

CHAPTER 21.01: GENERAL PROVISIONS

21.01.010 TITLE AND EFFECTIVE DATE

This title shall be officially known as "Title 21, Land Use Planning, of the Anchorage Municipal Code of Ordinances." It also may be called "Title 21," the "Zoning Ordinance," or "the Land Use Ordinance," and is referred to throughout this document as "this title." This title shall become effective on January 1, 2014.

21.01.020 AUTHORITY

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

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

21.01.030 PURPOSE OF THIS TITLE

The purpose of this title is to implement the comprehensive plan in a manner which protects the public health, safety, welfare, and economic vitality by:

- A. Encouraging the efficient use of existing infrastructure and the available land supply in the municipality, including redevelopment;
- B. Encouraging a diverse supply of quality housing located in safe and livable neighborhoods;
- C. Encouraging a balanced supply of nonresidential land uses that are compatible with adjacent land uses and have good access to transportation networks;
- D. Promoting well-planned development that reflects the municipality's unique northern setting, natural resources, and majestic surroundings;
- E. Providing appropriate development incentives to achieve an economically balanced and diverse community and to promote further economic development in the municipality;
- F. Protecting the diversity of fish and wildlife habitats by minimizing adverse impacts of land development on the natural environment;
- G. Protecting development and residents of the municipality from flooding, wildfires, seismic risks, and other hazards;
- H. Encouraging development of a sustainable and accessible system of recreational facilities, parks, trails, and natural open space that meet neighborhood and community-wide needs;
- I. Promoting development in city centers and infill areas so as to create efficient travel patterns;
- J. Promoting development patterns and site designs that protect and enhance the surrounding community character and a variety of appealing and distinctive neighborhoods;
- K. Promoting a pattern of land use and development upon which to provide for adequate transportation, water supply, sewerage, and other public facilities; and

- 1 L. Encouraging land and transportation development patterns that promote public health and safety
2 and offer transportation choices.

3 **21.01.040 APPLICABILITY AND JURISDICTION**

4 **A. General**

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

7 **B. Application to Governmental Units**

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

13 **C. Compliance Required**

14 No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use,
15 nor shall any land, building, or structure be used or changed, except in accordance with this title.
16 No lot of record that did not exist on the effective date of this title shall be created, by subdivision
17 or otherwise, that does not conform to the applicable requirements of this title, unless allowed by
18 section 21.01.090, *Transitional Provisions*.

19 **21.01.050 OFFICIAL ZONING MAP**

20 **A. Incorporation Into this Ordinance**

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

28 **B. Changes to Official Zoning Map**

29 Changes made in zoning district boundaries or other matters portrayed on the official zoning map
30 shall be made only in accordance with the provisions of section 21.03.160, *Rezoning (Zoning*
31 *Map Amendments)*.

32 **C. Interpretation of District Boundaries**

33 In the case of any dispute regarding the zoning classification of property subject to this title, the
34 official zoning map contained in the department shall control, or other official records as provided
35 below. The director shall use the rules set forth below to interpret the map. Appeals shall be
36 made to the zoning board of examiners and appeals in accordance with section 21.03.050,
37 *Appeals*.

- 38 1. Where the zoning map shows a zoning district boundary line located within or following a
39 street or alley right-of-way, utility line right-of-way, or public use easement, the district
40 boundary shall be considered to be in the center of the right-of-way or easement. If the
41 actual location of such right-of-way, or easement, as indicated in a recorded legal
42 description of such, varies slightly from the location shown on the zoning map, then the
43 actual location shall control.

- 1 2. Where the zoning map shows a boundary line as being located a specific distance from a
2 street line or other physical feature, this distance shall control.
- 3 3. Where the zoning map shows a district boundary to coincide with a property line or
4 municipal border, the legal property line or municipal border shall be considered to be the
5 district boundary, unless otherwise indicated on the map.
- 6 4. Where the zoning map shows a district boundary to not coincide or approximately
7 coincide with any street, alley, or property line, and no dimensions are shown, the
8 location of the boundary shall be determined by use of the scale appearing on the zoning
9 map.
- 10 5. Where the zoning map shows a district boundary dividing an existing lot, each part of the
11 lot shall be used in conformity with the standards established by this title for the zoning
12 district in which that part is located.
- 13 6. Where the case record conflicts with the zoning map, the case record shall control. For
14 example, if the zoning map shows a property to be zoned R-1, yet the case record shows
15 that the property was actually zoned I-1, the case record would control and the map
16 would be changed to reflect the case record. Any permits issued in reliance on the
17 erroneous designation shall be considered valid under this title; however, the lot,
18 structure, or use shall be considered nonconforming and governed by chapter 21.12,
19 *Nonconformities*.

20 **21.01.060 CONFLICTING PROVISIONS**

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

22 This title is intended to complement other municipal, state, and federal regulations that affect land
23 use. This title is not intended to revoke or repeal any other public law, ordinance, regulation, or
24 permit, except as expressly set forth in ordinance. However, where conditions, standards, or
25 requirements imposed by any provision of this title are either more restrictive or less restrictive
26 than comparable standards imposed by any other public law, ordinance, or regulation, the
27 provisions that are more restrictive or that impose higher standards or requirements shall govern.

28 **B. Conflict with Private Agreements**

29 This title is not intended to revoke or repeal any easement, covenant, or other private agreement.
30 However, where the regulations of this title are more restrictive or impose higher standards or
31 requirements than such easement, covenant, or other private agreement, then the requirements
32 of this title shall govern. Nothing in this title shall modify or repeal any private covenant or deed
33 restriction, but such covenant or restriction shall not excuse any failure to comply with this title. In
34 no case shall the municipality be obligated to enforce the provisions of any easements,
35 covenants, or agreements between private parties.

36 **21.01.070 SEVERABILITY**

37 **A. Invalidating a Provision**

38 If any court of competent jurisdiction invalidates any provision of this title, then such judgment
39 shall not affect the validity and continued enforcement of any other provision of this title.

40 **B. Invalidating the Application of a Provision**

41 If any court of competent jurisdiction invalidates the application of any provision of this title, then
42 such judgment shall not affect the application of that provision to any other building, structure, or
43 use not specifically included in that judgment, unless the circumstances leading to the invalidation
44 are the same or substantially similar with respect to the other building, structure, or use.

C. Invalidating a Condition

If any court of competent jurisdiction invalidates any condition attached to the approval of an application for development approval, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment, unless the circumstances leading to the invalidation of the condition are the same or substantially similar.

21.01.080 COMPREHENSIVE PLAN

A. Purpose

The purpose of the comprehensive plan is to set forth the goals, objectives, strategies, and policies governing land use development of the municipality. As adopted, this section and the documents incorporated in this section constitute the comprehensive plan of the municipality.

B. Elements

1. Adopted Elements

The comprehensive plan consists of the adopted elements identified in the following table, and which are incorporated in this chapter by reference. Plans or other elements that are not listed below are not official elements of the comprehensive plan, though they may be valid planning tools.

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

| Area/Topic | Plan | Adoption Date ¹ | Amendments |
|------------------------------|--|---|--|
| Anchorage Bowl | Anchorage 2020, Anchorage Bowl Comprehensive Plan | AO 2000-119(S); 2-20-2001 | AO 2002-119; 9-10-2002 |
| | Spenard Commercial District Development Strategy | AR 1986-121; 6-17-1986 AO 1987-145; 12-15-1987 | |
| | Tudor Road Public Lands and Institutions Plan | AR 1986-162; 9-9-1986 | |
| | 3500 Tudor Road Master Plan | AO 2007-118; 11-13-2007 | |
| | Anchorage Downtown Comprehensive Plan | AO 2007-113; 12-11-2007 | |
| | Hillside District Plan | AO 2010-22; 4-13-2010 | |
| | Utility Corridor Plan | AO 1990-13(S); 2-27-1990 | AO 2003-78; 8-19-2003 AO 2005-121(S); 10-25-2005 AO 2007-97; 7-17-2007 |
| | Section 36 Land Use Study (recommending Alternative 2) | AO 1992-125; 11-10-1992 | |
| | The Ship Creek/Waterfront Land Use Plan (May 1991), including the Transportation Element | AO 1991-88; 6-3-1991 | AIM 1991-178 |
| | Potter Valley Land Use Analysis | AO 1999-144; 12-7-1999 | |
| | U-MED/Universities and Medical District Framework Master Plan | AO 2003-129; 10-21-2003 | AO 2009-69; 6-23-2009 AO 2012-79; 8-21-2012 |
| West Anchorage District Plan | AO 2012-47; 7-10-12 | | |
| Turnagain Arm | Turnagain Arm Comprehensive Plan | AO 2009-126; 12-1-2009 | |
| | Girdwood Area Plan | AO 1994-238(S); 2-28-1995 | AO 1998-176; 11-24-1998 AO 2006-47; 4-11-2006 AO 2007-112; 9-11-2007 |
| | Crow Creek Neighborhood Land Use Plan | AO 2006-47; 4-11-2006 | |
| | Glacier-Winner Creek Access Corridor Study Final Routing Report | AO 1997-11; 2-4-1997 | |
| | Girdwood-Iditarod Trail Route Study | AR 1997-84; 5-20-1997 | |
| | Girdwood Commercial Areas and Transportation Master Plan | AO 2000-124(S); 2-20-2001 | |

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

| Area/Topic | Plan | Adoption Date ¹ | Amendments |
|---|---|------------------------------|--|
| Chugiak; Eagle River; Eklutna | Chugiak-Eagle River Comprehensive Plan | AO 1992-133; 1-12-1993 | AO 1996-86; 6-25-1996--amended by Alternative 1 of HLB Parcel 1-085 Land Use Study AO 2006-93(S-1); 12-12-2006 AO 2009-104; 9-15-2009—amended by Chugiak-Eagle River Site Specific Land Use Plan, January 2009 |
| | Eagle River Greenbelt Plan | AR 1985-88; April 1985 | |
| | Eagle River Central Business District Revitalization Plan | AO 2003-74; 5-20-2003 | |
| Environmental Quality | Anchorage Coastal Management Plan | AO 2007-107; 8-28-2007 | |
| | 208 Areawide Water Quality Management Plan | AR 1979-151; 7-31-1979 | AO 1982-33(S); 4-20-1982 |
| | Eagle River PM-10 Control Plan | AR 1990-30; 2-6-1990 | AR 1991-197; 9-24-1991 |
| | Little Campbell Creek Watershed Management Plan | AO 2008-74; 6-24-2008 | |
| | 1992 Air Quality Attainment Plan for Anchorage, Alaska | AR 1992-279; 12-8-1992 | |
| | Anchorage Wetlands Management Plan | AO 1982-33(S); 4-20-1982 | AO 1984-16(SA); 2-28-1984 AO 1984-130(S); 8-14-1984 AO 1984-163; 7-31-1984 AO 1995-129; 3-12-1996 |
| Transportation | Street and Highway Landscape Plan | AO 1981-180; 11-3-1981 | |
| | Areawide Trails Plan | AO 1996-140; 4-8-1997 | |
| | Anchorage Non-Motorized Transportation Plan: Pedestrian Plan | AO 2007-96; 10-9-2007 | |
| | Anchorage Non-Motorized Transportation Plan: Bicycle Plan | AO 2010-08; 3-23-2010 | |
| | Official Streets and Highways Plan | AO 1979-10; 6-19-1979 | AO 1983-200; 12-6-1983 AO 1984-255; 1-22-1985 AO 1986-132; 8-19-1986 AO 1996-97(S); 8-13-1996 AO 1997-85; 6-3-97 AO 2000-122; 8-15-2000 AO 2005-115; 10-25-2005 |
| | 2035 Metropolitan Transportation Plan | AO 2012-30(S); 4-10-2012 | |
| Parks, Greenbelts, and Recreational Facilities | Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan | AO 2005-122; 4-18-2006 | |
| | Anchorage Park, Greenbelt and Recreation Facility Plan, Volume 2: Eagle River—Chugiak—Eklutna | AO 1985-188; 12-17-1985 | |
| | Anchorage Park, Greenbelt and Recreation Facility Plan, Volume 3: Turnagain Arm | AO 1985-188; 12-17-1985 | AO 1987-4; 2-17-1987 |
| | Areawide Library Facilities Plan | AR 1984-83; 4-10-1984 | |
| | Updated Far North Bicentennial Park Plan | AR 1985-87; 5-14-1985 | AO 2002-165; 12-10-2002 |
| | Campbell Creek Park System Acquisition and Development Plan | GAAB Resolution No. R1986-72 | |
| | Rabbit Creek Greenbelt Plan | AR 1987-16; 3-31-1987 | |
| Chester Creek Greenbelt | AR 11-1975; October 1975 | | |

¹ AO 2000-119(S), at section 9, provides that elements of the comprehensive plan that were originally adopted by resolution are hereby ratified and confirmed, and shall be deemed to have been adopted on the date that they were adopted by resolution.

1 **2. New Elements**

2 Procedures for amending the comprehensive plan are set forth in section 21.03.070,
3 *Comprehensive Plan Amendments*. That process may be used to amend existing
4 elements of the plan or to adopt new plan elements, including, but not limited to:

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

10 **C. Periodic Review**

11 The comprehensive plan shall be subject to periodic review in accordance with the procedure
12 described in section 21.03.070, *Comprehensive Plan Amendments*.

13 **D. Implementation—Conformity to Plans**

- 14 1. The elements of the comprehensive plan shall be implemented as provided in this title.
- 15 2. The specific requirements and regulations of this title govern in land use and building
16 approvals and actions under this title, except as provided in subsections D.3. and D. 4.
17 below.
- 18 3. Amendments to this title, rezonings, conditional uses, subdivisions, and other related
19 discretionary actions under this title shall be consistent with the comprehensive plan,
20 including the goals, objectives, policies, and strategies of the elements identified in table
21 21.01-1.
- 22 4. Rezonings, conditional uses, and subdivisions shall conform to the land use plan map
23 and other applicable comprehensive plan maps of the elements identified in table 21.01-
24 1.
- 25 5. Where comprehensive plan elements conflict, the most recently adopted shall govern.

26 **21.01.090 TRANSITIONAL PROVISIONS**

27 The purpose of transitional provisions is to resolve the status of properties with pending applications or
28 recent approvals, and properties with outstanding violations, at the time of the adoption of this title and
29 any future amendments to this title.

30 **A. Violations Continue**

31 Any violation of the previous title 21 ordinance shall continue to be a violation under this title and
32 shall be subject to the penalties and enforcement set forth in chapter 21.13, *Enforcement*, unless
33 the use, development, construction, or other activity complies with the provisions of this title.

34 **B. Special Limitations**

- 35 1. If a provision of this title conflicts with a special limitation of a zoning district, the more
36 restrictive provision or limitation shall apply.

1 2. If any special limitation becomes unnecessary or void as a result of any provision of this
2 title, other remaining special limitations of the zoning district shall still apply.

3 **C. Uses, Characteristics of Use, Structures, and Lots Rendered Lawful**

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

7 **D. Uses, Structures, and Lots Rendered Nonconforming**

8 1. When a lot is used for a purpose that was a lawful use before the effective date of this
9 title, and this title no longer classifies such use as an allowed use in the zoning district in
10 which it is located, such use shall be considered nonconforming and shall be controlled
11 by chapter 21.12, *Nonconformities*.

12 2. Structures and lots that legally existed on the effective date of this title may become
13 nonconforming, based on the provisions of chapter 21.12, *Nonconformities*.

14 **E. Processing of Applications Commenced or Approved Under Previous Ordinances**

15 **1. Pending Applications**

16 a. Any complete application that has been submitted for approval, but upon which
17 no final action has been taken by the appropriate decision-making body prior to
18 the effective date of this title, shall, within twelve months of the date of
19 acceptance for completeness, be reviewed in accordance with the provisions of
20 the ordinance in effect on the date the application was deemed complete.
21 However, in such cases, if the applicant fails to comply with any applicable
22 required period for submittal or other procedural requirements, the application
23 shall expire and subsequent applications shall be subject to the requirements of
24 this title. Any re-application for an expired project approval shall meet the
25 standards in effect at the time of re-application.

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

30 c. An applicant with an approved pending application may waive review available
31 under prior ordinances through a written letter to the director and request for
32 review under this title.

33 **2. Preliminary Plats**

34 a. Any complete preliminary plat application that has been submitted for approval,
35 but upon which no final action has been taken by the appropriate decision-
36 making body prior to the effective date of this title, shall, within twelve months of
37 the date of acceptance for completeness, be reviewed in accordance with the
38 provisions of the ordinance in effect on the date the application was deemed
39 complete. Subsequently, the final plat for such subdivision applications also shall
40 be processed and reviewed according to the provisions of the ordinance
41 applicable at the time of submission of the complete application for preliminary
42 plat.

43 b. An application for which preliminary approval of a plat was granted prior to the
44 effective date of this title may be processed for a final decision in accordance
45 with the preliminary approval, applicable terms of the ordinance in place at the

1 time of preliminary approval, and any other approved permits and conditions,
2 even if the application does not comply with one or more requirements set forth
3 in this title. Preliminary approvals granted under the previous title 21 may be
4 extended no more than once, and for no longer than 24 months (12 months for
5 abbreviated plats), pursuant to the extension procedures applicable under the
6 previous ordinance.

7 **3. Approved Projects**

8 **a.** Conditional use permits, subdivision plats, site plan approvals, grading permits,
9 building permits, land use permits, sign permits, and variances, any of which are
10 valid on January 1, 2014 shall remain valid until their expiration date. Projects
11 with valid approvals or permits may be carried out with the development
12 standards in effect at the time of approval, provided that the permit or approval is
13 valid and has not lapsed.

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

18 **c.** If the development for which the building permit or land use permit is issued prior
19 to the effective date of this title fails to comply with the time frames for
20 development established for the permit, including any approved extensions, the
21 building or land use permit shall expire and future development shall be subject
22 to the requirements of this title.

23 **d.** For multi-phase projects, the phases of the project may be developed in
24 accordance with the approved master phasing plan, subject to the approval
25 period and time extensions provisions provided in subsection 21.03.200C.7.e.

26 **4. Remanded Cases**

27 If the board of adjustment remands a case to another decision-making body, that body
28 shall process the case under the rules applicable at the time the original complete
29 application was submitted for approval, unless the applicant has waived review under
30 previous ordinances pursuant to subsection D.1.c. above.

31 **5. Future Amendments**

32 The transitional provisions described in this section shall apply to any future amendment
33 to this title, with the referenced effective date meaning the effective date of the
34 amendment that impacts any particular application.

35