

AD 2001-101 (s)

Submitted by: Assemblymember Tesche  
Prepared by: Planning Department  
For reading: October 23, 2001

ANCHORAGE, ALASKA  
AO NO. 2001-101 (S)

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 municipal code of ordinances 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.

The Assembly may by ordinance establish overlay districts that provide development standards in addition to the base underlying zoning district in order to address special land use needs, in which special land uses and land use densities, building bulk, setbacks, height, environmental features, community design themes, or design concepts are to be enhanced, preserved or promoted. The specific overlay district shall be established under the procedures set forth below.

2. Overlay districts are intended to be potentially applicable in large areas or in more than one area, such as town centers and transit corridors.

3. An overlay district remains effective until repealed or amended.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.

4. 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, specific planning objective or neighborhood plan objective. The overlay district may:

1. ~~Permit, r~~ <sup>Permit</sup> require, prohibit or restrict structures or the use of land or structures;

2. ~~May a~~ <sup>Alter</sup> the provisions of the supplementary district regulations as applied to property within the overlay district;

*adopted in the same manner as the original ordinance*

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;
  5. ~~May~~ Alter the development standards of the underlying district by decreasing or increasing the requirements with regard to building height, yards, lot area, lot width, lot coverage, and lot densities ~~to a greater or lesser degree than otherwise set forth in~~ of 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.
- 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 Department 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 overlay districts initiated by the Planning and Zoning Commission initiated overlay districts. The Department of Planning Department shall forward an overlay district initiated by the Assembly initiated the overlay district with the recommendations from of the Planning and Zoning Commission. An overlay district initiated by the Administration may be forwarded to the Assembly with recommendations from the Planning and Zoning Commission 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:

- a1. The land to which the amendment applies; or
- b2. 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 municipal code of ordinances 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.

*modified by the overlay district, and has*

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

PASSED AND APPROVED by the Anchorage Assembly this 9<sup>th</sup> day of April, 2002.

  
Chair

ATTEST:

  
Municipal Clerk

4. If the Planning and Zoning Commission recommends that the Assembly disapprove an overlay district zoning map amendment, that was
  - a. Proposed by the Commission, that action is final;
  - b. Proposed by the Assembly, that action is forwarded to the Assembly with the recommendation of the Commission; or
  - c. Proposed by the Administration, that action may be forwarded to the Assembly with the recommendation of the Commission.

J. Action by Assembly. The Assembly may approve an overlay district zoning map amendment only if the overlay area is within the boundaries of a district area plan adopted by the municipality including, but not limited to, district and town center plans, coastal zone management, and FAR part 77. The amendment may be:

1. Approved as submitted;
2. Approved with modifications as recommended by the Planning and Zoning Commission;
3. Disapproved; or
4. Remanded to the Planning and Zoning Commission with instructions for its reconsideration.



# MUNICIPALITY OF ANCHORAGE INFORMATION MEMORANDUM

AIM No. 109-2001

Meeting Date: October 23, 2001

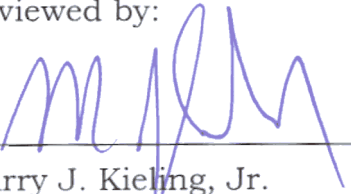
**From:** Mayor

**Subject:** Planning and Zoning Commission recommendation for an ordinance amending Anchorage Municipal Code Chapter 21.20 allowing for procedures in creating zoning overlay districts, and adding a new definition to Anchorage Municipal Code Section 21.35.020, establishing a definition for the overlay district.

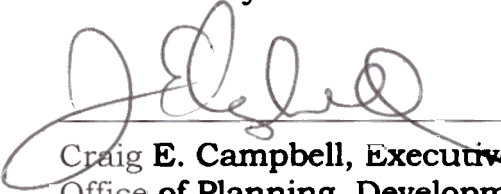
On July 9, 2001, the Planning and Zoning Commission reviewed AO 2001-101 and approved a modified version (2001-101 (S)) of Assemblymember Tesche's ordinance creating procedures for establishing zoning overlay districts and adding a new definition in the Municipal Code defining an overlay zone.

The Planning and Zoning Commission resolution and minutes from the action on July 9, 2001 are included with this AIM.

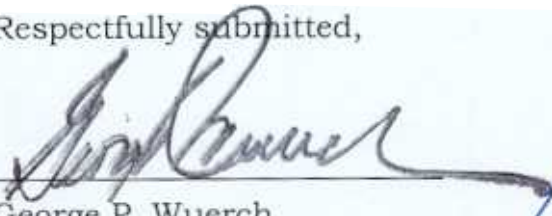
Reviewed by:

  
Harry J. Kieling, Jr.  
Municipal Manager

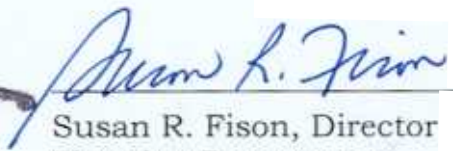
Reviewed by:

  
Craig E. Campbell, Executive Director  
Office of Planning, Development and  
Public Works

Respectfully submitted,

  
George P. Wuerch  
Mayor

Prepared by:

  
Susan R. Fison, Director  
Planning Department



**DRAFT**

**MUNICIPALITY OF ANCHORAGE  
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2001-050**

**AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE  
SECTION 21.20.030 TO ESTABLISH PROCEDURES AND STANDARDS  
FOR THE CREATION, ALTERATION AND ELIMINATION OF ZONING  
OVERLAY DISTRICTS AND AMENDING ANCHORAGE MUNICIPAL  
CODE SECTION 21.35.020 CREATING A DEFINITION FOR AN  
OVERLAY DISTRICT**

**Case: 2001-085**

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WHEREAS, an ordinance was introduced by Assemblymember Tesche, AO 2001-101, which allows enabling legislation for the use of Zoning Overlay Districts and creates a definition for the Overlay District, and

WHEREAS, notices were published and a public hearing was held on July 9, 2001;

NOW THEREFORE BE IT RESOLVED, by the Municipal Planning and Zoning Commission that:

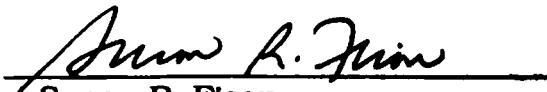
- A. The Commission makes the following findings of fact:
- 1 The Commission finds that the zoning overlay district is a valuable tool to help implement the *Anchorage 2020 Comprehensive Plan*.
  - 2 The Commission finds that zoning is a tool for broad guidance in developing the community, but it does not provide guidance in terms of area-specific items.
  - 3 The Commission finds this ordinance allows for much greater flexibility than the existing zoning code.
  - 4 The Commission finds the greatest area of concern with the current scheme of zoning is that Anchorage 2020 does not correlate to those; and second, Title 21 zoning districts were designed and written to guide development of undeveloped property and do not speak to the issue of redeveloping

property or redirecting the development of property that is being used for some purpose.

- 5 The Commission finds it will be important from a public relations standpoint, and in order for the community to embrace this concept, that there is continued discussion of the bigger plans.

- B. The Commission recommends the above-captioned ordinance amendment be approved subject to the proposed Commission recommended changes.

PASSED AND APPROVED by the Anchorage Planning and Zoning Commission this 9th day of July 2001.

  
\_\_\_\_\_  
Susan R. Fison  
Secretary

\_\_\_\_\_  
Daphne Brown  
Chair

(Case 2001-085)

**PLANNING & ZONING  
COMMISSION PUBLIC  
HEARING**

**July 9, 2001**

**COMMENTS RECEIVED  
TOO LATE FOR  
PACKET**

**CASE 2001-085**

**ABBOTT LOOP  
COMMUNITY  
COUNCIL**

7001 Oakwood Dr.  
Anchorage, AK 99507

Phone: Wk: 562-1366  
Hm: 349-1736  
Fax: (907) 562-1366  
email: atamagni@alaska.net

July 9, 2001

Community Planning and Development  
Municipality of Anchorage

Re: Case Comments:

Gentlemen:

This is to advise that the Abbott Loop Community Council has formally taken the following positions on the below referenced cases at its meeting on June 28, 2001. Please make this part of the hearing record.

**1. Case # 2000-231 Ordinance:** No comment.

✓ **2. Case # 2001-085 Ordinance:** Voted to approve. Accountability of staff drafting overlay zoning districts.

**3. Case # 2001-087:** Bounded by I-1 on two sides, the MOA zoning overlay plans for this property thought to be B-3, not I-1. This rezone should be tabled until MOA Town Center Study is complete. Voted not to approve.

**4. Case # 2001-090 Ordinance:** A more integrated approach to existing signage is needed. Voted not to approve.

**5. Case # 2001-091 Ordinance:** This amendment should be integrated with the larger pole mounted sign ordinance. Voted not to approve

**6. Case # 2001-092 Ordinance:** The concept is admirable, in practice, untenable. Site Plan review would bottleneck approvals and redirect development out of Anchorage. Limit to I-1, I-2 and I-3. Voted to Support the Ordinance with application to the I-1, I-2, and I-3 only.

In the event there are any questions, please call at any time.

Sincerely:

  
Al Tamagni Sr.  
Chairman

**RECEIVED****JUL - 9 2001****COMMUNITY PLANNING  
AND DEVELOPMENT**



**Ted Stevens  
Anchorage  
International Airport**

P.O. Box 196650

Anchorage, Alaska 99519-6650

September 25, 2001

Mr. Dick Traini  
Chair  
Anchorage Assembly  
P.O. Box 196650  
Anchorage, AK 99519-6650

RE: Support for AO No. 2001-101 Overlay Districts

Dear Mr. Traini

Ted Stevens Anchorage International Airport (Airport) supports AO No. 2001-0101 Overlay District ordinance. This ordinance will enable the Municipality of Anchorage (MOA) to implement portions of the Federal Aviation Administration (FAA) approved Part 150 Noise Compatibility Program. Through overlay zoning, the MOA and the Airport will protect the community by prohibiting the development of incompatible land uses that are detrimental to the public health, safety and welfare.

Effective noise mitigation requires a partnership between the Airport, MOA, FAA, neighborhoods and the flying community. The Ted Stevens Anchorage International Airport, partnering with the Municipality of Anchorage on community-wide noise mitigation issues, is demonstrative of our mutual commitment to a collaborative process with the local neighborhoods. This ordinance will have far-reaching beneficial effects on our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Morton V. Plumb Jr.", written over a horizontal line.

Morton V. Plumb Jr.  
Airport Director

cc: All Assembly members

Enclosure: Noise Compatibility Program Recommendations



## 24 Anchorage International Airport FAR Part 150 Update

**Table 3.3 Summary of Proposed Land Use Elements of Revised NCP Compared to FAA-Approved Elements of Existing NCP**

Measure/Existing Element	Description of Measure	FAA Action Requested
Existing Measure: Compatible Use Zoning	Establish a firm policy against re-zoning or authorizing conditional uses for any new development of residences of any type within the 1997 DNL 60 dB contour.	Existing measure modified to apply to existing rather than future DNL 60 contour. No new FAA approval required.
Existing Measure: Mobile Home and Camper Park Restrictions	Establish a firm policy against re-zoning or authorizing conditional uses for any new development of mobile home structures and camper parks within the 1997 DNL 60 dB contour.	Existing measure modified to apply to existing rather than future DNL 60 dB contour. No new FAA approval required.
Revised Measure: Soundproofing Requirement for New Development	Require new residential development within the 1997 DNL 60 dB contour to provide acceptable interior noise levels. This measure has been modified to increase flexibility in meeting the noise reduction requirements.	Existing measure modified to apply to existing rather than future DNL 60 dB contour. No new FAA approval required.
Existing Measure: Noise Levels on Plats	Place noise levels on plats of all new subdivisions or land uses involving residential structures within the 1997 DNL 60 dB contour.	Existing measure modified to apply to existing rather than future DNL 60 dB contour. No new FAA approval required.
Existing Measure: Comprehensive Planning	Provides policy guidance for all types of future development within the 1997 DNL 60 dB contour as well as increased awareness of noise environment for the real estate and development communities and members of the public.	Existing measure, no new FAA approval required.
Existing Measure: Planning Commission Review	Provides policy guidance for consideration of all types of proposed development within the 1997 DNL 60 dB contour.	Existing measure modified to apply to existing rather than future DNL 60 dB contour. No new FAA approval required.
Existing Measure: Public Land Development Criteria	Provides policy guidance for development of public uses within the 1997 DNL 60 dB contour.	Existing measure modified to apply to existing rather than future DNL 60 dB contour. No new FAA approval required.
New Measure: Noise Overlay Zone	Enhances implementation of the other measures such as conventional zoning, limitations on conditional use permits, and subdivision regulations. Also enhances ability of potential property purchasers to make informed decisions. The estimated budget is \$40,000.	FAA approval required.
New Measure: Fair Disclosure Policy	Notifies potential property purchasers within the 1997 DNL 60 dB contour of aircraft noise impacts.	FAA approval required.
New Measure: Land Banking	Public acquisition of noise impacted vacant property with the 1997 DNL 65 dB contour for future public use.	FAA approval required. Approval of any Federal funding would be contingent upon demonstrated benefits of specific proposals.
New Measure: Soundproofing for Existing Development	Establish a noise insulation program to ensure acceptable interior noise levels for existing residences within the 1997 DNL 65 dB contour.	New measure, FAA approval required. Approval of any Federal funding would be contingent upon demonstrated benefits of specific proposals.
New Measure: Sound Buffers/Barriers	Establish sound buffers/noise barriers to provide noise level reduction for residential areas immediately adjacent to AIA.	New measure, FAA approval required. Approval of any Federal funding would be contingent upon demonstrated benefits of specific proposals.
New Measure: Ground Noise Study	Conduct detailed study of aircraft ground noise exposure and recommend specific measures. Estimated budget: \$180,000.	Approval and federal share of ground noise study.

**Inserts**

HARRIS MILLER MILLER & HANSON INC.



### **3.3.3 Revised Measure: Soundproofing Requirement for New Development**

This measure from the original AIA Part 150 Study would establish a noise plan requiring new residences within the DNL 60 dB contour to incorporate sound insulation into the construction and to be equipped with a forced air circulation system to permit operation year round with the capability to completely exchange the air in the home twice each day and supply a 20 percent change of fresh air every hour. This measure was modified by eliminating the requirement for a forced air circulation system and allowing greater flexibility in meeting the interior noise level reductions required. This measure was also modified to apply to the existing rather than the future DNL 60 dB contour. Although it is a measure continued from the original AIA Part 150 Study, it is not yet implemented. The State DOT and PF and MOA are currently discussing this measure.

*Actual or Anticipated Benefits of Measure:* The interior noise levels of all new construction subject to this measure would meet the FAR Part 150 DNL 45 dB requirement.

### **3.3.4 Existing Measure: Noise Levels on Plats**

This measure would require noise levels to be noted on plats of all new subdivisions or land uses involving residential structures with the 1997 DNL 60 dB contours as part of the subdivision platting review process. This measure from the original AIA Part 150 Study was modified to apply to the existing rather than future DNL 60 dB contour. The measure is currently implemented on a case-by-case basis.

*Actual or Anticipated Benefits of Measure:* Future property owners would be notified of aircraft noise levels and builders would be required to incorporate sound attenuation measures into construction.

### **3.3.5 Existing Measure: Comprehensive Planning**

This measure recommends an amendment of the Anchorage Bowl Comprehensive Plan to incorporate the compatible land use recommendations of the original AIA Part 150 Study NCP.

*Actual or Anticipated Benefits of Measure:* Would provide policy guidance for all types of future development within the 1997 DNL 60 dB contour as well as increased awareness of the AIA noise environment for the real estate and development communities and members of the public. The Comprehensive Plan is currently being updated and the State DOT and PF is working with the MOA to ensure that land use compatibility in the AIA environs is being addressed.



## **26 Anchorage International Airport FAR Part 150 Update**

### **3.3.6 Existing Measure: Planning Commission Review**

This measure recommends the adoption of the noise compatibility planning criteria as outlined and the guidelines for land use compatibility review provided within the NCP for use in all planning activities pertaining to areas within the 1997 DNL 60 dB contours. This measure from the original AIA Part 150 Study was modified to apply to the existing rather than future DNL 60 dB contour. The State DOT and PF is working with the Planning and Zoning Commission on this issue.

*Actual or Anticipated Benefits of Measure:* Would provide policy guidance for consideration of all types of proposed development within the 1997 DNL 60 dB contour.

### **3.3.7 Existing Measure: Public Land Development Criteria**

This measure recommends the adoption of a policy on the use of public land within the 1997 DNL 60 dB contours. This measure from the original AIA Part 150 Study was modified to apply to the existing rather than future DNL 60 dB contour. The State DOT and PF is working with the MOA to ensure that this measure will be addressed in the Comprehensive Plan update.

*Actual or Anticipated Benefits of Measure:* Would provide policy guidance for development of public uses within the 1997 DNL 60 dB contour.

### **→ 3.3.8 New Measure: Noise Overlay Zone**

This measure establishes an overlay zone based on noise contours to add conditions to underlying conventional zoning districts. This technique would overlay zones based on aircraft noise levels to prescribe special requirements and restrictions on noise-sensitive land uses in these zones.

*Actual or Anticipated Benefits of Measure:* Would enhance the implementation of other measures such as conventional zoning, limitations on conditional use permits, and subdivision regulations. Would also enhance the ability of potential property purchasers to make informed decisions.

### **3.3.9 New Measure: Fair Disclosure Policy**

This measure would ensure the disclosure of relevant information on aircraft noise levels in sales documents during residential property transactions. This technique is similar to truth in sales laws relating to any type of purchase.

*Actual or Anticipated Benefits of Measure:* Enhances the ability of potential property purchasers to make informed decisions. As many as 2,000 potential new residents in the 1997 DNL 60 dB contour could benefit.





AO 2001-101(S)

1		SUBJECT OF AGENDA DOCUMENT AN ORDINANCE AMENDING AMC 21.20 ESTABLISHING PROCEDURE AND STANDARDS FOR CREATION ELIMINATION AND ALTERATION OF ZONING OVERLAY DISTRICTS & AMENDING AMC 21.35.020 ESTABLISHING A DEFINITION OF OVERLAY DISTRICT		DATE PREPARED	
2		DEPARTMENT NAME ASSEMBLY		DIRECTOR'S NAME DICK TRAINI, CHAIRMAN	
3		THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY JERRY WEAVER - PLANNING DEPARTMENT		HIS/HER PHONE NUMBER 343-4260	
4		COORDINATED WITH AND REVIEWED BY		INITIALS	
		Mayor			
		Municipal Clerk			
		Municipal Attorney			
		Employee Relations			
		Municipal Manager			
		Cultural & Recreational Services			
		Fire			
		Health & Human Services			
		Merrill Field Airport			
		Municipal Light & Power			
		Office of Management & Budget			
		Police			
		Port of Anchorage			
		Public Works			
		Solid Waste Services			
		Public Transportation			
		Water & Wastewater Utility			
		Executive Manager			
		Community Planning & Development			
		Finance, Chief Fiscal Officer			
		Heritage Land Bank			
		Management Information Systems			
		Property & Facility Management			
		Purchasing			
		Other			
5		SPECIAL INSTRUCTIONS/COMMENTS			
		CONTINUED PUBLIC HEARING			
6		ASSEMBLY HEARING DATE REQUESTED 10-23-01		7 PUBLIC HEARING DATE REQUESTED 10-23-01	

