

Submitted by: Assembly Vice Chair Zaletel
Assembly Member Sulte
Reviewed by: Assembly Counsel's Office
For reading: September 24, 2024

ANCHORAGE, ALASKA
AO No. 2024-83(S)

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **ANCHORAGE MUNICIPAL CODE TITLE 21 TO UPDATE THE PLANNED UNIT**
3 **DEVELOPMENT (PUD) APPROVAL PROCESS AND WAIVING PLANNING**
4 **AND ZONING COMMISSION REVIEW OF CERTAIN PROVISIONS.**
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7 **WHEREAS**, AR 2023-260(S) stated that the Anchorage community values
8 diversity, including a diversity of residents and also diversity of homes of many
9 sizes, designs, and price points; and

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11 **WHEREAS**, AR 2023-260(S) called for enacting policies to increase the supply of
12 housing for sale and enacting policies to increase the supply of rental housing; and

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14 **WHEREAS**, Action item 4.8 of the Anchorage 2040 plan calls for evaluating and
15 monitoring barriers to fair housing in Anchorage and establishing goals and actions
16 to overcome those barriers; and

17
18 **WHEREAS**, Action item 4.10 of the Anchorage 2040 plan calls for amending Title
19 21 to reduce restrictions that currently deter the construction of compact housing
20 types; and expand provisions that allow for compact housing types, including
21 small-lot housing, cottage houses with shared courtyards, townhouses, and small-
22 scale garden apartment; and

23
24 **WHEREAS**, Action item 4.17 of the Anchorage 2040 plan calls for amending Title
25 21 to allow small-lot subdivisions and enable more forms of small-lot housing; and

26
27 **WHEREAS**, the 2040 Land Use Plan indicates that private developers (defined as
28 PRIV (listed in the "Responsible Agency" column in the 2040 Land Use Plan
29 Actions Table) are responsible parties, along with the planning department, in
30 implementing these actions; and

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32 **WHEREAS**, private developers should therefore be allowed and encouraged to
33 request Title 21 amendments through the Anchorage Assembly in keeping with
34 their role as implementers of the 2040 Land Use Plan; and

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36 **WHEREAS**, the Anchorage Assembly is inherently empowered by Charter and its
37 home rule legislative powers to amend the text of the Anchorage Municipal Code,
38 to include the provisions of Title 21; and

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40 **WHEREAS**, a Planned Unit Development PUD is a type of approval process that
41 allows for controlled flexibility to the underlying standards of a zone; and

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43 **WHEREAS**, a PUD can provide a means for providing more flexibility, including

1 smaller lots and a greater diversity of housing types; and

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3 **WHEREAS**, Title 21 provides for residential PUDs to be approved through a
4 conditional use process, by which conditions may be imposed in order for approval;
5 and

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7 **WHEREAS**, the PUD process has not been used frequently, and in instances
8 where it was used some developers report it did not provide relative flexibility but
9 rather added another layer of complexity to the approval process; and

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11 **WHEREAS**, simplifying the PUD process does not change the existing approval
12 criteria for the conditional use; and

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14 **WHEREAS**, these text amendments will make the PUD tool more usable to meet
15 community housing goals; now, therefore,

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17 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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19 **Section 1.** Anchorage Municipal Code section 21.07.110 is hereby amended to
20 read as follows (*the remainder of the chapter is not affected and therefore not set*
21 *out*):

22
23 **21.07.110 Residential design standards.**

24
25 *** **

26 G. Conditional Use for a Residential Planned Unit Development.

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28 1. *Intent and approval.* A residential planned unit development
29 (PUD) is intended to allow flexibility for residential
30 development in the zoning ordinance and to achieve the
31 creation of a more desirable environment than would be
32 possible through a strict application of the zoning ordinance.
33 A residential PUD shall be processed as a conditional use in
34 accordance with section 21.03.080. The planning and zoning
35 commission shall evaluate the proposed planned unit
36 development in accordance with the conditional use approval
37 criteria at section 21.03.080D. [AND THE FOLLOWING
38 ADDITIONAL CRITERIA:

39
40 A. CREATIVE USE OF THE LAND, IMAGINATIVE
41 ARCHITECTURAL DESIGN, A CONSOLIDATION OF
42 USABLE OPEN SPACE AND RECREATION AREAS,
43 AND THE PRESERVATION OF NATURAL
44 FEATURES.

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46 B. THE MIXING OF COMPATIBLE LAND USES,
47 RESIDENTIAL DENSITIES, AND HOUSING TYPES
48 WITHIN THE NEIGHBORHOOD.
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- C. THE EFFICIENCY OF THE CONFIGURATION OF UTILITIES, VEHICULAR CIRCULATION, AND PARKING FACILITIES.
 - D. ENHANCING THE SURROUNDING ENVIRONMENT.
 - E. MAINTAINING POPULATION DENSITIES AND LOT COVERAGE THAT ARE CONSISTENT WITH AVAILABLE PUBLIC SERVICES AND THE COMPREHENSIVE PLAN.]
2. *Minimum standards.* All planned unit developments shall meet the following minimum standards. In addition, the planning and zoning commission may require compliance with such other design standards relating to the construction, design, and placement of buildings, landscaping, streets, roadways, walkways, drainageways, and other site design features as it may deem necessary. Notwithstanding Subsection 21.03.240F.5., the planning and zoning commission may exempt a [A] PUD from [SHALL COMPLY WITH] any special limitations of the zoning district.
- a. *Minimum site area.* The minimum site area for a PUD shall be 1[2].0 acres. [FOR PUDS LOCATED ENTIRELY IN THE R-2M, R-3, R-4 AND R-4A ZONING DISTRICTS. IF ANY PORTION OF A PROPOSED PUD IS LOCATED WITHIN THE R-1, R-1A, R-2A, R-2D, R-5, R-7, GR-1, GR-2, GR-2A, GR-3, GR-4, OR GR-5 ZONING DISTRICTS, THE MINIMUM SITE AREA SHALL BE 5.0 ACRES. IF ANY PORTION OF A PROPOSED PUD IS LOCATED WITHIN THE R-6, R-8, OR R-9 ZONING DISTRICTS, THE MINIMUM SITE AREA SHALL BE 10 ACRES.]
 - b. *Open space.* A minimum of 15[30] percent of the site shall be reserved as open space which shall meet the following standards:
 - i. **[AT LEAST ONE-HALF OF SUCH OPEN SPACE SHALL BE CONTIGUOUS;**
 - ii. **THE OPEN SPACE SHALL NOT INCLUDE PUBLIC OR PRIVATE STREETS OR RIGHTS OF WAY; PARKING FACILITIES, DRIVEWAYS, OTHER MOTOR VEHICLE CIRCULATION AREAS, LOADING AREAS, OR REFUSE COLLECTION AREAS; SLOPES OVER 15 PERCENT; DESIGNATED SNOW STORAGE AREAS; DRAINAGE EASEMENTS, DITCHES, SWALES, OR**

**OTHER AREAS INTENDED TO COLLECT
AND CHANNEL WATER;] and]**

[III.] [IN CLASS A DISTRICTS, NO PORTION OF THE REQUIRED OPEN SPACE SHALL BE LESS THAN 2,000 SQUARE FEET IN AREA OR LESS THAN 30 FEET IN ITS SMALLEST DIMENSION, EXCEPT FOR INDIVIDUAL YARDS, BALCONIES, OR DECKS PURSUANT TO B.IV. AND B.V. BELOW;

IV. IN CLASS B DISTRICTS, NO PORTION OF THE REQUIRED OPEN SPACE SHALL BE LESS THAN HALF OF THE MINIMUM LOT SIZE OF THE UNDERLYING DISTRICT IN AREA, OR LESS THAN 100 FEET IN ITS SMALLEST DIMENSION, EXCEPT FOR INDIVIDUAL YARDS, BALCONIES, OR DECKS PURSUANT TO B.V. AND B.VI. BELOW;

V. A MINIMUM OF 12 PERCENT AND A MAXIMUM OF 50 PERCENT OF REQUIRED OPEN SPACE SHALL CONSIST OF YARDS WHICH SHALL BE RESERVED FOR THE RESIDENTS OF INDIVIDUAL DWELLING UNITS; AND

VI.] In multistory buildings, balconies or decks may be used in lieu of individual yards provided that the total area of all balconies or decks is not less than the total yard area otherwise required; and;[.]

ii[iv]. Parcels within a quarter mile of with access to a natural area, park, or other publicly-accessible open space may count those lands as meeting this requirement.

c. *Design.*

[I.]Any nonresidential use permitted in a PUD shall be compatible with the residential nature of the development. [PARKING AREAS WHICH ARE INTENDED TO SERVE NONRESIDENTIAL USES SHALL BE SEPARATED FROM THOSE DESIGNED TO SERVE RESIDENTIAL AREAS. UNLESS NONRESIDENTIAL AND RESIDENTIAL USES ARE COMBINED WITHIN A SINGLE STRUCTURE, NONRESIDENTIAL USES SHALL BE

1 SEPARATED FROM DWELLING UNITS BY L2
2 BUFFER LANDSCAPING.

3
4 II. PEDESTRIAN WALKWAYS SHALL CONNECT
5 RESIDENTIAL AND NONRESIDENTIAL USES
6 WITHIN A PUD.

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8 III. L2 BUFFER LANDSCAPING SHALL BE
9 PLANTED ALONG EACH BOUNDARY OF THE
10 PUD ADJACENT TO A NONRESIDENTIAL
11 DISTRICT OR A RIGHT-OF-WAY
12 DESIGNATED FOR COLLECTOR OR
13 GREATER CAPACITY ON THE OFFICIAL
14 STREETS AND HIGHWAYS PLAN. IV.
15 COMMON OPEN SPACE WITH L3
16 SCREENING LANDSCAPING SHALL BE
17 PROVIDED ALONG ANY LOT LINE
18 ABUTTING A RESIDENTIAL
19 NEIGHBORHOOD WHERE ANY ABUTTING
20 LOT IS GREATER THAN 150 PERCENT OF
21 THE AVERAGE LOT SIZE ALONG THAT LOT
22 LINE OF THE PUD. V. ANY TWO ADJACENT
23 BUILDINGS WITHIN A PUD SHALL BE
24 SEPARATED FROM EACH OTHER BY A
25 DISTANCE EQUAL TO ONE-HALF THE
26 HEIGHT OF THE TALLER BUILDING.]

27
28 d. *Access and connectivity.* PUDs shall comply with
29 section 21.07.060, Transportation and Connectivity.

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31 e. *Utility installation.* All new utilities shall be installed
32 underground.

33
34 f. *Homeowners' agreements.* Any PUD which will involve
35 the formation of a horizontal property regime under the
36 terms of AS 34.07.010 et seq. or any mandatory
37 homeowners' or similar association shall submit for
38 review by the commission the articles of incorporation
39 and bylaws of any such association prior to the sale of
40 any property subject to the association. The
41 commission may require any provisions necessary to
42 ensure that the provisions and intent of this title are
43 met.

44
45 3. *Development options.* The developer of a PUD may propose
46 changes to density, lot size, uses, dimensional standards, and
47 design standards. Separate variances are not required for
48 changes completed through the PUD process.[THE
49 FOLLOWING PROVISIONS ALLOW THE DEVELOPER OF
50 THE PUD TO PROPOSE CHANGES FROM THE

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PROVISIONS OF THE UNDERLYING ZONING DISTRICT WITH REGARD TO DENSITY, ALLOWED USES, AND DIMENSIONAL STANDARDS.] [THE EXTENT OF THE C]Changes to the standards shall be reviewed [DETERMINED] by the planning and zoning commission in accordance with the approval criteria of subsection G.1. above.

- a. *Density.* The number of dwelling units per acre allowable on the gross area of a PUD shall be determined by the planning and zoning commission. However, in no event shall the number of dwelling units per acre exceed the maximums established by the following schedule:

TABLE 21.03-12	
Zoning District	Dwelling Units per Acre (gross area)
R-1 and R-5	10 [8]
R-1A	8 [6]
R-2A	14 [12]
R-2D	16 [15]
R-2M	60 [22]
R-3	80 [55]
R-4	110
R-4A	110
R-6	2
R-7	4.5
R-8	0.5
R-9	1.0
GR districts	As supported by sewer & water infrastructure [AS DETERMINED BY THE PLANNING AND ZONING COMMISSION]

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- [B. *USES.* THE APPLICANT MAY PROPOSE ANY RESIDENTIAL USE, AND IN CLASS A ZONING DISTRICTS, MAY PROPOSE ANY COMMERCIAL USE THAT IS ALLOWED IN THE R-4 DISTRICT IN TABLE 21.05- 1. A PUD MAY NOT INCLUDE THE STORAGE OR USE OF MOBILE HOMES OR QUONSET HUTS. ANY NONRESIDENTIAL USE MUST BE SPECIFICALLY AUTHORIZED AS TO ITS EXACT LOCATION, TYPE, AND SIZE. IN NO EVENT SHALL THE TOTAL GROSS FLOOR AREA OF ALL NONRESIDENTIAL USES EXCEED 10 PERCENT OF THE TOTAL GROSS FLOOR AREA OF THE PUD.

C. *DIMENSIONAL STANDARDS.*

- I. HEIGHT LIMITATIONS IN THE R-1, R-1A, R-2A, R-2D, R-2F, R-2M, R-6, R-7, R8, R-9, GR-

1 1, GR-2, GR-2A, GR-3, GR-4, OR GR-5
2 ZONING DISTRICTS MAY BE EXCEEDED BY
3 AN ADDITIONAL FIVE FEET. HEIGHT
4 LIMITATIONS IN THE R-3, R-4 AND R-4A
5 DISTRICTS MAY BE EXCEEDED BY AN
6 ADDITIONAL 10 FEET.
7

8 II. THE APPLICANT MAY PROPOSE CHANGES
9 TO MINIMUM LOT AREA, MAXIMUM LOT
10 COVERAGE, AND MINIMUM SETBACKS FOR
11 THE PUD.]
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13 4. *Planned unit developments in the Turnagain Arm District.*
14 PUDs in the TA district shall conform, with regard to uses and
15 residential density, to the land use plans of the Turnagain Arm
16 Area Plan and the standards of this section.
17

18 (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2014-132, 11-5-14;
19 AO 2015-36, 5-14-15; AO 2015- 100, 10-13-15; AO 2016-34(S), 4-12-16;
20 AO 2016-136, 11-15-16; AO 2017-160, 12-19-17; AO 2018-59. 7- 31-2018;
21 AO 2019-132, 12-3-19; AO 2020-38, 4-28-20; AO 2021-89(S), 2-15-22;
22 2022-80(S), 11-21-22; AO 2023-30, 3-22-23; AO 2023-42, 8-22-23; AO
23 2023-50, 7-11-23; AO 2023-103(S), 12-18-23; AO 2024-24, 4-23-24)
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25 **Section 2. Pursuant to AMC subsection 21.03.210C., this ordinance shall**
26 **not require planning and zoning commission review prior to assembly**
27 **action, and the 21-day published notice requirement of AMC subsection**
28 **21.03.020H.4. is waived; this ordinance shall comply with charter § 10.01(b)**
29 **notice requirements.**
30

31 **Section 3[2].** This ordinance shall become effective immediately upon passage
32 and approval by the Assembly.
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34 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
35 _____, 2024.
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Chair

41 ATTEST:
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46 Municipal Clerk
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**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

No. AM 750-2024

Meeting Date: September 24, 2024

1 **From: Assembly Vice Chair Zaletel & Assembly Member Sulte**

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3 **Subject: AO 2024-83(S) - AN ORDINANCE OF THE ANCHORAGE**
4 **MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL**
5 **CODE TITLE 21 TO UPDATE THE PLANNED UNIT**
6 **DEVELOPMENT (PUD) APPROVAL PROCESS AND WAIVING**
7 **PLANNING AND ZONING COMMISSION REVIEW OF CERTAIN**
8 **PROVISIONS.**
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11 The proposed substitute version of this ordinance explicitly waives review by the
12 planning and zoning commission by amending the title and inserting a new Section
13 2. However, the commission retains its inherent authority to provide advice and
14 comment on this or any proposed amendment to Title 21, and nothing prevents the
15 commission from passing a resolution providing such comment.
16

17 Further the S removes the open space requirement of 21.07.110G.2.b.i as this
18 requirement has the potential to be unnecessarily limiting.
19

20 **We request your support for the ordinance.**

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22 Prepared by: Assembly Counsel's Office

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24 Respectfully submitted: Meg Zaletel, Assembly Vice Chair
25 District 4 – Midtown

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27 Randy Sulte, Assembly Member
28 District 6 – South Anchorage, Girdwood, and
29 Turnagain Arm
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