

Submitted by: Assemblymember TESCHE
 Prepared by: Assembly Office
 For reading: MAY 15, 2001

ANCHORAGE, ALASKA
AO NO. 2001- 101

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 21.20 ESTABLISHING A PROCEDURE AND STANDARDS FOR CREATION, ELIMINATION, AND ALTERATION OF ZONING OVERLAY DISTRICTS AND AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.35.020 ESTABLISHING A DEFINITION OF OVERLAY DISTRICT

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1: That Chapter 21.20 of the Anchorage Municipal Code is hereby amended by adding a new section to read as follows:

21.20.140 Overlay district amendments.

A. Overlay district creation, elimination, and alteration. The provisions of this section shall govern the creation, elimination, and alteration of overlay districts under this Title.

- 1 The Assembly may by ordinance establish overlay districts in which environmental features, community design theme, or design concepts are to be enhanced, preserved or promoted. The specific overlay district shall be established under the procedures set forth below.
- 2 An overlay district remains effective until repealed or amended. The Assembly may set a time for the overlay district to expire if it finds the planning objectives will be met or completed within a specific time period.
3. The Assembly may create, eliminate, or alter boundaries of overlay districts only after a public hearing with notice as specified in Section 21.15.005 for zoning map amendments.

B. Subject to the following, a zoning map amendment for an overlay district may be applied to the zoning map to meet a comprehensive plan or neighborhood plan objective. The overlay district may:

1. Permit, require, prohibit or restrict structures or the use of land or structures;
- 2 May alter the provisions of the supplementary district regulations as applied to property within the overlay district;
3. May require new development or attributes of new development to conform to a specific architectural or design theme;
4. May require a design review approval process; and

5. May alter the development standards of the underlying district with regard to building height, yards, lot area, lot width, lot coverage, to a greater or lesser degree than otherwise set forth in the underlying district.

C. The Department of Planning shall maintain, for inspection by the public, maps showing the location of the overlay districts and records of the Assembly's purpose and intent in establishing each district.

D. Each overlay district shall be annotated on the zoning map with a symbol unique to the overlay district and shall be identified on the zoning map by the suffix "OV" and the number of the ordinance applying the overlay district shall be printed on the zoning map within the boundaries of the overlay district.

E. Where a specification in an overlay zoning map amendment conflicts with any provision of this Title, the overlay zoning map amendment shall govern.

F. An ordinance amending the zoning map for an overlay district shall contain the following:

1. The name of the overlay district which the ordinance applies;
2. The legal description of the land within the overlay district applied by the ordinance; and
3. All standards of development to be governed by the overlay district.

G. An overlay zoning map amendment may be initiated only by:

1. The Assembly;
2. The Planning and Zoning Commission; or
3. The Municipal Administration.

H. Minimum area requirements. No overlay district zoning map amendment may be approved that applies an overlay district to an area less than 2.00 acres, excluding rights-of-way, except for an amendment extending the boundaries of an existing overlay district.

I. Review and recommendation by Planning and Zoning Commission.

1. After a public hearing, the Planning and Zoning Commission shall recommend to the Assembly one of the following actions on an overlay district zoning map amendment:
 - a. Approve the overlay district amendment as submitted;
 - b. Approve the overlay district amendment with modifications; and
 - c. Disapprove the overlay district amendment.
2. The recommendation of the Commission shall be supported by findings on

the standards set forth in Section 21.20.090.

3. If the Planning and Zoning Commission recommends that the Assembly approve an overlay district zoning map amendment as submitted or with modifications, the Department of Planning shall forward the recommendation to the Assembly with an ordinance to amend the zoning map in accordance with the recommendation.

4. If the Planning and Zoning Commission recommends that the Assembly disapprove an overlay district zoning map amendment, that action is final for Planning and Zoning Commission initiated overlay districts. The Department of Planning shall forward Assembly initiated the overlay district with the recommendation of the Planning and Zoning Commission. An overlay district initiated by the Administration may be forwarded to the Assembly at discretion of the Mayor.

J. Action by Assembly. The Assembly may approve an overlay district zoning map amendment:

1. As submitted;
2. With modifications as recommended by the Planning and Zoning Commission; or
3. The Assembly may disapprove the overlay district amendment, or remand the amendment to the Planning and Zoning Commission with instructions for its reconsideration.

K. Protest. Assembly approval of an overlay district zoning map amendment must be by an affirmative vote of eight Assembly members if the overlay district amendment is protested by the owners of at least one-third in area, excluding rights-of-way, of:

- a. The land to which the amendment applies; or
- b. The land within 300 feet of the outer boundary of the land to which the amendment applies; excluding land owned by the Municipality, except where the Municipality joins in the protest or the amendment was initiated by the State or the United States.

Section 2: That Subsection 21.35.020B of the Anchorage Municipal Code is hereby amended by adding a new definition to read as follows with the revisor of ordinances to insert the definition in the proper alphabetical order:

21.35.020 Definitions and rules of construction.

B. The following words, terms and phrases, when used in this Title, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Overlay district means a unique set of zoning regulations which are superimposed on one or more established zoning districts and shown on the zoning map, and subsequently impose in addition to or in place of the regulations of the underlying district. The overlay district may be used to impose supplemental restrictions on uses in these districts, permit uses otherwise disallowed, or implement some form of site or architectural design program. Developments within an overlay district must conform to the requirements of the overlay district and the underlying district as set forth in the enacting ordinance.

Section 3: This ordinance shall take effect immediately upon passage and approval

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____,
2001

Chair

ATTEST.

Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

NO. AM 439-2001

Meeting Date: MAY 15 2001

From: Assemblymember Tesche
Subject: Overlay Districts

It is anticipated in Anchorage 2020 that the neighborhood land use planning effort will be underway in the near future. To advance the neighborhood planning effort, an essential strategy set forth in Anchorage 2020 is the overlay zone. The overlay zone is one land use planning tool that will allow for the day-to-day operation of adopted neighborhood land use plans.

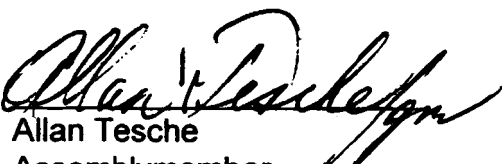
An ordinance to administer overlay zoning must be in place prior to the adoption of any neighborhood land use plans that require this technique for implementation. This proposed ordinance was prepared at the urging of an Ad Hoc Citizen Committee interested in using this tool to advance neighborhood planning. I have agreed to sponsor such an ordinance as the consideration of overlay zoning is timely. A procedure for creation of overlay zones is not provided in Title 21. The attached ordinance sets forth a procedure for the adoption of overlay zones as a category of zoning map amendment.

The key points of the ordinance are

- Establishes that overlay zone are to be created by ordinance in manner similar to a traditional rezoning;
 - Provides for maximum flexibility in adjusting the land use rules for the underlying zones;
 - Restricts the initiation of the overlay zones to the Assembly, Planning and Zoning Commission, and the Administration, (i.e. Department of Planning); and
- Sets forth the authority and responsibilities of the Commission and the Assembly in consideration of a proposed overlay zone.

As with all Title 21 matters, the ordinance must be referred to the Planning and Zoning Commission for its consideration and recommendation. I request that the ordinance be considered by the Commission at it earliest convenience and returned to the Assembly most expeditiously.

Respectfully submitted:


Allan Tesche
Assemblymember

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

AO 2001-101

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED <i>5-9-01</i>
	<i>Overlay Districts</i>	INDICATE DOCUMENTS ATTACHED
		<i>AO, AM</i>
2	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Fay Von Gemmingen
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER 4751
4	COORDINATED WITH AND REVIEWED BY	INITIALS DATE
	Mayor	
	Heritage Land Bank	
	Merrill Field Airport	
	Municipal Light & Power	
	Port of Anchorage	
	Solid Waste Services	
	Water & Wastewater Utility	
	Municipal Manger	
	Cultural & Recreational Services	
	Employee Relations	
	Finance, Chief Fiscal Officer	
	Fire	
	Health & Human Services	
	Office of Management and Budget	
	Management Information Services	
	Police	
	Planning, Development & Public Works	
	Development Services	
	Facility Management	
	Planning	
	Project Management & Engineering	
	Street Maintenance	
	Traffic	
	Public Transportation Department	
	Purchasing	
	Municipal Attorney	
	Municipal Clerk	
	Other	
5	SPECIAL INSTRUCTIONS/COMMENTS	
	<i>Addendum</i>	
	<i>For Intro 7.6.1</i>	
6	ASSEMBLY MEETING DATE <i>5-15-01</i>	7 PUBLIC HEARING DATE REQUESTED <i>8-28-01</i>

M.O.A.
 2001 MAY 10 AM 9:41
 CLERK'S OFFICE

(refer to P87 first)