

CLERK'S OFFICE  
**AMENDED AND APPROVED**  
Date: 5/20/08

Submitted by: VICE CHAIR OSSIANDER  
Reviewed by: PLANNING DEPARTMENT  
Prepared by: Assembly Counsel  
For reading: March 18, 2008

**ANCHORAGE, ALASKA**  
**AO NO. 2008-41**

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING  
2 ANCHORAGE MUNICIPAL CODE SECTION 21.20.100, REVIEW AND  
3 RECOMMENDATION BY PLANNING AND ZONING COMMISSION, AND SECTION  
4 21.20.120, ACTION BY ASSEMBLY, RELATING TO REVIEW, RECOMMENDATION,  
5 AND ASSEMBLY ACTION ON APPLICATIONS FOR ZONING MAP AMENDMENTS.  
6  
7

8 THE ANCHORAGE ASSEMBLY ORDAINS:  
9

10 **Section 1.** Anchorage Municipal Code subsection 21.20.100, is hereby amended to  
11 read as follows (*language indicating no amendment is included for context only*):  
12

13 **21.20.100 Review and recommendation by planning and zoning**  
14 **commission.**  
15

16 A. After a public hearing, the planning and zoning commission shall recommend  
17 to the assembly one of the following assembly actions on a zoning map  
18 amendment:  
19

- 20 1. Approve the amendment as submitted in the application.  
21  
22 2. Approve the amendment with special limitations or other modifications.  
23 Except for areawide zoning map amendments, the special limitations or  
24 other modifications to the amendment shall be at least as restrictive [AS  
25 THE AMENDMENT] as submitted in the application.  
26  
27 3. Disapprove the amendment. The planning and zoning commission will  
28 supplement its recommendation for disapproval with a summary of critical  
29 issues related to the application, based upon public input and the  
30 commission's deliberations. This information will be available to assist the  
31 assembly if an ordinance is submitted under 21.20.100D, including  
32 assembly consideration of special limitations, should the assembly vote to  
33 approve the zoning map amendment.  
34

35 B. The recommendations shall be made by written resolution and shall include  
36 and be supported by findings on the standards set out in Section 21.20.090.  
37

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1 C. If the planning and zoning commission recommends that the assembly  
2 approve a zoning map amendment as submitted or with modifications, within  
3 60 days of the commission's written resolution the department of community  
4 planning and development shall forward the recommendation to the assembly  
5 with an ordinance to amend the zoning map in accordance with the  
6 recommendation.

7  
8 D. If the planning and zoning commission recommends that the assembly  
9 disapprove a zoning map amendment, the amendment shall be deemed  
10 disapproved [that action shall be considered [IS] final municipal action on the  
11 application] unless, within 15 days of the commission's written resolution  
12 recommending disapproval, the applicant files a written statement with the  
13 municipal clerk requesting that an ordinance amending the zoning map as set  
14 out [submitted] in [ACCORDANCE WITH] the application be submitted for  
15 action by [TO] the assembly.

- 16  
17 1. The draft ordinance shall be appended to an Assembly Informational  
18 Memorandum (AIM), for consideration by the Assembly.

19  
20 (GAAB 21.05.090.A; AO No. 85-21; AO No. 85-58; AO No. 2004-126(S), § 1, 12-7-04)

21  
22 **Section 2.** Anchorage Municipal Code subsection 21.20.120A, is hereby amended to  
23 read as follows (*the remainder of section 21.20.120 is not affected and therefore not set*  
24 *out*):

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26 **21.20.120 Action by assembly.**

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28 Standards for approval under 21.20.090 apply to Assembly action on zoning map  
29 amendments after planning and zoning commission review and recommendation  
30 under 21.20.100.

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32 A. The assembly may approve a zoning map amendment:

- 33  
34 1. As submitted in the application to the planning and zoning commission;  
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36 2. With special limitations or other modifications at least as restrictive as the  
37 amendment [AS] recommended by the planning and zoning commission,  
38 provided that an ordinance approving an amendment initiated under  
39 Subsection 21.20.040.A.4 shall become effective [MAY BE SO  
40 MODIFIED] only with the written consent required in Subsection  
41 21.20.040.B to the special limitations or other modifications;  
42

3. After a recommendation for assembly disapproval under AMC 21.20.100A.3, with or without the addition of special limitations or other modifications, subject to timely filing by the applicant under 21.20.100D; provided that an ordinance approving an amendment initiated under Subsection 21.20.040.A.4 shall become effective only with the written consent required in Subsection 21.20.040.B to any special limitations or other modifications not included in the application submitted to the planning and zoning commission; or

4 [3]. With special limitations or other modifications at least as restrictive [AS THE AMENDMENT] as submitted in the application to the planning and zoning commission, provided that the amendment is an areawide zoning map amendment.

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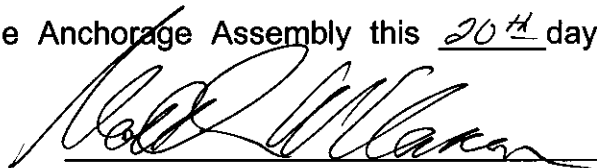
(GAAB 21.05.090.A; AO No. 77-355; AO No. 79-202; AO No. 85-58; AO No. 2000-157, § 1, 6-19-01)

**Section 3.** Anchorage Municipal Code section 21.10.015 notwithstanding, AO 2008-41 shall not require planning and zoning commission review.

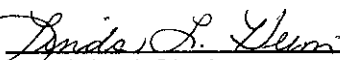
**Section 4.** AO 2008-41 shall become effective immediately upon passage and approval by the Assembly.

**Section 5.** In addition to becoming effective immediately upon passage and approval, AO 2008-41, AM 158-2008, and the Superior Court's decision in *Stuart v. Municipality of Anchorage*, Case No. 3AN-07-4155 CI shall be forwarded to Planning Department staff to ensure that clarifications necessitated by the Court's decision are appropriately incorporated with other materials identified for Title 21 Committee review and public comment in the ongoing Title 21 Re-Write process.

PASSED AND APPROVED by the Anchorage Assembly this 20<sup>th</sup> day of May, 2008.

  
Chair

ATTEST:

  
Municipal Clerk  
*Deputy*