

Submitted by: Assemblymembers Tremain, Abney
Prepared by: Assembly Office
For reading: APRIL 18, 2000

ANCHORAGE, ALASKA
AO NO. 2000- 80

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING FROM I-2 (HEAVY INDUSTRIAL) TO I-2 (HEAVY INDUSTRIAL) WITH SPECIAL LIMITATIONS AND FROM MC (MARINE COMMERCIAL) TO MC (MARINE COMMERCIAL) WITH SPECIAL LIMITATIONS OF CERTAIN REAL PROPERTY GENERALLY LOCATED NORTHWEST AND EAST OF GOVERNMENT HILL

(Government Hill Community Council)

THE ANCHORAGE ASSEMBLY ORDAINS

Section 1: That the zoning map shall be amended by designating that certain real property as I-2/SL (Heavy Industrial District with special limitations) and MC/SL (Marine Commercial District with special limitations) zone in accordance with Exhibit A attached hereto.

Section 2: That the zoning map described above shall be subject to the following listed special limitations:

A. **Prohibited use:** In addition to those uses prohibited in this district under AMC Title 21, bulk fuel storage as defined under B below is prohibited.

B. The term "bulk fuel storage" means:

- 1 An underground (below grade) fuel storage facility with a capacity in excess of 30,000 gallons per tank or other enclosure or a group of such tanks or other enclosures at the same general location with an aggregate capacity of 90,000 gallons; or
- 2 An above-ground (above grade) fuel storage facility with a capacity in excess of 10,000 gallons per tank or other enclosure or a series or aggregate of such tanks or other enclosures at the same general location with an aggregate capacity of 30,000 gallons;

and includes, without limitation, all bulk fuel transfer facilities and all related loading racks, tanks, valves, pumps, piping and other similar fixed equipment, but excluding any transmission pipelines between facilities.

C. Subject to the remaining provisions of this ordinance and AMC Title 21, where bulk fuel storage lawfully exists as a nonconforming use on _____, 2000, that use may continue provided the owner thereof complies with the following:

- 1 The owner shall apply to and obtain from the Planning and Zoning Commission by no later than July 1, 2001 an amortization permit stating a reasonable time set by the Commission for cessation of use of the property for bulk fuel storage, the dismantling of structures on the property used for bulk fuel storage, and restoration of the property to another permitted use.
- 2 Upon receipt of an application for an amortization permit under this ordinance, the Planning and Zoning Commission shall conduct a public hearing to receive testimony and exhibits from the owner and other interested persons relating to determination of an amortization period, and regulation of operations pursuant to subsection 4 of this section. Notice of such hearing shall be provided to the public and to real property owners in the same manner as that required for conditional uses other than planned unit developments.
- 3 Determination of amortization periods for bulk fuel storage facilities by the Commission shall be based on evidence presented to the Commission by the owner and other interested persons at a public hearing and shall reflect consideration of:
 - A. The community's need for the product made available through continuation of the bulk fuel storage facility.
 - B. The reasonable risk of fire, explosion, and environmental contamination associated with continued operation of the bulk fuel storage facility.
 - C. Relevant financial data, including the owner's reasonable return on his investment considering the cost of capital and the risk involved and the owner's investment in real property, fixtures and equipment used in the bulk fuel storage facility.
 - D. The compatibility of the operation with the present and future development of surrounding neighborhoods, and with prevention aesthetic deterioration and other adverse environmental effects.

4 In addition to approval of a reasonable amortization period for non-conforming bulk fuel storage facilities subject to this ordinance, the Commission may also impose further reasonable restrictions on their use, as a condition of granting the amortization permit, including, but not limited to, submission of plans to the Commission and other relevant agencies of the Municipality for mitigation of hazards of fire, explosion, spill, earthquake, vandalism, or other hazards the use may pose. Such plans, if required shall include a schedule and procedure for periodic review, verification and re-authorization.

5. Decisions of the Planning and Zoning Commission relating to amortization periods and conditions of operations shall be appealable to the Assembly in the same manner as conditional uses.

Section 3: That the special limitations set forth in Section 2 of this ordinance shall prevail over any inconsistent provision of AMC Title 21 unless otherwise specified in this ordinance. All provisions of AMC Title 21 not specifically affected by a special limitation set forth above shall apply in the same manner as if the district classification applied by the ordinance were not subject to special limitations.

Section 4: That this ordinance shall become effective upon passage and approval

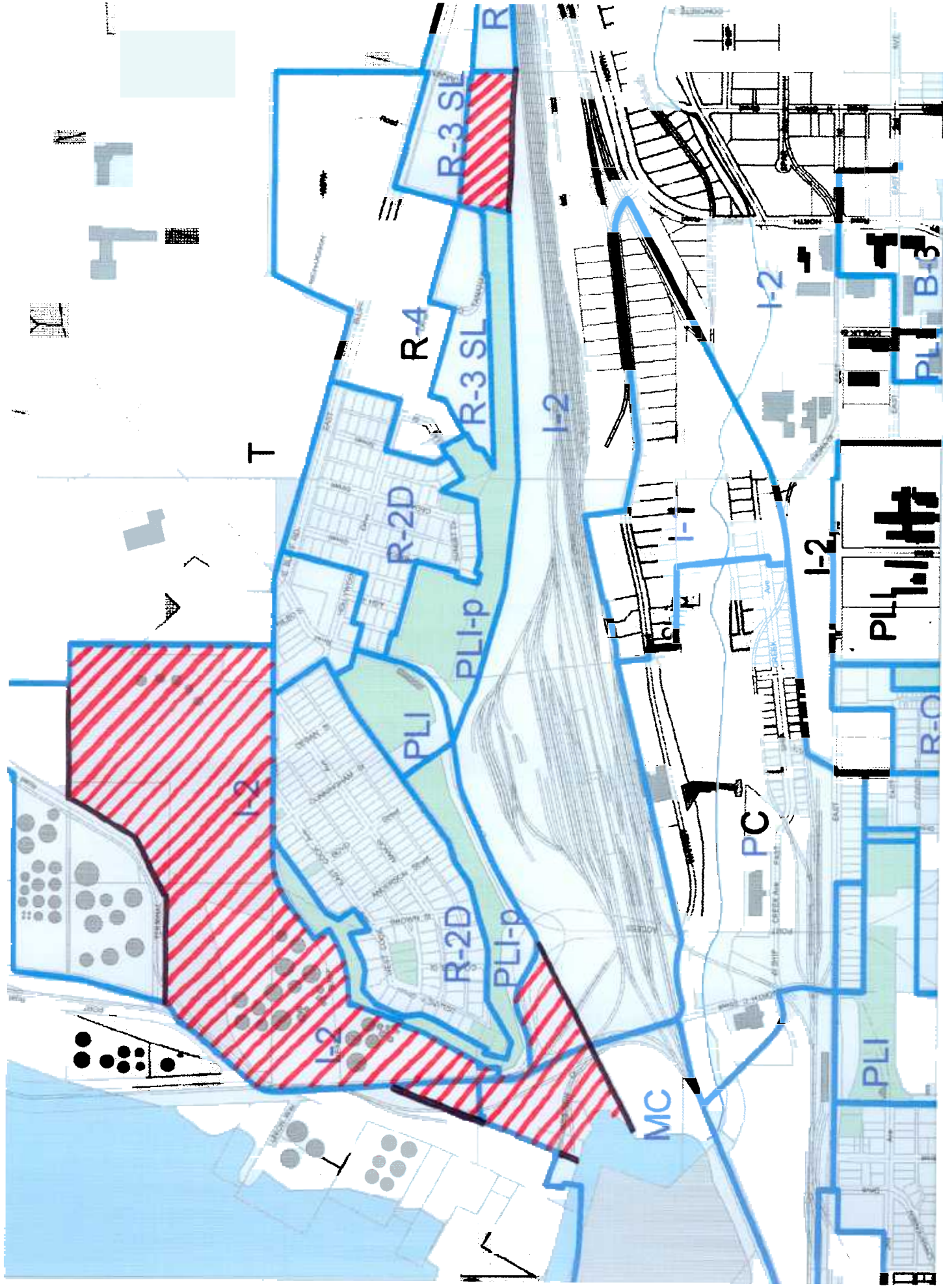
PASSED AND APPROVED by the Anchorage Assembly this ____ day of _____, 2000.

Chair

ATTEST:

Municipal Clerk

Exhibit A



**Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
AGENDA DOCUMENT CONTROL SHEET**

Ap 2000 - 80

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED <i>4-17-00</i>
	<i>Amending zoning map - I2/SL & MC/SL for certain property located northwest and east of Gov't Hill</i>	INDICATE DOCUMENTS ATTACHED
		<i>AO, Exhibit</i>
2	DEPARTMENT NAME <i>Assembly</i>	DIRECTOR'S NAME
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER
4	COORDINATED WITH AND REVIEWED BY	INITIALS
		DATE
	Mayor	
	Municipal Clerk	
	Municipal Attorney	
	Employee Relations Director	
	Municipal Manager	
	Finance	
	Community Development and Planning	
	Property and Facility Management	
	Management Information Systems	
	Office of Management and Budget	
	Purchasing	
	Operations Manager	
	Cultural and Recreational Services	
	Fire	
	Health and Human Services	
	Police	
	Public Works	
	Transit	
	Merrill Field (Airport)	
	Municipal Light and Power	
	Anchorage Water and Wastewater	
	Port	
	Solid Waste Services	
5	SPECIAL INSTRUCTIONS/COMMENTS	
	<i>Addendum - For Intro. 2B.</i>	
6	ASSEMBLY MEETING DATE <i>4-18-00</i>	7
	PUBLIC HEARING DATE REQUESTED <i>To be determined</i>	

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RECEIVED
Office of Municipal Clerk
APR 18 2000
P.O. Box 196650
Anchorage, AK 99519-6650

*2nd mtg. 8/00
10/20/00*