

TITLE 21 REWRITE

CHAPTER 21.02

Showing annotated technical edits and changes proposed by
the Administration, the Planning and Zoning Commission,
and the Assembly Title 21 Committee.

December 18, 2012

Page 10 ANNOTATION

Generally, technical table edits (in yellow and gray) reflect clarifications and also changes that were made to Chapter 3, *Review and Approval Procedures*, after Chapter 2 was provisionally adopted.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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CHAPTER 21.02: BOARDS, COMMISSIONS, AND MUNICIPAL ADMINISTRATION

21.02.010 PURPOSE

This chapter sets out the powers and duties of land use boards and commissions, the role of the assembly, and the responsibilities of municipal staff in the administration of this title.

21.02.020 TABLE OF DECISION AND REVIEW AUTHORITY

- A. Table 21.02-1 summarizes the major review and decision-making responsibilities of the assembly, the municipal staff, and the other entities that have roles in the procedures set forth in chapter 21.03, *Review and Approval Procedures*. Such other entities are referred to as the “land use boards and commissions” and include: the planning and zoning commission, the platting board; the zoning board of examiners and appeals; the board of adjustment, the urban design commission; and the geotechnical advisory commission.
- B. Table 21.02-1 is a summary tool and includes many, but not all, duties of these entities. Other duties and responsibilities are set forth in subsequent sections of this chapter and this title and other parts of the municipal code. Some other duties and responsibilities not listed in the table may require public hearings.
- C. The referenced notes are set forth immediately below the table.
- D. Even though not referenced in this chapter, the applicant, boards, commissions, or municipal administration may request that other boards, commissions, government agencies, and non-governmental agencies review some applications, including, but not limited to, rezonings, site plans, design reviews, and subdivisions. Title 21 matters referred to other agencies will follow the procedures established in chapter 21.03, *Review and Approval Procedures*.

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>Alcohol—Special Land Use Permit</u>	<u>21.03.040</u>	<u>D-H/A¹</u>						<u>R/D¹</u>
Certificates of Zoning Compliance	21.03.060					A		D
Comprehensive Plan Amendments	21.03.070C.	D-H ^{2[1]}	R-H ^{2[1]}					R
Conditional Uses	21.03.080		D-H				A	R
Flood Hazard Permits	21.03.090					A		D
Land Use Permits	21.03.100				A ^{3[2]}	A ^{3[2]}		D
Master Plan, Institutional	21.03.110A.	D-H	R-H					R
Minor Modifications	21.03.120	[D ³]	D ^{4[3]}	D ⁴	[D ³]	A ⁵	A ⁵	D ^{4[3]}
Neighborhood or District Plans	21.03.130	D-H	R-H					R

Page 11 ANNOTATION

Major Site Plan Review: The Assembly Committee used a proposal passed by the Planning and Zoning Commission in 2007 that gives site plan review of small- and medium-sized facilities to the Urban Design Commission, and site plan review of large facilities to the Planning and Zoning Commission.

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	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
[PLANNED UNIT DEVELOPMENT (PUD)]	21.03.140		D-H				A	R]
Public Facility Site Selection [(EXCEPT SCHOOLS)]	21.03.140[150]	D-H/A-H ⁶	R-H/ D-H ⁶					R
[SCHOOL SITE SELECTION]	25.25	D-H	R-H					R]
Rezoning (Map Amendments)	21.03.160[170]	D-H	R-H					R
Sign Permits	21.03.170[180]					A		D
Site Plan Review, Administrative	21.03.180[190]B.		[A]	A				D
Site Plan Review, Major	21.03.180[190]C.		D-H ⁷	D-H ⁷			A	R
Street [AND TRAIL] Review	21.03.190B.[200]		R ⁸ /D	R ⁸ /D				R
Trail Review	21.03.190C.			R/D				R
Preliminary Plat	21.03.200[210]C.5.		D-H ⁹	D-H ⁹	D-H ⁹		A	R
Abbreviated Plat	21.03.200[210]D.				A-H			D
Commercial Tract Plat	21.03.200E.		D-H ¹⁰	D-H ¹⁰	D-H ¹⁰			R
[SPECIAL LAND USE PERMIT FOR ALCOHOL]	21.03.050	D-H						R]
Title 21, Text Amendments	21.03.210[220]	D-H	R-H		R-H ¹¹			R
Vacation of Public and Private Interest in Land	21.03.230[240]				D or A ¹²		A ¹²	R or D ¹²
Variances from the provisions of chapter 21.06, <i>Dimensional Standards and Measurements</i> [MOST PROVISIONS OF THIS TITLE]	21.03.240[250]					D-H		R
Variances from the provisions of subsections 21.07.020C., <i>Steep Slope Development</i> , 21.07.060, <i>Transportation, Connectivity, and Pedestrian Facilities</i> ; and chapter 21.08, <i>Subdivision Standards</i>	21.03.240[250]		D-H ¹³	D-H ¹³	D-H		A	R

Page 12 ANNOTATION

The Planning and Zoning Commission recommended the transfer of current code authority for utility and telecommunication variances to the Zoning Board of Examiners and Appeals.

Administrative Variances: The Assembly Committee proposed that the administrative variance approval process be more standardized and transparent in code for potential applicants. As part of this, the process was added to table 21.02-1 for consistency and completeness in listing the commonly used powers and duties of the various boards and commissions.

Administration Addition

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Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
Variations from <u>the district-specific standards of chapter 21.04, Zoning Districts; the use-specific standards of chapter 21.05, Use Regulations; and the provisions of chapter 21.07, Development and Design Standards and [THE PROVISIONS OF] chapter 21.11[10], Signs.</u>						A	R
<u>21.03.240 [21.11.110]</u>			D-H				
Variations from <u>the provisions of subsections 21.07.050, U[U]tility D[D]istribution Facilities, and 21.05.040K.. T[T]elecommunication F[F]acilities [STANDARDS]</u>	21.03.240[250] D.2.b.		[D-H]		D-H	[A]	R
<u>Administrative Variations</u>	<u>21.03.240J.</u>				A		D
Verification of Nonconforming Status	21.03.250[260]				A		D

NOTES:

¹ See section 21.03.040, Alcohol-Special Land Use Permit, to determine whether the Assembly or the director is the decision-making body.

^{2[1]} Only substantive comprehensive plan amendments require a public hearing. See section 21.03.070, Comprehensive Plan Amendments.

^{3[2]} The appeal body for subsection 21.03.100[110]E., Improvements Associated with Land Use Permits, is the platting board. Appeals related to provisions in title 23 are made to the building board of examiners and appeals.

^{4[3]} An applicant may request application of the minor modification process only once during the review process.

⁵ See section 21.03.120C.5. for appropriate appeal body.

⁶ Site selection for municipal facilities is approved by the assembly. See section 21.03.140.

⁷ See section 21.03.180C. for the division of major site plan review decision-making authority.

⁸ See section 21.03.190[200], Street and Trail Review.

⁹ The planning and zoning commission may act as the platting authority for conditional uses [OR MAJOR SITE PLAN REVIEWS] that create a subdivision. The planning and zoning commission or the urban design commission may act as the platting authority for major site plan reviews that create a subdivision.

¹⁰ The planning and zoning commission or the urban design commission (whichever is the decision-making authority—see section 21.03.180) shall act as the platting authority for a commercial tract whose site plan includes a large retail establishment. The platting board shall be the platting authority for all other commercial tracts.

¹¹ Code amendments relating to chapter 21.08, Subdivision Standards, require a hearing by the platting board. All code amendments require a hearing by the planning and zoning commission.

¹² See section 21.03.230[240], Vacation of Public and Private Interest in Lands.

¹³ 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.

KEY TO ABBREVIATIONS:

ASBLY = Anchorage Assembly
 PZC = Planning and Zoning Commission
 PB = Platting Board

ZBEA = Zoning Board of Examiners and Appeals
 BOA = Board of Adjustment
 UDC = Urban Design Commission
 MS = Municipal Staff

Page 13 ANNOTATION

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1
2 **21.02.030 PLANNING AND ZONING COMMISSION**

3 **[POWERS AND DUTIES**

4 THE PLANNING AND ZONING COMMISSION HAS THE FOLLOWING RESPONSIBILITIES.]

5 **A. Recommendation to the Assembly**

6 The planning and zoning commission shall make a recommendation to the assembly on the
7 following:

- 8 1. Comprehensive plan amendments (21.03.070);
9 2. Institutional master plans (21.03.110);
10 3. Neighborhood or district plans (21.03.130);

11 [SCHOOL SITE SELECTIONS;]

12 [MAJOR SITE PLAN REVIEWS;]

- 13 4. Public facility site selection for municipal facilities (21.03.140);

14 [PRELIMINARY PLATS, WHEN A MAJOR SITE PLAN REVIEW CREATES A
15 SUBDIVISION OR REQUIRES THE VACATION OF A DEDICATED PUBLIC AREA,
16 AND THE COMMISSION DIRECTS IN THE MAJOR SITE PLAN APPROVAL THAT IT
17 SHALL ACT AS THE PLATTING AUTHORITY (21.03.180F.);]

18 [UNIFIED DEVELOPMENT PLATS, WHERE THE SITE PLAN INCLUDES A LARGE
19 COMMERCIAL ESTABLISHMENT;]

20 [APPEALS FROM ADMINISTRATIVE SITE PLAN REVIEWS;]

- 21 5. Rezoning (zoning map amendments), to include overlay districts (21.03.160); and
22 6. Title 21 text amendments (21.03.210).

23 **B. Decision-Making Authority**

24 The planning and zoning commission has decision-making authority over the following:

- 25 1. Conditional uses (21.03.080);

26 [PLANNED UNIT DEVELOPMENTS;]

- 27 2. Preliminary plats, when a conditional use creates a subdivision or requires the vacation of
28 a dedicated public area, and the commission directs in the conditional use approval that it
29 shall act as the platting authority (21.03.080F.);

- 30 3. Public facility site selections, except for municipal facilities (21.03.140) [(EXCEPT
31 SCHOOLS)];

- 32 4. Appeals from the director's decision regarding consistency with an institutional master
33 plan (21.03.110F.);

- 34 5. Major site plan reviews for non-residential development with a gross floor area of 100,000
35 square feet or more, and for residential development of 140 units or more (21.03.180C.);

Page 14 ANNOTATION

The powers and duties of the urban design commission are shown as technical edit additions, because when Chapter 2 was provisionally adopted, the Assembly was undecided as to the role of the urban design commission and left this section reserved. Through the provisional adoption of Chapter 3, the urban design commission was assigned powers and duties that are reflected here (with Assembly Committee amendments).

Administration Addition

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- 1 6. Preliminary plats, when a major site plan under the authority of the planning and zoning
2 commission creates a subdivision or requires the vacation of a dedicated public area, and
3 the commission directs in the major site plan approval that it shall act as the platting
4 authority (21.03.180F.);
- 5 7. Draft design study report for new construction and reconstruction of streets of collector
6 class or greater in the *Official Streets and Highways Plan* (21.03.190);
- 7 8. Commercial tract plats, where the site plan includes a large commercial establishment
8 under the authority of the planning and zoning commission (21.03.200E.); and
- 9 9. [VARIANCES FROM THE PROVISIONS OF SUBSECTION 21.05.040K.,
10 TELECOMMUNICATION FACILITIES, AND SECTION 21.07.050, UTILITY
11 DISTRIBUTION FACILITIES.]; AND]

12 **C. Other Powers and Duties**

13 The planning and zoning commission shall:

14 [MAKE A RECOMMENDATION TO THE APPROPRIATE AGENCY ON NEW
15 CONSTRUCTION AND RECONSTRUCTION OF STREETS OF COLLECTOR CLASS
16 OR GREATER IN THE *OFFICIAL STREETS AND HIGHWAYS PLAN*, AND ON PUBLIC
17 TRAIL PROJECTS INVOLVING ALL TRAILS FOR WHICH ANY PORTION UTILIZES
18 PUBLICLY-OWNED LAND, EASEMENTS, OR RIGHTS-OF-WAY THAT ARE OVER
19 ONE-HALF MILE IN LENGTH (21.03.190B.).]

- 20 1. Develop, review, and make recommendations to the assembly regarding policies, plans,
21 and ordinances to implement the municipal function of planning for the economic, social,
22 and land use needs of the community.
- 23 2. Review and make recommendations to the assembly and school board regarding the
24 annual capital improvement program of the municipality and school district.
- 25 3. Review and make recommendations to the mayor regarding the annual work program of
26 the department.
- 27 4. Promulgate regulations to implement or make specific the provisions of this title, except
28 provisions of chapter 21.08, *Subdivision Standards*, which shall be reviewed by the
29 platting board prior to consideration by the planning and zoning commission [ARE
30 RESERVED TO THE PLATTING BOARD].
- 31 5. Exercise such other powers, and perform such other duties, as are provided by law.

32 **21.02.040 URBAN DESIGN COMMISSION**

33 **A. Decision-Making Authority**

34 The urban design commission has decision-making authority over the following:

- 35 1. Appeals of administrative site plan reviews (21.03.180B.);
- 36 2. Major site plan reviews for non-residential development with a gross floor area of less
37 than 100,000 square feet, and for residential development of fewer than 140 units
38 (21.03.180C.);
- 39 3. Preliminary plats, when a major site plan review under the authority of the urban design
40 commission creates a subdivision or requires the vacation of a dedicated public area, and
41 the commission directs in the major site plan approval that it shall act as the platting
42 authority (21.03.180F.);

Page 15 ANNOTATION

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4. Plans in hand design drawings review for new construction and reconstruction of streets of collector classification or greater on the *Official Streets and Highways Plan* (21.03.190);
5. Commercial tract plats, where the site plan includes a large commercial establishment under the authority of the urban design commission (21.03.200E.);
6. Variances from the district-specific standards of chapter 21.04, *Zoning Districts*; the use-specific standards of chapter 21.05, *Use Regulations*; and the provisions of chapter 21.07, *Development and Design Standards* and chapter 21.11, *Signs*; and
7. Appeals of the director's decision regarding subsection 21.12.060B., *Bringing Characteristics Into Compliance*.

B. Other Powers and Duties

The urban design commission shall:

1. Advise the mayor, assembly, and planning and zoning commission regarding urban design, northern climate design, and winter city design matters, including design-related amendments to the comprehensive plan and title 21.
1. Review and make recommendations regarding any entitlement requests, in accordance with authority delegated by the planning and zoning commission or platting board under this title.
2. Perform those duties stated in title 7, relating to the art funding requirements for public buildings and facilities.
3. Designate historic signs pursuant to subsection 21.12.070F.
4. Exercise such other powers, and perform such other duties, as are provided by law.

[RESERVED]

21.02.050 PLATTING BOARD

[POWERS AND DUTIES

THE PLATTING BOARD HAS THE FOLLOWING RESPONSIBILITIES.]

A. Decision-Making Authority

The platting board has decision-making authority over the following:

1. Preliminary plats (except in those situations where a different board or commission acts as the platting authority—see subsections 21.03.080F., *Platting for Conditional Uses*, and 21.03.180F., *Platting for Site Plans*);
2. Commercial tract [UNIFIED DEVELOPMENT] plats, when not included in a large commercial establishment site plan review (21.03.200E.);
3. Vacations of public and private interest in lands, where the platting board is the platting authority ([SEE SUBSECTION] 21.03.230C.);
4. Variances from the provisions of chapter 21.08, *Subdivision Standards* (21.03.240);
5. Variances from the following provisions of chapter 21.07: subsection 21.07.020C., *Steep Slope Development*, and section 21.07.060, *Transportation, Connectivity, and Pedestrian Facilities* [RESERVED];

Page 16 ANNOTATION

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- 1 6. Modification or removal of plat note(s) (21.03.200G.);
- 2 7. Appeals of the following decisions:
 - 3 a. [APPEALS OF] Land use permits [ISSUED] under subsection 21.03.100E,
4 *Improvements Associated with Land Use Permits*;
 - 5 b. [APPEALS OF] Record of survey maps (21.03.150);
 - 6 c. Abbreviated plats (21.03.200D.);
 - 7 d. Right-of-way acquisition plats (21.03.200F.); and
 - 8 e. Vacations of public and private interest in lands, where the platting officer is the
9 platting authority (21.03.230).

10 **B. Other Powers and Duties**

11 The platting board shall:

- 12 1. Interpret [PROMULGATE REGULATIONS TO IMPLEMENT] or make specific the
13 provisions of chapter 21.08, *Subdivision Standards*.
- 14 1. Review and make recommendations to the planning and zoning commission regarding all
15 proposed amendments to chapter 21.08, *Subdivision Standards*.
- 16 2. Authorize extensions of subdivision agreements as provided in section 21.08.060C.,
17 *Time Limit for Completion of Improvements*.
- 18 3. Exercise such other powers, and perform such other duties, as are provided by law.

19 **21.02.060 ZONING BOARD OF EXAMINERS AND APPEALS**

20 **[POWERS AND DUTIES**

21 **THE ZONING BOARD OF EXAMINERS AND APPEALS HAS THE FOLLOWING RESPONSIBILITIES.]**

22 **A. Decision-Making Authority**

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

- 24 1. Appeals pursuant to subsection 21.03.050[040]B.;
- 25 2. Variances from the provisions of chapter 21.06, *Dimensional Standards and*
26 *Measurements*; [ALL PROVISIONS OF THIS TITLE EXCEPT SUBSECTION
27 21.05.040K., *TELECOMMUNICATION FACILITIES*; SECTION 21.07.050, *UTILITY*
28 *DISTRIBUTION FACILITIES*; CHAPTER 21.08, *SUBDIVISION STANDARDS*; AND
29 CHAPTER 21.11, *SIGNS*.]
30 [APPEALS OF THE DIRECTOR'S DECISION REGARDING SUBSECTION 21.12.060B.,
31 *BRINGING CHARACTERISTICS INTO COMPLIANCE*.]
32 3. Variances from the provisions of subsection 21.05.040K., *Telecommunication Facilities*,
33 and section 21.07.050, *Utility Distribution Facilities* (21.03.240).
34 4. Overcoming presumption of abandonment pursuant to subsection 21.12.030E.; and
35 5. Time extensions for amortized signs, pursuant to subsection 21.12.070G.

Page 17 ANNOTATION

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1 **B. Other Powers and Duties**

2 The zoning board of examiners and appeals shall:

- 3 1. Adopt general rules or make findings in specific cases regarding proposed changes of
4 nonconforming uses, pursuant to section 21.12.030B., *Change of Use*.
- 5 1. Interpret or make specific the provisions of this title, except provisions of chapter 21.08,
6 *Subdivision Standards*.
- 7 2. Exercise such other powers, and perform such other duties, as are provided by law.

8 **C. Subpoenas**

9 The zoning board of examiners and appeals has the right to subpoena witnesses and documents
10 using a form provided by the municipal clerk and submitted to the clerk for issuance at least five
11 working days before the date of the hearing.

12 **21.02.070 BOARD OF ADJUSTMENT**

13 **A. Powers and Duties**

14 The board of adjustment has the responsibilities set forth in subsection 21.03.050[040]A.1.

15 **B. Subpoenas**

16 The board of adjustment has the right to subpoena witnesses and documents using a form
17 provided by the municipal clerk and submitted to the clerk for issuance at least five working days
18 before the date of the hearing.

19 **21.02.080 GEOTECHNICAL ADVISORY COMMISSION**

20 **A. Powers and Duties**

- 21 1. The geotechnical advisory commission shall serve as a technical advisory board in the
22 municipality.
- 23 2. The commission shall act in an advisory capacity to the assembly, the mayor, boards,
24 commissions, and heads of municipal departments and agencies, and shall have the
25 following responsibilities:
- 26 a. To make recommendations and give advice on geotechnical engineering issues
27 and natural hazards risk mitigation.
- 28 b. To recommend and review special studies relating to geotechnical engineering
29 and natural hazards risk mitigation issues.
- 30 c. To act in an advisory capacity regarding proposed development located in high
31 or moderate snow avalanche hazard zones, in areas designated with high or very
32 high susceptibility to seismically induced ground failure, and in areas susceptible
33 to other natural hazards.

34 **21.02.090 ASSEMBLY**

35 **A. Decision-Making Authority**

36 The assembly has the following decision-making authority under this title:

- 37 1. Special land use permit for alcohol—for beverage dispensary and package store liquor
38 licenses (21.03.040);
- 39 2. Comprehensive plan amendments (21.03.070);

Page 18 ANNOTATION

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