prescribed by the User's Guide.

8 **8. Appeal Packet; Notice of Hearing**

9 Following the time set for the receipt of written argument from the appellant,
10 the appellee, and the municipal staff under this subsection, the municipal
11 clerk shall prepare and distribute to the members of the Board of Adjustment
12 an appeal packet containing only the notice of appeal, the appeal record and
13 any briefs filed in accordance with subsection 7. above. Following distribution
14 of the packets, a date shall be set for consideration of the appeal. Notice of
15 consideration on the appeal shall be published in a newspaper of general
16 circulation and shall be served by mail on the appellant and those appellees
17 who have submitted briefs. Appeal packets shall be made available to the
18 public upon demand with costs payable by the public as provided in AMCR
19 3.90.002.

20 **9. Conduct of Hearing**

21 **a.** The meeting at which the Board of Adjustment deliberates and
22 decides an appeal shall be open to the public and a record of the
23 hearing shall be made.

24 **b.** The Board of Adjustment shall not hear argument nor take additional
25 testimony or other evidence. The Board of Adjustment may consider
26 only the material contained in the appeal packet.⁹⁵

27 **10. Scope of Review**

28 **a.** The Board of Adjustment shall hear an appeal solely on the basis of
29 the record established before the lower administrative body, the
30 notice of appeal, the appellant's argument, and the reply to that
31 argument.

32 **b.** The Board of Adjustment may exercise its independent judgment on
33 legal issues raised by the appellant. The term "legal issues," as used
34 in this section, means those matters that relate to the interpretation or
35 construction of ordinances or other provisions of law.

36 **c.** The Board of Adjustment shall, unless it substitutes its independent
37 judgment pursuant to subsection d. below, defer to the judgment of
38 the lower administrative body regarding disputed issues or findings of
39 fact. Findings of fact adopted expressly or by necessary implication
40 by the lower administrative body may be considered as true if they
41 are supported in the record by substantial evidence. The term
42 "substantial evidence," for the purpose of this section, means such
43 relevant evidence as a reasonable mind might accept as adequate to
44 support a conclusion. If the record affords a substantial basis of fact
45 from which the fact in issue may be reasonably inferred, it shall be
46 considered that the fact is supported by substantial evidence.

1 d. Notwithstanding the provisions of subsection c. above, the Board of
2 Adjustment may, by an affirmative vote of two-thirds of the fully
3 constituted board, substitute its independent judgment for that of the
4 lower administrative body on any disputed issues or findings of fact.
5 Such judgment must be supported on the record by substantial
6 evidence. For the purpose of this subsection, the fully constituted
7 Board of Adjustment shall not include those members who do not
8 participate in the appeal.

9 **11. Decision**

10 a. The Board of Adjustment may affirm or reverse the decision of the
11 lower administrative body in whole or in part. It shall decide an
12 appeal on the basis of the record on appeal and the briefs of the
13 parties to the appeal. A majority vote of the fully constituted board is
14 required to reverse or modify the decision appealed from. For the
15 purpose of this section, the fully constituted board shall not include
16 those members who do not participate in the proceedings. A decision
17 reversing or modifying the decision appealed from shall be in a form
18 which finally disposes of the case on appeal except where the case is
19 remanded in accordance with subsection 12.a. below.

20 b. Every decision of the Board of Adjustment to affirm or reverse the
21 decision of the lower administrative body pursuant to subsection a. of
22 this section shall be based upon and include written findings and
23 conclusions adopted by the Board. Such findings must be reasonably
24 specific so as to provide the community, and, where appropriate,
25 reviewing authorities, a clear and precise understanding of the reason
26 for the Board's decision. The Board may seek the assistance of the
27 municipal staff in the preparation of findings.

28 c. Every final decision of the Board of Adjustment shall clearly state on
29 its face it is a final decision with respect to all issues involved in the
30 case, and that the parties have 30 days from the date of mailing, or
31 other distribution of the decision, to file an appeal to the superior
32 court.

33 **12. Remand⁹⁶**

34 a. Where the Board of Adjustment reverses or modifies a decision of the
35 lower administrative body in whole or in part, its decision shall finally
36 dispose of the matter on appeal, except that the case shall be
37 remanded to the lower body where the Board of Adjustment
38 determines either that:

39 i. There is insufficient evidence in the record on an issue
40 material to the decision of the case; or

41 ii. There has been a substantial procedural error that requires
42 further public hearing.

43 A decision remanding a case shall describe any issue upon which
44 further evidence should be taken, and shall set forth any further
45 directions the Board deems appropriate for the guidance of the lower
46 administrative body.

- 1 b. The lower administrative body shall act on the case upon remand in
2 accordance with the decision of the Board of Adjustment in the
3 minimum time allowed by the circumstances. Cases on remand
4 following a decision of the Board shall take precedence over all other
5 matters on the agenda of the lower administrative body.
- 6 c. A Board of Adjustment decision remanding a case on one or more
7 issues is not a final decision with respect to any issues involved in the
8 appeal. The Board of Adjustment's decision remanding the case
9 shall be the final decision with respect to all matters affirmed by the
10 Board of Adjustment's decision, when, following the lower
11 administrative body's decision on remand, no appeal is perfected
12 within the period specified in subsection 21.03.200A.4.
- 13 d. A Board of Adjustment decision remanding a case on one or more
14 issues shall state that the decision is the final decision with respect to
15 all matters affirmed therein when, following the lower administrative
16 body's decision on remand, no appeal is perfected within the time
17 period specified in section 21.03.200A.4., and shall also state the
18 parties have 30 days from the expiration of said period to appeal to
19 the superior court.

20 **B. Appeals to Zoning Board of Examiners and Appeals**

- 21 1. **Jurisdiction of Board⁹⁷**
22 The Zoning Board of Examiners and Appeals shall hear appeals from
23 decisions of the municipal staff regarding:
- 24 i. Enforcement orders issued under chapter 21.10,
25 *Enforcement.*
- 26 ii. Denial of an application for a flood hazard permit under
27 section 21.03.100.
- 28 iii. Denial of an application for a building or land use permit when
29 such denial is based on the requirements of this title.⁹⁸
- 30 iv. Denial of an application for a sign permit when such denial is
31 based on the requirements of this title.
- 32 v. Denial of a minor modification under section 21.03.190.
- 33 vi. Denial of a Verification of Legal Nonconforming Status under
34 section 21.03.170.
- 35 vii. Denial of or imposition of conditions on a certificate under
36 section 21.11.030.
- 37 viii. Interpretation of zoning district boundaries under
38 21.01.050.C, *Interpretation of District Boundaries.*
- 39 ix. Denial of a certificate of zoning compliance.⁹⁹

- 1 x. Denial of a temporary use permit.
- 2 xi. Interpretation of general definitions and use definitions.
- 3 xii. Other appeals as provided by law.
- 4 **2. Initiation of Appeal¹⁰⁰**
- 5 Appeals to the Zoning Board of Examiners and Appeals may be brought by
- 6 any party of interest for the application. For purposes of this section, “parties
- 7 of interest” for a particular application shall include the applicant, the owner of
- 8 the subject property, the owner of property within the notification area for the
- 9 subject application, and anyone who presented oral or written testimony at a
- 10 public hearing on the application.
- 11 **3. Time Limit for Filing; Notice of Appeal; Appeal Fee**
- 12 a. An appeal of an administrative decision to the Zoning Board of
- 13 Examiners and Appeals, as set out in subsection 1. above, must be
- 14 filed no later than 20 days after written notification of the decision.¹⁰¹
- 15 b. Notice of appeal must be filed with the municipal clerk on a form
- 16 prescribed by the Municipality and must contain detailed and specific
- 17 allegations of error.
- 18 c. The appellant shall pay an appeal fee as set by the Assembly, which
- 19 shall accompany the filing of the notice of appeal. All fees shall be
- 20 returned to the appellant if the decision of the lower administrative
- 21 body is reversed in whole, and one-half of the fee shall be returned if
- 22 the decision is reversed in part.
- 23 **4. Scope of Review**
- 24 The Zoning Board of Examiners and Appeals shall conduct a full evidentiary
- 25 hearing on an appeal and make its decision on the basis of this title, the
- 26 evidence, and the argument presented.
- 27 **5. Hearing**
- 28 a. An appeal hearing shall be held within 60 days of the filing of a proper
- 29 notice of appeal. The hearing is open to the public, but the public
- 30 may not comment.
- 31 b. Notice of the appeal hearing shall be published in a newspaper of
- 32 general circulation at least 14 days prior to the hearing, and, in
- 33 addition, the appellant shall be sent a notice by mail at least 14 days
- 34 prior to the hearing.
- 35 c. The Zoning Board of Examiners and Appeals may prescribe rules of
- 36 procedure for additional notification in cases where a decision of the
- 37 Board would have a substantial effect on the surrounding
- 38 neighborhood.
- 39 **6. Decision**
- 40 a. The Zoning Board of Examiners and Appeals may affirm or reverse
- 41 the decision of the administrative official in whole or in part. It shall
- 42 require a majority of the fully constituted board, minus those members

1 with conflicts of interest, to disturb the decision appealed from. For
2 the purpose of this section, the fully constituted board shall not
3 include those members who disqualify themselves in accordance with
4 subsection 21.02.020C.6.

5 b. Every decision of the Zoning Board of Examiners and Appeals to
6 affirm or reverse an administrative action shall be in writing and based
7 on and include written findings and conclusions adopted by the
8 Board. Such findings must be reasonably specific so as to provide
9 the community and, where appropriate, reviewing authorities, with a
10 clear and precise understanding of the reasons for the Board's
11 decision.

12 c. Every final decision of the Zoning Board of Examiners and Appeals
13 shall clearly state it is a final decision and that the parties have 30
14 days from the date of mailing, or other distribution of the decision to
15 file an appeal to the superior court.

16 **C. Judicial Appeals**

17 **1. Judicial Review Authorized**

18 In accordance with Appellate Rule 601 et seq., of the Alaska Rules of Court, a
19 municipal officer, a taxpayer, or a person jointly or severally aggrieved may
20 appeal to the superior court:

21 a. A final decision of the Board of Adjustment on an appeal from a
22 decision regarding the approval or denial of an application for concept
23 or final approval of a conditional use.

24 b. A final decision of the Board of Adjustment on an appeal from the
25 Platting Board regarding an application for a subdivision.

26 c. A final decision of the Zoning Board of Examiners and Appeals.

27 d. Any final action or decision under this title that is appealable to the
28 superior court under the Alaska Rules of Court and/or laws of the
29 State of Alaska.

30 **21.03.210 USE CLASSIFICATION REQUESTS**

31 **A. Purpose and Applicability**

32 1. The use classifications set forth and defined in chapter 21.05, *Use*
33 *Regulations*, describe one or more uses having similar characteristics, but do
34 not list every use or activity that may fall within the classification. This section
35 shall be used to determine all questions or disputes whether a specific use is
36 deemed to be within a use classification permitted in a zoning district.

37 2. The provisions of this section shall not apply to permit any specific use that is
38 expressly prohibited in a zoning district.

1 **B. Procedures for Use Classification Request**

2 The procedure for an application to determine a use classification shall be as follows:

3 **1. Application Submission and Review**

4 An application for a use classification shall be submitted to the Director.
5 Within 30 days from the date a complete application is submitted, the Director
6 shall review the application according to the standards set forth in this section;
7 consult with the Municipal Attorney and other staff, as necessary; and make a
8 final determination as to whether the subject use shall be deemed to be within
9 a use classification set forth in this title and whether such use shall be allowed
10 in the applicable zoning district.

11 **2. Appeals**

12 Appeals from the Director's determination on a use classification request shall
13 be made to the Zoning Board of Examiners and Appeals, pursuant to section
14 21.03.200.B.

15 **3. Form of Determination**

16 All final determinations by the Director shall be provided to the applicant in
17 writing and shall be filed in the official record of use classification
18 determinations.

19 **C. Standards for Review**

20 In evaluating a use classification request, the Director shall consider whether the
21 proposed use has an impact that is similar in nature, function, and duration to the
22 other uses allowed in a specific zoning district. The Director shall give due
23 consideration to the intent of this title concerning the district(s) involved, the character
24 of the uses specifically identified, and the character of the use(s) in question. The
25 Director shall assess all relevant characteristics of the proposed use, including but not
26 limited to the following:

27 **1.** The primary activity of the establishment and its relationship to existing use
28 categories and use types. The primary activity may be the principal product
29 or group of products produced or distributed, or services rendered. It may be
30 the share of production costs, capital investment, revenue, shipments, or
31 employment, if evaluating the relative significance of multiple activities;

32 **2.** The volume and type of sales (retail or wholesale) on the premises, and the
33 size and type of items sold and nature of inventory on the premises;

34 **3.** Any processing done on the premises, including assembly, manufacturing,
35 final production, warehousing, shipping, and distribution;

36 **4.** Any dangerous, hazardous, toxic, or explosive materials used in the
37 processing on the premises;

38 **5.** The nature and location of storage and outdoor display of merchandise
39 (enclosed, open, inside or outside the principal building); and predominant
40 types of items stored (such as business vehicles, work-in-process, inventory,
41 and merchandise, construction materials, scrap and junk, and raw materials
42 including liquids and powders);

- 1 6. The type, size, height, and nature of buildings and structures;
- 2 7. The number and density of employees and customers per unit area of site in
- 3 relation to business hours and employment shifts;
- 4 8. Transportation requirements, including the modal split for people and freight,
- 5 by volume type and characteristic of traffic generation to and from the site, trip
- 6 purposes and whether trip purposes can be shared by other uses on the site;
- 7 9. Parking requirements, turnover and generation, ratio of the number of spaces
- 8 required per unit area or activity, and the potential for shared parking with
- 9 other uses;
- 10 10. The amount and nature of any nuisances generated on the premises,
- 11 including but not limited to noise, smoke, odor, glare, vibration, radiation and
- 12 fumes;
- 13 11. Any special public utility requirements for serving the proposed use, including
- 14 but not limited to water supply, waste water output, pre-treatment of wastes
- 15 and emissions required or recommended, and any significant power
- 16 structures and communications towers or facilities; and
- 17 12. The impact on adjacent properties created by the proposed use will not be
- 18 greater than that of other uses in the zoning district.

19 **D. Effects of Findings by the Director**

- 20 1. **Typical Uses: Amendment to this Title**
- 21 If the Director finds that the particular use or category of use(s) that was the
- 22 subject of the use classification request is likely to be common or to recur
- 23 frequently, or that omission from this title is likely to lead to public uncertainty
- 24 and confusion, the Director shall initiate an amendment to this title under
- 25 section 21.03.040, *Amendments to Text of Title 21*. Until final action has
- 26 been taken on such a proposed amendment, the determination of the Director
- 27 shall be binding on all officers and departments of the Municipality.
- 28 2. **Atypical Uses: Determination Binding**
- 29 If the Director finds that the particular use or category of use(s) that was the
- 30 subject of the use classification request is of an unusual or transitory nature,
- 31 or is unlikely to recur frequently, the Director may approve the use without
- 32 initiating an amendment to this title. However, the Director's determination
- 33 shall thereafter be binding on all officers and departments of the Municipality,
- 34 3. **Zoning Board Review of Findings by the Director; Effectiveness of the**
- 35 **Director's Findings**
- 36 a. The Director shall, on a monthly basis, forward his or her findings
- 37 regarding unlisted uses to the Zoning Board of Examiners and
- 38 Appeals for review and ratification. Until the Zoning Board has
- 39 reviewed the Director's findings regarding an unlisted use, the
- 40 determination of the Director shall be binding on all officers and
- 41 departments of the Municipality.¹⁰²

1 b. If the Zoning Board ratifies the Director's findings regarding an
2 unlisted use, the determination of the Director shall continue to be
3 binding on all officers and departments of the Municipality.

4 c. If the Zoning Board does not ratify the Director's findings regarding an
5 unlisted use, such use shall be deemed to be prohibited in the
6 specified zoning district(s), and any use for which actual construction
7 (as defined in chapter 21.13) was lawfully begun under a finding by
8 the Director shall be considered a nonconforming use.

9 **E. Official Record of Use Classification Determinations**

10 An official record of use classification determinations and related Zoning Board
11 actions shall be kept on file in the Department and shall be available for public
12 inspection in the Department during normal business hours.

13 **21.03.220 ASSEMBLY ALCOHOL APPROVAL¹⁰³**

14 **A. Applicability**

15 Any use that includes the retail sale of alcoholic beverages is subject to the review
16 process set forth in this section. This process shall apply to such a use regardless of
17 whether it is listed in the use table in section 21.05.010 as being permitted as a matter
18 of right or subject to site plan review or the conditional use process. The applicant
19 shall be required to obtain approval through both the process in this section and the
20 separate process referenced in the use table.

21 **B. General Standards**

22 The following provisions apply to all uses, in all districts, involving the retail sale,
23 dispensing, or service of alcoholic beverages including, but not limited to, liquor
24 stores, restaurants, bars or taverns, dinner theaters, movie theaters, brew pubs,
25 tearooms, and cafes.

26 1. Any use, whether principal or accessory, involving the retail sale or
27 dispensing of alcoholic beverages is permitted only by approval of the
28 Assembly under this section. This requirement applies only to the retail sale
29 or dispensing of alcoholic beverages and not to related principal or accessory
30 uses.

31 2. Notwithstanding any other provision of this title to the contrary, an approval for
32 uses involving the retail sale of alcoholic beverages shall only require the
33 approval of the Assembly.

34 **C. Application and Review Procedure**

35 1. **Submission**

36 Applications for Assembly alcohol approval shall be submitted to the
37 Department within seven days after application is made to the state Alcoholic
38 Beverage Control Board for issue or transfer of location of a liquor license.
39 Applications shall contain a zoning map showing the proposed location. The
40 Assembly may promulgate regulations concerning the mandatory information
41 to be submitted with the application for conditional use.

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2. **Department Report**
The Department shall prepare and submit a report and a list of all licenses located within a minimum of 1,000 feet of the proposed use to the Assembly, and shall address the conformity of the proposed application with this title and AMC chapter 10.50. The Department shall also submit a proposed resolution for Assembly consideration in connection with liquor license applications.
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3. **Notice¹⁰⁴**
Notice of hearings required under this section shall mailed, published, and posted in accordance with section 21.03.020, *Notice*.
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4. **Assembly Action**
The Assembly shall approve, approve conditionally, or deny the application. In considering action, the Assembly shall apply the criteria set forth in this title for conditional uses in section 21.03.070E., *Approval Criteria*. The Assembly shall not take into consideration the sum paid by any person to acquire the license for which a permit is requested.
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5. **Conditions on Approval**
- a. The Assembly may, in connection with an approval under this section, impose such special terms and conditions or modify existing conditions governing operation of that license as are in the public interest, and are consistent with the purposes of this title.
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- b. Conditions of approvals under this section are enforceable under the provisions of this title. The Assembly may revoke such an approval for failure to comply with conditions of the permit, provided a public hearing with notice to the owner affected is first held.
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- c. A copy of the conditions imposed by the Assembly in connection with approval under this section shall be maintained on the premises involved at a location visible to the public.
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6. **Effect of Denial**
An application for approval under this section that has been denied by the Assembly shall not be accepted for rehearing for a period of one year following such denial if the Director finds the proposed application is substantially the same as that denied by the Assembly and if no substantially new evidence or change in circumstances has occurred. This paragraph shall not apply to applications on file as of May 31, 1983. This paragraph shall not apply to an application filed under Assembly direction at a hearing at which a like application was considered. This paragraph does not apply if the alcoholic beverage control board remands a case that was previously denied by the Assembly.
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7. **Expiration¹⁰⁵**
When a permit granted by the Assembly under this section has not been in operation for a period of 60 days, the permit shall be deemed to have expired.

1 **21.03.230 ADMINISTRATIVE PERMITS¹⁰⁶**

2 **A. Applicability**

3 It shall be a violation of law for any person to engage in a land use for which an
4 administrative permit is required by this title without first obtaining such a permit.

5 **B. Administrative Permits**

6 A permit issued pursuant to this section shall be valid between January 1 or the date
7 of issuance and December 31 of the year in which it is issued. An application for
8 renewal of a permit shall be submitted in the same manner as the original application
9 and no later than December 1 immediately preceding the expiration date of that
10 permit.

11 **C. Regulations**

12 The Director may promulgate regulations to implement this section, as provided in
13 AMC chapter 3.40.

14 **21.03.240 MASTER PLANNING¹⁰⁷**

15 **A. Area Master Planning**

16 **1. Purpose**

17 An area master plan is intended to facilitate the planned development of large
18 tracts of land under unified ownership or control, prior to subdivision or
19 development of entire tracts or parcels within large tracts, in order to provide
20 for land use compatibility and development responding to site-specific
21 environmental constraints and opportunities. The area master plan shall
22 establish the general arrangement of land uses, circulation and infrastructure
23 systems for the identified development areas.

24 **2. Applicability**

25 **a. *Mandatory: Girdwood***

26 An area master plan review is required prior to development in any of
27 the following Girdwood zoning districts: GR-3, GC-5, GRST-2, GCR-
28 1, GCR-2, GCR-3, GDR-1, GDR-2, GDR-3, GRR.

29 **b. *Optional***

30 In addition to the criteria listed above, any other area in joint or single
31 ownership may opt to use the area master plan process on a
32 voluntary basis.

33 **3. Procedures**

34 **a. *Pre-Application Conference***

35 Before filing an application, an applicant shall request a pre-
36 application conference with the Director.

37 **b. *Community Meeting***

38 A community meeting may be required.

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- c. **Initiation**
An application for approval of an area master plan shall be initiated by the owner of the property.
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- d. **Application Filing**
Applications for approval of an area master plan shall be submitted to the Director and shall contain all information and supporting materials specified in subsection e., below.
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- e. **Submittal Requirements**
Submittal requirements are set out below, and shall be in either narrative or illustrative form. The Director may waive submittal requirements not relevant to the proposed area master plan. The Planning and Zoning Commission and/or the Director may require the submission of other information as may be necessary for the informed exercise of judgment under the criteria for the review of the plan, as set out in subsection 4., below.
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- i. The legal description, boundaries, and acreage of the petition area;
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- ii. The present land use classification of the petition area and abutting property;
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- iii. The current use, if any, of the petition area and abutting property, including roads, utilities, drainage systems, trails, parks, parking areas, and any structures;
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- iv. The general topography of the petition area (contours lines shall be shown at intervals of ten (10) feet or less), including any unique natural or historical features;
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- v. A general description of the existing vegetation and soils in the petition area;
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- vi. The location of streams, waterbodies, wetlands, drainage courses, and flood plains;
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- vii. The planning objectives and design considerations used to determine the use and configuration of the proposed development;
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- viii. A conceptual site plan showing the various existing and proposed types of land uses, depicting the relationship to each other and to surrounding uses, proposed acreage, character, and densities/intensity of development for each type of use, and proposed open spaces. The site plan shall be in the form of a "bubble map" locating these "development areas" and other required elements in an approximate fashion;
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- ix. A general description of the traffic and pedestrian circulation system proposed for the petition area, showing connections

- 1 between land uses, neighborhoods, and proposed public
2 schools, parks, open space areas, and trails/bikeways;
- 3 x. A general description of the utility system layout;
- 4 xi. An explanation of any unique features of the proposed
5 development;
- 6 xii. A general development schedule and phasing plan, if any,
7 and approximate date for commencement of construction;
8 and
- 9 xiii. If the petition area contains wetlands designated in the
10 Anchorage Wetlands Management Plan, the applicant shall
11 submit:
- 12 (A) A wetlands delineation study based on the evaluation
13 techniques contained in the Corp of Engineers Wetlands
14 Delineation Manual;
- 15 (B) Hydrologic information specifying the quality, amount
16 and direction of flow of surface and subsurface water, as
17 well as information on the drainage impacts of the
18 development on adjacent property;
- 19 (C) Vegetation information indicating the distribution of
20 wetland, coniferous and deciduous species; and
- 21 (D) Habitat information on the type, number, and species of
22 animals, including birds.
- 23 f. **Director Review, Report, and Recommendation**
24 The Director shall review the proposed area master plan in light of the
25 approval criteria of subsection 4., below, and shall distribute the
26 application to other reviewers as necessary. Based on the results of
27 the reviews, the Director shall provide a report and recommendation
28 to the Planning and Zoning Commission.
- 29 g. **Public Hearing**
30 Published, written, and posted notice of public hearings on area
31 master plans shall be provided in accordance with section 21.15.005.
- 32 h. **Review and Action by Planning and Zoning Commission**
33 The Planning and Zoning Commission shall hold a public hearing on
34 the proposed area master plan and, at the close of the hearing, act to
35 approve the plan as submitted, approve the plan subject to conditions
36 or modifications, remand the plan to the applicant for modifications, or
37 deny the plan, based on the approval criteria of subsection 4., below.
- 38 4. **Approval Criteria**
39 An area master plan may be approved if the Planning and Zoning
40 Commission finds all of the following criteria have been met:

- 1 a. The area master plan substantially conforms to the principles and
2 objectives of the Comprehensive Plan, any approved neighborhood,
3 district, or area plans, and the general purposes of this title as stated
4 in section 21.01.030;
- 5 b. The streets, roads, and other transportation elements are in
6 conformance with applicable transportation plans;
- 7 c. The development has no substantial adverse fiscal impact on the
8 Municipality;
- 9 d. The development provides significant community benefits in terms of
10 design, community facilities, open space, and other community
11 amenities;
- 12 e. The development is compatible with the character of the surrounding
13 area and minimizes any potential adverse impacts to surrounding
14 areas to the maximum extent feasible; and
- 15 f. Sufficient public safety, transportation, and utility facilities and
16 services are available to serve the subject property at the proposed
17 level of development, while maintaining sufficient levels of service to
18 existing and anticipated development in surrounding areas.

19 **5. Effect of Area Master Plan Approval**
20 No development rights are granted by the approval of an area master plan.
21 An approved area master plan allows the applicant to file applications for
22 development within the plan area including, but not limited to, site plans,
23 conditional use permits, or preliminary subdivision plans. An approved area
24 master plan also creates a presumption that design density, uses, and site
25 layout set forth in the plan are acceptable to the municipality, subject to
26 further review and application of relevant regulations in the review of
27 subsequent applications. However, approval of the area master plan shall not
28 guarantee such density and uses are attainable.

29 **6. Modification of Area Master Plan Approval**
30 a. **Modification without Public Hearing**
31 By request of the applicant or subsequent landowner, an approved
32 area master plan may be modified by the Planning and Zoning
33 Commission, without a public hearing, if the modification proposes:
34 i. A change to the development schedule or phasing plan of not
35 more than seven (7) years (applicable only if a development
36 master plan is not also required);
37 ii. Changes of ten percent (10%) or less to the number of
38 dwelling units or the total combined floor area of commercial
39 and industrial uses;
40 iii. A shift between development areas of ten percent (10%) or
41 less of the number of dwelling units or the total combined
42 floor area of commercial and industrial uses;

- iii. A change to the acreage of any development area of twenty-five percent (25%) or more; or
- iv. A change the Planning and Zoning Commission determines substantially changes the types of uses, the intensity of use, or the area of the area master plan.

7. Abandonment of Area Master Plan

An area master plan approval shall expire if:

- a. Implementation of the area master plan schedule is delayed for more than seven (7) years without a request for a schedule modification as outlined in subsections 6.a. or 6.b. (applicable only if a development master plan is not also required); or
- b. The property owner notifies the Planning and Zoning Commission of the abandonment of the area master plan approval.

B. Development Master Planning

1. Purpose

A development master plan is intended to shape and manage future growth of a site and provide certainty to the community by stating a clearly articulated vision for the character, layout, and design of the development of the site. At a minimum, the development master plan shall establish specific circulation systems; specific land uses; site dimensional, design, and development standards; and building design standards for the identified development areas. The intent of this process is for master planned areas to result in development meeting or exceeding the standards of this chapter, reflecting the character of the community and the purposes title 21.

2. Applicability

a. *Mandatory: Girdwood*

An approved development master plan is required prior to development in any of the following Girdwood zoning districts: GC-1, GRST-1, GRST-2; GCR-1, GCR-2, GCR-3.

b. *Optional*

A development master plan may be developed through this process for any multi-building development within the Municipality.

3. Procedures

a. *Pre-Application Conference*

Before filing and application, an applicant shall request a pre-application conference with the Director.

b. *Community Meeting*

A community meeting may be required.

c. *Initiation*

An application for approval of a development master plan shall be initiated by the owner of the subject property.

- 1 **d. Application**
2 Applications for approval of a development master plan shall be
3 submitted to the Director and shall contain all information and
4 supporting materials specified in subsection e., below.
- 5 **e. Submittal Requirements**
6 The design standards proposed in the development master plan may
7 differ from the standards of sections 21.07, but shall meet or exceed
8 those standards, as described in subsection 4.g., below.
- 9 Submittal requirements are listed below and shall be in either
10 narrative or illustrative form. The Director may waive submittal
11 requirements not relevant to the proposed development. The
12 Planning and Zoning Commission and/or the Director may require the
13 submission of other information as necessary for the informed
14 exercise of judgment under the criteria for the review of the plan, as
15 set out in subsection 4., below.
- 16 **i.** The legal description, acreage, and boundaries of the
17 proposed petition area and a depiction of the area
18 surrounding the petition area;
- 19 **ii.** A site plan of any existing development, including buildings,
20 roads, utilities, drainage systems, trails, and a general
21 description of existing vegetation;
- 22 **iii.** The topography of the petition area, with contours lines
23 shown at intervals of four (4) feet or less, including any
24 unique natural or historical features;
- 25 **iv.** The location of existing streams, waterbodies, wetlands,
26 drainage courses, and flood plains;
- 27 **v.** A grading plan;
- 28 **vi.** A proposed site plan, showing roads, trails, building locations
29 and uses, parking areas, open space, and any other
30 proposed development. The site plan shall include the total
31 number and type of dwelling units, and the total combined
32 floor area of commercial and industrial uses;
- 33 **vii.** A landscape plan, including vegetation retention areas;
- 34 **viii.** Floor plans, building elevations, and renderings for all
35 buildings;
- 36 **ix.** Road cross-sections;
- 37 **x.** Details of any other development proposed; and
- 38 **xi.** An implementation schedule.

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- f. **Director Review, Report, and Recommendation**
The Director shall review the proposed development master plan in light of the approval criteria of subsection 4., below, and shall distribute the application to other reviewers as necessary. Based on the results of the reviews, the Director shall provide a report and recommendation to the Planning and Zoning Commission.
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- g. **Public Hearing**
Published, written, and posted notice of public hearings on development master plans shall be provided in accordance with section 21.15.005.
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- h. **Review and Action by Planning and Zoning Commission**
The Planning and Zoning Commission shall hold a public hearing on the proposed development master plan and, at the close of the hearing, act to approve the plan as submitted, approve the plan subject to conditions or modifications, remand the plan to the applicant for modifications, or deny the plan, based on the approval criteria of subsection 4., below.
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4. **Approval Criteria**
A development master plan may be approved if the Planning and Zoning Commission finds all of the following criteria have been met:
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- a. The development master plan substantially conforms to the principles and objectives of the Comprehensive Plan, any approved neighborhood, district, or area plans, and the general purposes of this title, as stated in section 21.01.030;
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- b. The streets, roads, and other transportation elements are in conformance with applicable transportation plans;
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- c. The development has no substantial adverse fiscal impact on the Municipality.
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- d. The development provides significant community benefits in terms of design, community facilities, open space, and other community amenities.
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- e. The development minimizes any potential adverse impacts to surrounding residential areas to the maximum extent feasible.
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- f. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property at the proposed level of development, while maintaining sufficient levels of service to existing and anticipated development in the surrounding areas.
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- g. The design standards are equivalent to or exceed the generally applicable development standards of sections 21.07, and result in high-quality development in keeping with the Comprehensive Plan and the intent of this title.

1 **5. Modification of Development Master Plan**

2 The Planning and Zoning Commission shall determine whether a proposed
3 modification to an approved development master plan may be approved
4 without a public hearing, may be approved with a public hearing, or is
5 significant enough to require a new development master plan.

6 **6. Abandonment of Development Master Plan**

7 A development master plan approval shall expire if:

- 8 a. Implementation of the development master plan schedule is delayed
9 for more than seven (7) years without a request for a schedule
10 modification as outlined in section 5.; or
- 11 b. The property owner notifies the Planning and Zoning Commission of
12 the abandonment of the development master plan.

13 **C. Institutional Master Plan Review**

14 **1. Purpose**

15 The Institutional Master Plan review process provides a framework for
16 development of large institutions such as hospitals and universities, which
17 control large land areas within the Municipality, contain a much greater
18 density of development than surrounding areas, are a source of substantial
19 employment, and are usually located next to residential neighborhoods and
20 other densely developed areas. An Institutional Master Plan is intended to
21 permit flexibility for a large institution to have greater control over its own lot-
22 by-lot land use decisions, while providing a level of understanding to the
23 surrounding community about the potential growth of the institution and the
24 resultant impacts. The process is specifically intended to:

- 25 a. Protect the integrity of adjacent neighborhoods by addressing the
26 impacts of institutional development on adjacent areas;
- 27 b. Provide a growing and continuing source of employment for the
28 Municipality that is easily accessible and well-integrated with
29 surrounding neighborhoods and the local transportation system;
- 30 c. Create attractive and efficient urban areas that incorporate a high
31 level of design and urban amenities;
- 32 d. Protect sensitive portions of the natural and built environment that are
33 potentially affected by institutional development; and
- 34 e. Provide flexibility to institutions to carry out long-range building
35 programs in accord with the institutional mission and objectives.

36 **2. Applicability**

37 An Institutional Master Plan shall be submitted and approved, in accordance
38 with the procedures of this section, prior to any development within the PLI
39 district, except for the following:

- 1 a. No Institutional Master Plan shall be required for interior alterations to
2 an existing building, provided that such project does not involve the
3 establishment or expansion of a commercial use.
- 4 b. Prior to approval of an Institutional Master Plan, the Director may
5 approve minor development projects, which, for purposes of this
6 section, are defined as those that do not result in:
- 7 i. The creation of or the need for additional parking;
- 8 ii. An increase in the number of employees;
- 9 iii. The addition of a total of more than 25,000 square feet of
10 floor area;
- 11 iv. The coverage of a total of more than 25,000 square feet of
12 site area; or
- 13 v. An increase in the height of any structure by more than one
14 story or 14 feet.

15 **3. Institutional Master Plan Requirements**

16 a. ***Planning Area***

17 The Institutional Master Plan shall include all the areas within the PLI
18 district, contiguous properties that are under control of the institution,
19 and properties within [1000] feet of the PLI district.

20 b. ***Submission Requirements***

21 An Institutional Master Plan shall, at a minimum, include the following
22 information unless the Director determines that such information is
23 not necessary to evaluate the proposed Institutional Master Plan and
24 the institution's future impacts on surrounding neighborhoods.
25 Specific requirements for the full Institutional Master Plan shall be
26 determined by the Director following the pre-application conference.

27 i. ***Planning Horizon***

28 The Institutional Master Plan shall cover a period of least 25
29 years, commencing from the date of submission.

30 ii. ***Mission and Objectives***

31 The Institutional Master Plan shall include a statement that
32 defines the organizational mission and objectives of the
33 institution and description of how all development
34 contemplated or defined by the Institutional Master Plan
35 advances the goals and objectives of the institution. The
36 statement should describe the population to be served by the
37 institution and any projected changes in the size or
38 composition of that population. It should also specify any
39 services to be provided to Anchorage residents in adjacent
40 neighborhoods and in other areas of the municipality.

41 iii. ***Existing Property and Uses***

1 The Institutional Master Plan shall include a description of
2 land, buildings, and other structures owned or occupied by
3 the institution as of the date of submission of the Institutional
4 Master Plan. The following information shall be required:

5 (A) Illustrative site plans showing the footprints of each
6 building and structure, together with roads, sidewalks,
7 parking, landscape features and other significant site
8 improvements;

9 (B) Land and building uses;

10 (C) Gross floor area in square feet;

11 (D) Building height in stories and feet; and

12 (E) A description of off-street parking and loading areas and
13 facilities, including a statement of the approximate
14 number of parking spaces in each area or facility.

15 iv. *Needs of the Institution*

16 The Institutional Master Plan shall include a summary and
17 projection of the institution's current and future needs for the
18 following facilities:

19 (A) Academic;

20 (B) Service;

21 (C) Research;

22 (D) Office;

23 (E) Housing;

24 (F) Patient care;

25 (G) Public assembly;

26 (H) Parking; and

27 (I) Other facilities related to the institutional use.

28 v. *Ten-Year Development Envelope*

29 The Institutional Master Plan shall include a description of the
30 envelope within which development will occur in a ten-year
31 time frame. The ten-year development envelope is the
32 maximum amount of development proposed by an institution
33 that can be supported through current impact studies. The
34 intent of this provision is to provide the institution with
35 flexibility regarding the future development potential of its
36 campus, while addressing the potential impacts of that

1 development on the surrounding neighborhoods. The
2 development envelope shall include the following:

- 3 (A) Location of each potential development site;
- 4 (B) Maximum floor area of structures for each potential
5 development site;
- 6 (C) Height of possible structures;
- 7 (D) Required setbacks on each parcel;
- 8 (E) Other factors that may affect the size and form of
9 buildings; and
- 10 (F) Total number and location of parking spaces that will be
11 developed within a ten-year period.

12 vi. *Twenty-five Year Development Sites*

13 The Institutional Master Plan shall include written and graphic
14 materials identifying future development sites beyond those
15 noted in the Ten-Year Development Envelope. This
16 information shall include, at a minimum, the size and location
17 of each parcel that may be developed within a twenty-five
18 year period.

19 vii. *Compliance with Development and Design Standards*

20 The Institutional Master Plan shall demonstrate how all
21 development on the site will achieve compliance with the
22 development and design standards of this Code. The plan
23 shall fully discuss and justify any proposed modification from
24 the requirements of this Code. At a minimum, the following
25 plan elements shall be included.

26 (A) *Transportation and Parking Management Plan*

27 The Institutional Master Plan shall include transportation
28 and parking management plan, based on the results of a
29 transportation study, which identifies any traffic
30 mitigation measures to be employed.

31 (B) *Natural Resource Protection Plan*

32 The Institutional Master Plan shall identify all sensitive
33 natural resources within the Institutional Master Plan
34 area. The Institutional Master Plan shall identify areas of
35 the Institutional Master Plan area which may be subject
36 to the natural resource protection standards of section
37 21.07.020. The plan shall identify the measures that will
38 be used to mitigate impacts for each of these conditions.

39 (C) *Open Space and Pedestrian Circulation Plan*

40 The Institutional Master Plan shall include open space
41 and pedestrian circulation guidelines and objectives,
42 including a description of the circulation system to be

1 provided through the campus, plans for ensuring the
2 accessibility of pedestrian areas and open spaces, and
3 links to surrounding community open space, where
4 appropriate.

5 (D) *Design Guidelines*

6 The Institutional Master Plan shall include design
7 guidelines and objectives for the siting and design of
8 new and renovated buildings, parking lots, and other
9 structures, to assure their compatibility with surrounding
10 neighborhoods and districts, conformity with applicable
11 municipal plans, and to minimize potential adverse
12 impacts on historic structures and historic districts.
13 Urban design guidelines shall include listings of
14 appropriate materials, height, bulk, massing, and colors
15 that will be used to guide the course of proposed and
16 future development.

17 (E) *Neighborhood Protection Strategy*

18 The Institutional Master Plan shall identify standards and
19 programs that will be put in place to ensure that the
20 quality of the surrounding neighborhoods is maintained
21 or enhanced.

22 4. **Procedures**

23 a. ***Pre-Application Conference***

24 Before filing an application, an applicant shall request a pre-
25 application conference with the Director. See section 21.03.0920.B.

26 b. ***Community Meeting***

27 A community meeting may be required. See section 21.03.020.F.

28 c. ***Initiation***

29 An application for approval of an Institutional Master Plan shall be
30 initiated by the owner of the subject property.

31 d. ***Application Filing***

32 Applications for approval of an Institutional Master Plan shall be
33 submitted to the Director and shall contain all information and
34 supporting materials specified in the User's Guide. The Planning and
35 Zoning Commission and/or the Director may require the submission
36 of such other information as may be necessary to permit the informed
37 exercise of judgment under the criteria for the review of the plan, as
38 set out in subsection E. below.

39 e. ***Director Review, Report, and Recommendation***

40 The Director shall review the proposed Institutional Master Plan in
41 light of the approval criteria of subsection E. below and shall distribute
42 the application to other reviewers as deemed necessary. Based on
43 the results of those reviews, the Director shall provide a report and
44 recommendation to the Planning and Zoning Commission.

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- f. **Public Hearings**
Published, written, and posted notice of public hearings on Institutional Master Plans shall be provided in accordance with section 21.03.020.G.
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- g. **Review and Recommendation by Planning and Zoning Commission**
- i. The Planning and Zoning Commission shall hold a public hearing on the proposed Institutional Master Plan and, at the close of the hearing, recommend that the Assembly approve the plan as submitted, approve the plan subject to conditions or modifications, or deny the plan, based on the approval criteria of subsection E. below.
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- ii. If the Planning and Zoning Commission recommends that the Assembly approve a plan as submitted or with conditions or modifications, within 90 days of the Commission's action the Director shall forward the recommendation to the Assembly.
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- iii. If the Planning and Zoning Commission recommends that the Assembly deny a plan, that action is final unless, within 20 days of the Commission's action, the applicant files a written statement with the municipal clerk requesting that the proposed Institutional Master Plan be submitted to the Assembly.
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- h. **Action by Assembly**
The Assembly shall hold a public hearing on the proposed Institutional Master Plan. At the close of the hearing, taking into account the recommendations of the Director and the Planning and Zoning Commission, and based on the approval criteria of subsection E. below, the Assembly shall, within 90 days, approve the plan, approve the plan with modifications or conditions, deny the plan, or refer the plan back to the Planning and Zoning Commission.
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5. **Approval Criteria**
An Institutional Master Plan may be approved only if the Assembly finds that the all of the following criteria have been met:
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- a. The Institutional Master Plan is consistent with the Comprehensive Plan and any adopted neighborhood and area plans;
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- b. The Institutional Master Plan sufficiently demonstrates compliance with all applicable standards of this Code, including the development and design standards of chapter 21.07, or offers justification and alternative measures to ensure that the intent and purposes of this Code are met;
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- c. The Institutional Master Plan mitigates any potential significant adverse impacts to surrounding areas to the maximum extent feasible; and

1 d. Sufficient public safety, transportation, and utility facilities and
2 services are available to serve the subject property at the proposed
3 level of development, while maintaining sufficient levels of service to
4 existing and anticipated development in surrounding areas.

5 **6. Compliance with Institutional Master Plan**

6 a. No [INSERT OPTIONAL LANGUAGE] shall be issued for any project
7 within a PLI district until the Director certifies that the proposed project
8 is consistent with an approved Institutional Master Plan. Such a
9 certification may be found if the proposed project is clearly identified
10 in the approved Institutional Master Plan or if the project may be
11 approved as a minor project as defined in section --- above. A
12 certification of consistency, or finding of inconsistency, or finding of
13 consistency subject to conditions, shall be issued within 45 days of
14 receipt of an application for a building permit, land use permit, or
15 Certificate of Occupancy for the proposed project. All projects,
16 regardless of size, shall meet all standards and guidelines found in
17 the approved Institutional Master Plan before the Director can
18 approve the application for a [INSERT OPTIONAL LANGUAGE]. If
19 not in compliance, the Director shall issue a detailed list of reasons
20 and recommended actions to achieve compliance.

21 i. OPTION 1: Use general language above and insert
22 [preliminary subdivision plan, conditional use permit, or site
23 plan]. This would be the toughest option and would require
24 the most long-term public oversight of the campus
25 development.

26 ii. OPTION 2: Use general language as above and insert
27 [building permit, land use permit, or Certificate of Occupancy].
28 This would be an easier option, still requiring some municipal
29 involvement but probably more by the building department
30 than the planning department.

31 iii. OPTION 3: The institution could establish an internal design
32 review committee to ensure compliance with the plan, and the
33 Director or a designee could be a member to ensure at least
34 municipal oversight of plan compliance.

35 iv. OPTION 4: There would no formal municipal involvement in
36 development on the campus site after approval of the plan.
37 The institution might be required to provide periodic reports
38 (annual?) to the municipality on the status of the
39 implementation of the plan.

40 b. ***Modifications to Approved Institutional Master Plans***
41 [to be drafted]

¹ 2005 NOTE: The procedure for street name alterations has been removed from this 2005 draft. Such a procedure is minor and typically is contained in an internal procedures manual, rather than codified in ordinance form. Also, the Anchorage addressing official recommended removing the procedure from the code.

² 2005 NOTE: Added variances and major site plan reviews to this section.

³ 2005 NOTE: Changed from 50 to 25 percent in the 2005 draft. Comment also applies to the immediate next provision.

⁴ 2005 NOTE: Waiver provision is new in this 2005 draft.

⁵ NOTE: The term "Director" is used throughout this draft to denote the Planning Director or designee. This will be clearly defined in the code. We recommend keeping this term generic to prevent any future changes (in delegation) from requiring a text amendment to this title.

⁶ 2005 NOTE: The ACC requests that a representative of the community council attend the pre-application meeting. We disagree; the community should become involved as part of the community meeting.

⁷ 2005 NOTE: Changed to "checklist" from "report" in this 2005 draft. OLD NOTE: Drafting a written summary of the recommendations that come out of the pre-application conference would be the best way to establish a paper trail for the application, and would provide a good tool for staff to later use to track compliance with staff recommendations. However, staff resources in Anchorage may not be sufficient to fully implement the text as written. An alternative approach would be to redraft the list of topics in this section as "items to be discussed," rather than as items that must be reported on, and not require a formal written report. The disadvantage of this approach would be increased difficulty in tracking the impacts of the meeting on later stages of the project, especially if there is staff turnover.

⁸ NOTE: The Diagnosis and Outline talked about the need to establish clear threshold criteria for Traffic Impact Assessments in the code. Those criteria will be relevant in this section, since projects that require TIAs will not be considered complete unless such assessments are submitted. However, we recommend that the criteria themselves be in the User's Guide and not included in the code, since such thresholds are based on industry standards which can change. The public has indicated a strong desire to have input into the development of specific TIA thresholds.

⁹ NOTE: We strongly urge the inclusion of a time limit on application completeness decisions, to ensure that applications don't get bogged down too early in the process.

¹⁰ 2005 NOTE: Modifications to this section in the 2005 draft.

¹¹ NOTE: As discussed in the Diagnosis and Outline, this is a suggested new mechanism to encourage or require developers to meet with affected property owners prior to developing large new projects. The draft is intended to take advantage of the existing set of community councils.

¹² 2005 NOTE: Further discussion is needed on the applicability of such meetings. Now that the development and design standards have gone through a first draft, there should be a better sense by the public of whether such meetings will be necessary. They add time to the process and thus could in some cases pose a barrier to economic development, and so the net for such meetings should not be cast unnecessarily wide. We recommend further restrictions on the applicability of this requirement, probably by adding size and or location requirements to the conditional use and major site plans required to go through the process.

¹³ 2005 NOTE: There is strong disagreement about whether the MOA or the developer should be responsible for payment of the staff time, if staff is directed to attend the meeting. The current text removes the fee requirement.

¹⁴ NOTE: This section essentially reorganizes the current section 21.15.005, Notice, into new categories. "Constructive notice" is a recommended new section.

¹⁵ NOTE: We will need to continually update this table throughout the drafting process.

¹⁶ NOTE: This is a suggested expansion of the current provision, which keeps the community council notification boundary the same as for individual landowners. The Assembly is expected to take action in July on proposed community council redistricting ordinance AO 2003-75, which includes a similar measure.

¹⁷ NOTE: We heard suggestions that the Director should have the authority to broaden the notice area on a case-by-case basis. This provision, from the existing code, appears to allow just such case-by-case decisions. Is this not sufficient?

¹⁸ NOTE: This is a strong new provision. If the Municipality is uncomfortable applying it across the Board to all types of provisions, then an alternative approach could be to apply it just to rezonings. One of the benefits of this provision, if it is strictly followed and enforced, should be more written documentation for rezonings, or perhaps fewer rezonings.

¹⁹ 2005 NOTE: This section has been significantly streamlined and simplified in the 2005 draft. OLD NOTE: The current Title 21 contains only limited references to how the Comprehensive Plan should be updated or modified – primarily in 21.05.040, "Procedure for modification."

²⁰ NOTE: This is a new procedure. The current Title 21 contains little information on how to amend the text of the ordinance.

²¹ NOTE: In the interest of streamlining code administration and reducing the overall number of public hearings, this section proposes that all text amendments be consolidated and heard twice per year, at a joint hearing of the P&Z and the Assembly.

²² 2005 NOTE: This section rewritten in this draft to contain criteria better suited to text amendments.

²³ NOTE: This section heavily revises the current rezoning procedure (found in the current chapter 21.20). Key revisions include: a new purpose statement, clarification of the process, requirement for written findings in Commission recommendations, suggested new approval criteria, and an overall streamlining of the language. Other specific changes are noted in subsequent notes.

²⁴ NOTE: The Outline talks about a new section of "eligibility criteria" to discourage the high number of rezonings. However, this draft proposes tightening the rezoning process in a slightly different way, through better approval criteria and also through a new requirement of written findings for rezoning decisions.

²⁵ 2005 NOTE: This section revised to include PR and OL, in addition to PLI. An additional exception might be appropriate for the new neighborhood business zone.

²⁶ 2005 NOTE: In the 2005 draft, this language has been changed to clarify when the counting period starts, per a Law Department comment. The timing requirements also have been changed to implement AO 2004-126(s).

²⁷ 2005 NOTE: The criteria have been rewritten in the 2005 draft to focus more on rezoning issues and less on site planning issues.

²⁸ 2005 NOTE: In the 2005 draft, the Boards and Commissions advisory committee requested that this section continue to be carried forward pending further discussion. OLD NOTE: As discussed in the Diagnosis and Outline, the special limitations are the source of some administrative headaches in Anchorage, since a proliferation of special conditions on individual properties makes enforcement quite difficult. Nevertheless, special limitations clearly are part of the administrative culture in the city, and the feedback we got suggests that it may not yet be time to abolish them. We carry them forward in this draft for discussion purposes. We hope, however, that once the new districts and standards are drafted, special limitations will become less necessary and they perhaps can be eliminated in a future draft (or in a year or so following adoption of the new code).

²⁹ 2005 NOTE: This material originally was drafted as part of Module 2 and is new to this chapter in the 2005 draft.

³⁰ NOTE: The final approval for establishing the NCO has to be the Assembly, since it is a rezoning. However, an outstanding issue to be discussed is what body reviews the NCO proposals and makes a recommendation to the Assembly. Options include the Planning Commission (which makes recommendations on all other rezonings), or the Urban Design Commission (which would fulfill the desire to give that body a more substantive role), or perhaps both of these bodies. . If both bodies participate, then perhaps UDC could make a recommendation to P&Z, which then recommends to the Assembly (this would allow the P&Z to overrule the UDC in cases of disagreement).

³¹ NOTE: This section generally is carried forward from the existing Title 21. We heard few comments about problems with these provisions. Minor changes include: a new purpose statement; incorporation of the applicability provisions from 21.75.020; incorporation of the approval criteria from 21.75.010; and removal of submittal requirements for placement in the User's Guide.

³² 2005 NOTE: Eligibility for abbreviated plats moved to front of section to improve user-friendliness of section.

³³ 2005 NOTE: Subsection contains changes from AO 2004-130.

³⁴ 2005 NOTE: The subdivision agreement clause is new.

³⁵ NOTE: A lengthy list of submittal requirements has been removed here, for placement in the User's Guide. Regarding the submission deadline, staff notes that: deadlines are "established every year by the Planning Dept. We have cut-off dates for applications going before the Platting Board which involve public notification and advertising which is currently a minimum of 50 days according to the process we follow now. We have a weekly cut-off day for abbreviated plats which is a minimum of 35 days prior to the Platting Authority's decision date."

³⁶ NOTE: This is an existing provision. Under state law, Anchorage must provide a platting procedure, but it does not need to match the 60-day state requirement that applies to second class boroughs. We recommend that the Municipality continue to keep a definite time limit on the review of preliminary plats to ensure fairness and a relatively swift decision.

³⁷ 2005 NOTE: Changed from 18 to 24 months in the 2005 draft. This note also applies to the subsequent section.

³⁸ 2005 NOTE: "18" changed to "24" twice in this paragraph.

³⁹ NOTE: This is a new paragraph drafted at staff's request.

⁴⁰ NOTE: This existing text has been modified for clarity. The current text refers to "the original 18-month approval period," yet in practice phased approvals usually receive 60 month approvals.

⁴¹ NOTE: This section has been rewritten by staff to reflect current procedures.

⁴² 2005 NOTE: The general contractors believe this time period is too long and should be shortened to 14 days.

⁴³ 2005 NOTE: This section had several incorrect provisions in the prior draft that asserted that the Platting Board is the Platting Authority for abbreviated plats. In fact, the intent is that the Director act as the Platting Authority for such plats, not including certain exceptions, as indicated in the new flowchart.

⁴⁴ NOTE: This is a substantially new procedure for the Municipality's consideration. It is simpler than the current procedure, and we have not carried forward the somewhat confusing concept versus final plan provisions in the current Title 21. We also have separated out the site plan review provisions as a separate procedure.

⁴⁵ NOTE: For discussion purposes, this draft presupposes that the P&Z Commission will make decisions on site plans that are attached to conditional uses, as opposed to other site plans, that are either approved by the Director or the UDC.

⁴⁶ 2005 NOTE: Time limit removed on this decision.

⁴⁷ NOTE: This section carried forward from the existing 21.15.030. At staff's suggestion, and for discussion purposes, the Platting Authority has been changed to the Director (as opposed to the Platting Board) to improve the efficiency of the process.

⁴⁸ NOTE: This section carried forward from the existing 21.15.030.

⁴⁹ 2005 NOTE: The public facility provision is new.

⁵⁰ NOTE: This new section is intended to implement a recommendation from Anchorage 2020, which establishes the "Major Project Site Plan Review" strategy: "Title 21 will be revised to require public hearing site plan review, including exterior building design, approval for major commercial, institutional, and industrial developments, as those terms will be defined in the ordinance revision." The strategy is designated in the Plan as "essential" to implement Policy 43: "Plans for major commercial, institutional, and industrial developments, including large retail establishments, are subject to site plan review."

⁵¹ 2005 NOTE: The public facility provision is new.

⁵² 2005 NOTE: Required time frame provision removed in this draft.

⁵³ 2005 NOTE: Extended from six to 12 months.

⁵⁴ NOTE: This section carried forward from the existing 21.15.030. At staff's suggestion, and for discussion purposes, the Platting Authority has been changed to the Director (as opposed to the Platting Board) to improve the efficiency of the process. **SHOULD IT BE THE UDC INSTEAD?**

⁵⁵ 2005 NOTE: NEW SECTION. This did not appear in the earlier drafts.

⁵⁶ 2005 NOTE: Public facility site plan review has been removed from this section. The intent is to have public facilities be reviewed through the Major Site Plan Review process and be treated the same as private facilities. The generally applicable development

standards in 21.07, including landscaping, are intended to apply to both public and private facilities and will be reviewed as part of the site plan process. We heard numerous comments on the previous draft that, currently, public facilities are held to a higher and vaguer landscaping standard than private projects, and that such requirements ultimately make little sense because the schools lack the long-term funding to maintain the landscaping.

⁵⁷ NOTE: This section is based on the definition of “public facility” is taken from Planning Case 03-040, which redefines and delegates public facility site plan and public facility review to the UDC.

⁵⁸ 2005 NOTE: Landfill added. Some staff also suggest adding roads to this section, but that change seems major and unusual and has not been inserted into the text pending further discussion.

⁵⁹ NOTE: This new list of criteria is based on language from Anchorage 2020, including policy 79 and related language on page 104.

⁶⁰ 2005 NOTE: This last provision is new. Numerous comments suggested that existing site selection criteria for public facilities are too loose, yet it is very unusual to codify detailed site selection criteria in a land use code.

⁶¹ NOTE: We recommend that this list of submittal requirements be removed and placed in the User’s Guide. Before that is done, however, we again point out (as was indicated in the Diagnosis) that this provision requires certification of floodproofing for non-residential structures only, not residential. Is this intentional? We recommend that the provision be broadened to include residential structures, as well.

⁶² 2005 NOTE: Various changes made to clarify the relationship to the building permit requirement. NOTE: This suggested new procedure is broader than the land use permit authorized under the current Title 21. It responds to staff’s request that we draft a provision that codifies and broadens current practice, without adding a new permit or review. This suggested new process requires all uses in all areas of title 21 jurisdiction to go through a check to ensure code compliance, and projects in the Building Safety Services Area also have a full title 23 check.

⁶³ NOTE: To be drafted following further discussions.

⁶⁴ 2005 NOTE: Changed from six months to 12 in this draft based on comments from the PZC and general contractors.

⁶⁵ NOTE: This section incorporates language from draft ordinance PZ 2002-110: an ordinance to address the inadequacy of development standards for site condominiums, specifically roads. A better location for this material may be the introduction to the new subdivision chapter, 21-8. We’ve placed it here for now, for discussion purposes, since the draft ordinance places the material near the land use permit provisions in the current Title 21.

⁶⁶ NOTE: Terminology and section references should be checked and updated following drafting of 21-8.

⁶⁷ NOTE: The Traffic Engineer is actually in a different department (Traffic) than the Municipal Engineer (Project Management and Engineering). This provision therefore appears to conflict with the Municipal Engineer’s authority to some extent.

⁶⁸ NOTE: Do any of these processes *require* a TIA for particular types of development?

⁶⁹ NOTE: Could this be stated more clearly as a requirement to submit the information in the form of an affidavit?

⁷⁰ NOTE: Should “guarantees” be substituted for “guaranties”? The latter implies a formal legal instrument involving some sort of monetary interest.

⁷¹ NOTE: Leaving final appeal authority with the Platting Board, as opposed to the Assembly, was questioned by a community council representative during the Planning and Zoning Commission hearing on the ordinance setting forth the language in this section. Additional feedback is requested regarding the assignment of decision-making authority to the Municipal Engineer and the Platting Board.

⁷² 2005 NOTE: In the 2005 draft, the procedure has been extended to the area outside the BSSA. The appeals provision is new in this 2005 draft. OLD NOTE: This new procedure is intended as a final check on zoning compliance for all development in the Municipality. Within the Anchorage bowl, the procedure will be combined with the current certificate of occupancy process.

⁷³ 2005 NOTE: This proposed new content is based on section 21.10.110, the “Administrative Provisions” section of the signs chapter.

⁷⁴ NOTE: Staff: Is any temporary structure permit required under the Alaska State Building Code? If so, we might want to include a requirement that no tents, trailers, or other temporary structures until they obtain such a permit, if applicable.

⁷⁵ 2005 NOTE: The six-month limit is new; the previous draft simply had no specific time limit.

⁷⁶ NOTE: As noted in the Annotated Outline, this section carries forward the current section 21.15.127.

⁷⁷ 2005 NOTE: As noted in the Annotated Outline, this section carries forward the existing section 21.15.130. In this new draft, the text has been cleaned up and the graphic clarified to more closely match the text.

⁷⁸ 2005 NOTE: “Public square” must be defined. Need to check state law, where this provision comes from, for a definition.

⁷⁹ 2005 NOTE: Relocated here from the draft of 21.11 in the first draft.

⁸⁰ NOTE: This is a recommended replacement to the current “21.15.012: Procedure for obtaining administrative variance for minor dimensional errors.” The new section is intended to be more flexible and easier to administer – the complexity of the current approach makes it appear unlikely to be used often.

⁸¹ 2005 NOTE: Added UDC in 2005 draft, since they have authority for major site plans. OLD NOTE: Some communities also allow minor modifications to approved development plans (e.g., minor changes to building footprints on site plans). Is Anchorage interested in such provisions?

⁸² 2005 NOTE: Building height removed from this list, per comments.

⁸³ 2005 NOTE: Proposed new section in response to comments.

⁸⁴ NOTE: Note that the “Findings of Fact” requirement in section 21.03.020.I. requires the Director to adopt written findings for each of these criteria when approving a minor modification.

⁸⁵ 2005 NOTE: This section has been extensively revised to more closely mirror the current 21.15.010.

⁸⁶ NOTE: This is a new section intended to clarify who grants variances. Is it correct?

⁸⁷ 2005 NOTE: This is from the recently adopted revision to 21.15.010. Does this list of material apply only to ZBEA variances – not to Platting Board or PZC variances? That’s how it is written.

⁸⁸ 2005 NOTE: This section does not yet address appeals to PZC, the Platting Board, and the Assembly. Are separate procedures and standards necessary to cover those bodies, or is that covered sufficiently in procedural rules for those bodies? NOTE: This section carries forward material from the current chapter 21.30, so some appeals (subdivision, conditional uses) go to the Board of Adjustment, while appeals of staff decisions go to the Zoning Board of Examiners and Appeals. As noted below, the biggest issue with this section will be whether to retain the current broad language allowing anyone to appeal any decision. Also, we would like feedback on whether the amount of detail in the Board of Adjustment provisions is necessary.

⁸⁹ NOTE: This section will need to be monitored and updated as necessary, if new appellate authority is given to the Board of Adjustment as part of discussions on other sections of this chapter.

⁹⁰ NOTE: We have removed the provision authorizing the Planning and Zoning Commission to act as the Board of Adjustment on decisions of the hearing officer. We did this because the hearing officer provision contemplated in the current code does not actually exist – there is no title 21 hearing officer. The only hearing officer is authorized under title 14, and deals with enforcement – he does not function in the way described in the current Title 21.

⁹¹ 2005 NOTE: This draft changes this language to the new “party in interest.” The previous draft carried forward current policy, which is to allow anyone who is “adversely affected” to appeal a decision. We heard strong support in favor of changing the text to this new standard.

⁹² 2005 NOTE: Per a law department request, this section has been revised to eliminate the previous language about requesting a written decision for purposes of requesting an appeal. As correctly noted, this new Code requires the earlier decision to be in writing, so such a provision requesting a written decision is now obsolete. Further, this sentence clarifies that the appeal runs from the date of mailing or other delivery of the appeal, per request of the law department, to ensure consistency with ZBEA appeals. Also, changes from AO 2004-126(s) and 2005-14.

⁹³ 2005 NOTE: Changes from AO 2004-126(s).

⁹⁴ NOTE: The Board of Adjustment appeals procedures are much more detailed than those for the ZBEA in the next section. We have not made any changes yet, but we do see some merit in making the level of detail in the sections more equivalent. Please advise if this is desirable or if the text should stay as is.

⁹⁵ NOTE: The staff notes that, now that there is a new Board of Adjustment, this may be a good time to change the hearing procedure and allow persons that filed a brief to make an oral argument to the Board. As staff notes, “the Board of Adjustment will no longer be the Assembly. The new Board of Adjustment can devote more time to the hearing than the Assembly could.” Further discussion needed. Is there general support for this idea?

⁹⁶ 2005 NOTE: Changes from AO 2004-126(s).

⁹⁷ NOTE: This section will need to be monitored and updated as necessary, if new appellate authority is given to the ZBEA as part of discussions on other sections of this chapter.

⁹⁸ NOTE: Removed here the reference to existing 21.40.240, Transition District, which authorizes Assembly, not ZBEA, to hear appeals of permits in the Transition District.

⁹⁹ 2005 NOTE: The last four items in the list are new to the 2005 draft.

¹⁰⁰ 2005 NOTE: The same modification has been made here as was done with the Board of Adjustment: the appeal authority is proposed to be restricted to “parties of interest.”

¹⁰¹ 2005 NOTE: Same changes made here as in the Board of Adjustment section, per law department request. The decision is written and the time period starts upon mailing or other delivery of the decision.

¹⁰² NOTE: The intent behind this provision is to ensure that the Director’s finding binds employees in other departments (e.g., BS zoning plan reviewers, ROW enforcement officers, DHHS child care reviewers) who deal with title 21.

¹⁰³ 2005 NOTE: This process is carried forward from the existing section 21.50.160 “*Conditional use standards--Uses involving sale of alcoholic beverages,*” and on the respective district sections of the existing chapter 21.40 “*Zoning Districts.*” In the previous draft, this material was submitted as part of Module 2. We have rewritten some language, per staff request, to clarify that this is not a conditional use permit but rather a separate type of approval.

¹⁰⁴ 2005 NOTE: The specific type of notice isn’t clear in the current code – is this new language correct?

¹⁰⁵ 2005 NOTE: section simplified and rewritten per zoning staff request.

¹⁰⁶ 2005 NOTE: This is a new permit in the 2005 draft, carrying forward the existing 21.15.055. We originally thought this would be unnecessary, but further discussions suggest that it continues to be an important tool for uses such as B&Bs and roominghouses that require such permits.

¹⁰⁷ 2005 NOTE: These are three new procedures for the municipality’s review, in response to concerns that the previous draft did not contain sufficient procedures to authorize master planning of large sites. The first two subsections are from Girdwood regulations, redrafted to apply muni-wide. The third procedure is new and suggested for large institutions (e.g., universities).