

1 **CHAPTER 21.01: GENERAL PROVISIONS**

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2 **21.01.010 TITLE AND EFFECTIVE DATE**

3 This Title shall be officially known as "Title 21, Land Use Planning, of the Anchorage Municipal  
4 Code of Ordinances." It also may be called "Title 21," the "Zoning Ordinance," or "the Land Use  
5 Ordinance," and is referred to throughout this document as "this Title." This Title shall become  
6 effective on [effective date].

7 **21.01.020 AUTHORITY**

8 This Title is adopted pursuant to authority granted generally by the Alaska Constitution, the  
9 Alaska Statutes (A.S.), and the Municipal Charter, and specifically by:

- 10 A. Alaska Constitution, Article X, Sect. 11 (Home rule powers);  
11 B. Municipal Charter, section 10.02(7) (Requires ordinances for land use controls);  
12 C. Municipal Charter, section 12.02 (Requires a planning commission); and  
13 D. A.S. 29.35.180(b) (Requires a home rule borough to provide for planning, platting, and  
14 land use regulation).

15 **21.01.030 PURPOSE OF THIS TITLE**

16 The purpose sections throughout the various chapters and sections of this Title are not intended  
17 as requirements, but rather are intended to provide a context whereby the required provisions of  
18 this Title are understood. No required provisions shall be included in the purpose sections of this  
19 Title. Such provisions must be incorporated into this Title or other provisions of municipal code.  
20 The purpose of this Title is to implement the goals, objectives and policies of the comprehensive  
21 plan in a manner which protects the public health, safety, welfare, and economic vitality by:

- 22 A. Encouraging the efficient use of existing infrastructure and the available land supply in  
23 the municipality, including redevelopment of underutilized land;  
24 B. Promoting a balanced, diverse supply of affordable, quality housing located in safe and  
25 livable neighborhoods;  
26 C. Promoting a balanced supply of nonresidential land uses that are compatible with  
27 adjacent land uses and have good access to transportation networks;  
28 D. Promoting development that creates a sense of place and reflects the municipality's  
29 unique northern setting, natural resources, and majestic surroundings;  
30 E. Promoting economic development in the municipality;  
31 F. Conserving the value of buildings and land;  
32 G. Protecting the wide diversity of fish and wildlife habitats by reducing the adverse impacts  
33 of land development on the natural environment;  
34 H. To the degree reasonably practicable, protecting the citizens and their properties from  
35 flooding, wildfires, seismic risks, and other hazards;  
36 I. Promoting a system of recreational facilities, parks, trails, and natural open space that  
37 meets year-round neighborhood and community-wide needs;  
38 J. Promoting compact development in city centers and infill areas so as to create efficient  
39 travel patterns;

- 1 K. Encouraging the retention of mature vegetation;
- 2 L. Protecting and enhancing livable and distinctive neighborhoods;
- 3 M. Promoting transportation development patterns that insure safety and offer transportation
- 4 choices.

5 **21.01.040 APPLICABILITY AND JURISDICTION**

6 **A. General**

7 The provisions of this Title shall apply to all land, buildings, structures, and uses thereof  
8 located within the municipality, unless an exemption is provided by the terms of this Title.

9 **B. Application to Governmental Units**

10 To the extent allowed by law, the provisions of this Title shall apply to all land, buildings,  
11 structures, and uses owned by government agencies, including all municipal, state, and  
12 federal lands, within the corporate limits of the municipality. Where the provisions of this  
13 Title do not apply to such land, buildings, structures, and uses, such agencies are  
14 encouraged to meet the provisions of this Title.

15 **C. Compliance Required**

16 No building or structure shall be erected, converted, enlarged, reconstructed, or altered  
17 for use, nor shall any land, building, or structure be used or changed, except in  
18 accordance with this Title. No lot of record that did not exist on the effective date of this  
19 Title shall be created, by subdivision or otherwise, that does not conform to the applicable  
20 requirements of this Title, unless allowed by section 21.01.090, *Transitional Provisions*.

21 **21.01.050 OFFICIAL ZONING MAP**

22 **A. Incorporation Into this Ordinance**

23 The official zoning map designates the location and boundaries of the various zone  
24 districts established in this Title. It consists of a series of map pages adopted by  
25 ordinance and any subsequent amendments in accordance with this Title. The official  
26 zoning map is incorporated herein by reference and referred to as the "zoning map" in  
27 this Title. The zoning map shall be kept on file in the office of the department and is  
28 available for public inspection during normal business hours. The map shall be the final  
29 authority as to the current zoning status of lands.

30 **B. Changes to Official Zoning Map**

31 Changes made in zoning district boundaries or other matters portrayed on the official  
32 zoning map shall be made only in accordance with the provisions of section 21.03.160,  
33 *Rezoning (Zoning Map Amendments)*.

34 **C. Interpretation of District Boundaries**

35 In the case of any dispute regarding the zoning classification of property subject to this  
36 Title, the official zoning map contained in the department shall control, or other official  
37 records as provided below. The director shall use the rules set forth below to interpret  
38 the map. Appeals shall be made to the zoning board of examiners and appeals in  
39 accordance with section 21.03.050, *Appeals*.

- 40 1. Where the zoning map shows a zoning district boundary line located within or
- 41 following a street or alley right-of-way, utility line right-of-way, or public use
- 42 easement, the district boundary shall be considered to be in the center of the
- 43 right-of-way or easement. If the actual location of such right-of-way, or

- 1 easement, as indicated in a recorded legal description of such, varies slightly  
2 from the location shown on the zoning map, then the actual location shall control.
- 3 2. Where the zoning map shows a boundary line as being located a specific  
4 distance from a street line or other physical feature, this distance shall control.
- 5 3. Where the zoning map shows a district boundary to coincide with a property line  
6 or municipal border, the legal property line or municipal border shall be  
7 considered to be the district boundary, unless otherwise indicated on the map.
- 8 4. Where the zoning map shows a district boundary to not coincide or  
9 approximately coincide with any street, alley, or property line, and no dimensions  
10 are shown, the location of the boundary shall be determined by use of the scale  
11 appearing on the zoning map.
- 12 5. Where the zoning map shows a district boundary dividing an existing lot, each  
13 part of the lot shall be used in conformity with the standards established by this  
14 Title for the zoning district in which that part is located.
- 15 6. Where the case record conflicts with the zoning map, the case record shall  
16 control. For example, if the zoning map shows a property to be zoned R-1, yet  
17 the case record shows that the property was actually zoned I-1, the case record  
18 would control and the map would be changed to reflect the case record. Any  
19 permits issued in reliance on the erroneous designation shall be considered valid  
20 under this Title; However, the lot, structure, or use shall be considered  
21 nonconforming and governed by chapter 21.12, *Nonconformities*.

22 **D. Users' Guide**

23 The *Users' Guide* that is being prepared by staff, shall set forth the procedures and  
24 processes governing all applications provided for by this Title. The *Users' Guide* shall not  
25 contain any substantive land use provision. Such provisions must be incorporated into  
26 this Title or other provisions of municipal code.

27

28 **21.01.060 CONFLICTING PROVISIONS**

29 **A. Conflict with Other Public Laws, Ordinances, Regulations, or Permits**

30 This Title is intended to complement other municipal, state, and federal regulations that  
31 affect land use. This Title is not intended to revoke or repeal any other public law,  
32 ordinance, regulation, or permit, except as expressly set forth in ordinance. However,  
33 where conditions, standards, or requirements imposed by any provision of this Title are  
34 either more restrictive or less restrictive than comparable standards imposed by any  
35 other public law, ordinance, or regulation, the provisions that are more restrictive or that  
36 impose higher standards or requirements shall govern.

37 **B. Conflict with Comprehensive Plan**

38 This Title implements the goals, policies and objectives of the Comprehensive Plan with a  
39 comprehensive set of standards and requirements applicable to all land, buildings,  
40 structures, and uses located within the municipality. Thus, the more specific standards  
41 that are contained in Title 21 and are intended to apply to individual applications shall  
42 apply over the general goals and policies of the comprehensive plan in situations where  
43 there may be a potential conflict when dealing with development applications. Where  
44 conditions, standards, or requirements imposed by any provision of this Title are either  
45 more restrictive or less restrictive than any provision found in the comprehensive plan,  
46 the provision of this Title shall govern

1     **C.     Conflict with Private Agreements**  
 2     This Title is not intended to revoke or repeal any easement, covenant, or other private  
 3     agreement. However, where the regulations of this Title are more restrictive or impose  
 4     higher standards or requirements than such easement, covenant, or other private  
 5     agreement, then the requirements of this Title shall govern. Nothing in this Title shall  
 6     modify or repeal any private covenant or deed restriction, but such covenant or restriction  
 7     shall not excuse any failure to comply with this Title. In no case shall the municipality be  
 8     obligated to enforce the provisions of any easements, covenants, or agreements between  
 9     private parties.

10    **21.01.070     SEVERABILITY**

11    **A.**     If any court of competent jurisdiction invalidates any provision of this Title, then such  
 12    judgment shall not affect the validity and continued enforcement of any other provision of  
 13    this Title.  
 14    **B.**     If any court of competent jurisdiction invalidates the application of any provision of this  
 15    Title, then that provision shall not be applied to any other building, structure, or use.  
 16    **C.**     If any court of competent jurisdiction invalidates any condition attached to the approval of  
 17    an application for development approval, then such judgment shall not affect any other  
 18    conditions or requirements attached to the same approval that are not specifically  
 19    included in that judgment.

20    **21.01.080     COMPREHENSIVE PLAN**

21    **A.     Purpose**  
 22    The purpose of the comprehensive plan is to set forth in general terms the goals,  
 23    objectives, strategies, and policies governing land use development of the municipality.  
 24    As adopted, this section and the documents incorporated in this section constitute the  
 25    comprehensive plan of the municipality.

26    **B.     Elements**  
 27    **1.     Adopted Elements**  
 28    The comprehensive plan consists of the elements identified in the following table,  
 29    and which are incorporated in this chapter by reference. Plans or other elements  
 30    that are not listed below are not official elements of the comprehensive plan,  
 31    though they may be valid planning tools.

<b>TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS</b>			
<b>Area/Topic</b>	<b>Plan</b>	<b>Adoption Date <sup>1</sup></b>	<b>Amendments</b>
<b>Anchorage Bowl</b>	Anchorage 2020, Anchorage Bowl Comprehensive Plan	AO 2000-119(S); 2-20-2001	AO 2002-119; 9-10-2002
	Spenard Commercial District Development Strategy	AR 1986-121; 6-17-1986 AO 1987-145; 12-15-1987	
	Tudor Road Public Lands and Institutions Plan	AR 1986-162; 9-9-1986	
	3500 Tudor Road Master Plan	AO 2007-118; 11-13-2007	
	Anchorage Downtown Comprehensive Plan	AO 2007-113; 12-11-2007	
	Hillside District Plan	AO 2010-22; 4-13-2010	
	Utility Corridor Plan	AO 1990-13(S); 2-27-1990	
	The Ship Creek/Waterfront Land Use Plan (May 1991), including the Transportation Element	AO 1991-88; 6-3-1991	AIM 1991-178
<b>Turnagain Arm</b>	Turnagain Arm Comprehensive Plan	AO 2003-129; 10-21-2003	AO 2009-69; 6-23-1009
		AO 2009-126; 12-1-2009 [AO 1987-22; 4-7-1987]	

**TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS**

Area/Topic	Plan	Adoption Date <sup>1</sup>	Amendments
	Girdwood Area Plan	AO 1994-238(S); 2-28-1995	AO 1998-176; 11-24-1998 AO 2006-47; 4-11-2006
	Crow Creek Neighborhood Land Use Plan	AO 2006-47; 4-11-2006	
	Girdwood Commercial Areas and Transportation Master Plan	AO 2000-124(S); 2-20-2001	
Chugiak; Eagle River; Eklutna	Chugiak-Eagle River Comprehensive Plan	AO 1992-133; 1-12-1993	AO 1996-86; 6-25-1996-- amended by Alternative 1 of HLB Parcel 1-085 Land Use Study AO 2006-93(S-1);12-12-2006
	Eagle River Greenbelt Plan	AR 1985-88; April 1985	
	Chugiak-Eagle River Long-Range Transportation Plan 2002 Update	AO 2003-128; 9-23-2003	
	Eagle River Central Business District Revitalization Plan	AO 2003-74; 5-20-2003	
Environmental Quality	Anchorage Coastal Management Plan	AO 2007-107; 8-28-2007	
	2008 Areawide Water Quality Management Plan	AR 1979-151; 7-31-1979	AO 1982-33(S); 4-20-1982
	Eagle River PM-10 Control Plan	AR 1990-30; 2-6-1990	AR 1991-197; 9-24-1991
	1992 Air Quality Attainment Plan for Anchorage, Alaska	AR 1992-279; 12-8-1992	
	Anchorage Wetlands Management Plan	AO 1982-33(S); 4-20-1982	AO 1984-16(SA); 2-28-1984 AO 1984-130(S); 8-14-1984 AO 1984-163; 7-31-1984 AO 1995-129; 3-12-1996
Transportation	Street and Highway Landscape Plan	AO 1981-180; 11-3-1981	
	Areawide Trails Plan	AO 1996-140; 4-8-1997	
	Anchorage Non-Motorized Transportation Plan: Pedestrian Plan	AO 2007-96; 10-9-2007	
	Anchorage Non-Motorized Transportation Plan: Bicycle Plan	AO 2010-08; 3-23-2010	
	Official Streets and Highways Plan	AO 1979-10; 6-19-1979	AO 1983-200; 12-6-1983 AO 1984-255; 1-22-1985 AO 1986-132; 8-19-1986 AO 1996-97(S); 8-13-1996 AO 1997-85; 6-3-97 AO 2000-122; 8-15-2000 AO 2005-115; 10-25-2005
	Anchorage Long-Range Transportation Plan 2025	AO 2005-115; 10-25-2005	
Parks, Greenbelts, and Recreational Facilities	Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan	AO 2005-122; 4-18-2006	
	Updated Far North Bicentennial Park Plan	AR 1985-87; 5-14-1985	AO 2002-165; 12-10-2002
	Rabbit Creek Greenbelt Plan	AR 1987-16; 3-31-1987	
	Chester Creek Greenbelt	AR 11-1975; October 1975	

<sup>1</sup> AO 2000-119(S), at section 9, provides that elements of the comprehensive plan that were originally adopted by resolution are hereby ratified and confirmed, and shall be deemed to have been adopted on the date that they were adopted by resolution.

1

2 **C. Periodic Review**

3 The comprehensive plan shall be subject to periodic review in accordance with the  
 4 procedure described in section 21.03.070, *Comprehensive Plan Amendments*.

5 **D. Implementation—Conformity to Plans**

6 The goals, policies and objectives of the comprehensive plan are being implemented as  
 7 provided in the remainder of this Title. Zoning map amendments, land use approvals, and  
 8 subdivisions shall conform to this Title and, in the absence of any conflict with this Title,  
 9 to the comprehensive plan elements listed in this section.

1 **21.01.090 TRANSITIONAL PROVISIONS**

2 The purpose of transitional provisions is to resolve the status of properties with pending  
3 applications or recent approvals, and properties with outstanding violations, at the time of the  
4 adoption of this Title and any future amendments to this Title.

5 **A. Violations Continue**

6 Any violation of the previous Title 21 ordinance shall continue to be a violation under this  
7 Title and shall be subject to the penalties and enforcement set forth in chapter 21.13,  
8 *Enforcement*, unless the use, development, construction, or other activity complies with  
9 the provisions of this Title.

10 **B. Uses, Characteristics of Use, Structures, and Lots Rendered Lawful**

11 A use, characteristic of use, structure, or lot not lawfully existing at the time of the  
12 adoption of this Title is deemed lawful as of the effective date of this Title, provided it  
13 conforms to all of the requirements of this Title.

14 **C. Uses, Structures, and Lots Rendered Nonconforming**

- 15 1. When a lot is used for a purpose that was a lawful use before the effective date  
16 of this Title, and this Title no longer classifies such use as an allowed use in the  
17 zoning district in which it is located, such use shall be considered conforming.
- 18 2. Structures and lots that legally existed on the effective date of this Title may  
19 become nonconforming, based on the provisions of chapter 21.12,  
20 *Nonconformities*.

21 **D. Processing of Applications Commenced or Approved Under Previous Ordinances**

22 **1. Pending Applications**

- 23 a. Any complete application that has been submitted for approval, but upon  
24 which no final action has been taken by the appropriate decision-making  
25 body prior to the effective date of this Title, shall, within twelve months of  
26 the date of acceptance for completeness, be reviewed in accordance  
27 with the provisions of the ordinance in effect on the date the application  
28 was deemed complete. However, in such cases, if the applicant fails to  
29 comply with any applicable required period for submittal or other  
30 procedural requirements, the application shall expire and subsequent  
31 applications shall be subject to the requirements of this Title. Any re-  
32 application for an expired project approval shall meet the standards in  
33 effect at the time of re-application.
- 34 b. For multi-phase projects, this subsection shall apply only to those phases  
35 for which complete applications have been submitted for approval but  
36 upon which no final action has been taken by the appropriate decision-  
37 making body prior to the effective date of this Title.
- 38 c. An applicant with an approved pending application may waive review  
39 available under prior ordinances through a written letter to the director  
40 and request for review under this Title.

41 **2. Preliminary Plats**

- 42 a. Any complete preliminary plat application that has been submitted for  
43 approval, but upon which no final action has been taken by the  
44 appropriate decision-making body prior to the effective date of this Title,  
45 shall, within twelve months of the date of acceptance for completeness,

1 be reviewed in accordance with the provisions of the ordinance in effect  
2 on the date the application was deemed complete. Subsequently, the  
3 final plat for such subdivision applications also shall be processed and  
4 reviewed according to the provisions of the ordinance applicable at the  
5 time of submission of the complete application for preliminary plat.

6 b. An application for which preliminary approval of a plat was granted prior  
7 to the effective date of this Title may be processed for a final decision in  
8 accordance with the preliminary approval, applicable terms of the  
9 ordinance in place at the time of preliminary approval, and any other  
10 approved permits and conditions, even if the application does not comply  
11 with one or more requirements set forth in this Title. Preliminary  
12 approvals granted under the previous Title 21 may be extended no more  
13 than once, and for no longer than 24 months (12 months for abbreviated  
14 plats), pursuant to the extension procedures applicable under the  
15 previous ordinance.

16 **3. Approved Projects**

17 a. Conditional use permits, subdivision plats, site plan approvals, grading  
18 permits, building permits, land use permits, sign permits, and variances,  
19 any of which are valid on [effective date] shall remain valid until their  
20 expiration date. Projects with valid approvals or permits may be carried  
21 out with the development standards in effect at the time of approval,  
22 provided that the permit or approval is valid and has not lapsed.

23 b. Any building or development for which a building permit or land use  
24 permit was granted prior to the effective date of this Title shall be  
25 permitted to proceed to construction even if such building or  
26 development does not conform to the provisions of this Title.

27 c. If the development for which the building permit or land use permit is  
28 issued prior to the effective date of this Title fails to comply with the time  
29 frames for development established for the permit, including any  
30 approved extensions, the building or land use permit shall expire and  
31 future development shall be subject to the requirements of this Title.

32 **4. Remanded Cases**

33 If the board of adjustment remands a case to another decision-making body, that  
34 body shall process the case under the rules applicable at the time the original  
35 complete application was submitted for approval, unless the applicant has  
36 waived review under previous ordinances pursuant to subsection D.1.c. above.

37 **5. Future Amendments**

38 The transitional provisions described in this section shall apply to any future  
39 amendment to this Title, with the referenced effective date meaning the effective  
40 date of the amendment that impacts any particular application.

41 **B. Investment-Backed**

42 [RESERVED]