

Submitted by: Assembly Vice Chair Zaletel  
Assembly Member Brawley  
Assembly Member Volland  
Prepared by: Assembly Counsel's Office  
For reading: April 23, 2024

**ANCHORAGE, ALASKA**  
**AO No. 2024-45**

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**  
2 **MUNICIPAL CODE, TITLE 21, LAND USE PLANNING, INCLUDING SECTIONS**  
3 **21.01.050, 21.03.020, 21.03.070, 21.03.160, AND 21.03.210 TO CLARIFY THE**  
4 **ASSEMBLY'S LEGISLATIVE POWERS FOR ESTABLISHING LAND USE**  
5 **PUBLIC POLICY AND THE METHODS BY WHICH IT MAY EFFECTUATE**  
6 **CHANGES TO TITLE 21, AND RELATED MATTERS AND WAIVING PLANNING**  
7 **AND ZONING COMMISSION REVIEW OF THIS ORDINANCE.**

8 ..

9  
10 **WHEREAS**, the Anchorage Municipal Charter grants the Assembly the sole  
11 authority over the planning for future development and use of land in the Municipality  
12 through the adoption of a comprehensive plan and zoning or similar land use control  
13 measures; and

14  
15 **WHEREAS**, inflexible procedural requirements and overly complex and  
16 burdensome processes can inhibit effective land use developments and create  
17 obstacles to responding to problems in the housing market; and

18  
19 **WHEREAS**, the process for rezoning land when part of the larger process of  
20 amending the comprehensive plan or text of Title 21, can be dramatically  
21 streamlined while maintaining a robust public process; and

22  
23 **WHEREAS**, the Assembly finds it in the public interest to stimulate new  
24 development and redevelopments by reducing the regulatory burden on parties  
25 seeking to put land to effective use; and

26  
27 **WHEREAS**, Anchorage Municipal Code section 21.03.070 already contemplates  
28 the processing of conforming amendments to the zoning map concurrent to a  
29 proposed amendment to the comprehensive plan, subject to the approval criteria of  
30 rezoning, but does not explicitly provide a procedure therefor; and

31  
32 **WHEREAS**, it is inherently the responsibility of the Assembly to identify language in  
33 the Municipal Code that defeats or frustrates effective governance or public policy,  
34 and propose legislative solutions; and

35  
36 **WHEREAS**, it is inherently within the Assembly's authority to amend the  
37 comprehensive plan, the text of Title 21, and the official zoning map; and

38  
39 **WHEREAS**, the Assembly finds that amendments proposed herein will promote the  
40 public health, safety, and general welfare, are consistent with the comprehensive  
41 plan and the stated purposes of Title 21; and necessary and desirable because of  
42 changing conditions, new planning concepts, and other social or economic

1 conditions; now, therefore,  
2

3 **THE ANCHORAGE ASSEMBLY ORDAINS:**  
4

5 **Section 1.** Anchorage Municipal Code section 21.01.050 is hereby amended to  
6 read as follows (*the remainder of the section is not affected and therefore not set*  
7 *out*):

8 **21.01.050 Official zoning map.**

9 \*\*\* \*\*

10 B. *Changes to official zoning map.* Changes made in zoning district  
11 boundaries or other matters portrayed on the official zoning map shall  
12 be made [ONLY] in accordance with the provisions of Section  
13 21.03.160, Rezoning (Zoning Map Amendments), or as necessary  
14 conforming amendments in accordance with sections 21.03.070  
15 (Comprehensive Plan Amendments) and 21.03.210 (Title 21 – Text  
16 Amendments).  
17

18 \*\*\* \*\*

19 (AO 2012-124(S), 2-26-13)  
20  
21

22 **Section 2.** Anchorage Municipal Code section 21.03.020 is hereby amended to  
23 read as follows (*the remainder of the section is not affected and therefore not set*  
24 *out*):

25 **21.03.020 Common procedures.**

26 \*\*\* \*\*

27 J. Public Hearing . For every decision that requires a public hearing  
28 before a decision-making body other than the assembly, the applicant  
29 shall be provided reasonable opportunity to present their case. In  
30 cases of text amendments initiated or proposed by the assembly, the  
31 sponsors of the ordinance shall have the opportunity to present to and  
32 any answer questions of the decision-making body.  
33

34 K[J]. Referrals. The applicant, boards, commissions, or the municipal  
35 administration may request that government agencies, non-  
36 governmental agencies, and other boards and commissions besides  
37 the decision-making body review an application, but the final decision-  
38 making authority shall remain with the body identified in this chapter.  
39

40 L[K]. *Concurrent processing.*  
41

42 1. Where possible without creating an undue administrative  
43 burden on the municipality's decision-making bodies and staff,  
44 this title intends to accommodate the simultaneous processing  
45 of applications for different permits and approvals that may be  
46 required for the same development project in order to expedite  
47 the overall review process. Review and decision-making bodies  
48 considering multiple amendments or applications related to the  
49 same matter may elect to take up those items simultaneously  
50  
51

1 and/or consolidate them into one matter, however they  
 2 may[SUBMITTED SIMULTANEOUSLY MAY] render separate  
 3 reports, recommendations, and decisions on each amendment  
 4 or application based on the specific standards applicable to  
 5 each approval as necessary.

6  
 7 2. Some forms of approval depend on the applicant having  
 8 previously received another form of approval, or require the  
 9 applicant to take particular action within some time period  
 10 following the approval in order to avoid having the approval  
 11 lapse. Therefore, even though this title intends to  
 12 accommodate simultaneous processing, applicants should  
 13 note that each of the permits and approvals set forth in this title  
 14 has its own timing and review sequence.

15  
 16 3. Unless otherwise stated in this title, t[T]he expected time frame  
 17 and approval process for a consolidated application shall follow  
 18 the longest time frame and approval process required from  
 19 among the joined application types.

20  
 21 M[L]. Postponements.

22  
 23 1. If only five or fewer board or commission members are in  
 24 attendance at the hearing, the applicant may request a  
 25 postponement of his or her case, and the fee for the first  
 26 postponement request shall be waived.

27  
 28 2. The applicant may request a postponement of his or her case  
 29 for any other reason, which he or she shall state to the decision-  
 30 making body. If the decision-making body grants the  
 31 postponement request, the applicant shall pay the  
 32 postponement fee as required by AMCR 21.20, and a new  
 33 hearing date shall be determined by the department.

34  
 35 a. If public notice pursuant to subsection H. above has not  
 36 been given, the director is the decision-making body for  
 37 the purpose of granting a postponement.

38  
 39 b. If public notice pursuant to subsection H. above has  
 40 been given, the decision-making body is the board or  
 41 commission identified in this chapter for the entitlement  
 42 requested.

43  
 44 3. Re-notice of the new time for hearing before a decision making  
 45 body other than the assembly is only required if the  
 46 postponement is for more than 30 days, or if no date certain is  
 47 set for the hearing at the time of postponement.

48  
 49 \*\*\*      \*\*\*      \*\*\*

50 (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-131, § 1, 1-  
 51 12-15 ; AO No. 2015-142(S-1), § 1(Exh. A), 6-21-16 ; AO No. 2016-3(S), §

1 3, 2-23-16 ; AO No. 2017-75 , § 1, 5-9-17; AO No. 2017-175(S) , § 1, 2-13-  
2 18; AO No. 2019-67 , § 1, 6-18-19; AO No. 2021-46(S) , § 5, 6-8-21; AO  
3 No. 2021-69 , § 1, 8-10-21; AO No. 2021-89(S) , § 21, 2-15-22; AO  
4 No. 2022-62(S) , § 4, 10-11-22; AO No. 2023-25(S) , § 2, 3-7-23)

5  
6 **Section 3.** Anchorage Municipal Code section 21.03.070 is hereby amended to  
7 read as follows (*the remainder of the section is not affected and therefore not set*  
8 *out*):

9  
10 **21.03.070 Comprehensive plan amendments.**

11 \*\*\* \*\*

12 C. Procedure for substantive amendments.

13 1. Procedure.

14  
15  
16  
17 a. Initiation. A petition for amendment to the  
18 comprehensive plan may be initiated by any review or  
19 decision-making body, a member of such body, or, if  
20 accompanied by a rezone application, by a property  
21 owner.

22  
23 b. Public notice.

24  
25 i. Notice shall be provided in accordance with  
26 section 21.03.020H.

27  
28 ii. Substantive amendments to be considered by the  
29 planning and zoning commission shall be  
30 available for public review at least 21 days in  
31 advance of the public hearing.

32  
33 c. Departmental review. The department shall review each  
34 proposed substantive amendment in light of the  
35 approval criteria set forth in subsection C.2. below and  
36 distribute the application to other reviewers as deemed  
37 necessary. Based on the results of those reviews, the  
38 department shall provide a report to the planning and  
39 zoning commission. This report shall include a  
40 discussion of all plans and policies that have been  
41 adopted by the municipality and are relevant to the  
42 proposed amendment.

43  
44 d. Planning and zoning commission action. The planning  
45 and zoning commission shall hold a public hearing on  
46 the proposed amendment. Based on testimony  
47 received, the department's report, and the approval  
48 criteria in subsection C.2. below, the commission shall  
49 recommend that the assembly approve, approve with  
50 modifications, or deny the proposed amendment. In  
51 cases of amendments initiated or proposed by a

decision making body or a member of one, the sponsors of the amending ordinance shall have the opportunity to present to and answer any questions of the commission.

\*\*\* \*\*

3. *Concurrent zoning changes allowed.*

a. Conforming amendments to the zoning map [REQUESTS FOR REZONINGS (ZONING MAP AMENDMENTS)] may be considered concurrently with a comprehensive plan map amendment, either as part of the same ordinance or as a separate ordinance proposed concurrently. The conforming amendments to the zoning map [AMENDMENT] shall be to a zone corresponding to the requested comprehensive plan map designation. Concurrent zoning map amendments shall meet all of the approval criteria of subsection 21.03.160E, but may be otherwise processed subject to the procedural requirements of a comprehensive plan amendment under this section.

b. The planning and zoning commission shall submit its report and recommendation regarding the comprehensive plan map amendment to the assembly at the same time it submits the report and recommendation on the conforming amendments to the zoning map [REZONING CASE]. The assembly and planning and zoning commission may [SHALL] consider and act on the plan amendment proposal and its proposed conforming amendments to the zoning map [REZONING REQUEST] concurrently or separately, as either body deems most efficient [AND SHALL ACT SEPARATELY ON THE TWO ITEMS].

\*\*\* \*\*

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2017-176 , § 1, 1-9-18; AO No. 2021-89(S) , § 21, 2-15-22; AO No. 2022-38 , § 2, 4-12-22)

**Section 4.** Anchorage Municipal Code section 21.03.160 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**21.03.160 Rezoning (zoning map amendments).**

A. *Purpose and scope.* The boundaries of any zone district in the municipality may be changed or the zone classification of any parcel of land may be changed pursuant to this section. This section states the procedures and approval criteria necessary to process an amendment to the official zoning map. Zoning is not effective if it is too easily or frequently changed. Zoning is intended to provide a degree of certainty that is important for long-term investment and neighborhood cohesion and stability. The purpose of rezoning is not

1 to relieve particular hardships, nor to confer special privileges or rights  
 2 on any person, but to make adjustments to the official zoning map that  
 3 are necessary in light of changed conditions or changes in public  
 4 policy, or that are necessary to advance the general welfare of the  
 5 municipality. Rezoning shall not be used as a way to legitimize  
 6 nonconforming uses or structures, and should not be used when a  
 7 conditional use, variance, or minor modification could be used to  
 8 achieve the same result.

9  
 10 B. *Minimum area requirements.* A rezoning shall only be considered for  
 11 properties totaling 1.75 acres (76,230 square feet) or more (excluding  
 12 rights-of-way), except for:

- 13
- 14 1. A rezoning extending the boundaries of an existing zoning  
 15 district; or
- 16
- 17 2. A rezoning initiated by the municipal administration to place  
 18 municipally owned land in a PLI, PR, DR, GIP, GOS, CE-PLI,  
 19 CE-PR, or CE-DR zoning district.
- 20
- 21 3. A rezoning into the B-1A or R-3A district.
- 22

23  
 24 C. *When a comprehensive plan map amendment is required.* Zoning  
 25 map amendments may also require an amendment to the  
 26 comprehensive plan map. Determination of whether the  
 27 comprehensive plan map must also be amended is based upon  
 28 whether the proposed zoning map amendment is to a zone consistent  
 29 with the comprehensive plan map. If an amendment to the  
 30 comprehensive plan map is required, the zoning map amendment can  
 31 only be made if the amendment to the comprehensive plan map is  
 32 approved first. Both amendments may be processed concurrently, as  
 33 provided in subsection 21.03.070 C.3.

34  
 35 D. *Conforming amendments to the official zoning map.* Amendments to  
 36 the comprehensive plan, or to text of title 21 may also require  
 37 conforming amendments to the official zoning map. Both the principal  
 38 and conforming amendments may be considered concurrently, as  
 39 provided in subsection 21.03.020 L. either within the same ordinance  
 40 or through separate ordinances processed concurrently. The  
 41 conforming amendment(s) shall be subject the approval criteria of  
 42 subsection F below, but is exempted from the other requirements of  
 43 this section, provided it is processed concurrently with the principal  
 44 ordinance amending the comprehensive plan or the text of title 21 and  
 45 subjected to the procedural requirements of section 21.03.070 or  
 46 21.03.210, as applicable.

47  
 48 E[D]. *General procedure.*

- 49
- 50 1. *Initiation.*
- 51

- 1 a. A rezoning may be initiated by the assembly, the  
2 planning and zoning commission, or by the  
3 administration.  
4
- 5 b. In addition, any person may initiate a rezoning by  
6 submitting a petition favoring the rezoning signed by the  
7 owners of at least 51 percent of the area within the  
8 property to be rezoned. For the purposes of this  
9 subsection, an owner of property subject to the  
10 Horizontal Property Regimes Act (A.S. 34.07) owns a  
11 percentage of the appurtenant common areas equal to  
12 the percentage for that property stated in the recorded  
13 declaration committing the property to the Horizontal  
14 Property Regimes Act.  
15
- 16 c. A rezoning application shall expire one year after  
17 submittal unless a public hearing on the application has  
18 been held by the assembly on or before that date;  
19 provided, however, that the director may extend the  
20 application for six months if the reason for the delay was  
21 due to circumstances beyond the control of the  
22 applicant.  
23
- 24 d. Rezoning shall precede corps of engineers wetland  
25 permit applications.  
26
- 27 2. *Pre-application conference.* Before filing an application, a  
28 private-party applicant shall request a pre-application  
29 conference with the director, in accordance with subsection  
30 21.03.020 B.  
31
- 32 3. *Community meeting.* A community meeting is required in  
33 accordance with subsection 21.03.020 C.  
34
- 35 4. *Application submittal.* Applications for a rezoning shall be  
36 submitted to the director on a form provided by the department  
37 and shall contain the information specified on the application  
38 form. Additional materials may be required for certain types of  
39 rezoning, such as rezoning with special limitations.  
40
- 41 5. *Public notice.* Notice shall be provided in accordance with  
42 subsection 21.03.020 H. In addition, the published and written  
43 (mailed) notice for the public hearing before the assembly shall  
44 list the protest provisions set forth in subsection D.9. below.  
45
- 46 6. *Departmental review.* The department shall review each  
47 proposed rezoning in light of the approval criteria in subsection  
48 E. below and distribute the application to other reviewers as  
49 deemed necessary. Based on the results of those reviews, the  
50 department shall provide a report to the planning and zoning  
51 commission.

1  
2 7. *Planning and zoning commission action.*  
3

4 a. The planning and zoning commission shall hold a public  
5 hearing on the proposed rezoning and, at the close of  
6 the hearing, taking into account the recommendations of  
7 the department and public input, and based upon the  
8 approval criteria of subsection E. below, shall  
9 recommend approval, approval with special limitations  
10 or other modifications (at least as restrictive as  
11 submitted in the application), or denial. The commission  
12 shall include written findings based on each of the  
13 approval criteria. The planning and zoning commission  
14 shall supplement any denial recommendation with a  
15 summary of critical issues related to the application,  
16 based upon public input and the commission's  
17 deliberations. This information will be available to assist  
18 the assembly if an ordinance is submitted under  
19 subsection 7.c. below. In cases of amendments initiated  
20 or proposed by the assembly, the sponsors of the  
21 ordinance shall have the opportunity to present to and  
22 any answer questions of the commission.  
23

24  
25 b. If the commission recommends approval or approval  
26 with special limitations or other modifications, within 60  
27 days of the commission's written resolution, the director  
28 shall forward the recommendation to the assembly with  
29 an ordinance to amend the official zoning map in  
30 accordance with the recommendation.  
31

32 c. If the commission recommends denial, the amendment  
33 shall be deemed disapproved unless, within 15 days of  
34 the commission's written resolution recommending  
35 denial, the applicant files a written statement with the  
36 municipal clerk requesting that an ordinance amending  
37 the zoning map as set out in the application be submitted  
38 for action by the assembly. The draft ordinance shall be  
39 appended to an Assembly Informational Memorandum  
40 (AIM) for consideration by the assembly.  
41

42 8. *Assembly action.* The assembly shall hold a public hearing on  
43 the proposed rezoning and shall, at the close of the hearing,  
44 taking into account the recommendations of the department,  
45 planning and zoning commission, and public input, and based  
46 upon the approval criteria of subsection E. below:  
47

48 a. Approve the zoning map amendment as submitted in the  
49 application to the planning and zoning commission;

50  
51 b. Approve the zoning map amendment with special



1 limitations (see subsection G.) or other modifications at  
2 least as restrictive as those submitted in the application,  
3 provided that an ordinance approving an amendment  
4 initiated under this section shall become effective only  
5 with the written consent of the property owner(s) to the  
6 special limitations or other modifications;  
7

8 c. Deny the amendment; or  
9

10 d. Remand the proposed amendment to the planning and  
11 zoning commission or to a committee of the assembly  
12 for further consideration.  
13

14 9. *Protests.*  
15

16 a. Any owner of property subject to a proposed rezoning  
17 may protest the rezoning by filing a written protest with  
18 the clerk pursuant to this subsection.  
19

20 b. Any owner of property within 300 feet of the outer  
21 boundary of the land to which the amendment applies  
22 may protest the rezoning by filing a written protest with  
23 the clerk that is signed by the owners of at least one-  
24 third of the property, excluding rights-of-way, of:  
25

26 i. The land to which the amendment applies; or  
27

28 ii. The land within 300 feet of the outer boundary of  
29 the land to which the amendment applies;  
30 excluding land owned by the municipality, except  
31 where the municipality joins in the protest.  
32

33 c. To be valid, the protest shall state the factual and/or  
34 legal basis for the protest, contain a legal description of  
35 the property on behalf of which the protest is made, be  
36 signed by the owner of that property, and be received by  
37 the municipal clerk after notice of a public hearing before  
38 the assembly on a zoning map amendment and at least  
39 three business days before the time set for the assembly  
40 public hearing on the amendment.  
41

42 d. Assembly approval of a rezoning subject to a valid  
43 protest under this subsection shall require an affirmative  
44 vote of eight assembly members.  
45

46 10. *Waiting period for reconsideration.* Following denial of a  
47 rezoning request, no new application for the same or  
48 substantially the same rezoning shall be accepted within two  
49 years of the date of denial, unless denial is made without  
50 prejudice.  
51

- 1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13
11. *Form of amending ordinance.* An ordinance amending the zoning map shall contain the following:
- a. The names of the current and the requested zoning districts;
  - b. The legal description of the subject property;
  - c. Any special limitations being applied to the subject property; and
  - d. An effective clause.

14 E[E]. *Approval criteria.* The planning and zoning commission may recommend approval, and the assembly may approve a rezoning, if the rezoning meets all of the following criteria:

- 15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51
- 1. The rezoning shall be in the best interest of the citizens of Anchorage and shall promote the public health, safety, and general welfare;
  - 2. The rezoning complies with and conforms to the comprehensive plan, including the comprehensive plan map(s);
  - 3. The rezoning is generally consistent with the zoning district purpose in the requested zone, and the purpose of this title;
  - 4. The rezoning is compatible with surrounding zoning and development, and protects areas designated for specific uses on the zoning map from incompatible land uses or development intensities;
  - 5. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) are capable of supporting the uses allowed by the zone or will be capable by the time development is complete, while maintaining adequate levels of service to existing development;
  - 6. The rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts shall be substantially mitigated;
  - 7. The proposed rezoning is not likely to result in significant adverse impacts upon adjacent land uses, or such impacts shall be mitigated through stipulations;
  - 8. The rezone does not extend or exacerbate a land use pattern that is inconsistent with the comprehensive plan; and

9. The rezoning shall not result in a split-zoned lot.

\*\*\* \*\*

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2017-176 , § 1, 1-9-18; AO No. 2021-89(S) , § 21, 2-15-22; AO No. 2022-38 , § 2, 4-12-22)

**Section 5.** Anchorage Municipal Code section 21.03.210 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**21.03.210 Title 21—Text amendments.**

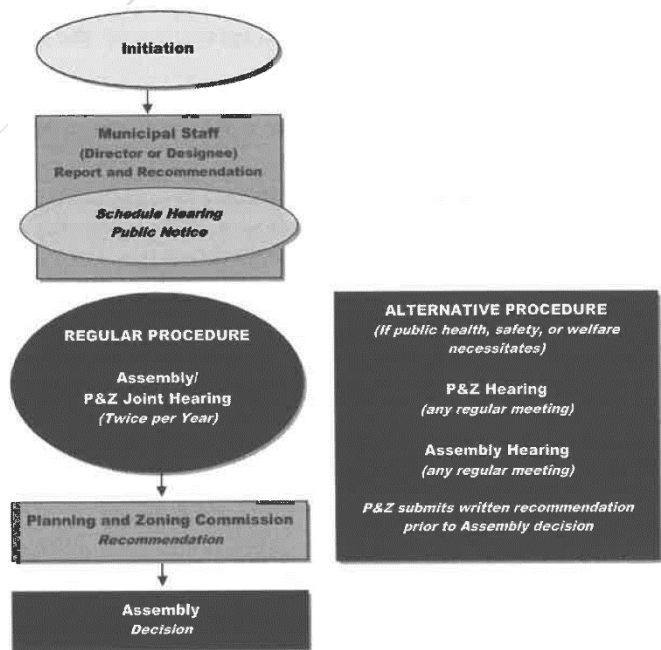
A. *Purpose and scope.* The assembly may amend the text of this title in accordance with the procedures set forth in this section. The purpose of text amendments is not to relieve particular hardships, nor to confer special privileges or rights on any person, but rather to make adjustments to text that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the municipality.

B. *Procedure.*

1. *Initiation.* A petition for amendment to the text of this title may be initiated by any review or decision-making body, or a member of such body.

2. *Application submittal.* Proposals for text amendments shall be in ordinance form and shall be filed with the director.

3. *Departmental review.* The department shall review each proposed text amendment in light of the approval criteria of subsection C. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall confer with the proponent of the text amendment and may suggest changes to the proposal. After this initial review and any modifications to the proposal the department may re-distribute to reviewers and then provide a report to the planning and



Amendments to Text of Title 21

1 zoning commission, or may proceed directly to submitting its  
2 report and the proposed text amendments, modified or  
3 unmodified, to the commission. A positive recommendation  
4 shall be accompanied by a draft ordinance reflecting the  
5 recommendation.

6  
7 4. *Review by other boards or commissions.*

8  
9 a. Any text amendments proposed that amend the powers  
10 and duties of any board or commission shall be reviewed  
11 by that board or commission, which shall forward a  
12 recommendation to the assembly.

13  
14 b. In addition, if any text amendments are proposed in  
15 Chapter 21.08, Subdivision Standards, the platting  
16 board shall review such proposed amendments and  
17 forward a recommendation to the planning and zoning  
18 commission and the assembly.

19  
20 5. *Notice of amendments.*

21  
22 a. Notice shall be provided in accordance with subsection  
23 21.03.020H., except when the notice is for a public  
24 hearing before the assembly then it shall be provided at  
25 least 7 days before the scheduled hearing date in  
26 accordance with section 10.01 of the Charter.

27  
28 b. Title 21 text amendments to be considered by the  
29 planning and zoning commission shall be available for  
30 public review at least 21 days in advance of the  
31 commission's public hearing.

32  
33 c. If the director determines that a technical or cosmetic  
34 amendment to title 21 is needed to address conflicting  
35 provisions, inconsistencies, or unintended  
36 consequences associated with the Title 21 Rewrite  
37 Project (2002-2012), the director may forward a  
38 corrective amendment to the assembly, which may  
39 adopt the amendment without planning and zoning  
40 commission review; provided, however, that the director  
41 shall notify the commission at the time the proposed  
42 amendment is submitted to the assembly, so that the  
43 commission can forward its opinion on the proposed  
44 change to the assembly for consideration. All other  
45 amendments shall be processed by [THROUGH] the  
46 planning and zoning commission for review and  
47 recommendation to the assembly.

48  
49  
50 6. *Planning and zoning commission action.*

1 a. As soon as possible after the public hearing, but no later  
2 than 60 days, the planning and zoning commission shall  
3 make a recommendation to the assembly to approve,  
4 [OR] deny, or modify the text amendment based on the  
5 approval criteria of subsection C. below.

6  
7 b. In cases of amendments initiated or proposed by the  
8 assembly, the sponsors of the ordinance shall have the  
9 opportunity to present to and answer questions of the  
10 commission.

11  
12 c. If the commission recommends approval of the  
13 amendment, the director shall submit the draft ordinance  
14 to the assembly.

15  
16 d[c]. If no recommendation is made within 60 days, then the  
17 planning and zoning commission may request an  
18 extension of time from the assembly. If no  
19 recommendation is made and no extension is granted,  
20 then the assembly may act on the proposed amendment  
21 without a recommendation from the planning and zoning  
22 commission.

23  
24 7. *Assembly action.* After a public hearing and reviewing the  
25 reports and recommendations of the director and the planning  
26 and zoning commission, the assembly may [SHALL] vote to  
27 approve, approve with amendments, or deny the proposed  
28 amendment, based on the approval criteria of subsection C.  
29 below. The assembly also may refer the proposed amendment  
30 back to the planning and zoning commission or to a committee  
31 of the assembly for further consideration. Text amendments  
32 shall be approved in the form of ordinances.

33  
34 C. *Approval criteria.* Text amendments may be approved if the assembly  
35 has considered [FINDS THAT] all of the following approval criteria  
36 before taking action to approve[HAVE BEEN MET]:

- 37  
38 1. The proposed amendment will promote the public health,  
39 safety, and general welfare;  
40  
41 2. The proposed amendment is consistent with the  
42 comprehensive plan and the stated purposes of this title ; and  
43  
44 3. The proposed amendment is necessary or desirable because  
45 of changing conditions, new planning concepts, or other social  
46 or economic conditions.

47  
48 D. Concurrent zoning changes allowed.

- 49  
50 1. Conforming amendments to the zoning map may be  
51 considered concurrently with a title 21 text amendment, either

as part of the same ordinance or as a separate ordinance proposed concurrently. Such conforming amendments to the zoning map shall meet all of the approval criteria of subsection 21.03.160E but shall otherwise conform to the procedural requirements of title 21 text amendment under this section.

2. The planning and zoning commission shall submit its report and recommendation regarding the comprehensive plan map amendment to the assembly at the same time it submits the report and recommendation on the conforming amendments to the zoning map. The assembly and planning and zoning commission may consider and act on the title 21 text amendment proposal and its proposed conforming amendments to the zoning map concurrently or separately, as either body deems most efficient.

(AO 2012-124(S), 2-26-13; AO N. 2016-136am , § 1, 11-15-16; AO No. 2019-58 , § 1, 5-7-19)

**Section 67.** Notwithstanding AMC section 21.03.210, this ordinance shall not require planning and zoning commission review prior to assembly action, and the 21-day published notice requirement of AMC subsection 21.03.020h.4. is waived; this ordinance shall comply with Charter § 10.01(b) notice requirements.

**Section 7.** This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Chair \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Municipal Clerk

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40



# MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 390-2024

Meeting Date: April 23, 2024

1 **From:** Assembly Vice Chair Zaletel, and Assembly Members Brawley  
2 and Volland.  
3

4 **Subject:** AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING  
5 ANCHORAGE MUNICIPAL CODE, TITLE 21, LAND USE  
6 PLANNING, INCLUDING SECTIONS 21.01.050, 21.03.020,  
7 21.03.070, 21.03.160, AND 21.03.210 TO CLARIFY THE  
8 ASSEMBLY'S LEGISLATIVE POWERS FOR ESTABLISHING  
9 LAND USE PUBLIC POLICY AND THE METHODS BY WHICH IT  
10 MAY EFFECTUATE CHANGES TO TITLE 21, AND RELATED  
11 MATTERS AND WAIVING PLANNING AND ZONING  
12 COMMISSION REVIEW OF THIS ORDINANCE.  
13 ..

14  
15 The proposed ordinance is intended to clarify the process for making conforming  
16 amendments to the official zoning map recommended or necessary due to a  
17 proposed amendment to the comprehensive plan or text of Title 21 of the Anchorage  
18 Municipal Code, "Land Use Planning."  
19

20 Section 1 of the proposed AO amends constrictive language in section 21.01.050,  
21 to allow the zoning map to be amended as an adjunct to a principal amendment to  
22 either the comprehensive plan or the text of Title 21, as opposed to requiring all  
23 changes to the zoning map to be routed through the Rezoning process outlined  
24 21.03.160. The intent of this change is to remove the unnecessary duplication of  
25 effort currently demanded in this section of code to essentially effect a single action,  
26 and instead, allow the public process governing the amendment to the  
27 comprehensive plan or text of title 21, to act as the principal amendment and any  
28 required conforming amendments to the zoning map to be considered under that  
29 procedure.  
30

31 Section 2 of the ordinance clarifies the role assembly members may play before the  
32 planning and zoning commission when they initiate changes to Title 21. The rules  
33 of procedure for the planning and zoning commission already provide standing for  
34 applicants to address the commission, but do not contemplate the role of Assembly  
35 Members in an action initiated by this body. This change clarifies that the sponsors  
36 of any ordinance proposing a change to Title 21 should have the same standing as  
37 any other applicant to the planning and zoning commission.  
38

39 Section 3 clarifies vague language currently found in section 21.03.070. Presently  
40 under the code, amendments to the zoning map may be considered concurrently to  
41 proposed amendments to the comprehensive plan, with the narrow caveat that the  
42 zoning amendments are still subject to the approval criteria of all rezoning actions  
43 under section 21.03.160E. This language however does not specify the procedural  
44 requirements for such concurrent zoning amendments. This ordinance seeks to

1 clarify the proper procedure by clearly stating that, while the approval criteria for an  
2 concurrent amendment to the zoning map remains the same, when those  
3 amendments are proposed as a result to an amendment to the comprehensive plan,  
4 the procedures for a comprehensive plan amendment should govern both actions.  
5 The change maintains the same standards while allowing for the most efficient use  
6 of municipal planning resources.  
7

8 Section 4 makes clear that, when amendments to the zoning map that are  
9 dependent on a principal amendment to the comprehensive plan or text of Title 21,  
10 they may be exempted from the procedural requirements of section 21.03.160,  
11 Rezoning (zoning map amendments), so long as they are subjected to the approval  
12 criteria of a rezoning and follow the procedural requirements of the principal  
13 amendment to Title 21, be it a comprehensive plan amendment under section  
14 21.03.070 or a text amendment under section 21.03.210.  
15

16 Section 5 seeks to create harmony in the code by grafting over the language  
17 regarding concurrent zoning changes from section 21.03.070 governing  
18 comprehensive plan amendments, and placing the same language in section  
19 21.03.210 which govern text amendments.  
20

21 **We request your support for the ordinance.**  
22

23 Prepared/Reviewed by: Assembly Counsel's Office  
24

25 Respectfully submitted: Meg Zaletel, Vice Chair of the Assembly  
26 District 4, Midtown  
27

28 Anna Brawley, Assembly Member  
29 District 3, West Anchorage  
30

31 Daniel Volland, Assembly Member  
32 District 1, North Anchorage