

Failed 9-15-98

ANCHORAGE, ALASKA
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AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE TERMINATING THE DESIGNATION OF THE ASSEMBLY AS THE BOARD OF ADJUSTMENT, CREATING A SEPARATE BOARD OF ADJUSTMENT, AND TRANSFERRING ALL FUNCTIONS OF THE BOARD OF ADJUSTMENT FROM THE ASSEMBLY TO THE NEWLY CONSTITUTED BOARD.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1: Anchorage Municipal Code Section 21.10.030 is hereby amended as follows:

21.10.030 Board of Adjustment

A. There [IS] shall be a Board of Adjustment which shall hear and decide appeals[:] from the Platting Board and the Planning and Zoning Commission as specified in Chapter 21.30. provided, however, appeals from the decision of a hearing officer under Sections 21.05.015 B. and 21.10.027 shall be heard by the Planning and Zoning Commission.

[1. FROM DECISIONS REGARDING THE APPROVAL OR DISAPPROVAL OF A PLAT OR VARIANCE FROM THE PROVISIONS OF CHAPTERS 21.80 THROUGH 21.85;

[2. FROM DECISIONS REGARDING THE APPROVAL OR DISAPPROVAL OF APPLICATIONS FOR CONCEPT OR FINAL APPROVAL OF CONDITIONAL USES;

[IN ACCORDANCE WITH CHAPTER 21.30.

[B. THE BOARD OF ADJUSTMENT SHALL BE:

[1 THE ASSEMBLY FOR APPEALS FROM THE PLATTING BOARD AND THE PLANNING AND ZONING COMMISSION;

[2. THE PLANNING AND ZONING COMMISSION FOR APPEALS FROM THE HEARING OFFICER.]

1 **Section 2:** Anchorage Municipal Code Section 21.10.035 is hereby amended as follows:

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21.10.035 Boards and Commissions - Composition and Organization.

A. *Composition.* The Planning and Zoning Commission, Urban Design Commission, Platting Board, Board of Adjustment and Zoning Board of Examiners and Appeals shall each consist of nine members.

1 Seats on the Board of Adjustment are hereby designated as Seat 1. through Seat 9. Except for Seat 9., appointments to the Board of Adjustment shall be based on professional qualifications with significant experience in the practice of either real estate law or land use law, land use planning and regulation or real estate sales or development as follows:

a. Board of Adjustment Seats number 1. through 4. shall be qualified attorneys licensed in Alaska. Seats 5. and 6. shall be persons qualified with at least technical degrees in land use planning and regulation. Seats 7. and 8. shall have degrees or professional certificates in real estate sales or development and Seat 9. shall be a member of the public not engaged in or associated with the real estate industry.

B. *Secretary.* The Director of the Department of Economic Development and Planning or a designee shall act as secretary to the Planning and Zoning Commission, Platting Board, Zoning Board of Examiners and Appeals, and Urban Design Commission. The Municipal Clerk shall act as clerk to the Board of Adjustment.

C. *Rules of procedure.* The planning and zoning commission, platting board, zoning board of examiners and appeals, Board of Adjustment and urban design commission may each promulgate regulations to establish rules of procedure for the conduct of its business, in accordance with the provisions of chapter 3.40. If rules of procedure adopted under this subsection conflict with chapter 3.60, the rules of procedure shall govern.

Section 3: This ordinance shall become immediately after passage and approval by the Assembly, provided however, that all appeals filed with the Board of Adjustment prior to the effective date of this ordinance shall be heard by the Boards of Adjustment as constituted and according to the ordinances in effect prior to the effective date of this ordinance. All other appeals filed with the Board of Adjustment shall comply with the provisions of this ordinance.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 1998.

Chair of the Assembly

ATTEST

Municipal Clerk