

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading: February 15, 2022

**ANCHORAGE, ALASKA
AO NO. 2022-36**

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 21**
2 **CHAPTERS 21.03, REVIEW AND APPROVAL PROCEDURES; 21.04, ZONING**
3 **DISTRICTS; 21.06 DIMENSIONAL STANDARDS AND MEASUREMENTS;**
4 **21.07, DEVELOPMENT AND DESIGN STANDARDS; AND 21.15, RULES OF**
5 **CONSTRUCTION AND DEFINITIONS, IN ORDER TO AMEND THE TWO-AND-**
6 **ONE-HALF-STORY LIMIT AND RELATED DIMENSIONAL STANDARDS IN**
7 **THE R-2A, R-2D, AND R-2M ZONING DISTRICTS, FOR PROMOTING HOUSING**
8 **OPPORTUNITIES COMPATIBLE WITH THE INTENDED SCALE OF R-2**
9 **NEIGHBORHOODS.**

10
11 (Planning and Zoning Commission Case No. 2021-0111)
12

13 **WHEREAS**, the *Anchorage 2040 Land Use Plan (2040 Plan)* assessed the
14 housing needs of current and future Anchorage residents, and includes goals,
15 policies, and actions to address these housing needs; and

16
17 **WHEREAS**, Goal 2 of the *2040 Plan* and its supporting policies promote infill and
18 redevelopment in existing neighborhoods as a means to meet the housing needs
19 of residents in Anchorage, in part through incorporating more flexibility in
20 development requirements; and

21
22 **WHEREAS**, Goal 4 of the *2040 Plan* establishes Anchorage's neighborhoods as
23 the places to provide a range of housing types, to meet the housing needs of
24 residents of all income levels and households; and

25
26 **WHEREAS**, Goal 7 of the *2040 Plan* and its supporting policies promote infill
27 development that is compatible with the valued characteristics of surrounding
28 properties and neighborhoods, including the physical scale and character; and

29
30 **WHEREAS**, the R-2A, R-2D, and R-2M zoning districts (R-2 districts) are found in
31 many parts of the Anchorage Bowl, comprising one-third of the urban residentially
32 zoned land in the Anchorage Bowl; and

33
34 **WHEREAS**, the R-2 districts fulfill a unique and important function among
35 Anchorage's residential zones, providing for compact single-family, two-family,
36 townhouse, and (in the R-2M) small-scale multifamily structures at a low-to-
37 moderate scale and intensity compatible with the single-family neighborhood
38 scale; and
39

1 **WHEREAS**, Action 4-4 of the *2040 Plan* calls for a review of the R-2M district to
2 encourage the development of compact housing to assist in meeting a large part
3 of the housing needs through infill and redevelopment within existing
4 neighborhoods; and

5
6 **WHEREAS**, Action 7-2 of the *2040 Plan* calls for the incorporation of neighborhood
7 compatibility standards in the compact housing amendments in Action 4-4; and

8
9 **WHEREAS**, a two-and-one-half-story (2½-story) height limit applied to the R-2
10 districts from the 1940s through the early 1980s, was removed leaving a 25-foot
11 height limit in the mid-1980s which was increased to a 30-foot height limit in 1999;
12 and

13
14 **WHEREAS**, the 2½-story limit was restored in the R-2 districts in 2013 to
15 supplement the 30-foot height limit and address compatible bulk and scale of new
16 housing development; and

17
18 **WHEREAS**, problems with the current 2½-story limit include: it constrains the
19 number of housing units that can fit on some development sites; it increases the
20 costs of adding third-story living spaces to resolve the space constraint because
21 the third story must be a daylight basement or attic living space; it does not provide
22 for exceptions or administrative relief or flexibility to respond to site context or
23 characteristics; it is vague and confusing as currently worded; and

24
25 **WHEREAS**, problems with other dimensional standards in the R-2 districts have
26 been identified, which include an excessive side yard setback applied to small
27 multi-unit structures and excessive maximum heights of rooftop stairwells and
28 other rooftop appurtenances incompatible with the residential scale; and

29
30 **WHEREAS**, allowing 3-story buildings in appropriate locations and situations
31 subject to additional height and bulk compatibility standards can, in combination
32 with other adjustments to the height and dimensional standards can support more
33 efficient housing development anticipated by the R-2 districts and the *2040 Plan*,
34 while minimizing impacts on adjoining properties and existing R-2 neighborhoods;
35 now, therefore,

36
37 **THE ANCHORAGE ASSEMBLY ORDAINS:**

38
39 **Section 1.** Anchorage Municipal Code Chapter 21.03, Review and Approval
40 Procedures, is hereby amended to read as follows (*the remainder of the chapter*
41 *is not affected and therefore not set out*):

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43 **21.03.120 Minor Modifications.**

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45 *** **

46 B. *Applicability.*

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1 1. *Minor Modifications to General Development and Zoning*
2 *District Standards*

3 As part of the review and approval of any procedure set forth
4 in this chapter, the director, the planning and zoning
5 commission, or the urban design commission may approve
6 minor modifications of up to a maximum of five percent from
7 the following general development and zoning district
8 standards provided that the approval criteria of subsection D.
9 below are met.

- 10
11 a. Minimum lot area, [OR]setback, step-back, or building
12 length requirements set forth in chapter 21.06,
13 Dimensional Standards and Measurements;

14
15 *** *** ***

16 (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2020-38, §3,
17 5-28-20)

18
19 **21.03.180 Site Plan Review.**

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21 *** *** ***

22 F. *Approval Criteria – General*

23 Except as provided otherwise in G., [A]an application for
24 administrative or major site plan review shall be approved upon a
25 finding that the site plan meets all of the following criteria:

26
27 *** *** ***

28 *(The following inserts a new subsection G. and re-numbers existing*
29 *subsections G. and H. The revisor of the code is requested to re-number*
30 *the existing section as appropriate.)*

31
32 G. Approval Criteria – Topic-Specific Site Plan Reviews

- 33
34 1. Administrative site plan review approval criteria for proposals
35 to exceed the two-and-one-half story height limit in the R-2A,
36 R-2D, and R-2M districts are listed in 21.06.030D.7.d.

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39 (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-142(S
40 -1), § 2, 6-21-16; AO No. 2020-38, § 3, 5-28-20)

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42 **21.03.240 Variances.**

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45 J. *Administrative Variances*

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1 6. For Height Encroachments into Step-backs and Step-back
2 Planes

3 The director may grant an administrative variance from
4 height/bulk transition requirements including building height
5 step-back planes or limitations on building elevation length in
6 Chapter 21.06, provided:

7
8 a. There exist physical circumstances of the subject
9 property such as topography or exceptional lot
10 configuration not shared by landowners in general;

11
12 b. Because of these physical circumstances, the strict
13 application of the height/bulk transition or step-back
14 plane would create an exceptional or undue hardship
15 upon the property owner, and would deprive the
16 applicant of rights commonly enjoyed by other
17 properties in the same district under the terms of the
18 zoning ordinance;

19
20 c. The hardship is not self-imposed, the special
21 conditions and circumstances do not result from the
22 actions of the applicant, and such conditions and
23 circumstances do not merely constitute inconvenience;
24 and

25
26 d. The administrative variance granted is the minimum
27 deviation or encroachment necessary to address the
28 hardship and development rights, and will cause the
29 least interference possible with the intended solar
30 access protections.

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32 *** *** ***

33 (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-36, § 10,
34 5-14-15; AO No. 2015-133(S), § 2, 2-23-16; AO No. 2017-55, § 7, 4-11-17;

35
36 AO No. 2018-67(S-1), § 4, 10-9-18; AO No. 2018-118, § 2, 1-1-19; AO
37 2020-38, 5-28-20)

38
39 **Section 2.** Anchorage Municipal Code Chapter 21.04, Zoning Districts, is
40 hereby amended to read as follows (*the remainder of the chapter is not affected*
41 *and therefore not set out*):

42
43 **21.04.020 Residential Districts**

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45 *** *** ***

1 F. *R-2M: Mixed Residential District*

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3 *** **

4 2. *District-Specific Standards*

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6 a. Residential buildings shall contain no more than eight
7 dwelling units.

8
9 b. The maximum length of a building elevation that is two
10 and a half stories or more in height at any point shall
11 be 150 feet. Otherwise, the maximum length shall be
12 180 feet.

13
14 c. The minimum side setback established in Table
15 21.06-1 for multifamily dwellings in the R-2M district is
16 reduced from 10 feet to 5 feet, provided the building
17 elevation facing the side lot line is:

18
19 i. No more than 72 feet in length, in order to be
20 compatible in scale to a single-family dwelling
21 or duplex; or

22
23 ii. No more than 48 feet in length without a recess
24 in its wall plane, such that the remaining portion
25 of the building elevation has a minimum side
26 setback of at least 15 feet, in order to appear as
27 an arrangement of smaller, connected
28 structures with backyard space.

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30 *** **

31 (AO 2012-124(S), 2-26-13; AO No. 2015-100, § 1, 10-13-15; AO No.
32 2017-176, § 3, 1-9-18; AO No. 2019-58, § 2, 5-7-19)

33
34 **Section 3.** Anchorage Municipal Code Chapter 21.06, Dimensional Standards,
35 is hereby amended to read as follows (*the remainder of the chapter is not affected*
36 *and therefore not set out*):

37
38 **21.06.020 Dimensional Standards Tables.**

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40 *** **

41 A. Table of Dimensional Standards: Residential Districts

TABLE 21.06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS <i>(Additional standards may apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)</i>								
Use	Minimum lot dimensions ¹		Max lot coverage (%)	Min. Setback Requirements (ft)			Max number of principal structures per lot or tract ²	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
*** *** ***								
R-2A: Two-Family Residential District (larger lot)								
Dwelling, single-family detached	7,200	60	40	20	5	10	1	Principal: 30, not to exceed two and one-half stories, <u>except where three stories are allowed per 21.06.030D.7.</u> Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	8,400	70	40	20	5	10	1	
Dwelling, single-family attached	3,500	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	
All other uses	7,200	60	40	20	5	10	N/A	
R-2D: Two-Family Residential District								
Dwelling, single-family detached	6,000	50	40	20	5	10	1	Principal: 30, not to exceed two and one-half stories, <u>except where three stories are allowed per 21.06.030D.7.</u> Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	6,000	50	40	20	5	10	1	
Dwelling, single-family attached	3,500	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	
All other uses	6,000	50	40	20	5	10	N/A	
R-2M: Mixed Residential District								
Dwelling, single-family detached	6,000	50	40	20	5	10	1	Principal: 30, not to exceed two and one-half stories, <u>except where three stories are allowed per 21.06.030D.7.</u> Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	6,000	50	40	20	5	10	1	
Dwelling, single-family attached	3,000	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	
Dwelling, townhouse	2,400	24 (30 on corner lots)	60	20		10	1	
Dwelling, multifamily (up to 8 units permitted per building)	8,500 + 2,300 for every unit over 3	50	40	20	10, <u>except where 5 is allowed as provided in 21.04.020F.2.c.</u>	10	More than one principal structure may be allowed on any lot or tract in accordance with subsection 21.07.110F.2.	
Dwelling, multifamily, with single- or two-family style construction of multiple buildings on a lot	3,000 per unit	50	40	20	10, <u>except where 5 is allowed as provided in 21.04.020F.2.c.</u>			
All other uses	6,000	50	40	20	5	10		
*** *** ***								
*** *** ***								

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-100, § 2(Exh. A), 10-13-15; AO No. 2016-71, § 1, 6-21-16; AO No. 2017-160, § 3, 12-19-17; AO No. 2017-176, § 6, 1-9-18; AO No. 2018-43(S), § 3(Exh. B), 6-12-18; AO No. 2019-11, § 4, 2-12-19; AO No. 2019-58, § 3, 5-7-19; AO 2020-38, 5-28-2020)

21.06.030 Measurements and Exceptions.

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D. *Height*

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6. *Height Exceptions*

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c. Except as specifically provided elsewhere in this title, the height limitations contained in this chapter do not apply to appurtenances on buildings, such as spires and similar religious appurtenances, belfries, cupolas, flagpoles, chimneys, antennas, rooftop mechanical equipment and its screening, stairwell and[TOWERS,] elevator enclosures[PENTHOUSES], parapets, firewalls, open or transparent railings, solar reflectors, photovoltaic panels, skylights, or similar appurtenances; provided, however, the following:

i. The appurtenance does not interfere with Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace.[:]

ii. Enclosure[THE] appurtenances such as stairwells, elevators, mechanical enclosures, and skylights cumulatively cover no more than one-third of the roof area of the building, except that when it has been demonstrated to the director and the building official that building HVAC requirements necessitate a larger mechanical enclosure[PENTHOUSE], the appurtenances may cumulatively cover up to one-half of the roof area.

iii. The appurtenance is not constructed for the purpose of providing additional floor area, usable space, or storage room for the building, except that a storage room of 60 square feet or less, combined with[A] stairwell [TOWER]or elevator enclosures[HOUSING], and directly

1 related to a rooftop use (such as tool storage for
2 a rooftop garden), is allowed.[:; AND]

- 3
4 iv. The appurtenance does not exceed the height
5 limit of the district by more than 12 feet in the
6 R-2A, R-2D, and R-2M zoning districts and up
7 15 feet otherwise, with the following exceptions:

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9 *** **

10 (D) Elevator enclosures[PENTHOUSES]
11 may exceed by up to 18 feet on
12 residential buildings in the R-2A, R-2D,
13 and R-2M zoning districts and up to 25
14 feet otherwise.[:;]

15
16 (E) Parapets, required fire-resistant rated
17 walls[FIREWALLS], and skylights may
18 exceed by up to two feet on residential
19 buildings in the R-2A, R-2D, and R-2M
20 zoning districts and up to four feet
21 otherwise.

22
23 (F) Any railing or portion of a railing that
24 exceeds the maximum allowed parapet
25 height in (E) shall be an open or
26 transparent railing as defined in section
27 21.15.040.

- 28
29 v. Rooftop stairwell and elevator enclosures in the
30 R-2A, R-2D, and R-2M districts are set back
31 from the perimeter of street-facing building
32 façade walls by at least four feet.

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35 e. Dormers that meet subsection i. below and have a total
36 width of not more than 33 percent of the width of the
37 roof from which the dormers(s) project may
38 extend above the height limit. Dormers with a total
39 width greater than 33 percent may extend above the
40 height limit when:

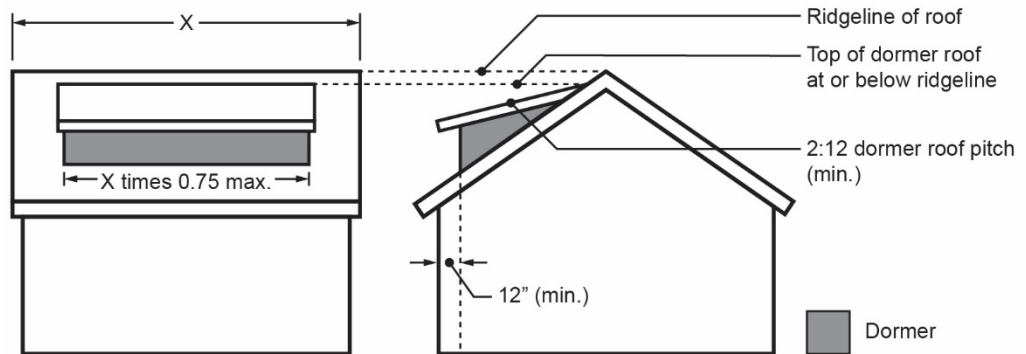
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42 i. The roof of the dormer has a pitch of at least
43 2:12 and no part of the dormer extends above
44 the ridgeline of the main roof;

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46 ii. The walls of the dormer are stepped back at
47 least one foot from the exterior wall plane of the
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floor below, including from end-of-house corner walls/gable end walls; and

iii. The total width of the dormer(s) is not more than 75 percent of the width of the roof from which the dormer(s) project.



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(The following inserts a new subsection 7. and re-numbers existing subsections 7., 8., and 9.)

7. Three-story Entitlement in R-2A, R-2D, and R-2M Zoning Districts

a. Purpose

The intent of this section is to allow three-story buildings in the R-2 zoning districts at transitions to higher-intensity zones or in locations that minimize bulk, shadowing, privacy, and character impacts on R-2 zoned residential neighborhoods.

b. Three-story Entitlement on Large or Transitional Sites

Development sites that meet one or more of criteria i. to iii. are exempt from the two-and-one-half story limit in Table 21.06-1, provided all structures meet the 30-foot height limit and provide the height/bulk transition described in subsection c.:

i. The development site is at least 1/2 acre;

ii. The site is located at a transition to an R-3, R-3A, R-4, R-4A, RO, B-1B, B-3, I-1, or I-2 zoning district, either abutting at its side lot line (except not the side lot line opposite the primary front lot line on a corner lot), or adjacent facing across a

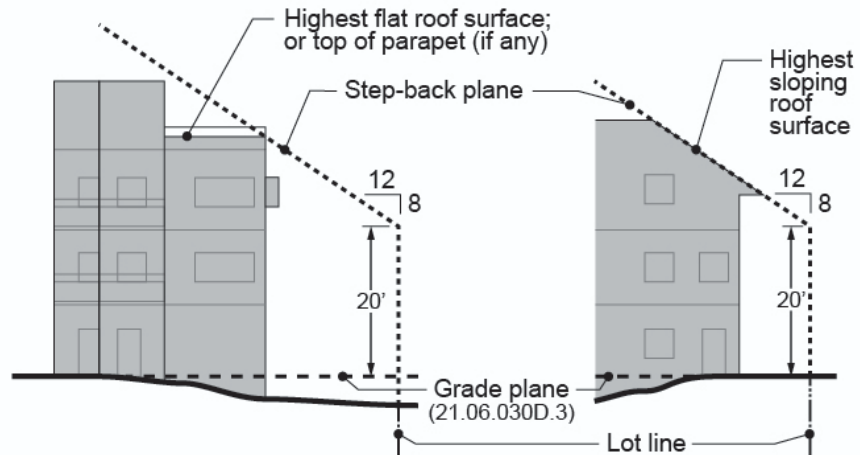
local or collector street (except not a secondary frontage opposite the primary frontage on a double-fronted lot); or

iii. The site is adjacent only to non-residential or three-story residential uses.

c. Height/Bulk Transition Standards

Three-story buildings shall provide a transition in height to neighboring residences. This transition requirement applies where the development site's lot lines are adjacent to residentially zoned properties not listed in 21.06.030D.7.b.ii. and b.iii. The transition requirement is as follows:

i. Buildings shall not encroach into a step-back plane measured starting from 20 feet above the grade plane established in 21.06.030D.3., Grade Plane, at the lot lines of the development site, and rising inward over the site at an 8:12 rise-to-run angle.



ii. The three-story portion(s) of building elevation(s) facing a side lot line shall have a length no more than 70 percent of the lot depth.

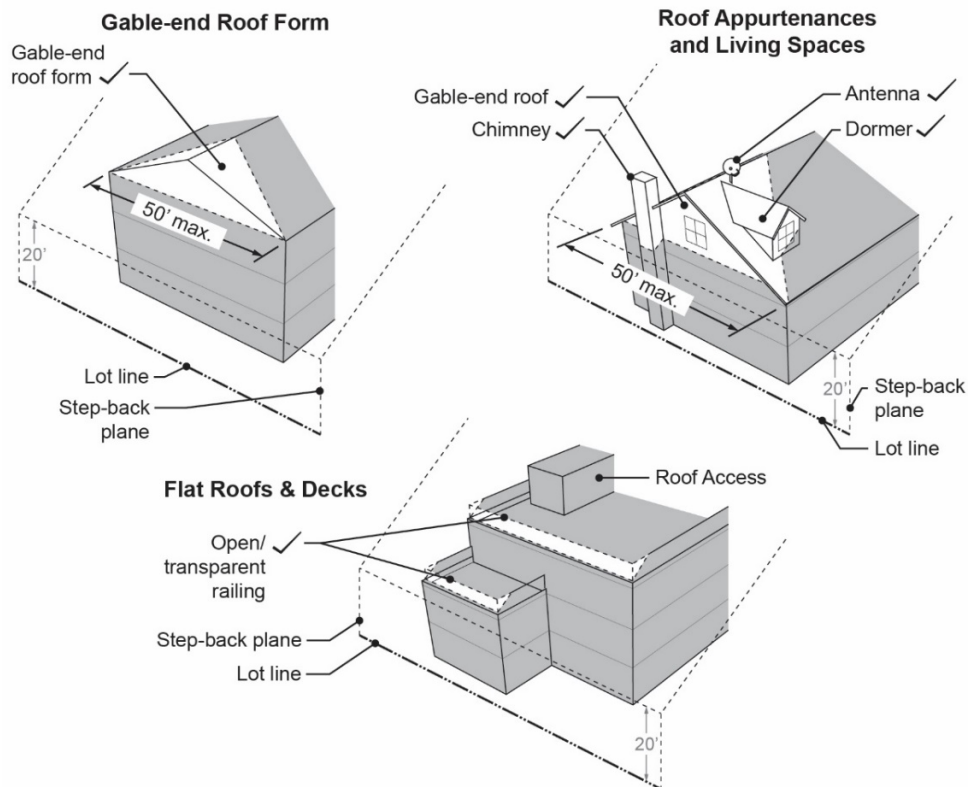
d. Exceptions to Height/Bulk Transition

The following exceptions are allowed to the height/bulk transition standards in c., including encroachments above the step-back plane:

i. Incidental architectural features listed in subsection 21.06.030C.2.d.

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- ii. Building appurtenances and dormers are listed as height exceptions in subsection 21.06.030D.6., except parapet walls and rooftop stairwell, elevator, and mechanical enclosures are not exempt, as illustrated below.
- iii. Gable ends of sloping roof forms, provided the portion of the gable end that penetrates above the step-back plane, including any roof overhang, has a maximum width of 50 feet or less, as illustrated below.
- iv. Encroachments approved through the minor modifications process in 21.03.120B., or the administrative variance process in 21.03.240J.6.
- v. The alternative equivalent compliance procedure in section 21.07.010D. may be used to propose alternatives to the standards in c.



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- e. Three-story Entitlement through Administrative Site Plan Review
Developments on sites that do not meet the criteria in 21.06.030D.7.b. may propose to exceed the two-and-

1 one-half story limit through the administrative site plan
2 review process in 21.03.180, subject to the following
3 set of approval criteria, and provided the height/bulk
4 transition standards in 21.06.030D.7.c. and d. are met.
5 The following approval criteria apply instead of the
6 generally applicable site plan review approval criteria
7 in 21.03.180F., in order to limit the scope of design
8 characteristics to be reviewed and provide clearer
9 criteria:

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11 i. The site plan is consistent with any previously
12 approved subdivision plat, planned
13 development master plan, or any other
14 precedent plan or land use approval;

15
16 ii. The site plan complies with all applicable
17 development standards set forth in this title;

18
19 iii. The site plan provides a compatible building
20 height that compliments or transitions to the
21 scale of the adjacent properties and minimizes
22 loss of sunlight access to adjacent properties,
23 through building (and rooftop appurtenance)
24 height transitions, massing, placement or
25 setbacks, and/or changes in topography;

26
27 iv. The site plan provides a compatible building
28 width and length, including breaks in massing
29 between townhouse units, that compliments or
30 transitions to the scale of single-family and
31 two-family development, while considering site-
32 specific conditions;

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34 v. The site plan provides ground-floor primary
35 entries or habitable floor area (21.15.040) in
36 street-facing building facades, mitigates
37 garages and blank walls, and minimizes exterior
38 stairs (motel-style) to second-story entries;

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40 vi. The site plan mitigates disruptions to the privacy
41 and outdoor activities on adjacent properties,
42 including through the size and placement of
43 upper-level windows, rooftop decks, building
44 mass, and exterior lighting; and

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46 vii. The site plan conforms to policies and
47 guidelines regarding the height, bulk, and
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massing of buildings in the adopted neighborhood and area-specific elements or applicable land use designations of the comprehensive plan.

(The revisor of the code is requested to re-number the existing section 21.06.030D. as appropriate.)

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-100, § 3, 10-13-15; AO No. 2017-176, § 7, 1-9-18; AO No. 2018-12, § 1, 2-27-18; AO 2020-10(S), 3-10-2020; AO 2020-38, 5-28-2020)

Section 4. Anchorage Municipal Code Chapter 21.07, Development and Design Standards, is hereby amended to read as follows *(the remainder of the chapter is not affected and therefore not set out)*:

21.07.010 General Provisions.

*** *** ***

D. *Alternative Equivalent Compliance*

1. *Purpose*
Alternative equivalent compliance is a procedure that allows development to meet the intent of this title[CHAPTER] through an alternative design. The procedure permits a site-specific plan that is equal to or better than the strict application of a design standard specified in this title. This procedure is not intended as a substitute for a variance or administrative modification or as a vehicle for relief from standards in this title[CHAPTER].
2. *Applicability.*
The alternative equivalent compliance procedure shall be available only for the following sections of this title:
 - a. Subsection 21.06.030D.7.c., Height/Bulk Transitions;
 - b[A]. Subsection 21.06.030D.9.8., Height Transitions for Neighborhood Compatibility;
 - c[B]. Subsection 21.07.060F., Pedestrian Amenities;
 - d[C]. Subsection 21.07.080, Landscaping, Screening, and Fences;

- e[D]. Subsection 21.07.090M.3., Structured Parking; Façade Treatment;
- f[E]. Section 21.07.110, Residential Design Standards;
- g[F]. Section 21.07.120, Large Commercial Establishments;
- h[G]. Subsection 21.09.080, Building Design Standards (Girdwood); and
- i[H]. Section 21.11.070G., Standards for Urban Design Amenities (Downtown).

*** *** ***

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2020-11, § 1, 2-25-20; AO No. 2020-38, § 8, 5-28-20)

Section 5. Anchorage Municipal Code Chapter 21.15, Rules of Construction and Definitions, is hereby amended to read as follows (*the remainder of the table is not affected and therefore not set out*):

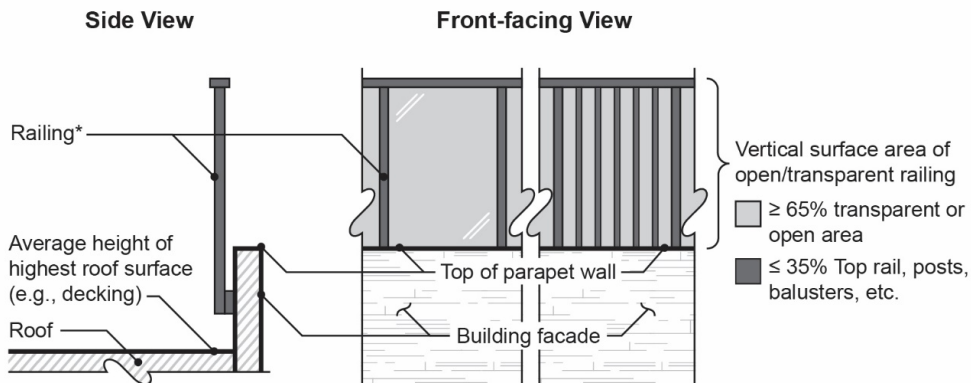
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21.15.040 Definitions.

*** *** ***

Railing, Open or Transparent

Any railing that is comprised of clear glass, similar transparent materials, and/or openings (i.e., empty spaces) between materials used in its construction, for at least 65 percent of its vertical surface area per railing panel.



*Railing construction, including rail heights, spacing of posts and balusters, and other dimensions, shall comply with the requirements of the Building Code.

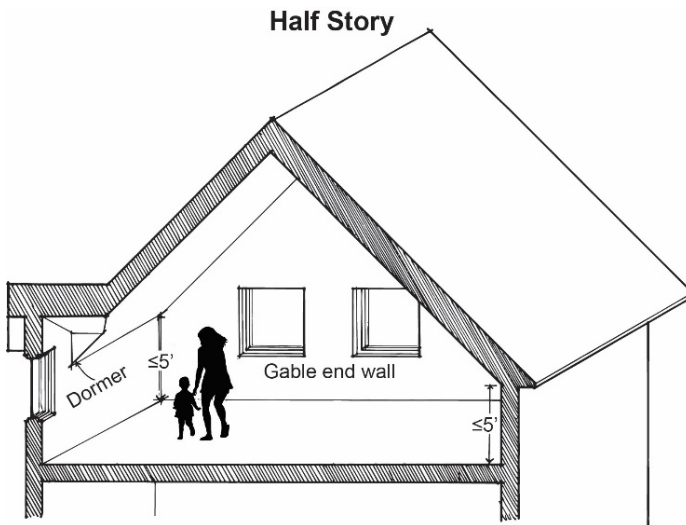
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Story, [ONE-]Half

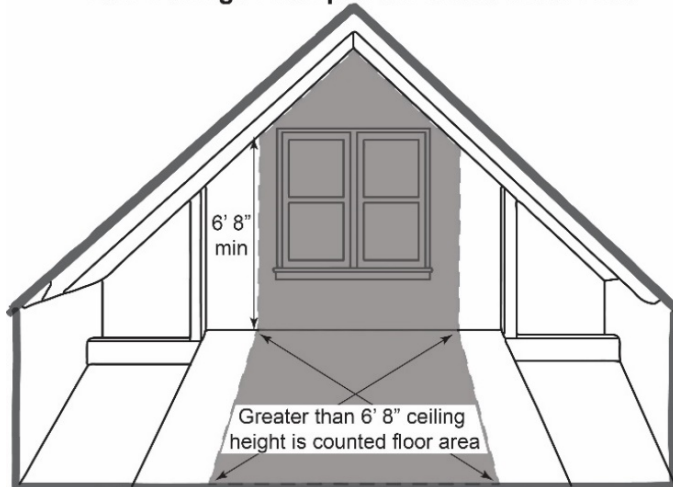
A story that has the following characteristics:

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- Habitable floor area under a gable, hip, gambrel, mansard, or curved (e.g., barrel)[SHED, OR HIPPED] roof; and[, THAT CONTAINS HABITABLE FLOOR AREA, INCLUDING FLOOR AREA UNDER DORMERS,]
- All roof rafters extend down to the top plate of walls five feet or less in height above the floor joists of such story, except at roof ends (e.g., gable ends) or where dormers are provided; and
- The gross floor area does not exceed 75[NOT EXCEEDING 50] percent of the gross floor area of the story[FLOOR] below. The calculation for the gross floor area for the half story excludes areas where the ceiling height is six feet eight inches (6'8") or less.



Low Ceilings Exempt from Gross Floor Area



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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-82, § 7, 7-28-15; AO No. 2015-100, § 9, 10-13-15; AO No. 2015-133(S), § 6, 2-23-16; AO No. 2015-138, § 5, 1-12-16; AO No. 2015-142(S-1), § 10, 6-21-16; AO No. 2016-3(S), § 18, 2-23-16; AO No. 2016-144(S), § 2, 1-1-17; AO No. 2017-55, § 14, 4-11-17; AO No. 2018-12, § 2, 2-27-18; AO No. 2018-67(S-1), § 9, 10-9-18; AO No. 2018-92, § 1, 10-23-18; AO No. 2017-75, § 4, 5-9-17; AO No. 2020-38, §§ 11, 14, 5-28-20)

Section 6. This ordinance shall become effective 30 calendar days after passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 26th day of April, 2022.

Chair

ATTEST:

Municipal Clerk

(Planning and Zoning Commission Case No. 2021-0111)