

Submitted by: Chair of the Assembly at the Request of the Mayor
 Prepared by: Planning Department and Department of Law
 For reading:

**ANCHORAGE, ALASKA
 AO No. 2023-___**

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 21 CHAPTERS 21.02: BOARDS, COMMISSIONS, AND MUNICIPAL ADMINISTRATION; 21.03: REVIEW AND APPROVAL PROCEDURES; 21.06: DIMENSIONAL STANDARDS AND MEASUREMENTS; 21.11: DOWNTOWN; 21.13: NONCONFORMITIES; AND 21.15: RULES OF CONSTRUCTION AND DEFINITIONS TO CLEAN UP CROSS REFERENCES AND CONFLICTING SECTIONS FOLLOWING THE DOWNTOWN CODE UPDATE.

(Planning and Zoning Commission Case No. 2023-0086)

WHEREAS, Action 3-9 of the *Anchorage 2040 Land Use Plan* (2040 Plan) calls for the completion of a comprehensive update to the downtown zoning regulations and a targeted plan review and update to the *Downtown Comprehensive Plan*, and

WHEREAS, since adoption, several small discrepancies have come to light within Chapter 11 and other Chapters of Title 21, and

WHEREAS, the code update and the *Our Downtown* edits are designed to support straightforward implementation of the code and the Plan; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code Chapter 21.02.020, *Table of Decision and Review Authority*, is hereby amended to read as follows (*the remainder of the chapter is not affected and therefore not set out*):

21.02.020 TABLE OF DECISION AND REVIEW AUTHORITY

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TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES								
NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.								
A = APPEAL = Authority to Hear and Decide Appeals D = DECISION = Responsible for Review and Final Decision H = HEARING = Public Hearing Required R = REVIEW = Responsible for Review and/or Recommendation Only								
Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS	
*** **								
<i>Variances from the provisions of 21.05.040K., Telecommunication Facilities;</i>	21.0							
<i>21.06, Dimensional Standards and Measurements (except subsection 21.06.030D.9., Airport Height Regulations); 21.07.020B.,</i>	3.24 0		D- H[13, 16] 15			D- H[17] 16		R

<p>TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES</p> <p>NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.</p> <p>A = APPEAL = Authority to Hear and Decide Appeals D = DECISION = Responsible for Review and Final Decision H = HEARING = Public Hearing Required R = REVIEW = Responsible for Review and/or Recommendation Only</p>								
Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS	
Watercourse, Water Body, and Wetland Protection 21.07.050, Utility Distribution Facilities; 21.09.060, Dimensional Standards; 21.09.070J., Utilities and Utility Equipment Standards; 21.10.060, Dimensional Standards; [21.11.060, DIMENSIONAL STANDARDS FOR SITES AND BUILDINGS;] 21.13, Nonconformities								
21.11.060, Dimensional Standards for Sites and Buildings;			D-H ^{15, 17}		D-H			R
Variances from the provisions of 21.07.020C., Steep Slope Development; 21.07.060, Transportation and Connectivity; 21.08, Subdivision Standards; 21.09.070C., Hazard Areas; 21.09.070F., Transportation and Connectivity; 21.09.070G.1., Street and Trail Lighting Standards; 21.09.070H., Pedestrian Circulation; 21.10.070B., Transportation and Connectivity; 21.10.080, Subdivision Standards.	21.0 3.24 0		D- H13, 15 [14,16]	D-H 13,16 [14,17]	D-H	A		R
Variances from the district-specific standards of 21.04, Zoning Districts; 21.09.040, Zoning Districts; 21.10.040, Zoning Districts. the use-specific standards of 21.05, Use Regulations (except subsection 21.05.040K., Telecommunication Facilities, and section 21.05.055 Marijuana Establishments); 21.09.050, Use Regulations; 21.10.050, Use Regulations. 21.11.050, Use Regulations 21.07, Development and Design Standards (except 21.07.020B., Watercourse. Water Body, and Wetland Protection, 21.07.020C., Steep Slope Development, 21.07.050, Utility Distribution Facilities, and 21.07.060, Transportation and Connectivity); Those subsections of section 21.09.070, Site Development and Design Standards, not	21.0 3.24 0		D- H17 [18]	D- H15 [16]		A		R

TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES								
NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.								
A = APPEAL = Authority to Hear and Decide Appeals								
D = DECISION = Responsible for Review and Final Decision								
H = HEARING = Public Hearing Required								
R = REVIEW = Responsible for Review and/or Recommendation Only								
Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS	
reserved to the platting authority or the zoning board of examiners and appeals; 21.09.080, Building Design Standards; 21.10.070, Development and Design Standards (except 21.10.070B., Transportation and Connectivity); [21.11.070, DEVELOPMENT AND DESIGN STANDARDS] 21.12, Signs								
21.11.070, Development and Design Standards				D-H ¹⁵ ₁₇		A		R

NOTES:

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[13 THE PLANNING AND ZONING COMMISSION SHALL HAVE VARIANCE AUTHORITY OVER THE BUILDING TOWER DIMENSION REGULATIONS IN 21.11.060C. FOR ALL B-2A DEVELOPMENT SITES AND FOR B-2B AND B-2C DEVELOPMENT SITES LARGER THAN 26,000 SQUARE FEET.]

13 [14] When the planning and zoning commission or the urban design commission acts as the platting authority, they shall have variance authority over these sections as well.

14 [15] The planning and zoning commission is the decision-making authority for a small area implementation plan that is being considered concurrently with a zoning map amendment and/or when B-1A use types not permitted by the underlying zoning are included per 21.03.115.

15 [16] The planning and zoning commission shall have variance authority over these sections when such variances are required as part of a small area implementation plan that is being considered concurrently with a zoning map amendment per 21.03.115.

16 [17] The urban design shall have variance authority over these sections when such variances are requested as part of a small area implementation plan per 21.03.115.

17 [18] The planning and zoning commission shall only decide variances when accompanied by a conditional use or a major site plan review per 21.03.240, except those to be decided by the zoning board of examiners and appeals.

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-36, § 1, 5-14-15; AO No. 2016-3(S), § 1, 2-23-16; AO No. 2017-55, § 2, 4-11-17; AO No. 2018-67(S-1), § 1, 10-9-18; AO No. 2020-38, § 2, 5-28-20; AO No. 2021-46(S), § 3, 6-8-21; AO No. 2022-38, § 1, 4-12-22; AO 2022-43(S), § 3, 4-12-22)

Section 2. Anchorage Municipal Code Chapter 21.02.030, *Planning and Zoning Commission*, is hereby amended to read as follows (*the remainder of the chapter is not affected and therefore not set out*):

21.02.030 PLANNING AND ZONING COMMISSION

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B. *Decision-Making Authority.*

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9. [VARIANCE FROM BULK AND LOT COVERAGE REGULATIONS IN SECTION 21.11.060C., BUILDING TOWER DIMENSIONS_, FOR ALL B-2A DEVELOPMENT SITES, AND FOR B-2B AND B-2C DEVELOPMENT SITES LARGER THAN 26,000 SQUARE FEET];

[10.] Small area implementation plans when a zoning map amendment is submitted concurrently and/or when B-1A use types not permitted by underlying zoning are included in the proposed small area implementation plan;

10[11]. Preliminary plats, when accompanied by a rezone, unless the applicant chooses another platting authority allowed by 21.02.020; and

11[12]. Variances, when accompanied by a conditional use or a major site plan review, except variances authorized to be decided by the zoning board of examiners and appeals.

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2020-35, § 1, 4-14-20; AO No. 2020-38, § 2, 5-28-20; AO No. 2022-38, § 1, 4-12-22)

Section 3. Anchorage Municipal Code Chapter 21.02.060, *Zoning Board of Examiners and Appeals*, is hereby amended to read as follows (*the remainder of the chapter is not affected and therefore not set out*):

21.02.060 ZONING BOARD OF EXAMINERS AND APPEALS

A. *Decision-Making Authority.*

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2. Variances from:

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h. Section 21.11.06[7]0, Dimensional Standards for Sites and Buildings; and

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-36, § 4, 5-14-15; AO No. 2018-67(S-1), § 3, 10-9-18; AO No. 2020-35, § 4, 4-14-20; AO No. 2020-38, § 2, 5-28-20)

Section 4. Anchorage Municipal Code Chapter 21.03.240, *Variances*, is hereby amended to read as follows (*the remainder of the chapter is not affected and therefore not set out*):

21.03.240 VARIANCES

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B. Decision-Making Bodies for Variance Requests.

[1. THE PLANNING AND ZONING COMMISSION SHALL BE AUTHORIZED TO REVIEW AND DECIDE ALL REQUESTS FOR VARIANCES TO STANDARDS OF THE FOLLOWING SECTIONS:

a. BULK AND MAXIMUM LOT COVERAGE REGULATIONS IN 21.11.060B. (TABLE 21.11-4) AND BUILDING TOWER DIMENSIONS IN] 21.11.060 C (TABLE 21.11-5) FOR ALL B-2A DEVELOPMENT SITES; AND,

B. BULK AND MAXIMUM LOT COVERAGE REGULATIONS IN 21.11.060B. (TABLE 21.11-4) AND BUILDING TOWER DIMENSIONS REGULATIONS IN 21.11.060C. (TABLE 21.11-5) FOR B-2B AND B-2C DEVELOPMENT SITES LARGER THAN 26,000 SQUARE FEET].

1[2]. The platting authority shall be authorized to review and decide all requests for variances to standards of the following sections:

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2[3]. Requests for variances from the airport height regulations set forth in section 21.06.030D.9. shall be referred to the Federal Aviation Administration.

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3[4]. The urban design commission, and planning and zoning commission when the variance is accompanied by a conditional use or major site plan review, shall be authorized to review and decide all requests for variances to standards of the following sections:

4[5]. The zoning board of examiners and appeals shall be authorized to review and decide variance requests from:

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g. Section 21.10.060, Dimensional Standards; and

[H. SECTION 21.11.060, DIMENSIONAL STANDARDS FOR SITES AND BUILDINGS (DOWNTOWN),EXCEPT 21.11.060C. IN THE B-2A

DISTRICT, AND EXCEPT 21.11.060C. FOR DEVELOPMENT SITES LARGER THAN 26,000 SQUARE FEET IN THE B-2B AND B-2C DISTRICT; AND]

h[l]. Chapter 21.13, Nonconformities.

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-36, § 10, 5-14-15 ; AO No. 2015-133(S), § 2, 2-23-16 ; AO No. 2017-55, § 7, 4-11-17; AO No. 2018-67(S-1), § 4, 10-9-18; AO No. 2018-118, § 2, 1-1-19; AO No. 2020-38, § 3, 5-28-20; AO No. 2021-89(S), § 21, 2-15-22; AO No. 2022-36, § 1, 4-26-22; AO No. 2022-38, § 3, 4-12-22)

Section 5. Anchorage Municipal Code section 21.06.030, *Measurements and Exceptions*, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.06.030 MEASUREMENTS AND EXCEPTIONS

D. *Height.*

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2. *Airport Height Regulations.* Nothing in this section allows a building, structure, or appurtenance to exceed the height limitations of the airport height regulations (21.06.030D.10[9]).

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-100, § 2(Exh. A), 10-13-15 ; AO No. 2016-71, § 1, 6-21-16; AO No. 2017-160, § 3, 12-19-17; AO No. 2017-176, § 6, 1-9-18; AO No. 2018-43(S), § 3(Exh. B), 6-12-18; AO No. 2019-11, § 4, 2-12-19; AO No. 2019-58, § 3, 5-7-19; AO No. 2020-38, § 7, 5-28-20; AO No. 2021-89(S), § 9, 2-15-22; AO No. 2022-36, § 3, 4-26-22)

Section 6. Anchorage Municipal Code Chapter 21.11.050, *Use Regulations*, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.11.050 USE REGULATIONS

A. *Table of allowed uses.* Table 21.11-2, below lists the uses allowed within the base zoning districts in Downtown. If a use is not defined in this chapter, the definition in chapter 21.05 shall apply.

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TABLE 21.11-2: TABLE OF ALLOWED USES – DOWNTOWN DISTRICTS					
P = Permitted Use L = Permitted with Limitations S = Administrative Site Plan Review C = Conditional Use M = Major Site Plan Review T = Special Land Use Permit for Marijuana A blank cell means the use is prohibited.					
Use Category	Use Type	B-2A	B-2B	B-2C	Definitions and Use-Specific Standards
RESIDENTIAL USES					
Vehicles and Equipment	Parking Structure	P	P	P	21.05.050I.3
COMMERCIAL MARIJUANA USES					
	Marijuana cultivation facility				21.05.055B.1., 21.03.105
	Marijuana manufacturing facility				21.05.055B.2., 21.03.105
	Marijuana testing facility		I	I	21.05.055B.3., 21.03.105
	Marijuana retail sales establishment ¹	T	T	T	21.05.055B.4., 21.03.105
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C. *Residential Uses: Definitions and Use-Specific Standards.*

1. Dwelling, single family (attached)
 - a. Single family attached dwellings must be alley-accessed for motor vehicles.
 - b. Single family attached dwellings are only allowed [AND ONLY] on lots smaller than 2,000 square feet.

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E. [COMMERCIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS]

1. [ALL COMMERCIAL USES OVER 20,000 SQUARE FEET ARE SUBJECT TO THE FOLLOWING STANDARDS:
 - A. 21.07.120A.5.C.II., WEATHER PROTECTION FOR PEDESTRIANS.
 - B. 21.07.120A.5.G., GROUND LEVEL EXPRESSION.]

[F. VEHICLES AND EQUIPMENT USES: DEFINITIONS AND USE-SPECIFIC STANDARDS.

1. PARKING LOT OR STRUCTURE (50+ SPACES)

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A. PARKING LOTS ARE NOT A PERMITTED USE IN DOWNTOWN.

2. PARKING LOT OR STRUCTURE (LESS THAN 50 SPACES)

A. PARKING LOTS ARE NOT A PERMITTED USE IN DOWNTOWN.]

F[G]. *Industrial Uses: Definitions and Use-Specific Standards.*

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G[H]. *Table of Accessory Uses.*

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H[I]. *Accessory Uses and Use-Specific Standards.*

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(AO No. 2020-38, § 11, 5-28-20; AO No. 2020-93, § 4, 10-1-20; AO No. 2023-43, 4-25-23)

Section 7. Anchorage Municipal Code section 21.11.060, *Dimensional Standards for Sites and Buildings*, is hereby amended to read as follows (*the remainder of the chapter is not affected and therefore not set out*):

21.11.060 DIMENSIONAL STANDARDS FOR SITES AND BUILDINGS

*** **

B. *Dimensional Standards Tables.*

1. The DT districts allow for a variety of lot sizes, building forms, and heights as set forth in Table 21.11-4, provided that:

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c. All buildings and structures shall also comply the height limitations of Section 21.06.030D.10[9]., Airport Height Regulations; and

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(AO No. 2020-38, § 11, 5-28-20; AO No. 2021-89(S), § 18, 2-15-22; AO No. 2023-43, 4-25-23)

Section 8. Anchorage Municipal Code section 21.11.070, *Development and Design Standards*, is hereby amended to read as follows (*the remainder of the chapter is not affected and therefore not set out*):

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21.11.070 DEVELOPMENT AND DESIGN STANDARDS.

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C. *Tower Mass Reductions.*

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3. *Tower standards.*
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Table 21.11-6: Tower Mass Reduction Calculations*	
Adjacency	Percent reduction
Streets with a ROW width less than 70 feet.	7%
Streets with a ROW width <u>70 feet or greater</u> [GREATER THAN 70 FEET].	5%
All other adjacent outdoor spaces (Example: park or plaza)	7%
*building frontages on alleys are exempt from this requirement.	

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c. The GFA reduction may be applied to all floors above the tower mass reduction height independently.

d. After t[T]he reduction has been [MUST BE] applied, [SO THAT] only a maximum of 20 feet or 10% of the frontage (whichever is greater) may be [IS] aligned with the facade of the floor governing the reduction.

e. The tower mass reductions shall be cumulative for buildings with frontages on multiple streets or public spaces. For example, a building on a corner lot adjacent to a street 70 feet or greater [WIDER THAN 70 FEET] and a street with a width smaller than 70 feet shall reduce all floors above the tower mass reduction height by 12 percent.

[F. DEVELOPMENT WITH MULTIPLE TOWERS ON ONE PROPERTY, TOWERS SHALL BE LOCATED A MINIMUM OF 20 FEET FROM EACH OTHER.

G. WHERE A NEW TOWER IS PROPOSED ADJACENT TO AN EXISTING STRUCTURE THAT IS TALLER THAN THE HEIGHT AT WHICH A TOWER MASS REDUCTION IS REQUIRED, THE NEW TOWER SHALL BE LOCATED A MINIMUM OF 20 FEET FROM THE EXISTING ADJACENT STRUCTURE.]

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D. *Pedestrian-Oriented Frontage Standards*

1. *Street-level design continuity required.*

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e. Building entries must open into a circulation space or an occupiable space and must be intended for regular use by building users. Exit-only doors are exempt from this requirement. If building entries are recessed, they [BUILDING ENTRIES] shall meet the building recess visual access requirements of 21.11.070D.2.b.i. and Figure 21.11-1.

2. *Three additional items required for building frontages.*

The remainder of the building frontage shall include a minimum of three items from Table 21.11-8 Frontage Standards Design Menu. The frontage treatments shall extend the full width of the lot frontage, except at vehicular access points. Parking garages are exempt from the street frontage requirements of this chapter and shall meet 21.07.090M. Snow guard treatments at the base of building facades up to twenty-four inches in height are exempt from the pedestrian-oriented frontage standards[AND SHALL NOT BE INCLUDED IN THE AREA CALCULATIONS FOR GROUND FLOOR WINDOWS]. Menu items may [BE COMBINED OR MAY] alternate along the building frontage [TO MEET 21.11.070D.2.B].

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b. *Building articulation.*

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i. All recesses or modulations on a building frontage deeper than twenty-four inches and under 10 feet wide shall be visually accessible from the adjacent sidewalk so that no inner corner is obscured from view from the back of curb 20 feet up the sidewalk.

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d. *Landscaping.*

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ii. Where landscaping is provided, it shall comply with all general landscaping requirements and standards in section 21.07.080 and:

(A) Tree grate aprons shall be installed for any trees planted within 6 feet of the edge of a pedestrian circulation surface that are not separated from the pedestrian circulation surface by a curb or planter wall providing a minimum 9-inch height separation in grade. Up to 12 inches of a tree grate apron can be considered for pedestrian circulation while protecting the growing medium from sidewalk runoff with high concentrations of melting agents. Tree grates shall not impede ADA access.

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(AO 2020-38, 4-28-20; AO 2020-93, 10-1-20; 2022-80(S), 11-22-22; 2023-44, 4-25-23)

Section 9. Anchorage Municipal Code section 21.13.050, *Nonconforming Lots of Record*, is hereby amended to read as follows (*the remainder of the chapter is not affected and therefore not set out*):

21.13.050 NONCONFORMING LOTS OF RECORD

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B. *Undivided Parcels.*

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2. This provision shall not apply to the B-2A, B-2B, or B-2C districts, those lots legally created as part of a townhouse development, a cluster housing development, a zero lot line development, or a planned unit development.

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2020-38, § 11, 5-28-20)

Section 10. Anchorage Municipal Code section 21.15.040, *Definitions*, is hereby amended to read as follows (*the remainder of the chapter is not affected and therefore not set out*):

21.15.040 DEFINITIONS

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Tower, Building (as used in chapter 21.11:[,] Downtown),[SECTION 21.11.07[6]0C., Tower Mass Reductions, BUILDING TOWER DIMENSIONS) The

1 portions of a building above the heights listed in 21.11.070C.2.a.i. [THREE
2 STORIES].

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6 (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-82, § 7, 7-28-
7 15; AO No. 2015-100, § 9, 10-13-15; AO No. 2015-133(S), § 6, 2-23-16 ; AO
8 No. 2015-138, § 5, 1-12-16 ; AO No. 2015-142(S-1), § 10, 6-21-16 ; AO No.
9 2016-3(S), § 18, 2-23-16; AO No. 2016-144(S), § 2, 1-1-17; AO No. 2017-55, §
10 14, 4-11-17; AO No. 2018-12, § 2, 2-27-18; AO No. 2018-67(S-1), § 9, 10-9-18;
11 AO No. 2018-92, § 1, 10-23-18; AO No. 2017-75, § 4, 5-9-17; AO No. 2020-38,
12 §§ 11, 14, 5-28-20; AO No. 2021-89(S), §§ 8, 21, 2-15-22; AO No. 2022-36, §
13 5, 4-26-22; AO No. 2022-80(S), 11-22-22)

14
15 **Section 11.** This ordinance shall be effective immediately upon passage and
16 approval by the Assembly.

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18 PASSED AND APPROVED by the Anchorage Assembly this _____ day
19 of _____, 2023.

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Chair of the Assembly

25 ATTEST:

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Municipal Clerk

30 (Planning and Zoning Commission Case No. 2023-0086)
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