

Submitted by: Chair of the Assembly at
the Request of the Mayor

Prepared by: Department of Law
For reading: December 18, 2012

**ANCHORAGE, ALASKA
AO No. 2012-124**

**AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 21,
LAND USE PLANNING, BY REPEALING OR AMENDING EXISTING CODE
AND ADOPTING NEW OR PROVISIONALLY ADOPTED CODE.**

WHEREAS, the current Title 21 code was created in the 1960s, with a patchwork of amendments over the last 40 years; and

WHEREAS, a rewrite of Title 21 was initiated to modernize the code, implement the Comprehensive Plan, and address the contemporary needs of the community; and

WHEREAS, for many years the Municipality of Anchorage, numerous stakeholders involved in land use, and the general public have reviewed and made recommendations on a new Title 21; and

WHEREAS, the review has led to the provisional adoption of new code; and

WHEREAS, the Planning and Zoning Commission and the Assembly Title 21 Committee have extensively reviewed the numerous proposals to further amend or revise the provisional code; and

WHEREAS, the code is not a static compilation, but an ongoing and evolving embodiment of Administration and Assembly policies which include code changes adopted over the past years that now need to be carried into the proposed and amended provisional code; and

WHEREAS, some amendments to Title 21 that have occurred between 2005 and now are not yet included in the proposed and amended provisional code, but should be carried forward into the new Title 21; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code Title 21, including any code denominated as provisionally adopted, is hereby repealed and replaced by Exhibit A, as amended by Exhibit C, effective on December 1, 2013.

Section 2. Notwithstanding section 1, all complete applications for entitlements granted under Title 21 filed on or before December 1, 2013, shall be processed and reviewed under the standards of the code in effect as of November 30, 2013. Applications rejected as incomplete and that must be re-filed shall be subject to the code adopted under this ordinance. Applications filed prior to the effective date of this code that by law can be supplemented shall be subject to the code in effect at the time the complete application was filed. Pending applications shall be reviewed in accordance with the procedural rules in effect at the time the

1 application was or is deemed complete unless in the opinion of the Municipal
2 Attorney due process requires the procedures adopted under this ordinance to be
3 applied.
4

5 **Section 3.** Notwithstanding section 1, the code amendments listed in Exhibit B
6 as “not included” shall be incorporated into the code adopted under this ordinance.
7 Any conflicts or corrections necessitated by differences between Exhibit A and B
8 that cannot be resolved as manifest clerical errors shall be brought to the
9 Assembly in the form of an amending ordinance. Pending applications affected by
10 conflicts or corrections shall be processed in accordance with the code adopted
11 under section 1 of this ordinance (Exhibit A), as if the incorporated code
12 referenced under this section (Exhibit B) was not in effect or has been
13 superseded.
14

15 **Section 4.** Notwithstanding section 1, applications for entitlements under
16 Title 21 for properties within the following zoning districts shall continue to be
17 subject to, processed, and reviewed under the Title 21 code in effect as of
18 November 30, 2013:
19

- 20 A. B-2A, B-2B, and B-2C zoning districts, until new land use regulations
21 for the areas in these districts are adopted and implemented.
22
- 23 B. The areas within the property boundaries of the Ted Stevens
24 Anchorage International Airport, until a new airport zoning district is
25 adopted and the airport lands rezoned.
26
- 27 C. The D-2, B-4, and T zoning districts, until rezoned.
28

29 **Section 5.** The names of zoning districts are amended, as provided in Exhibit D.
30 Exhibit D shall be published in the code as an editor’s note.
31

32 **Section 6.** If any section of this ordinance, or portion thereof, or any section of
33 the code adopted by this ordinance, or portion thereof, is deemed contrary to law,
34 that portion shall be severable and the remainder shall continue in full force and
35 effect.
36

37 **Section 7.** This ordinance shall be effective immediately upon passage and
38 approval by the Assembly.
39

40 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
41 _____ 2013.
42
43

44 _____
45 Chair of the Assembly

46 ATTEST:
47
48

49 _____
50 Municipal Clerk