

CHAPTER 21.02: BOARDS, COMMISSIONS, AND MUNICIPAL ADMINISTRATION

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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.

(AO 2012-124(S), 2-26-13)

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
Alcohol—Special Land Use Permit	21.03.040	D-H/A ¹						R/D ¹
Certificates of Zoning Compliance	21.03.060					A		D
Comprehensive Plan Amendments	21.03.070 C.	D-H ²	R-H ²					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	A ³		D
Marijuana—Special Land Use Permit and associated variances	21.03.105	D-H						R
Master Plan, Institutional	21.03.110 A.	D-H	R-H					R

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	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
Minor Modifications	21.03.120		D ⁴	D ⁴		A ⁵	A ⁵	D ⁴
Neighborhood or District Plans	21.03.130	D-H	R-H					R
Public Facility Site Selection	21.03.140	D-H/ A-H ⁶	R-H/ D-H ⁶					R
Rezoning (Map Amendments)	21.03.160	D-H	R-H					R
Sign Permits	21.03. 170					A		D
Site Plan Review, Administrative	21.03. 180C.			A				D
Site Plan Review, Major	21.03. 180D.		D-H ⁷	D-H ⁷			A	R
Street Review	21.03. 190B.		R ⁸ /D	R ⁸ /D				R
Trail Review	21.03.190 C.			R/D				R
Preliminary Plat	21.03. 200C.5.		D-H ⁹	D-H ⁹	D-H ⁹		A	R
Abbreviated Plat	21.03. 200D.				A-H			D
Commercial Tract Plat	21.03.200 E.		D-H ¹⁰	D-H ¹⁰	D-H ¹⁰			R
Title 21, Text Amendments	21.03. 210	D-H	R-H		R-H ¹¹			R
Vacation of Public and Private Interest in Land	21.03.230				D or A ¹²		A ¹²	R or D ¹²
Variances from the provisions of 21.05.040K., <i>Telecommunication Facilities</i> ; 21.06, <i>Dimensional Standards and Measurements</i> (except subsection 21.06.030D.9., <i>Airport Height Regulations</i>); 21.07.050, <i>Utility Distribution Facilities</i> ; 21.09.060, <i>Dimensional Standards</i> ; 21.09.070J., <i>Utilities and Utility Equipment Standards</i> ; 21.10.060, <i>Dimensional Standards</i> ; 21.12, <i>Nonconformities</i> .	21.03. 240					D-H		R
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 ¹³	D-H ¹³	D-H		A	R

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	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
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> . 21.07, <i>Development and Design Standards</i> (except 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, <i>Signs</i>	21.03.240			D-H			A	R
Administrative Variances	21.03.240 J.					A		D
Verification of Nonconforming Status	21.03.250					A		D

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
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Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
<p>NOTES:</p> <p>¹ See section 21.03.040, <i>Alcohol-Special Land Use Permit</i>, to determine whether the Assembly or the director is the decision-making body.</p> <p>² Only substantive comprehensive plan amendments require a public hearing. See section 21.03.070, <i>Comprehensive Plan Amendments</i>.</p> <p>³ The appeal body for subsection 21.03.100E., <i>Improvements Associated with Land Use Permits</i>, is the platting board. Appeals related to provisions in title 23 are made to the building board of examiners and appeals.</p> <p>⁴ An applicant may request application of the minor modification process only once during the review process.</p> <p>⁵ See section 21.03.120C.5. for appropriate appeal body.</p> <p>⁶ Site selection for municipal facilities is approved by the assembly. See section 21.03.140.</p> <p>⁷ See section 21.03.180D. for the division of major site plan review decision-making authority.</p> <p>⁸ See section 21.03.190, <i>Street and Trail Review</i>.</p> <p>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.</p> <p>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.</p> <p>¹¹ Code amendments relating to chapter 21.08, <i>Subdivision Standards</i>, require a hearing by the platting board. All code amendments require a hearing by the planning and zoning commission.</p> <p>¹² See section 21.03.230, <i>Vacation of Public and Private Interest in Lands</i>.</p> <p>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.</p>							
<p>KEY TO ABBREVIATIONS: ASBLY = Anchorage Assembly PZC = Planning and Zoning Commission PB = Platting Board</p>				<p>ZBEA = Zoning Board of Examiners and Appeals BOA = Board of Adjustment UDC = Urban Design Commission MS = Municipal Staff</p>			

(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)

21.02.030 PLANNING AND ZONING COMMISSION

A. Recommendation to the Assembly

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

1. Comprehensive plan amendments (21.03.070);
2. Institutional master plans (21.03.110);
3. Neighborhood or district plans (21.03.130);
4. Public facility site selection for municipal facilities (21.03.140);
5. Rezoning (zoning map amendments), to include overlay districts (21.03.160); and

6. Title 21 text amendments (21.03.210).

B. Decision-Making Authority

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

1. Conditional uses (21.03.080);
2. Preliminary plats, when a conditional use creates a subdivision or requires the vacation of a dedicated public area, and the commission directs in the conditional use approval that it shall act as the platting authority (21.03.080F.);
3. Public facility site selections, except for municipal facilities (21.03.140);
4. Appeals from the director's decision regarding consistency with an institutional master plan (21.03.110F.);
5. Major site plan reviews for non-residential development with a gross floor area of 100,000 square feet or more, and for residential development of 140 units or more (21.03.180D.);
6. Preliminary plats, when a major site plan under the authority of the planning and zoning commission creates a subdivision or requires the vacation of a dedicated public area, and the commission directs in the major site plan approval that it shall act as the platting authority (21.03.180F.);
7. Draft design study report for new construction and reconstruction of streets of collector class or greater in the *Official Streets and Highways Plan* (21.03.190); and
8. Commercial tract plats, where the site plan includes a large commercial establishment under the authority of the planning and zoning commission (21.03.200E.).

C. Other Powers and Duties

The planning and zoning commission shall:

1. Develop, review, and make recommendations to the assembly regarding policies, plans, and ordinances to implement the municipal function of planning for the economic, social, and land use needs of the community.
2. Review and make recommendations to the assembly and school board regarding the annual capital improvement program of the municipality and school district.
3. Review and make recommendations to the mayor regarding the annual work program of the department.
4. Promulgate regulations to implement or make specific the provisions of this title, except provisions of chapter 21.08, *Subdivision Standards*, which are reserved to the platting board.
5. Exercise such other powers, and perform such other duties, as are provided by law.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

21.02.040 URBAN DESIGN COMMISSION

A. Decision-Making Authority

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

1. Appeals of administrative site plan reviews (21.03.180C.);

2. Major site plan reviews for non-residential development with a gross floor area of less than 100,000 square feet, and for residential development of fewer than 140 units (21.03.180D.);
3. Preliminary plats, when a major site plan review under the authority of the urban design commission creates a subdivision or requires the vacation of a dedicated public area, and the commission directs in the major site plan approval that it shall act as the platting authority (21.03.180F.);
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:
 - a. The district-specific standards of chapter 21.04, *Zoning Districts*, section 21.09.040, *Zoning Districts*, and section 21.10.040, *Zoning Districts*;
 - b. The use-specific standards of chapter 21.05, *Use Regulations* (except subsection 21.05.040K., *Telecommunication Facilities*, and section 21.05.055, *Marijuana Establishments*), section 21.09.050, *Use Regulations*, and section 21.10.050, *Use Regulations*;
 - c. Chapter 21.07, *Development and Design Standards* (except subsections 21.07.020C., *Steep Slope Development*, 21.07.050, *Utility Distribution Facilities*, and 21.07.060, *Transportation and Connectivity*);
 - d. Those provisions of section 21.09.070, *Site Development and Design Standards*, for which variance authority is not given to the platting authority or the zoning board of examiners and appeals;
 - e. Section 21.09.080, *Building Design Standards*;
 - f. Section 21.10.070, *Development and Design Standards* (except subsection 21.10.070B., *Transportation and Connectivity*); and
 - g. Chapter 21.11, *Signs*; and
7. Appeals of the director's decision regarding subsection 21.12.060B., *Bringing Characteristics Into Compliance* (21.03.050).

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.
2. 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.
3. Perform those duties stated in title 7, relating to the art funding requirements for public buildings and facilities.
4. Designate historic signs pursuant to subsection 21.12.070F.

5. Exercise such other powers, and perform such other duties, as are provided by law.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-36, 5-14-15)

21.02.050 PLATTING BOARD

A. Decision-Making Authority

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

1. Preliminary plats (except for abbreviated plats [see 21.03.200B.2.] and 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*) (section 21.03.200);
2. Commercial tract 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 (21.03.230C.);
4. Variances from, except in 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*):
 - a. The provisions of chapter 21.08, *Subdivision Standards*;
 - b. Subsection 21.07.020C., *Steep Slope Development*;
 - c. Section 21.07.060, *Transportation and Connectivity*;
 - d. Subsection 21.09.070C., *Hazard Areas*;
 - e. Subsection 21.09.070F., *Transportation and Connectivity*;
 - f. Subsection 21.09.070G.1., *Street and Trail Lighting Standards*;
 - g. Subsection 21.09.070H., *Pedestrian Circulation*;
 - h. Subsection 21.10.070B., *Transportation and Connectivity*;
 - i. Section 21.10.080, *Subdivision Standards*;
5. Modification or removal of plat note(s) (21.03.200G.);
6. Appeals of the following decisions:
 - a. Land use permits under subsection 21.03.100E, *Improvements Associated with Land Use Permits*;
 - b. Record of survey maps (21.03.150);
 - c. Abbreviated plats (21.03.200D.);
 - d. Right-of-way acquisition plats (21.03.200F.); and
 - e. Vacations of public and private interest in lands, where the platting officer is the platting authority (21.03.230).

B. Other Powers and Duties

The platting board shall:

1. Interpret or make specific the provisions of chapter 21.08, *Subdivision Standards*.
2. Review and make recommendations to the assembly regarding all proposed amendments to chapter 21.08, *Subdivision Standards*.
3. Authorize extensions of subdivision agreements as provided in section 21.08.060C., *Time Limit for Completion of Improvements*.
4. Exercise such other powers, and perform such other duties, as are provided by law.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-36, 5-14-15)

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:

1. Appeals pursuant to subsection 21.03.050B.;
2. Variances from:
 - a. Chapter 21.06, *Dimensional Standards and Measurements* (except subsection 21.06.030D.9., *Airport Height Regulations*);
 - b. Subsection 21.05.040K., *Telecommunication Facilities*;
 - c. Section 21.07.050, *Utility Distribution Facilities*;
 - d. Section 21.09.060, *Dimensional Standards*;
 - e. Subsection 21.093070J., *Utilities and Utility Equipment Standards*;
 - f. Section 21.10.060, *Dimensional Standards*; and
 - g. Chapter 21.12, *Nonconformities*;
3. Overcoming presumption of abandonment pursuant to subsection 21.12.030E.; and
4. Time extensions for amortized signs, pursuant to subsection 21.12.070G.

B. Other Powers and Duties

The zoning board of examiners and appeals shall:

1. Adopt general rules or make findings in specific cases regarding proposed changes of nonconforming uses, pursuant to section 21.12.030B., *Change of Use*.
2. Exercise such other powers, and perform such other duties, as are provided by law.

C. Subpoenas

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

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-36, 5-14-15)

21.02.070 BOARD OF ADJUSTMENT

A. Powers and Duties

The board of adjustment has the responsibilities set forth in subsection 21.03.050A.1.

B. Subpoenas

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

(AO 2012-124(S), 2-26-13)

21.02.080 GEOTECHNICAL ADVISORY COMMISSION

A. Powers and Duties

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

(AO 2012-124(S), 2-26-13)

21.02.090 ASSEMBLY

A. Decision-Making Authority

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

1. Special land use permit for alcohol—for beverage dispensary and package store liquor licenses (21.03.040);
2. Comprehensive plan amendments (21.03.070);
3. Special land use permit for marijuana and associated variances from AMC section 21.05.055 (21.03.105);
4. Institutional master plans (21.03.110);
5. Neighborhood or district plans (21.03.130);
6. Public facility site selection for municipal facilities (21.03.140);
7. Rezoning (zoning map amendments), to include overlay districts (21.03.160);
8. Title 21 text amendments (21.03.210);

9. Appeals on public facility site selections for non-municipal facilities (21.03.140); and
10. Any other action not delegated to the planning and zoning commission, platting board, zoning board of examiners and appeals, board of adjustment, urban design commission, or municipal staff, as the assembly may deem desirable and necessary to implement the provisions of this title.

B. Land Use Procedure

1. The land use review and approval procedures specified in chapter 21.03, *Review and Approval Procedures*, supplement the assembly's procedures under title 2.
2. Where a board or commission has authority under this title to review and comment on a land use matter, the assembly shall not take final action on the matter until it has received and taken notice of the review comments and recommendations of the board or commission.

(AO 2012-124(S), 2-26-13; AO 2016-3(S), 2-23-16)

21.02.100 MUNICIPAL STAFF

Municipal departments shall have the review and decision-making responsibilities set forth in this chapter and other sections of this title, to be carried out in accordance with the terms of this title. The departments also shall have such additional powers and duties as may be set forth in other ordinances, rules, and operating procedures of the municipality.

(AO 2012-124(S), 2-26-13; AO 2017-55, 4-11-17)

