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Submitted by: PLANNING DEPARTMENT Assembly Member Coffey

Prepared by: For reading:

Assembly Counsel June 20, 2006

ANCHORAGE, ALASKA AO NO. 2006-90(S)

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.15.030, APPROVAL OF SITE PLANS AND CONDITIONAL USES.

THE ANCHORAGE ASSEMBLY ORDAINS:

Anchorage Municipal Code section 21.15.030 is hereby amended to Section 1. read as follows (the remainder of the section is not affected and therefore not set out):

Approval of site plans and conditional uses.

- Abandonment of conditional use. J.
 - Except for conditional use permits granted by the assembly 1. under Section 21.50.160, pertaining to uses involving the sale of alcoholic beverages, an otherwise lawful conditional use permit shall expire if:
 - For any reason the conditional use is abandoned in its a. entirety for a period of one year or longer, or
 - The property owner notifies the planning and zoning b. commission of the abandonment of the conditional use permit. A conditional use shall not be abandoned under this subsection if the result of the abandonment is the creation of a nonconforming land use.
 - A conditional use granted by the assembly under Section 2. 21.50.160, pertaining to uses involving the sale of alcoholic beverages, shall expire:
 - 120 days after the transfer [REMOVAL] of the license a. to sell alcoholic beverages from the premises has been approved by the Alcoholic Beverage Control Board, unless there is an application filed [ON FILE] with the alcoholic beverage control board prior to the expiration of the 120 day period [TO TRANSFER OR INSTALL A NEW LICENSE ON THE PREMISES].

- b. If the operation of the business becomes substantially different from the business and operation reviewed by the assembly when the conditional use was granted under Section 21.50.160, pertaining to uses involving the sale of alcoholic beverages, the conditional use shall expire unless the licensee applies for and receives assembly approval for a modification of the existing conditional use to reflect the change.
- For purposes of subsection b. above, "substantially C. different" shall include means any material change in the operation of the business which could result in significant impact on the use and enjoyment of adjacent properties by property owners or occupants. A material change includes, without limitation, an increase in the late-night or early morning hours of operation; a change involving the type of entertainment presented which results in an increase in noise level at the property line; an increase in the parking requirements; a change from a business which meets the requirements of the State of Alaska, Alcoholic Beverage Control Board statutes and regulations for a restaurant designation permit to a business which would not meet such requirements.

(GAAB 21.05.060, 21.05.080; AO No. 77-355; AO No. 78-231; AO No. 79-34; AO No. 79-214; AO No. 82-22(S); AO No. 82-49; AO No. 84-70; AO No. 85-21; AO No. 85-72; AO No. 85-91, 10-1-85; AO No. 86-19; AO No. 86-155; AO No. 87-121, 11-27-87; AO No. 88-5(S); AO No. 94-62, § 1, 4-12-94; AO No. 95-129, § 5, 3-12-96; AO No. 2004-6, § 1, 10-1-03; AO No. 2004-108(S), § 1, 10-26-04; AO No. 2005-19, § 1, 3-1-05)

Section 2. Pursuant to 21.50.160 and any provisions to the contrary in 21.10.015 notwithstanding, this ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this <u>30 th</u> day of ________, 2006.

Aanul & Sullwan
Chair of the Assembly

ATTEST:

 Balane 5. Twenste Municipal Clerk

Municipality of Anchorage MUNICIPAL CLERK'S OFFICE

Agenda Document Control Sheet

AO 2006-90(S)

(SEE REVERSE SIDE FOR FURTHER INFORMATION) DATE PREPARED SUBJECT OF AGENDA DOCUMENT S VERSION - APPROVAL OF SITE PLANS AND CONDITIONAL USES 6/16/06 Indicate Documents Attached X AO AR AM AIM DIRECTOR'S NAME DEPARTMENT NAME 2 | Assembly Dan Sullivan, Chair HIS/HER PHONE NUMBER THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY 343-4717 Julia Tucker - Assembly Counsel 3 4 **COORDINATED WITH AND REVIEWED BY** INITIALS DATE 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 and Budget Police Port of Anchorage Public Works **Solid Waste Services** Transit Water & Wastewater Utility **Executive Manager** Community Planning & Development Finance, Chief Fiscal Officer Heritage Land Bank **Management Information Services Property & Facility Management** Purchasing Other **Special Instructions/Comments** ADDENDUM - OLD BUSINESS, 11.F.1. PUBLIC HEARING DATE REQUESTED ASSEMBLY HEARING DATE REQUESTED 6/20/06 6/20/06