

**ANCHORAGE, ALASKA
 AO No. 2023-120**

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 *Anchorage 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—Anchorage Downtown District Plan 2021* edits are designed to support straightforward implementation of the code and the Plan; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 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.
 *** **

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	
*** **								
Variances from the provisions of 21.05.040K., Telecommunication Facilities; 21.06, Dimensional Standards and Measurements (except subsection 21.06.030D.9., Airport Height Regulations); 21.07.020B., Watercourse, Water Body, and Wetland Protection	21.03.240	D-H ¹⁵ [13,16]			D-H ¹⁶ [17]			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	
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								
Variances from the provisions of 21.11.060, Dimensional Standards for Sites and Buildings;	21.03.240	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.	21.03.240	D-H ^{13, 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 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	21.03.240	D-H ¹⁷ [18]	D-H ¹⁵ [16]			A	R	
Variances from the provisions of	21.03.240		D-H ¹⁵			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	
<u>21.11.070, Development and Design Standards</u>			¹⁷					
NOTES:								
*** *** ***								
[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.								
*** *** ***								

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

(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.

*** *** ***

B. *Decision-making authority.* The Planning and Zoning Commission has decision-making authority over the following:

*** *** ***

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 rezoning, unless the applicant chooses another platting authority allowed by 21.02.020; and

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

*** *** ***

(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.* The zoning board of examiners and appeals has decision-making authority over the following:

*** *** ***

2. Variances from:

*** *** ***

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

*** *** ***

(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 section 21.03.240, Variances, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.03.240 Variances.

*** *** ***

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:

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
41
42
43
44
45
46
47
48

a. BULK AND MAXIMUM LOT COVERAGE REGULATIONS IN 21.11.060B. (TABLE 21.11-4) AND BUILDING TOWER DIMENSIONS IN] 21.11.060C. (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.]

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

*** **

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.

*** **

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:

*** **

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[I]. Chapter 21.13, Nonconformities.

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
41
42
43

*** *** ***

(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.*

*** *** ***

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]).

*** *** ***

(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 section 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.

*** *** ***

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
***	***	***			
COMMERCIAL USES					
***	***	***			
Vehicles and Equipment	<u>Parking structure</u>	P	P	P	<u>21.05.050I.3.</u>
***	***	***			
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
***	***	***			

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

*** *** ***

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.

*** *** ***

E. Reserved. [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.]

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
41
42
43
44
45
46
47
48

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

[1. PARKING LOT OR STRUCTURE (50+ SPACES)

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.]

G. *Industrial uses Definitions and use-specific standards.*

*** **

H. *Table of accessory uses.* Table 21.11-3 below lists the accessory 39 uses allowed within all base zoning districts.

*** **

I. *Accessory uses and use-specific standards.*

*** **

(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:

*** **

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

*** **

(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*):

21.11.070 Development and design standards.

*** *** ***
 C. *Tower mass reductions.*

*** *** ***
 3. *Tower standards.*
 *** *** ***

Table 21.11-6: Tower Mass Reduction Calculations*	
Adjacency	Percent reduction
Streets with a ROW width of less than 70 feet.	7%
Streets with a ROW width of <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.	

- 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.

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
41
42
43
44
45
46
47
48

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.]

D. *Pedestrian-oriented frontage standards.*

1. *Street-level design continuity required.* Lots fronting along 10 right-of-way and public spaces shall include sidewalks, visual access windows, and building entries as outlined below:

*** *** ***

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 are 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].

*** *** ***

b. *Building articulation.* To meet this standard, the 11 building wall and foundation line shall be offset at 12 intervals so that there is at least one offset every 20 13 feet of wall length that varies the depth of the building 14 wall by a minimum of 24 inches. Offsets shall comprise 15 at least 60 percent of the length of the elevation 16 receiving the treatment and be applied up to a 17 minimum height of 10 feet.

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
41
42
43
44
45
46
47

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 the curb 20 feet up the sidewalk.

*** **

d. *Landscaping.*

*** **

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.

*** **

(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.

*** **

B. *Undivided parcels.*

*** **

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.

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
41
42
43
44
45
46
47

*** *** ***

(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.

*** *** ***

Tower, Building (as used in chapter 21.11, Downtown, subsection 21.11.07[6]0C., Tower mass reductions) [BUILDING TOWER DIMENSIONS]

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

*** *** ***

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

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

PASSED AND APPROVED by the Anchorage Assembly this 5th day of December, 2023.



Chair

ATTEST:



Municipal Clerk

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



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 831-2023

Meeting Date: November 7, 2023

1 **FROM: MAYOR**

2
3 **SUBJECT: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE**
4 **TITLE 21 CHAPTERS 21.02, BOARDS, COMMISSIONS, AND**
5 **MUNICIPAL ADMINISTRATION; 21.03, REVIEW AND**
6 **APPROVAL PROCEDURES; 21.06, DIMENSIONAL**
7 **STANDARDS AND MEASUREMENTS; 21.11, DOWNTOWN;**
8 **21.13, NONCONFORMITIES; AND 21.15, RULES OF**
9 **CONSTRUCTION AND DEFINITIONS TO CLEAN UP CROSS-**
10 **REFERENCES AND CONFLICTING SECTIONS FOLLOWING**
11 **THE DOWNTOWN CODE UPDATE.**

12
13 **INTRODUCTION AND PLANNING AND ZONING COMMISSION**
14 **RECOMMENDATION**

15
16 The Planning and Zoning Commission (PZC) heard PZC Case No. 2023-0086 at
17 its August 14, 2023 meeting and voted to recommend approval of the proposed
18 technical edits to Title 21 with two formatting corrections to Table 21.11-2, as
19 shown in Supplementary Packet 1 in the staff packet (Attachment B). The PZC
20 recommendation is attached as PZC Resolution No. 2023-010 (Exhibit A). Note
21 there is a minor non-substantive difference between the draft and proposed
22 ordinance reflecting edits to legislative formatting.

23
24 **OVERVIEW**

25
26 On April 25, 2023, AO No. 2023-43, As Amended, was adopted to implement
27 significant changes to Chapter 11: Downtown, in addition to other changes in
28 Chapters 2, 3, 6, 13, and 15.¹ Since approval, the Planning Department has
29 received feedback on potential points where clarification could be helpful in the
30 adopted code. The table below describes the proposed changes by section and
31 explanation:

	Code Section	Change	Why?
1.	21.02.020, <i>Table of Decision and</i>	<ul style="list-style-type: none"> • Renumber superscripts, and footnotes, clarify that design variances go to UDC, and 	➤ Which boards/commissions hear which types of cases changed slightly and so the

¹ Note this ordinance updates Anchorage Municipal Code that was amended and approved on April 25, 2023 but is not yet published on Municode. The approved ordinance (AO 2023-43, As Amended) is available online with legislative formatting on Anchorage Municipal Code's Municode site: https://library.municode.com/ak/anchorage/codes/code_of_ordinances.

1

	Code Section	Change	Why?
	<i>Review Authority</i> 21.02.030, <i>Planning and Zoning Commission</i>	dimensional variances go to ZBEA. <ul style="list-style-type: none"> Delete sections that were specific to certain square footage, and assign variance responsibility to all B-2A, B-2B, and B-2C development sites. 	footnote references needed to be changed. <ul style="list-style-type: none"> ➤ Clarity and lack of clear justification for why there were special rules for development sites above and below 26,000 SF.

	Code Section	Change	Why?
2.	21.03.240, <i>Variances</i>	<ul style="list-style-type: none"> Send most dimensional variances to ZBEA, and design variances to UDC. Remove the requirement for bulk and lot coverage variances because those types of standards no longer exist in Chapter 11: Downtown. 	<ul style="list-style-type: none"> ➤ Clarity.
3.	21.06.030, <i>Dimensional Standards and Measurements Regulations</i>	<ul style="list-style-type: none"> Correct reference to airport height standards in 21.06. 	<ul style="list-style-type: none"> ➤ General correction to broken link in code.
4.	21.11.050, <i>Use Regulations & Table of Allowed Uses</i>	<ul style="list-style-type: none"> Allow parking structures as permitted uses. Change Marijuana testing from P (permitted) to T (special land use permit for marijuana). Clarify requirements for attached single family— must be alley-accessed and must be on lots smaller than 2,000 SF. Remove use-specific standards for commercial uses in Downtown. Remove use-specific standards for parking lots in Downtown. 	<ul style="list-style-type: none"> ➤ The omission of permitted parking was a mistake in the production process. ➤ Marijuana testing facilities are T in every other zone. ➤ Clarification of how standards apply to attached single-family housing. ➤ Downtown-specific commercial use standards from Chapter 7 were removed because Chapter 11 has its standards. ➤ Parking lot use standards were removed because a new use (parking

	Code Section	Change	Why?
			structure) was added to the use table.
5.	21.11.060, <i>Dimensional Standards for Sites and Buildings</i>	<ul style="list-style-type: none"> • Correct reference to airport height standards in 21.06. 	➤ Correction to broken link in code.
6.	21.11.070, <i>Development and Design Standards</i>	<ul style="list-style-type: none"> • Change Table 21.11-6 to include ROW with an exact width of 70 feet. • Clarify that only 20 feet or 10% of a bulk reduction area is <i>allowed</i> to touch the façade. • Delete the restriction that towers couldn't be closer than 20' from each other. • Add information about building entries—clarify that these standards apply only when entries are recessed, and only when entries are under 10 feet wide. • Delete text about snow guard applying to window calculations. • Tree grates: clarify that grates are only required for trees in areas impacted by pedestrian circulation. 	<ul style="list-style-type: none"> ➤ The previous language left a gap where there was no provision for instances when ROW was exactly 70'. ➤ The frontage section was not clear. ➤ The tower separation restriction complicated development. ➤ The snow guard window calculation referred to a calculation by area when these are done by length.
7.	21.13.050, <i>Nonconforming Lots of Record</i>	<ul style="list-style-type: none"> • Exempt B-2A, B-2B, and B-2C, since all lot sizes are legal now. 	➤ Clarity.
8.	21.15.040, <i>Definitions</i>	<ul style="list-style-type: none"> • Change text to reflect that a tower is a section above the height thresholds adopted in 21.11.070C.2.a.i. 	➤ Clarity.

1
2
3
4
5
6
7
8

COMMENTS RECEIVED

Five agency comments of *no comment* or no *objection* were received from: the Alaska Department of Transportation and Public Facilities; the MOA Traffic Department; and the Development Services Department's Right-of-Way, Addressing, and Private Development sections.

DEPARTMENT RECOMMENDATION:

The Planning Department recommends approval to the Anchorage Assembly of PZC Case No. 2023-0086, the technical edits to Title 21 regarding the Downtown Code Update (with slight formatting edits) in the August 14, 2023, PZC staff packet (Exhibit B) and adopted in PZC Resolution No. 2023-010 (Exhibit A). The draft minutes for the August 14, 2023, PZC regular meeting are attached (Exhibit C). The Department does not anticipate any increased costs to the Municipality as a result of this ordinance.

THE ADMINISTRATION RECOMMENDS APPROVAL.

Prepared by: Daniel Mckenna-Foster, Planning Department
Reviewed by: Ryan Yelle, Long-Range Planning Manager
Approved by: Craig H. Lyon, Planning Director
Concur: Lance Wilber, Community Development Director
Concur: Marilyn Banzhaf, Acting OMB Director
Concur: Anne Helzer, Municipal Attorney
Concur: Alden Thern, CFO
Concur: Kent Kohlhase, P.E., Municipal Manager
Respectfully submitted: Dave Bronson, Mayor

Attachments: Exhibit A—Planning and Zoning Commission Resolution 2023-010
Exhibit B—Planning and Zoning Commission Staff Packet
Exhibit C—Planning and Zoning Commission Meeting Minutes

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