

Proposed Amendment # 1 to AO 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.

Submitted by: Assembly Vice Chair Brawley

PROPOSED AMENDMENT

Purpose/Summary of Amendment: Revise portions of the chapter's purpose statement to better reflect the intended balance between requiring properties to move toward conformity over time, and the practical and financial implications of this policy as applied to existing buildings.

TEXT OF AMENDMENT

(adding new language, [DELETING CURRENT CODE LANGUAGE] and [~~Deleting words proposed by the unamended AO that are not in current code~~])

AO Section 2, p. 2, beginning at line 40, amending as follows:

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 **were lawful before the effective date of applicable but** 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] and mitigate burdens created by policies that require movement towards conformity on development that was lawfully established prior to the effective date of this title and any subsequent amendments.

Will there be any public or private economic effect to the proposed amendment?

☐ YES ☒ NO (check one) **If yes, please detail below.**

No

Proposed Amendment # 2 to AO 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.

Submitted by: Assembly Vice Chair Brawley

PROPOSED AMENDMENT

Purpose/Summary of Amendment:

This section of code, not in the original AO, was added during the Title 21 Rewrite to address impacts of zoning code changes on existing properties with structures that exceeded the maximum setbacks. This amendment creates conforming legal status for existing buildings with setback encroachments, to provide parity for those properties alongside properties exceeding the maximum setbacks adopted in Title 21.

If a foundation is one of the most expensive components of constructing a building, and it is rare and impractical to physically relocate a building or install a new portion of a foundation, then it is reasonable to consider relief or alternatives for property owners to continue to invest in and develop their property, provided they do not expand the nonconformity or encroachment further.

TEXT OF AMENDMENT

(adding new language, [DELETING CURRENT CODE LANGUAGE] and [~~Deleting words proposed by the unamended AO that are not in current code~~])

AO Section 4, p. 3, beginning at line 36, amending to insert a new AO Section 4, renumber the subsequent sections accordingly, the new Section 4 to read below with current code inserted and only the changes to current text with legislative drafting markup, as follows:

Section 4. Anchorage Municipal Code subsection 21.13.040C., is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.13.040 - Nonconforming structures.

*** *** ***

- C. *Buildings exceeding maximum setback.* If a lawful building erected prior to January 1, 2014 does not comply with the requirements of this title with

Agenda Item No. 14.D.
Brawley **Amendment No. 2**

regard to minimum or maximum structure setbacks, such building shall be deemed conforming with regard to setbacks.

(AO 2012-124(S), 2-26-13; AO No. 2020-38, § 11, 5-28-20; AO No. 2020-93, § 6, 10-1-20; AO No. 2021-89(S), § 21, 2-15-22)

Will there be any public or private economic effect to the proposed amendment?

☐ YES ☒ NO (check one) **If yes, please detail below.**

No

Proposed Amendment # 3 to AO 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.

Submitted by: Assembly Vice Chair Brawley

PROPOSED AMENDMENT

Purpose/Summary of Amendment:

Provide additional relief for property owners with structures that were built prior to 1986, but have only a small encroachment into setbacks and who are engaging in an improvement project that will not result in more encroachment into that setback. The intent is that staff could utilize Municipal aerial imagery maintained in our data library to identify if the structure pre-dates 1986, if the area was included in the extent of the imagery from that time, saving the need to produce an as-built survey for purposes of a project which will not impact the existing foundation or where it encroaches in a setback.

TEXT OF AMENDMENT

(adding new language, [DELETING CURRENT CODE LANGUAGE] and [~~Deleting words proposed by the unamended AO that are not in current code~~])

AO Section 4, p. 3, beginning at line 36, amending to insert a new AO Section 4, renumber the subsequent sections accordingly, the new Section 4 to read below with current code inserted and only the changes to current text with legislative drafting markup, as follows:

Section 4. Anchorage Municipal Code subsection 21.13.040D., is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.13.040 - Nonconforming structures.

E. Legalization of nonconforming dimensional yard setback encroachments.

2. Procedures for registration.

a. Application for the registration of nonconforming encroachment shall be submitted to the department, on a form provided by the

department. The application shall require an as-built drawn by a land surveyor registered in the state of Alaska, which shows all structures existing on the lot at the date of application. The application shall also require information supporting the assertion that the structure and encroachments were constructed prior to January 1, 1986. The director may require the petitioner to provide additional information to support this application.

- b. Within 30 days of receipt of all requested information, and upon an adequate showing that the requirements stated in subsection 21.13.040E.1. above are met, the director shall issue or deny a certificate permitting the continued use and existence of the encroachment. The director may impose such conditions on the certificate as he/she may determine are appropriate to protect the general welfare. The certificate shall note the size and characteristic of the setback encroachment and the structure. A copy of the required as-built shall be attached thereto.

- c. **Where there is a dimensional encroachment not exceeding 5 feet, or 40 percent of the required setback, whichever is smaller, the director or designee may waive the requirement to submit an as-built survey if the property owner is making only interior improvements, building a detached accessory structure, and if the property can be confirmed to have been constructed prior to January 1, 1986 via inspection of available aerial imagery maintained by the municipality in its geographic information systems (GIS) data library.**

(AO 2012-124(S), 2-26-13; AO No. 2020-38, § 11, 5-28-20; AO No. 2020-93, § 6, 10-1-20; AO No. 2021-89(S), § 21, 2-15-22)

Will there be any public or private economic effect to the proposed amendment?
☐ YES ☒ NO (check one) **If yes, please detail below.**

No