

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Department of Law
For reading: February 26, 2013

ANCHORAGE, ALASKA
AO No. 2012-124(S)

**AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 21,
LAND USE PLANNING, BY REPEALING OR AMENDING EXISTING CODE
AND ADOPTING NEW OR PROVISIONALLY ADOPTED CODE.**

WHEREAS, the current Title 21 code was created in the 1960s, with a patchwork of amendments over the last 40 years; and

WHEREAS, a rewrite of Title 21 was initiated to modernize the code, implement the Comprehensive Plan, and address the contemporary needs of the community; and

WHEREAS, for many years the Municipality of Anchorage, numerous stakeholders involved in land use, and the general public have reviewed and made recommendations on a new Title 21; and

WHEREAS, the review has led to the provisional adoption of new code; and

WHEREAS, the Planning and Zoning Commission and the Assembly Title 21 Committee have extensively reviewed the numerous proposals to further amend or revise the provisional code; and

WHEREAS, the code is not a static compilation, but an ongoing and evolving embodiment of Administration and Assembly policies which include code changes adopted over the past years that now need to be carried into the proposed and amended provisional code; and

WHEREAS, some amendments to Title 21 that have occurred between 2005 and now are not yet included in the proposed and amended provisional code, but should be carried forward into the new Title 21; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code Title 21, including any code denominated as provisionally adopted, is hereby repealed and replaced by Exhibit A, as amended by Exhibit C, effective **as follows:**

- A. Title 21 in effect as of February 25, 2013 shall remain in effect until December 31, 2014.**
- B. Title 21 as adopted under this ordinance shall be effective on January 1, 2014. ~~on December 1, 2013.~~**

Section 2. Notwithstanding section 1, all complete applications for entitlements granted under Title 21 filed on or before December **31, 2014 2013**, shall be processed and reviewed under the standards of the code **then** in effect ~~as of~~

1 November 30, 2013. Applications rejected as incomplete and that must be re-filed
2 shall be subject to the code adopted under this ordinance. Applications filed prior
3 to the effective date of this code that by law can be supplemented shall be subject
4 to the code in effect at the time the complete application was filed. Pending
5 applications shall be reviewed in accordance with the procedural rules in effect at
6 the time the application was or is deemed complete unless in the opinion of the
7 Municipal Attorney due process requires the procedures adopted under this
8 ordinance to be applied.

9
10 **Section 3.** Applications for entitlements under Title 21 filed between
11 January 1, 2014 and December 31, 2014 shall include a written election to be
12 reviewed under either the code in effect as of February 25, 2013 ("old code")
13 or the code in effect as of January 1, 2014 ("new code"). Once an election is
14 made, it cannot be changed; instead, the application must be withdrawn and
15 the fees forfeited. A new application and associated fees shall be required.

16
17 **Section 43.** Code amendments listed in Exhibit B as "not included" shall be
18 brought back to the Assembly within 6 months of the effective date of this
19 ordinance with an administration recommendation to include or not include
20 in code. Further review by the Planning and Zoning Commission is not
21 required for this purpose. The Assembly may refer the recommendation to
22 the Planning and Zoning Commission prior to action. Notwithstanding section
23 1, the code amendments listed in Exhibit B as "not included" shall be incorporated
24 into the code adopted under this ordinance. Any conflicts or corrections
25 necessitated by differences between Exhibit A and B that cannot be resolved as
26 manifest clerical errors shall be brought to the Assembly in the form of an
27 amending ordinance. Pending applications affected by conflicts or corrections
28 shall be processed in accordance with the code adopted under section 1 of this
29 ordinance (Exhibit A), as if the incorporated code referenced under this section
30 (Exhibit B) was not in effect or has been superseded.

31
32 **Section 54.** Notwithstanding section 1, applications for entitlements under
33 Title 21 for properties within the following zoning districts shall continue to be
34 subject to, processed, and reviewed under the Title 21 code in effect as of
35 February 25 November 30, 2013:

- 36
37 A. B-2A, B-2B, and B-2C zoning districts, until new land use regulations
38 for the areas in these districts are adopted and implemented.
39
40 B. The areas within the property boundaries of the Ted Stevens
41 Anchorage International Airport, until a new airport zoning district is
42 adopted and the airport lands rezoned.
43
44 C. The D-2, B-4, and T zoning districts, until rezoned.

45
46 **Section 65.** The names of zoning districts are amended, as provided in Exhibit D.
47 Exhibit D shall be published in the code as an editor's note.

48
49 **Section 76.** If any section of this ordinance, or portion thereof, or any section of
50 the code adopted by this ordinance, or portion thereof, is deemed contrary to law,

1 that portion shall be severable and the remainder shall continue in full force and
2 effect.

3
4 **Section 87.** This ordinance shall be effective immediately upon passage and
5 approval by the Assembly.

6
7 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
8 _____ 2013.

9
10
11 _____
12 Chair of the Assembly

13 ATTEST:

14
15
16 _____
17 Municipal Clerk