

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Planning Department
For reading: August 26, 2025

**ANCHORAGE, ALASKA
AO NO. 2025-94**

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 21.03, REVIEW AND APPROVAL PROCEDURES, AND CHAPTER 13, NONCONFORMITIES, TO ALLOW MORE FLEXIBILITY FOR THE RECONSTRUCTION OR REHABILITATION OF NONCONFORMING STRUCTURES.

(Planning and Zoning Commission Case No. 2025-0044)

WHEREAS, The Mayor's 10,000 Homes in 10 Years strategy calls for incentivizing construction and rehab and remediating neglect; and,

WHEREAS, Policy #21 of the Anchorage 2020—Anchorage Bowl Comprehensive Plan states, "In order to use existing commercial land more efficiently, redevelopment, conversion, and reuse of underused commercial areas shall be encouraged."; and,

WHEREAS, Strategy #8 of the Anchorage 2040 Land Use Plan calls for the preservation and re-use of older buildings; and,

WHEREAS, Action 2-7 of the 2040 Land Use Plan calls for the adoption and application of an adaptive reuse ordinance to promote reuse of older structures, consistent with life safety standards; and,

WHEREAS, 2040 Land Use Plan Policy 2.3 calls for the removal of barriers to desired infill development and incorporating flexibility in development requirements to promote adaptive reuse of older buildings and compact infill/redevelopment, including that which reflects traditional urban neighborhood design contexts; and,

WHEREAS, the 2040 Land Use Plan policy calls for new ways of helping applicants navigate the permitting process for priority projects, including compact housing and adaptive reuse of older buildings; and,

WHEREAS, 2040 Land Use Plan Policy 9.3 calls for the retention and intensification of industrial uses on existing sites via reuse and redevelopment; and,

WHEREAS, AO No. 2024-15 took the first step in reducing the cost of development projects in nonconforming buildings; and,

WHEREAS, AR No. 2024-376 established the Assembly's policy to streamline zoning reviews, including looking at nonconforming situations, for properties adding Accessory Dwelling Units; and,

WHEREAS, reducing costs for renovating or rehabilitating existing structures will help Anchorage achieve its goals and development needs; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 21.03.180, Review and Approval Procedures, Site Plan Review, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.03.180 SITE PLAN REVIEW

*** **

B. General Applicability

This section shall not apply to repairs, maintenance, remodeling, renovations, or standalone trade permits in the interior portions of structures that do not constitute a Change of Use as defined in 21.15.040, nor to renovations whose only impacts to the exterior of a structure is limited to the addition of windows[REPAIR TO INTERIOR PORTIONS OF STRUCTURES THAT ARE SUBJECT TO SITE PLAN REVIEW UNDER THIS TITLE, EXCEPT THOSE INTERIOR AREAS THAT AFFECT CONFORMITY TO THE APPROVAL CRITERIA FOR SITE PLAN REVIEW OR THE DEVELOPMENT AND DESIGN REQUIREMENTS OF THIS TITLE].

*** **

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-142(S-1), 6-21-16; AO 2021-89(S), 2-15-22; AO 2022-36, 4-26-22)

Section 2. Anchorage Municipal Code section 21.13.010, Nonconformities, General Provisions, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.13.010 GENERAL PROVISIONS

A. Purpose

1. The purpose of this chapter is to regulate continued existence of legal uses, structures, lots, and signs established prior to the effective date of this title, or the effective date of future amendments to this title, that no longer conform to the requirements of this title. All such situations are collectively referred to in this chapter as “nonconformities.” It is the intent of this chapter to permit these nonconformities to continue until they are removed or brought into conformance with this title, and to encourage their re-use and movement towards conformity. The acknowledgement and relief granted to existing property, land uses, and structures provided in this chapter are intended to enhance economic benefit of[MINIMIZE NEGATIVE ECONOMIC EFFECTS ON] development that was

lawfully established prior to the effective date of this title and any subsequent amendments.

*** *** ***

(AO 2012-124(S), 2-26-13; AO 2018-67(S-1), 10-9-18; AO 2019-11, 2-12-19; AO No. 2020-38, 5-28-20)

Section 3. Anchorage Municipal Code section 21.13.030, Nonconformities, Nonconforming Uses of Land or Structures, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.13.030 NONCONFORMING USES OF LAND OR STRUCTURES

*** *** ***

C. Change of Use

1. Any nonconforming use may be changed to another nonconforming use if all of the following criteria are met:

a. The director finds that the proposed nonconforming use is more appropriate to the district than the existing nonconforming use;

b. Any characteristics of use that are out of compliance with this title are not changed to become less compliant with the requirements of this title; and

c. No structural alterations are made other than those required by title 23, and all changes are interior only or do not increase the footprint of the building], OR MINOR INTERIOR STRUCTURAL ALTERATIONS, SUCH AS CUTTING A DOOR INTO A SHEAR WALL].

*** *** ***

(AO 2012-124(S), 2-26-13; AO 2021-89(S), 2-15-22)

Section 4. Anchorage Municipal Code 21.13.060, Nonconformities, Characteristics of Use, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.13.060 CHARACTERISTICS OF USE

A. Developments Are Conforming

*** *** ***

3. No change shall be made to any development outside any existing structures unless the change is in the direction of conformity to the requirements of this title.

*** *** ***

C. Bringing Characteristics into Compliance

1. Applicability

This section 21.13.060 applies to all multifamily, commercial, mixed-use, community use, commercial marijuana and industrial development projects that:

*** *** ***

- b. Involve a development project costing more than 50[10] percent of the assessed value of the structure (or, if no structure over 150 square feet exists, the assessed value of the land); and

*** *** ***

2. Standard

*** *** ***

- d. The director, in consultation with the applicant, shall determine which characteristics shall be addressed, within the expenditure requirements noted herein. The director and the applicant shall consider how to maximize the public benefit and minimize the economic impact to the property owner. The director shall not require compliance with a standard that would create non-compliance with a different standard (i.e., the director shall not require the addition of landscaping that would cause the development to fall under the minimum required number of accessible parking spaces).
- e. The applicant may appeal the director's decision to the urban design commission, which shall hold a non-public hearing on the appeal.
- f. For the purposes of this section, "total project costs" shall be determined by the building official pursuant to municipal code[,] and shall be exclusive of all costs of improvements that move the development in the direction of conformity to the requirements of this title. The costs of remodeling, renovation, or repair that are interior to an existing structure not subject to site plan review shall also be excluded where no change is made to the footprint of the building[THE VALUE OF THOSE IMPROVEMENTS ARE LESS THAN 50 PERCENT OF THE REPLACEMENT VALUE OF THE STRUCTURE]. The portion of the total project costs that are related to increases in conformity shall be credited toward the percentages required in subsections C.2.a. and C.5.

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-82, 7-28-15;
AO 2017-55, 04-11-17; AO 2018-67(S-1), 10-9-2018; AO 2019-11, 2-12-19;
AO 2020-38, 4-28-20; AO 2021-89(S), 2-15-22; AO 2024-15, 2-27-24, AO
2024-24, 4-23-24)

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

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2025.

Chair of the Assembly

ATTEST:

Municipal Clerk

(Planning and Zoning Commission Case No. 2025-0044)



MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

AM No. 649-2025

Meeting Date: August 26, 2025

FROM: MAYOR

SUBJECT: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 21.03, REVIEW AND APPROVAL PROCEDURES, AND CHAPTER 13, NONCONFORMITIES, TO ALLOW MORE FLEXIBILITY FOR THE RECONSTRUCTION OR REHABILITATION OF NONCONFORMING STRUCTURES.

BACKGROUND

Anchorage is a city with a large land area, many old buildings, and complicated land use regulations that have varied over time. Because of this, there are likely a large number of situations across the Municipality in which existing development does not line up perfectly with the code it would be subject to if it were built today; this is known as a "nonconformity." Anchorage Municipal Code (AMC) 21.13 "Nonconformities" provides guidance on when nonconformities are legal under the current code:

The acknowledgement and relief granted to existing property, land uses, and structures provided in this chapter are intended to minimize negative economic effects on development that was lawfully established prior to the effective date of this title and any subsequent amendments (AMC 21.13.010).

AMC 21.13.010 further states that it is the intent of that chapter of code to allow nonconforming situations "*until they are removed or brought into conformance with this title, and to encourage their re-use and movement towards conformity.*" Most legal nonconformities are allowed to continue until there are changes to the lot, structure, or use that meet certain thresholds. When those changes occur, the development must move towards compliance with the current code. There is no precise data on how many nonconforming situations might exist, or whether Anchorage can expect to reach a state where all properties eventually conform to the most current regulations.

Any high-level policy discussions might consider the following items in conversation around nonconformities:

- a. How much nonconformity is acceptable to the community citywide in terms of zoning regulations.
- b. Whether existing regulations to which conformity is required are serving the public's needs, and,
- c. Whether the process of bringing properties into conformity produces a benefit to the community worth the cost to the property owner.

OTHER RECENT STEPS TO ADDRESS NONCONFORMITIES

In recent years, the Assembly has taken legislative action to reduce the cost of bringing developments into compliance, such as in AO No. 2024-15, which reduced the instances when developments had to pay a fee for nonconformities they could not otherwise address, and AR No. 2024-376, which established a policy to streamline zoning reviews, including looking at nonconforming situations, for properties adding Accessory Dwelling Units. This ordinance proposes to reduce some of the thresholds at which a development with legally nonconforming conditions must start moving toward conformity with the current code, with the intent of reducing barriers to renovations of existing buildings and to support infill development.

POLICY SUPPORT

Policy guidance supporting redevelopment and infill:

- Policy #21 of the *Anchorage 2020—Anchorage Bowl Comprehensive Plan*, "In order to use existing commercial land more efficiently, redevelopment, conversion, and reuse of underused commercial areas shall be encouraged."
- Strategy #8 of the *Anchorage 2040 Land Use Plan* calls for the preservation and reuse of older buildings.
- Action 2-7 of the 2040 Land Use Plan calls for the adoption and application of an adaptive reuse ordinance to promote reuse of older structures, consistent with life safety standards.
- Policy 2.3 of the 2040 Land Use Plan Policy calls for the removal of barriers to desired infill development and incorporating flexibility in development requirements to promote adaptive reuse of older buildings and compact infill/redevelopment, including that which reflects traditional urban neighborhood design contexts.
- Policy 9.3 of the 2040 Land Use Plan calls for the retention and intensification of industrial uses on existing sites via reuse and redevelopment.
- The 2040 Land Use Plan policy calls for new ways of helping applicants navigate the permitting process for priority projects, including compact housing and adaptive reuse of older buildings.
- The Mayor's 10,000 Homes in 10 Years Strategy calls for incentivizing construction and rehabilitation and remediating neglect.

PLANNING AND ZONING COMMISSION DISCUSSION

At its June 9, 2025, meeting, the Planning and Zoning Commission discussed possible unintended consequences if current nonconformity standards were changed, and if the current standards create an environment in which people are hesitant to risk improving old structures in Anchorage's central neighborhoods. The Commission also discussed how procedures and regulations like requiring property owners to bring old

properties toward conformity with the current code can result in additional project costs.

One commissioner asked for clarification in the purpose statement of AMC 21.13.010, Nonconformities, General Provisions, to change that language so the focus is on enhancing economic benefit as opposed to minimizing economic impact. Staff incorporated that change into a new Section 2 of the ordinance.

The meeting had no public comment on the proposed ordinance, and the Commission voted unanimously in support.

DISCUSSION OF NONCONFORMITIES AT THE JUNE 10, 2025, ASSEMBLY MEETING

At its June 10 meeting, the Assembly discussed nonconformities as part of a larger discussion of AO No. 2025-64 (dealing with site access and how properties connect to the public street). The Assembly ultimately adopted AO 2025-64 with amendments, one of which added the section below:

Section 11. The Planning Director shall make no nonconforming use determinations, under AMC section 21.03.250 or incident to a land use permit application or otherwise, for new nonconformities created by this ordinance related to driveway width requirements, until such time that Planning and Zoning Commission case no. 2025-44 concludes, and if it results in an ordinance forwarded to the Assembly for consideration and action, then until a vote on such proposed ordinance.

A decision on this ordinance by the Assembly would mark the conclusion of Planning and Zoning Commission Case No. 2025-0044.

This ordinance has no private-sector economic effects, and local government effects are less than \$30,000. Pursuant to AMC subsection 2.30.053B.1, a summary of economic effects is not required.

THE ADMINISTRATION RECOMMENDS APPROVAL.

Prepared by Daniel McKenna-Foster, Long-Range Planning Manager
Planning Department

Approved by: Mélisa R. K. Babb, Planning Director

Concur: Lance Wilber, Director, PDPW

Concur: Eva Gardner, Municipal Attorney

Concur: Ona R. Brause, OMB Director

Concur: Philippe D. Brice, CFO

Concur: William D. Falsey, Chief Administrative Officer

Concur: Rebecca A. Windt Pearson, Municipal Manager

Respectfully submitted: Suzanne LaFrance, Mayor

Attachments: Exhibit A, PZC Resolution No. 2025-016
Exhibit B, PZC Case No. 2025-0044 Staff Packet

**Planning and Zoning Commission
Resolution No. 2025-016**

**PZC Case No. 2025-0044
Nonconformities**

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MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2025-016

A RESOLUTION RECOMMENDING APPROVAL TO THE ANCHORAGE ASSEMBLY OF THE REVIEW AND RECOMMENDATION BY THE PLANNING AND ZONING COMMISSION OF AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 21.03, REVIEW AND APPROVAL PROCEDURES, AND CHAPTER 13, NONCONFORMITIES, TO ALLOW MORE FLEXIBILITY FOR THE RECONSTRUCTION OR REHABILITATION OF NONCONFORMING STRUCTURES.

(Case No. 2025-0044)

WHEREAS, Anchorage is a large city that has had a number of different regulatory regimes under the City of Anchorage, the Anchorage Greater Borough, and the Municipality of Anchorage; and

WHEREAS, it is unknown how many situations exist where buildings or structures may be nonconforming with respect to current code; and

WHEREAS, nonconforming situations may be both legally nonconforming, meaning they were built legally according to the codes of their time, but those codes may have changed today, or not legally nonconforming, meaning they were built out of compliance with codes at the time when they were built; and

WHEREAS, Policy #21 of the *Anchorage 2020—Anchorage Bowl Comprehensive Plan* calls for redevelopment, conversion, and reuse of underused commercial areas; and

WHEREAS, Action 2-7 of the *Anchorage 2040 Land Use Plan* calls for the adoption and application of an adaptive reuse ordinance to promote reuse of older structures, consistent with life safety standards; and

WHEREAS, Policies 2.3 and 9.3 also speak to easing barriers to infill and redevelopment; and

WHEREAS, the Mayor's 10,000 Homes in 10 Years Strategy calls for incentivizing construction and rehab and remediating neglect; and

WHEREAS, the Planning and Zoning Commission held the public hearing for the ordinance, discussed the item, and closed the public hearing at its June 9, 2025 meeting.

NOW, THEREFORE, BE IT RESOLVED by the Anchorage Planning and Zoning Commission that:

- A. The Commission makes the following findings of fact:
 - 1. Anchorage has a wide range of developments built over different sets of regulations, so there are many opportunities for nonconforming situations.

2. The *Anchorage 2020—Anchorage Bowl Comprehensive Plan* and the *Anchorage 2040 Land Use Plan* call for facilitating infill development and reuse of existing properties.
 3. The Mayor's 10,000 Homes in 10 Years Strategy calls for incentivizing construction and rehabilitating and remediating neglect.
- B. The Planning and Zoning Commission recommends to the Anchorage Assembly approval of the amendments to AMC 21.03., Review and Approval Procedures, and Chapter 13, Nonconformities, to allow more flexibility for the reconstruction or rehabilitation of nonconforming structures.

PASSED AND APPROVED by the Anchorage Planning and Zoning Commission on the 9th day of June 2025.

ADOPTED by the Anchorage Planning and Zoning Commission this 14th day of July 2025.



Mélisa R. K. Babb
Secretary



Andre Spinelli
Chair

(Case No. 2025-0044)

dmf

Planning and Zoning Commission Staff Packet

PZC Case No. 2025-0044 Nonconformities

- **Staff Memo**
- **Draft Ordinance**
- **Comments**
- **Meeting Minutes**

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Municipality of Anchorage
Planning Department
Memorandum



DATE: June 9, 2025
TO: Planning and Zoning Commission
THRU: *AB* Mélisa Babb, Planning Director
FROM: *DJ* Daniel McKenna-Foster, Long-Range Planning Division Manager
SUBJECT: PZC Case No. 2025-0044, Text Amendment to Title 21 Regarding Nonconformities

BACKGROUND

Anchorage is a city with a large land area, many old buildings, and complicated land use regulations that have varied over time. Because of this, there are likely a large number of situations across the Municipality in which existing development does not line up perfectly with the code it would be subject to if it were built today; this is known as a "nonconformity." AMC 21.13 "Nonconformities" provides guidance on when nonconformities are legal under current code:

The acknowledgement and relief granted to existing property, land uses, and structures provided in this chapter are intended to minimize negative economic effects on development that was lawfully established prior to the effective date of this title and any subsequent amendments (AMC 21.13.010).

AMC 21.13.010 further states that it is the intent of that chapter of code to allow nonconforming situations "until they are removed or brought into conformance with this title, and to encourage their re-use and movement towards conformity." Most legal nonconformities are allowed to continue until there are changes to the lot, structure, or use that meet certain thresholds. When those changes occur, the development must move towards compliance with current code. There is no precise data on how many nonconforming situations might exist, or whether or not Anchorage can expect to reach a state where all properties eventually conform to the most current regulations.

Any high-level policy discussions might be well served to discuss the following items in any conversation around nonconformities: a) How much nonconformity is acceptable to the community city-wide in terms of zoning regulations, b) whether existing regulations to which conformity is required are serving the public's needs, and c) whether the process of bringing properties into conformity produces a benefit to the community worth the cost to the property owner.

In recent years, the Assembly has taken legislative action to reduce the cost of bringing developments into compliance, such as in AO 2024-15, which reduced the instances when developments had to pay a fee for nonconformities they could not otherwise address, and AR 2024-376, which established a policy to streamline zoning reviews, including looking at nonconforming situations, for properties adding Accessory Dwelling Units. This AO proposes to reduce some of the thresholds at which a development with legally nonconforming conditions must start moving toward conformity with current code with the intent of reducing barriers to renovations of existing buildings and to support infill development.

POLICY SUPPORT

Policy guidance supporting redevelopment and infill:

- Policy #21 of the Anchorage 2020—Anchorage Bowl Comprehensive Plan, *"In order to use existing commercial land more efficiently, redevelopment, conversion, and reuse of underused commercial areas shall be encouraged."*
- Strategy #8 of the Anchorage 2040 Land Use Plan calls for the preservation and reuse of older buildings.
- **Action 2-7 of the 2040 Land Use Plan calls for the adoption and application of an adaptive reuse ordinance to promote reuse of older structures, consistent with life safety standards.**
- Policy 2.3 of the 2040 Land Use Plan Policy calls for the removal of barriers to desired infill development and incorporating flexibility in development requirements to promote adaptive reuse of older buildings and compact infill/redevelopment, including that which reflects traditional urban neighborhood design contexts.
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- The 2040 Land Use Plan policy calls new ways of helping applicants navigate the permitting process for priority projects, including compact housing and adaptive reuse of older buildings.
- The Mayor's 10,000 Homes in 10 Years strategy calls for incentivizing construction and rehab and remediating neglect.

OVERVIEW OF CHANGES BY SECTION

Section	Overview of proposed changes
<u>Section 1:</u> 21.03.180 Site Plan Review	<ul style="list-style-type: none">Clarifies that this site plan review shall not apply to standalone trade permits on the interior of a building, or renovations which only change windows or affect the interior of the structure.
<u>Section 2:</u> 21.13.030 Nonconforming Uses of Land or Structures	<ul style="list-style-type: none">Expands the exemption for work that does not trigger a nonconformity review. While previously only small internal changes were allowed, now, any internal changes are allowed as long as they don't increase the footprint of the building.
<u>Section 3:</u> Characteristics of Use	<ul style="list-style-type: none">Clarifies that interior work does not trigger nonconformity restrictions.Increases the threshold that triggers nonconformity requirements from a project costing 10% of assessed value of the property to a project costing 50% of assessed value of the property.

COMMENTS RECEIVED

The Planning Department received comments from the Flood Hazard Administrator of MOA Private Development, MOA Private Development, Development Services, Eagle River Street Maintenance, Traffic Engineering, AWWU, and two comments from the general public.

- Most agencies had no comment.
- The Flood Hazard Administrator noted that the national flood insurance program requires all structures that have damage or improvements that are more than 50% of market value to be brought into compliance with all FEMA Floodplain Regulations. This proposed AO would not override those existing regulations.
- Development Services provided recommendations for additional changes, which staff have incorporated into a second version of the ordinance.
- One comment from the general public asked if the ordinance applies outside of the Anchorage Building Service Area. This code applies where the Chugiak-Eagle River code chapter says that 21.13 applies.
- The second comment from the general public provided additional recommendations, which staff offers to the Commission for consideration.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance updated following agency review.

SUGGESTED FINDINGS

1. The 2020 Comprehensive Plan and 2040 Land Use Plan both mention the need to resolve issues related to aging mobile home parks or manufactured housing parks.
2. The 2024 Manufactured Housing Communities Assessment and Feasibility Study identified obstacles to developing manufactured housing and recommended some options for addressing them.
3. Mobile homes and manufactured homes are traditionally an attainable form of housing for households at a variety of income levels.
4. Existing code in Title 21 applies more restrictive regulations to mobile or manufactured homes than other types of homes.
5. Public comment from local housing providers encouraged the project to go further to provide more opportunities for mobile dwelling units.

Attachments: Draft Ordinance
Comments Received

Proposed Draft Ordinance
(revised)

PZC Case No. 2025-0044

Nonconformities

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ANCHORAGE, ALASKA
AO NO. 2025-__

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 21.03, REVIEW AND APPROVAL PROCEDURES, AND CHAPTER 13, NONCONFORMITIES, TO ALLOW MORE FLEXIBILITY FOR THE RECONSTRUCTION OR REHABILITATION OF NONCONFORMING STRUCTURES.

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[THIS SECTION SHALL NOT APPLY TO REMODELING, RENOVATION, OR REPAIR TO INTERIOR PORTIONS OF STRUCTURES THAT ARE SUBJECT TO SITE PLAN REVIEW UNDER THIS TITLE, EXCEPT THOSE INTERIOR AREAS THAT AFFECT CONFORMITY TO THE APPROVAL CRITERIA FOR SITE PLAN REVIEW OR THE DEVELOPMENT AND DESIGN REQUIREMENTS OF THIS TITLE].

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-142(S-1), 6-21-16; AO 2021-89(S), 2-15-22; AO 2022-36, 4-25-22)

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 - b. Any characteristics of use that are out of compliance

2025-05-27

with this title are not changed to become less compliant with the requirements of this title; and

- c. No structural alterations are made other than those required by title 23, and all changes are interior only or do not increase the footprint of the building[, OR MINOR INTERIOR STRUCTURAL ALTERATIONS, SUCH AS CUTTING A DOOR INTO A SHEAR WALL].

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1. Applicability

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- b. Involve a development project costing more than 50[10] percent of the assessed value of the structure (or, if no structure over 150 square feet exists, the assessed value of the land); and

*** *** ***

2. Standard

*** *** ***

- 1 d. The director, in consultation with the applicant, shall
2 determine which characteristics shall be addressed,
3 within the expenditure requirements noted herein. The
4 director and the applicant shall consider how to
5 maximize the public benefit and minimize the economic
6 impact to the property owner. The director shall not
7 require compliance with a standard that would create
8 non-compliance with a different standard (i.e., the
9 director shall not require the addition of landscaping that
10 would cause the development to fall under the minimum
11 required number of accessible parking spaces).
- 12
- 13 e. The applicant may appeal the director's decision to the
14 urban design commission, which shall hold a non-public
15 hearing on the appeal.
- 16
- 17 f. For the purposes of this section, "total project costs"
18 shall be determined by the building official pursuant to
19 municipal code[,] and shall be exclusive of all costs of
20 improvements that move the development in the
21 direction of conformity to the requirements of this title.
22 The costs of remodeling, renovation, or repair that are
23 interior to an existing structure not subject to site plan
24 review shall also be excluded where no change is made
25 to the footprint of the building[THE VALUE OF THOSE
26 IMPROVEMENTS ARE LESS THAN 50 PERCENT OF
27 THE REPLACEMENT VALUE OF THE STRUCTURE].
28 The portion of the total project costs that are related to
29 increases in conformity shall be credited toward the
30 percentages required in subsections C.2.a. and C.5.

31 *** **

32
33
34 (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-82, 7-28-15;
35 AO 2017-55, 04-11-17; AO 2018-67(S-1), 10-9-2018; AO 2019-11, 2-12-19;
36 AO 2020-38, 4-28-20; AO 2021-89(S), 2-15-22; AO 2024-15, 2-27-24, AO
37 2024-24, 4-23-24)
38

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

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2025.

Chair of the Assembly

ATTEST:

Municipal Clerk

(Planning and Zoning Commission Case No. 2025-0044)

DRAFT

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Comments Received

PZC Case No. 2025-0044

Nonconformities

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MUNICIPALITY OF ANCHORAGE



Development Services Department

Private Development Division

Mayor Suzanne LaFrance

MEMORANDUM

Comments to the Assembly

DATE: May 6, 2025
TO: Melisa Babb, Planning Director
FROM: Greg Soule, Development Services Director
SUBJECT: AO 2025-00XX Nonconformities AO

Department Recommendations:

Development Services recommends the following changes to the proposed code language.

21.03.180

B. General Applicability: This section shall not apply to standalone trade permits, repairs, maintenance, remodeling, or renovations to interior portions of structures that do not constitute a Change of Use as defined in 21.15.040, nor to renovations whose only impacts to the exterior of a structure is limited to the addition of windows.

23.13.060 C

Add 2nd paragraph

2. This section shall not apply to the construction of an Auxiliary Dwelling Unit (ADU) on any residentially zoned parcel when the proposed ADU will not cause a non-conformity or exacerbate an existing non-conformity.

Kimmel, Corliss A.

From: Ellis, Steve M.
Sent: Thursday, May 8, 2025 3:39 PM
To: Blake, Lori A.; Kimmel, Corliss A.
Cc: Mckenna-Foster, Daniel R.
Subject: RE: 2025-0044 Request for Reviewing Comment

The Municipality of Anchorage Participates in the FEMA National Flood Insurance Program (NFIP). The NFIP requires all structures that have damage or improvements more than 50 percent of the current market value of the structure, must be brought into compliance with all FEMA Floodplain Regulations.

Steven M. Ellis
Flood Hazard Administrator
Private Development Division
Development Services Department
907-343-8078, steven.ellis@anchorageak.gov

From: Stewart, Gloria I. <gloria.stewart@anchorageak.gov>
Sent: Friday, April 18, 2025 10:55 AM
Cc: Stewart, Gloria I. <gloria.stewart@anchorageak.gov>
Subject: 2025-0044 Request for Reviewing Comment

Hello all. Attached please find our Routing Coversheet for Case No. 2025-0044 (T21 Code Amendment) together with a Planning Dept. Memorandum to aid in your review of the case. Case 2025-0044 is scheduled for review and recommendation by the Planning and Zoning Commission at a Public Hearing on 06/09/25. The routing material can be viewed by clicking on the link below, scrolling to bottom of page and selecting 2025-0044 Reviewing Agency Routing. **Please submit comments as instructed on the Memorandum.**

[https://www.muni.org/CityViewPortal/Planning/Status?planningId=18178.](https://www.muni.org/CityViewPortal/Planning/Status?planningId=18178)



Planning Department
MUNICIPALITY OF ANCHORAGE

Gloria I. Stewart
Senior Planning Technician •
Planning Department
Current Planning Division - Zoning & Platting
Email: gloria.stewart@anchorageak.gov
Phone: (907) 343-7934
4700 Elmore Road, Anchorage, AK 99507
www.muni.org/planning



MUNICIPALITY OF ANCHORAGE

Traffic Engineering Department



MEMORANDUM

DATE: May 5, 2025

TO: Current Planning Division Supervisor.
Planning Department

THRU: Kristen A. Langley, Traffic Safety Section Supervisor,
Traffic Engineering Department

FROM: Randy Ribble, Assistant Traffic Engineer

SUBJECT: Traffic Engineering Department Comments

2025-0044 Assembly Ordinance for text changes to AMC 21.13.060 Nonconformities and Redevelopment.

Traffic Engineering has no objection to the proposed text changes to AMC 21.13.060 Characteristics of Use standards for when exterior site improvements may be required.

MEMORANDUM

DATE: April 29, 2025

TO: Elizabeth I. Appleby, AICP, Manager & Platting Officer, Planning
Department, Current Planning Division

FROM: Alex Prosak, P.E., Civil Engineer II, Planning Section, AWWU 

RE: Zoning Case Comments

Decision date: June 9, 2025

Agency Comments due: May 12, 2025

AWWU has reviewed the materials and has the following comments:

2025-0044 Review and Recommendation by Planning and Zoning Commission of an Ordinance of the Anchorage Assembly amending AMC 21.03, Review and Approval Procedures, and Chapter 13, Nonconformities, to allow more flexibility for the reconstruction or rehabilitation of nonconforming structures.

1. AWWU has no comments on this Proposed Amendment to AMC 21.03 and Chapter 13.

If you have any questions pertaining to public water or sewer, please call (907) 786-5694 or send an e-mail to alex.prosak@awwu.biz.



MUNICIPALITY OF ANCHORAGE



Eagle River Street Maintenance
Eagle River Town Center, Room 131
12001 Business Blvd., Eagle River 99577

Mayor Suzanne LaFrance

Phone: 907-343-1510
Fax: 907-694-1540

Daniel McKenna-Foster

Current Planning Division
P.O. Box 196650
Anchorage, AK 99519

May 6, 2025

RE: Case 2025-0044 non-conformities and Re-development.

The Eagle River Street Maintenance staff have reviewed the case and no comments or concerns with the request.

In the event that the CBERRRSA Board of Supervisors has additional comments they will be forwarded.

Sincerely,

Tony Winsor
Deputy Officer
Eagle River Street Maintenance
Administration, M.O.A.
Office: 343-1512
Email: Anthony.winsor@anchorageak.gov

Anchorage2040

From: LaFrance, Paul J.
Sent: Thursday, May 8, 2025 2:14 PM
To: Anchorage2040
Subject: 2025-0044 Review Comments

Private Development has no comments.

Thank you,

[Paul LaFrance, PE](#)
*Private Development Engineer
Development Services Department
Municipality of Anchorage
(907) 343-8310*



April 18, 2025

Elizabeth Appleby, Current Planning Manager
MOA, Community Development Department
Planning Division
P.O. Box 196650
Anchorage, Alaska 99519-6650

[Sent Electronically]

Re: MOA Zoning Case Review

Dear Ms. Appleby:

The Alaska Department of Transportation and Public Facilities (DOT&PF) has reviewed the following zoning cases and have no comments:

- **2025-0044 – Title 21 Amendment Simplify Zoning Code**
- **2025-0056 – AMATS Academy and Vanguard CSS review**
- **2025-0067 – Verizon Portage Valley Cell Tower CUP**

The Alaska Department of Transportation and Public Facilities (DOT&PF) has reviewed the following zoning cases and has the following comments:

- **2025-0046 – St Patrick's Parish Admin Site Plan Review**
 - No objections to the proposed site plan
 - No direct vehicular access to Muldoon Road will be allowed from this site. Vehicular access must be taken from Halligan Street and E 20th Ave as shown on the site plan.
 - Applicant will need to apply for a permit for the proposed pathway connections to Muldoon Road. Pathway connections are handled through the driveway/approach road review process. Permits can be applied for on DOT&PF Right of Way ePermit website: <https://dot.alaska.gov/row/Login.po> A Central Region permit office can be reached at 1-800-770-5263 for assistance.
- **2025-0055 – AK Railroad 240 West 1st St Zoning Map Amendment**
 - No objection to the proposed zoning map amendment
 - Please be aware any future redevelopment under the A & C St bridge will have limitations and restrictions.

All properties accessing DOT&PF roads must apply to Right-of-Way for a driveway permit, subject to provisions listed in 17 AAC 10.020. Any previously issued driveway permits become invalid once the property undergoes a platting action and must be reissued.

We recommend the petitioner verify all section line easements and DOT&PF road rights-of-way adjacent to their property. For assistance, the petitioner may contact the Engineering group within the Right of Way section in DOT&PF at (907) 269-0700. The petitioner is liable to remove any improvements within the easements and rights-of-way that impede the operation and maintenance of those facilities even if they are not shown on the plat, so it is in the petitioner's best interest to identify the exact locations and widths of any such easements or rights-of-way before they improve the property.

If any section line easements or road rights-of-way exist within the bounds of their plat, we recommend the petitioner dedicate them. If there is an existing right-of-way or easement, the petitioner is unable to develop that portion of the property yet continues to pay property taxes on it; dedicating will remove that cost to the petitioner.

If there are any questions regarding these comments please feel free to contact me at (907) 269-0522 or mark.eisenman@alaska.gov.

Sincerely,



Mark Eisenman
Anchorage Area Planner, DOT&PF

cc:

Sean Baski, P.E., Highway Design Group Chief, DOT&PF
Matt Walsh, Property Management Supervisor CR, Right of Way, DOT&PF
Corliss Kimmel, Office Associate, Current Planning, MOA
Lori Black, Office Associate, Current Planning, MOA
Devki Rearden, Engineering Associate, DOT&PF
Anna Bosin P.E, Traffic & Safety Engineer, DOT&PF

Public Comments: 2025-0044

Commenter	Email	Phone Number	Submitted
Debbie Ossiander PO Box 670772 Chugiak, AK 99567	ossiander@hotmail.com	907-688-2308	4/29/2025 11:40:46 AM
Is this ordinance meant to apply outside of the Anchorage Building Service area/ Anchorage Comp Plan boundaries? (Girdwood and CER?)			

Anchorage2040

From: oscstmbt.ddecaprio@gci.net
Sent: Monday, April 21, 2025 9:57 PM
To: Anchorage2040
Subject: 2025-0044

[EXTERNAL EMAIL]

some concerns are:

1. "non-conforming" needs to be specifically defined because it can include anything from foundation to roof and can include building placement relative to lot line.

Further, the term implies the potential for financing and or insurance difficulty.

2. Specific mention. of marijuana, or any grown / manufactured product, in this document is discriminatory and should be omitted.

3. 50% of reinvestment cost based on building "value" as written, is subjective and arbitrary. Is it based on assessors highest valuation of land/building or a realtor best selling value? If these properties are to be city owned, by whatever means, then the reclamation cost must be put to public vote. If privately owned isn't up to the owners' discretion as to how much they are willing to spend?

4. Title 21 has limited footprint expansion since its inception. That particular section can be omitted.

end.

Meeting Minutes

**Planning and Zoning Commission
June 9, 2025**

**PZC Case No. 2025-0044
Nonconformities**

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PLANNING AND ZONING COMMISSION
Assembly Chambers
Z.J. Loussac Library
3600 Denali Street
Anchorage, Alaska

MINUTES OF
June 09, 2025
6:30 PM

A work session on the 10-Year Targeted Review Process of the Anchorage 2020 – Anchorage Bowl Comprehensive Plan and Anchorage 2040 Land Use Plan was held prior to the meeting and conducted by Daniel Mckenna-Foster with the MOA Long-Range Planning Division.

A. ROLL CALL

<u>Present</u>	Andre Spinelli (Chair), Radhika Krishna (Vice Chair), Jim Winchester, Scott Pulice, Jeff Raun, Brandy Eber, Greg Strike
<u>Excused</u>	Jared Gardner
<u>Staff</u>	Daniel Mckenna-Foster, Mélisa Babb, Thea Agnew-Bemben

B. MINUTES

1. Monday, June 2, 2025

VICE CHAIR KRISHNA moved to approve the minutes. COMMISSIONER WINCHESTER seconded.

AYE: Eber, Krishna, Pulice, Raun, Spinelli, Strike, Winchester
NAY: None

PASSED

C. SPECIAL ORDER OF BUSINESS / EXECUTIVE SESSIONS

1. Disclosures

COMMISSIONER STRIKE disclosed that he was absent for the May 5, 2025 meeting and will abstain from voting on Resolution 2025-009.

COMMISSIONER EBER disclosed that she was absent for the June 2, 2025 meeting and will abstain from voting on Resolutions 2025-012 through 2025-015.

COMMISSIONER WINCHESTER moved to approve the consent agenda.
COMMISSIONER EBER seconded.

AYE: Eber, Krishna, Pulice, Raun, Spinelli, Strike, Winchester
NAY: None

PASSED

Commissioner Strike abstained from voting on Resolution 2025-009.
Commissioner Eber abstained from voting on Resolutions 2025-012 through 2025-2015.
Commissioner Pulice abstained from voting on the consent agenda.

E. UNFINISHED BUSINESS AND ACTIONS OF PUBLIC HEARINGS - None

F. REGULAR AGENDA - None

1. Resolutions for Approval
2. Introduction for Public Hearings
3. Site / Landscape Plan Approval
4. Time Extensions; Expedited Hearing Requests; Minor Conditional Use Amendments
5. Other

G. PUBLIC HEARINGS

1. **CASE: 2025-0044 (DM)**
PETITIONER: Municipality of Anchorage – Long-Range Planning
REQUEST: Recommendation by Planning and Zoning Commission of an ordinance of the Anchorage Assembly amending AMC 21.03, *Review and Approval Procedures*, and Chapter 13, *Nonconformities*, to allow more flexibility for the reconstruction or rehabilitation of nonconforming structures.

DANIEL MCKENNA-FOSTER presented the staff report and recommendations on behalf of the Municipality's Long-Range Planning Division.

CHAIR SPINELLI opened the hearing to public testimony.

There was no public testimony. There was no rebuttal testimony.

The commission discussed possible unintended consequences when bypassing current nonconformity standards and creating an environment in which people are hesitant to risk

improving old structures in Anchorage's central neighborhoods that might result in additional project costs.

CHAIR SPINELLI closed the public hearing.

COMMISSIONER RAUN referred to the first page of the staff report, noting that there is reference to code language AMC 21.13.010 that has one phrase regarding minimizing negative economic effects. His interpretation of this is that the emphasis is on reducing the bad as opposed to enhancing the good. He was curious if the department would be open to a recommendation from the commission to change that language such that the focus is on enhancing economic benefit as opposed to minimizing economic impact.

MR. MCKENNA-FOSTER replied that his recommendation seems like a positive change and can include it in the version that goes to the Assembly.

VICE CHAIR KRISHNA moved in Case 2025-0044 to recommend to the Anchorage Assembly approval of the amendments to AMC 21.03., *Review and Approval Procedures*, and Chapter 13., *Nonconformities*, to allow more flexibility for the reconstruction or rehabilitation of nonconforming structures. COMMISSIONER RAUN seconded.

VICE CHAIR KRISHNA intends to support the motion, noting the following findings of fact:

1. Anchorage has a wide range of developments built over different sets of regulations, so there are many opportunities for nonconforming situations.
2. The *2020 Anchorage Bowl Comprehensive Plan* and *Anchorage 2040 Land Use Plan* call for facilitating infill development and reuse of existing properties.
3. The Mayor's 10,000 homes in 10 years strategy calls for incentivizing construction and rehabilitating and remediating neglect.

AYE: Eber, Krishna, Pulice, Raun, Spinelli, Strike, Winchester
NAY: None

PASSED

~~2. **CASE: 2025-0045 (DM)**
PETITIONER: Municipality of Anchorage – Long-Range Planning
REQUEST: Recommendation by Planning and Zoning Commission of an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 21 Chapters 1.03, 21.04, 21.05, 21.06, 21.07, 21.10, 21.11, 21.13, & 21.15 to allow more flexibility for small forms of housing and mobile dwelling units in manufactured home parks and the R-5 district.~~

DANIEL MCKENNA-FOSTER presented the staff report and recommendations on behalf of the Municipality's Long-Range Planning Division.