

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

**ANCHORAGE, ALASKA
AO NO. 2021-**

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER**
2 **21.02: BOARDS, COMMISSIONS, AND MUNICIPAL ADMINISTRATION;**
3 **ANCHORAGE MUNICIPAL CODE SECTION 21.03.160, *REZONINGS (ZONING***
4 ***MAP AMENDMENTS*); AND ANCHORAGE MUNICIPAL CODE SECTION**
5 **21.03.240, *VARIANCES*, TO EXPAND CONCURRENT PROCESSING OF LAND**
6 **USE ENTITLEMENTS AND TO HAVE MORE EFFICIENT PUBLIC**
7 **PARTICIPATION IN DEVELOPMENT PROJECTS.**

8
9 (Planning Case 2021-0135)

10
11 **WHEREAS**, these amendments allow the Planning and Zoning Commission to
12 review and decide on multiple entitlements at the same meeting taking into
13 consideration the entire project at once; and

14
15 **WHEREAS**, these amendments save applicants time and cost by eliminating the
16 need to go to different boards and commissions for the same development project;
17 and

18
19 **WHEREAS**, these amendments save the public time and possible confusion by only
20 having to testify at one public hearing for a project instead of multiple public
21 hearings; and

22
23 **WHEREAS**, these amendments save public money by allowing municipal staff to
24 only have to attend one public hearing rather than multiple public hearings for the
25 same project; and

26
27 **WHEREAS**, this ordinance encourages creative multifamily housing design by
28 allowing the Planning and Zoning Commission to review variances (AMC
29 21.03.240); and

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31 **WHEREAS**, these amendments do not change approval criteria for Design
32 Variances, nor do they weaken the public process; and

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34 **WHEREAS**, these amendments contribute to multifamily housing development by
35 allowing more concurrent processing of Planning cases;

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37 **WHEREAS**, the amendments only give the planning and zoning commission
38 concurrent review authority and not new stand-alone case review powers; now,
39 therefore,

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1 **THE ANCHORAGE ASSEMBLY ORDAINS:**
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3 **Section 1.** AMC chapter 21.02: Boards, Commissions, and Municipal
4 Administration, is hereby amended to read as follows (*the remainder of the section*
5 *is not affected and therefore not set out*):
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7 **21.02: BOARDS, COMMISSIONS, AND MUNICIPAL ADMINISTRATION**
8

9 **21.02.010 PURPOSE**

10 This chapter sets out the powers and duties of land use boards and commissions,
11 the role of the assembly and the responsibilities of municipal staff in the
12 administration of this title.
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14 **21.02.020 TABLE OF DECISION AND REVIEW AUTHORITY**
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16 **A.** Table 21.02-1 summarizes the major review and decision-making
17 responsibilities of the assembly, the municipal staff, and the other entities
18 that have roles in the procedures set forth in chapter 21.03, *Review and*
19 *Approval Procedures*. Such other entities are referred to as the “land use
20 boards and commissions” and include: the planning and zoning commission,
21 the platting board; the zoning board of examiners and appeals; the board of
22 adjustment, the urban design commission; and the geotechnical advisory
23 commission.
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25 *** **

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 21.07.020C., <i>Steep Slope Development</i> ; 21.07.060, <i>Transportation and Connectivity</i> ; 21.08, <i>Subdivision Standards</i> ; 21.09.070C., <i>Hazard Areas</i> ; 21.09.070F., <i>Transportation and Connectivity</i> ; 21.09.070G.1., <i>Street and Trail Lighting Standards</i> ; 21.09.070H., <i>Pedestrian Circulation</i> ; 21.10.070B., <i>Transportation and Connectivity</i> ; 21.10.080, <i>Subdivision Standards</i> .	21.03.240	D-H ^{14,16}	D-H ^{14,17}	D-H		A	R
Variances from the district-specific standards of 21.04, <i>Zoning Districts</i> ; 21.09.040, <i>Zoning Districts</i> ; 21.10.040, <i>Zoning Districts</i> . the use-specific standards of 21.05, <i>Use Regulations</i> (except subsection 21.05.040K., <i>Telecommunication Facilities</i> , and section 21.05.055 <i>Marijuana Establishments</i>); 21.09.050, <i>Use Regulations</i> ; 21.10.050, <i>Use Regulations</i> . 21.11.050, <i>Use Regulations</i> 21.07, <i>Development and Design Standards</i> (except 21.07.020B., <i>Watercourse, Water Body, and Wetland Protection</i> , 21.07.020C., <i>Steep Slope Development</i> , 21.07.050, <i>Utility Distribution Facilities</i> , and 21.07.060, <i>Transportation and Connectivity</i>); Those subsections of section 21.09.070, <i>Site Development and Design Standards</i> , not reserved to the platting authority or the zoning board of examiners and appeals; 21.09.080, <i>Building Design Standards</i> ; 21.10.070, <i>Development and Design Standards</i> (except 21.10.070B., <i>Transportation and Connectivity</i>); 21.11.070, <i>Development and Design Standards</i> 21.12, <i>Signs</i>	21.03.240	D-H ¹⁸	D-H ¹⁶			A	R

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Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
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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 Only substantive comprehensive plan amendments require a public hearing. See section 21.03.070, *Comprehensive Plan Amendments*.
- ³ The appeal body for subsection 21.03.100E., *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 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 21.03.180D. for the division of major site plan review decision-making authority.
- ⁸ See section 21.03.190, *Street and Trail Review*.
- ⁹ The planning and zoning commission may act as the platting authority for conditional uses 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. The planning and zoning commission may act as the platting authority when a preliminary plat is being considered concurrently with a rezone.
- 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, *Vacation of Public and Private Interest in Lands*.
- 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.
- 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.
- 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.
- 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.
- ¹⁷ The urban design commission shall have variance authority over these sections when such variances are requested as part of a small area implementation plan per 21.03.115.
- 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 2015-36, 5-14-15; AO 2016-3(S), 2-23-16; AO 2018-67(S-1), 10-9-2018; AO 2020-38, 4-28-20; AO 2021-46(S), 6-8-2021)

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21.02.030 PLANNING AND ZONING COMMISSION

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B. Decision-Making Authority

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

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- 4 **1.** Conditional uses (21.03.080);
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- 6 **2.** Preliminary plats, when a conditional use creates a subdivision or
7 requires the vacation of a dedicated public area, and the commission
8 directs in the conditional use approval that it shall act as the platting
9 authority (21.03.080F.);
- 10
- 11 **3.** Public facility site selections, except for municipal facilities
12 (21.03.140);
- 13
- 14 **4.** Appeals from the director's decision regarding consistency with an
15 institutional master plan (21.03.110F.);
- 16
- 17 **5.** Major site plan reviews for non-residential development with a gross
18 floor area of 100,000 square feet or more, and for residential
19 development of 140 units or more (21.03.180D.);
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- 21 **6.** Preliminary plats, when a major site plan under the authority of the
22 planning and zoning commission creates a subdivision or requires
23 the vacation of a dedicated public area, and the commission directs
24 in the major site plan approval that it shall act as the platting
25 authority (21.03.180F.);
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- 27 **7.** Draft design study report for new construction and reconstruction of
28 streets of collector class or greater in the *Official Streets and*
29 *Highways Plan* (21.03.190);
- 30
- 31 **8.** Commercial tract plats, where the site plan includes a large
32 commercial establishment under the authority of the planning and
33 zoning commission (21.03.200E.);
- 34
- 35 **9.** Variance from bulk and lot coverage regulations in section
36 21.11.060C., *Building Tower Dimensions*, for all B-2A development
37 sites, and for B-2B and B-2C development sites larger than 26,000
38 square feet;
- 39
- 40 **10.** Small area implementation plans when a zoning map amendment is
41 submitted concurrently and/or when B-1A use types not permitted by
42 underlying zoning are included in the proposed small area
43 implementation plan;
- 44
- 45 **11.** Preliminary plats, when accompanied by a rezone, unless the
46 applicant chooses another platting authority allowed by 21.02.020;

and

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 2020-35, 4-14-20; AO 2021-49(S); 6-8-2021)

Section 2. AMC 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*):

21.03.160 REZONES

A. Purpose and Scope

The boundaries of any zone district in the municipality may be changed or the zone classification of any parcel of land may be changed pursuant to this section. This section states the procedures and approval criteria necessary to process an amendment to the official zoning map. Zoning is not effective if it is too easily or frequently changed. Zoning is intended to provide a degree of certainty that is important for long-term investment and neighborhood cohesion and stability. The purpose of rezoning is not to relieve particular hardships, nor to confer special privileges or rights on any person, but to make adjustments to the official zoning map that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the municipality. Rezoning shall not be used as a way to legitimize nonconforming uses or structures, and should not be used when a conditional use, variance, or minor modification could be used to achieve the same result.

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J. Platting for Rezoning

A final plat shall not be recorded until the rezoning has been effectuated if the subdivision fails to conform under the existing zoning. A preliminary plat required under this section is subject to approval as required by section 21.03.200, Subdivisions.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2017-176, 1-9-18)

Section 3. AMC 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

A. Purpose and Scope

1 The variance process is intended to provide limited relief from the
2 requirements of this title in those cases where strict application of a particular
3 requirement will create a practical difficulty or unnecessary hardship
4 prohibiting the reasonable use of land in a manner otherwise allowed under
5 this title. It is not intended that variances be granted merely to remove
6 inconveniences or financial burdens that the requirements of this title may
7 impose on property owners in general. Rather, it is intended to provide relief
8 where the requirements of this title render the land difficult or impossible to
9 use because of some unique physical attribute of the property itself. State
10 and/or federal laws or requirements may not be varied by the municipality.
11 Variances are not intended to allow things that are otherwise prohibited in
12 this title.

13 *** **

14 **B. Decision-Making Bodies for Variance Requests**

15 *** **

16 **4.** The urban design commission, and planning and zoning commission
17 when the variance is accompanied by a conditional use or major site
18 plan review, shall be authorized to review and decide all requests for
19 variances to standards of the following sections:
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21

- 22
- 23 **a.** District-specific standards of chapter 21.04, *Zoning Districts*,
24 section 21.09.040, *Zoning Districts* (Girdwood), and section
25 21.10.040, *Zoning Districts* (Chugiak-Eagle River);
 - 26
 - 27 **b.** Use-specific standards of chapter 21.05, Use Regulations
28 (except subsection 21.05.040K., Telecommunication Facilities,
29 and section 21.05.055, *Marijuana Establishments*), section
30 21.09.050, *Use Regulations* (Girdwood), and section
31 21.10.050, *Use Regulations*;
 - 32
 - 33 **c.** Chapter 21.07, *Development and Design Standards* (except
34 subsections 21.07.020B., *Watercourse, Water Body, and*
35 *Wetland Protection*, 21.07.020C., *Steep Slope Development*,
36 21.07.050, *Utility Distribution Facilities*, and 21.07.060,
37 *Transportation and Connectivity*);
 - 38
 - 39 **d.** Those subsections of section 21.09.070 that are not reserved
40 to the platting authority or the zoning board of examiners and
41 appeals;
 - 42
 - 43 **e.** Section 21.09.080, *Building Design Standards*;
 - 44
 - 45 **f.** Section 21.10.070, *Development and Design Standards*
46 (Chugiak-Eagle River) (except subsection 21.10.070B.,

Transportation and Connectivity);

g. Section 21.11.070, *Development and Design Standards* (Downtown); and

h. Chapter 21.12, *Signs*, including the maximum sign area, the maximum sign height, the location of the sign, and the number of signs on the parcel.

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G. Approval Criteria

The application must state with particularity the relief sought and must specify the facts or circumstances that are alleged to show that the application substantially meets the following standards:

1. Approval Criteria for Variances Decided by the Urban Design Commission or the Planning and Zoning Commission

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-36, 5-14-15; AO 2015-133(S), 2-23-16; AO 2017-55, 4-11-17; 2018-67(S-1), 10-9-18; AO 2020-38, 4-28-20)

Section 4. This ordinance shall become effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this ____ day of _____, 2021.

Chair

ATTEST:

Municipal Clerk

(Planning Case 2021-0135)

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