

**ANCHORAGE, ALASKA**  
**AO No. 2024-99**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.03.160 TO PROHIBIT THE APPLICATION FOR OR RECOMMENDATION OF SPECIAL LIMITATIONS IN APPROVING AN AMENDMENT TO THE ZONING MAP AND WAIVING PLANNING AND ZONING COMMISSION REVIEW.**

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**WHEREAS**, a special limitation is a legal mechanism under Title 21 enabling the municipal government to restrict certain land uses otherwise allowed on private property within the zoning district; and

**WHEREAS**, special limitations are frequently project specific to that moment, current code at that time, and are parcel or location specific; and

**WHEREAS**, special limitations are approved by ordinance, are not recorded in the State Recorder's Office Anchorage Recording District, and attach to the zoning map, not the individual parcels of property within the zone, making them a permanent constraint to the subject properties; and

**WHEREAS**, the persistent and consistent use of special limitations constitute stop-gap measures designed to address an immediate issue at the expense of indefinitely burdening property owners; and

**WHEREAS**, special limitations have been utilized in a variety of ways to place conditions on development, but there are many other planning and land use regulation tools already in the Anchorage Municipal Code and built into the plan review and permitting process that can achieve the same community objectives; now, therefore,

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** Anchorage Municipal Code section 21.03.160 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**21.03.160 Rezoning (zoning map amendments).**

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**D. General procedure.**

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4. *Application submittal.* Applications for a rezoning shall be submitted to the director on a form provided by the department

1 and shall contain the information specified on the application  
2 form. Additional materials may be required for certain types of  
3 rezoning[, SUCH AS REZONING WITH SPECIAL  
4 LIMITATIONS].  
5

6 5. *Public notice.* Notice shall be provided in accordance with  
7 subsection 21.03.020 H. In addition, the published and written  
8 (mailed) notice for the public hearing before the assembly shall  
9 list the protest provisions set forth in subsection D.9. below.  
10

11 6. *Departmental review.* The department shall review each  
12 proposed rezoning in light of the approval criteria in subsection  
13 E. below and distribute the application to other reviewers as  
14 deemed necessary. Based on the results of those reviews, the  
15 department shall provide a report to the planning and zoning  
16 commission.  
17

18 7. *Planning and zoning commission action.*  
19

20 a. The planning and zoning commission shall hold a public  
21 hearing on the proposed rezoning and, at the close of  
22 the hearing, taking into account the recommendations of  
23 the department and public input, and based upon the  
24 approval criteria of subsection E. below, shall  
25 recommend approval, approval with [SPECIAL  
26 LIMITATIONS OR OTHER] modifications (at least as  
27 restrictive as submitted in the application), or denial. The  
28 commission shall include written findings based on each  
29 of the approval criteria. The planning and zoning  
30 commission shall supplement any denial  
31 recommendation with a summary of critical issues  
32 related to the application, based upon public input and  
33 the commission's deliberations. This information will be  
34 available to assist the assembly if an ordinance is  
35 submitted under subsection 7.c. below.  
36

37 b. If the commission recommends approval or approval  
38 with [SPECIAL LIMITATIONS OR OTHER]  
39 modifications, within 60 days of the commission's written  
40 resolution, the director shall forward the  
41 recommendation to the assembly with an ordinance to  
42 amend the official zoning map in accordance with the  
43 recommendation.  
44

45 c. If the commission recommends denial, the amendment  
46 shall be deemed disapproved unless, within 15 days of  
47 the commission's written resolution recommending  
48 denial, the applicant files a written statement with the  
49 municipal clerk requesting that an ordinance amending  
50 the zoning map as set out in the application be submitted  
51 for action by the assembly. The draft ordinance shall be

appended to an Assembly Informational Memorandum (AIM) for consideration by the assembly.

8. *Assembly action.* The assembly shall hold a public hearing on the proposed rezoning and shall, at the close of the hearing, taking into account the recommendations of the department, planning and zoning commission, and public input, and based upon the approval criteria of subsection E. below:

- a. Approve the zoning map amendment as submitted in the application to the planning and zoning commission;
- b. Approve the zoning map amendment with [SPECIAL LIMITATIONS (SEE SUBSECTION G.) OR OTHER] modifications at least as restrictive as those submitted in the application, provided that an ordinance approving an amendment initiated under this section shall become effective only with the written consent of the property owner(s) to the [SPECIAL LIMITATIONS OR OTHER] modifications;
- c. Deny the amendment; or
- d. Remand the proposed amendment to the planning and zoning commission or to a committee of the assembly for further consideration.

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11. *Form of amending ordinance.* An ordinance amending the zoning map shall contain the following:

- a. The names of the current and the requested zoning districts;
- b. The legal description of the subject property; and
- c. [ANY SPECIAL LIMITATIONS BEING APPLIED TO THE SUBJECT PROPERTY; AND
- D.] An effective clause.

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G. *Rezoning with special limitations.* Pursuant to this subsection, the department and planning and zoning commission shall not recommend, nor should the assembly approve, the imposition of special limitations as part of a proposed rezone. An application for a rezoning received after [insert date of passage] may not include special limitations that restrict some aspects of development, to a greater degree than otherwise provided for a zoning district applied by the rezoning.

1 [1. *PURPOSES.* A REZONING MAY INCLUDE SPECIAL  
2 LIMITATIONS FOR ONE OR MORE OF THE FOLLOWING  
3 PURPOSES:  
4

5 A. TO PROHIBIT STRUCTURES, OR USES OF LAND OR  
6 STRUCTURES, THAT WOULD ADVERSELY AFFECT  
7 THE SURROUNDING NEIGHBORHOOD OR  
8 CONFLICT WITH THE COMPREHENSIVE PLAN.  
9

10 B. TO CONFORM THE ZONING MAP AMENDMENT TO  
11 THE COMPREHENSIVE PLAN, OR TO FURTHER THE  
12 GOALS AND POLICIES OF THE COMPREHENSIVE  
13 PLAN.  
14

15 C. TO CONFORM DEVELOPMENT UNDER THE ZONING  
16 MAP AMENDMENT TO EXISTING PATTERNS OF  
17 DEVELOPMENT IN THE SURROUNDING  
18 NEIGHBORHOOD.  
19

20 D. TO MITIGATE THE ADVERSE EFFECTS OF  
21 DEVELOPMENT UNDER THE ZONING MAP  
22 AMENDMENT ON THE NATURAL ENVIRONMENT,  
23 THE SURROUNDING NEIGHBORHOOD, AND ON  
24 PUBLIC FACILITIES AND SERVICES.  
25

26 2. *TYPES OF LIMITATIONS.* A SPECIAL LIMITATION SHALL  
27 DO ONE OR MORE OF THE FOLLOWING:  
28

29 A. LIMIT RESIDENTIAL DENSITY; OR PROHIBIT  
30 STRUCTURES, OR USES OF LAND OR  
31 STRUCTURES, OTHERWISE PERMITTED IN A  
32 ZONING DISTRICT.  
33

34 B. REQUIRE COMPLIANCE WITH DESIGN STANDARDS  
35 FOR STRUCTURES AND OTHER SITE FEATURES.  
36

37 C. REQUIRE COMPLIANCE WITH A SITE PLAN  
38 APPROVED UNDER THIS TITLE.  
39

40 D. REQUIRE THE CONSTRUCTION AND  
41 INSTALLATION OF IMPROVEMENTS, INCLUDING  
42 PUBLIC IMPROVEMENTS.  
43

44 E. IMPOSE TIME LIMITS FOR TAKING SUBSEQUENT  
45 DEVELOPMENT ACTIONS.  
46

47 3. *EFFECT OF APPROVAL.*  
48

49 A. A ZONING DISTRICT SUBJECT TO SPECIAL  
50 LIMITATIONS SHALL BE IDENTIFIED ON THE  
51 ZONING MAP BY THE SUFFIX "SL," AND THE



NUMBER OF THE ORDINANCE APPLYING THE SPECIAL LIMITATIONS SHALL BE PRINTED ON THE ZONING MAP.

B. WHERE A SPECIAL LIMITATION IN A ZONING MAP AMENDMENT CONFLICTS WITH ANY LESS RESTRICTIVE PROVISION OF THIS TITLE, THE SPECIAL LIMITATION GOVERNS.]

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2017-176, § 1, 1-9-18; AO No. 2021-89(S), § 21, 2-15-22; AO No. 2022-38, § 2, 4-12-22)

**Section 2.** All special limitations approved prior to passage of this ordinance shall remain valid and unaffected.

**Section 3.** The Assembly hereby petitions the Planning Department to initiate a comprehensive review of the official zoning map to identify all zones and parcels within the municipality containing special limitations and to report its findings to the Assembly detailing the zones, number of parcels within each zone, and the special limitations imposed. Additionally, in rendering its report, the Department should make recommendations for zones and parcels to be considered in a later ordinance removing the special limitations it finds no longer serve the interests of the community.


**Section 4.** Pursuant to AMC subsection 21.03.210C., this ordinance shall not require planning and zoning commission review prior to assembly action, and the 21-day published notice requirement of AMC subsection 21.03.020H.4. is waived; this ordinance shall comply with charter § 10.01(b) notice requirements.

**Section 5.** This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 17th day of October, 2024.

ATTEST:

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Municipal Clerk



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 836-2024

Meeting Date: October 22, 2024

**From:** Assembly Vice Chair Zaletel and Members Volland and Brawley

**Subject:** AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.03.160 TO PROHIBIT THE APPLICATION FOR, OR RECOMMENDATION OF, SPECIAL LIMITATIONS IN APPROVING AN AMENDMENT TO THE ZONING MAP, AND WAIVING PLANNING AND ZONING COMMISSION REVIEW.

This memorandum provides background information on special limitations (SLs) and how they relate to land use regulation as a system of policies, specifically zoning, and as supporting information for the premise of this ordinance: that the Municipality should immediately end the practice of placing special limitations on properties during a rezone process, and instead use other tools that already exist our code, to achieve the same community objectives. Not only is this current practice outside the scope of standard planning and land use regulatory tools that communities use to restrict property rights (entitlements), but also the widespread use of SLs over decades has had significant negative impacts on several property owners' ability to build projects, and the continued use of this practice is directly contrary to our goals to facilitate more housing development in the city.

### ***What are special limitations?***

For decades, Anchorage Municipal Code has included a mechanism for adding special limitations (SL), which are specific restrictions on uses or structures developed within a zone, that restrict property owners' entitlements and are codified in an ordinance, to a parcel or group of parcels during a rezone approval process. It has been the practice of both the Planning and Zoning Commission and the Assembly to add SLs to the rezone ordinance, either on the recommendation of Planning Department staff or in response to public feedback, on a proposed development project which required the rezone.

### ***How do special limitations interact with zoning code?***

Zoning code is a land use regulation that clearly defines property rights (entitlements) permitted by right or by conditional use permits and is based on the idea that the municipality has a compelling interest to define and restrict how people can and can't use their land, including rules to limit uses, site layout, and design (scale, massing, architectural features) of structures. Zoning is also based on the idea that property rights are intended to be defined at the parcel level, but through a system of regulating uses, defining physical districts, and using other tools such as overlay districts, conditional uses and variances to regulate land use at a more nuanced level. While the municipality can place nuanced rules and limitations on individual properties, it must be balanced against the principle that regulation must not be arbitrary and capricious: that 2 properties with similar characteristics, with the same zoning rules applied to them, should have essentially similar entitlement to by

While SLs are referenced and enabled through Title 21, the Municipality’s zoning code, the use of special limitations is not a standard, or even commonly-utilized, planning practice. In other communities, there may be special use limitations (additional rules for certain land uses); special district limitations (such as design standards for a neighborhood historic district); and a process for placing conditions on a particular site or type of activity through a conditional use permit. Property-specific restrictions can also be legally achieved through a deed restriction, separate from the property’s zoning. Instead, SLs are placed on a parcel or parcels via ordinance during rezone approval, which modifies the zoning label placed on the property (“R3-SL” rather than “R3”)—but the defined limitations on that property must be traced back to the actual rezone-with-special-limitations ordinance.

***How many special limitations are there in the municipality?***

While the Municipality has not created or maintained an official list of properties with special limitations placed on them, SLs have been utilized for at least 40 years, and are observable on the city's official zoning map<sup>1</sup>: the map has 1,498 distinct zoned areas (each is one or more parcels), and of these, 392 (26%) have special limitations placed on them, denoted with “-SL” in the zoning designation. Figure 1 depicts a portion of East Anchorage with at least 21 individual SL districts. Each of these districts is associated with a specific rezone ordinance, where the limitations on the property are defined—and do not appear in the zoning code itself.

<sup>1</sup> Municipality of Anchorage, 2040 Land Use Plan Map & Current Zoning Map, interactive “swipe” map: <https://muniorg.maps.arcgis.com/apps/instant/media/index.html?appid=f30276e2f4046cf88fa50a2c3c4f901>

***How are special limitations used?***

The Code does not provide significant guidance or guardrails for what or how special limitations can be defined, nor does it provide specific criteria that Planning Department staff or the Planning and Zoning Commission must use when creating SLs. As a result, SLs have historically been utilized in a variety of ways, but based on the sponsors' initial review of examples from different time periods, limitations can generally be grouped as follows:

1. Limiting the intensity or scale of a development, typically housing, to further restrict the property's underlying zoning entitlements and potential uses: reducing the number of units allowed, density (units per acre), height or number of structures, etc.;
2. Placing additional design or site configuration restrictions on development, such as requiring additional landscaping or improvements, or broad directives such as "preventing glare"; or
3. (Mostly in 1980s-era SLs) Specifying additional process or approval requirements the property must complete, many of which were later codified in Title 21 itself as required review processes.

Because SLs have been utilized in so many ways, it is important to understand the breadth of what exists on properties now, which will also inform us on the implications of considering removing SLs from existing properties. Section 3 of this ordinance requests that the Planning Department compile a complete list of SLs in the Municipality, including ordinance numbers and a summary of the specific limitations for each, and recommendations for how to address SLs that already exist.

***What have the impacts of using special limitations been on development, specifically housing production?***

While this question is difficult to answer without the benefit of a complete list and summary analysis of existing SLs, the sponsors believe that the persistent use of SLs over time has had the impact of, among other things, restricting or preventing housing production on multiple parcels, and in particular has made multi-family housing, and housing development in zones that allow higher density, less feasible. There are numerous examples of projects that were reduced in size because of SLs placed on the property, and other examples where the imposition of SLs reduced the owner's entitlements to the point that it was not economically feasible to finance and construct the project, and therefore the project never materialized. It is difficult to speculate on scale, but it is likely true that several vacant properties remain vacant to this day because of prohibitively restrictive SLs.

The fact that SLs are individually defined in ordinances, not in code, also means they are opaque to the property owner, and are often only discovered through a development application and review process. One recent example: PZC Case 2024-0079,<sup>2</sup> in which a property owned by Southcentral Foundation (SCF) and zoned B3-SL, with plans to build a 522 sq. ft. accessory greenhouse for elders and youth to use on an existing daycare property. While B3, a commercial zone, allows greenhouses as an accessory use, this property had an SL placed on it in 1985 (AO

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<sup>2</sup> Available at <https://www.muni.org/CityViewPortal/Planning/Status?planningId=18028>.

85-104) stating that constructing a greenhouse on the property would require major site plan review. Discussion at the August 5, 2024 Planning and Zoning Commission hearing for the case included a question whether the property owner had considered a rezone process to remove the SL, which would add significant cost and time in the process to build a new accessory structure.

***If not SLs, what tools does the Municipality have to regulate development to protect the public interest?***

The table, attached as Exhibit A, provides an overview of already-existing mechanisms in code for considering site- or use-specific restrictions on a property or development. Additionally, the Municipality can also amend Title 21 to create use-specific or district-specific restrictions, which are not specific to an individual property, but apply equally to any similar property within that district, or with that specified use.

***What happens to existing SLs on properties, if the tool is removed from code?***

The scope of this ordinance is forward-looking only: it seeks to end the use of defining property rights using special limitations defined in individual rezone ordinances.

Because they are created in an ordinance, special limitations can be, and have been, removed by ordinance: one example is an SL on an Eagle River property's legal access points to existing roads, which was removed in 2016 from the property by Assembly Ordinance (AO 2016-119). The memorandum described the alternative option for the property owner, a new rezone application to remove the SL, as "unnecessary and burdensome."

The sponsors recognize the need to address existing SLs, and provide a reasonable mechanism to consider removing SLs from a property, a larger project than this ordinance. However, Section 3 identifies the need to produce and review the full list of existing SLs, with the intent to create a process to achieve this, after determining how they are utilized, the implications of removing them, and recognizing the balance between a property owner's rights and the community interest in maintaining restrictions on those rights.

**We request your support for the ordinance.**

Reviewed by: Assembly Counsel's Office

Respectfully submitted: Meg Zaletel, Assembly Vice Chair  
District 4, Midtown Anchorage

Daniel Volland, Assembly Member  
District 1, North Anchorage

Anna Brawley, Assembly Member  
District 3, West Anchorage

Exhibit A. Existing Planning Regulatory Tools to Modify Zoning Entitlements

Review Procedure	Conditions this type of process can impose:	Process Cost	Conditions Placed On:	Decision Authority
Administrative Site Plan Review	Presumably any conditions that “ <i>ensure compliance with the development and design standards and provisions</i> ” of Title 21 and “ <i>encourage quality development in the municipality reflective of the goals, policies, and objectives of the comprehensive plan.</i> ”	\$1,850- \$3,965+	Particular land use	Planning Director
Major Site Plan Review	Presumably any conditions that “ <i>ensure compliance with the development and design standards and provisions</i> ” of Title 21 and “ <i>encourage quality development in the municipality reflective of the goals, policies, and objectives of the comprehensive plan.</i> ”	\$3,965+	Particular land use	Urban Design Commission or Planning & Zoning Commission
Variance (sometimes “with approval subject to conditions”)	<p>Presumably any conditions that allow only “<i>limited relief from the requirements of this title in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the reasonable use of land in a manner otherwise allowed[under Title 21]</i>”.</p> <p>Conditions probably have to relate to “<i>some unique physical attribute of the property itself.</i>”</p> <p><u>Of note:</u> “<i>Under no circumstances shall the decision-making body grant a variance from any written conditions attached by another decision-making body to the approval of a conditional use, subdivision plat, site plan, or rezone (special limitation).</i>”</p>	\$710- \$3,965	Particular land use, or maybe particular structure?	UDC, PZC, ZBEA, FAA

Exhibit A. Existing Planning Regulatory Tools to Modify Zoning Entitlements

Review Procedure	Conditions this type of process can impose:	Process Cost	Conditions Placed On:	Decision Authority
Conditional Use Permit	Presumably any conditions that control <i>"...where a use may or may not be appropriate in a district, depending on the specific location, the use characteristics, and potential conditions to decrease the adverse impacts of the use on surrounding properties and/or the community-at-large"</i> or for conditions needed to control <i>"uses with unique or widely varying operating characteristics or unusual site development features."</i>	\$1,770-\$16,520	Particular land use	Planning & Zoning Commission
Rezone with Conditions of Approval	Historically included as special limitations but requirements of this nature that require procedure or sequencing of development are more appropriately classified as conditions of approval than special limitations for the zone	\$2,830-\$9,960+	Property or multiple properties	Assembly
Rezone to create a new overlay	<ul style="list-style-type: none"> <li>a. Permit, require, prohibit, or restrict structures or the use of land or structures;</li> <li>b. Alter the provisions of the use-specific requirements as applied to property within the overlay district;</li> <li>c. Require new development or attributes of new development to conform to a specific architectural or design theme;</li> <li>d. Require a design review approval process; and/or</li> <li>e. Alter the development standards of the underlying district by decreasing or increasing the requirements with regard to building height, setbacks, lot area, lot width, lot coverage, and lot densities of the underlying district.</li> </ul>	\$2,830-\$9,960+	Property or multiple properties	Assembly

Exhibit A. Existing Planning Regulatory Tools to Modify Zoning Entitlements

	<p>This is a means to deviate from the desired zoning district designation's standard use and dimensional limitations, and is an alternative that could be pursued early in a development proposal similarly in the timeline when special limitations are sought or imposed.</p>			
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# MUNICIPALITY OF ANCHORAGE

## Assembly Information Memorandum

AIM No. 214-2024

Meeting Date: December 17, 2024

**FROM: MAYOR**

**SUBJECT: PLANNING AND ZONING COMMISSION REVIEW AND  
RECOMMENDATIONS ON AO NO. 2024-99, PROHIBITING NEW  
SPECIAL LIMITATIONS ON REZONES.**

This AIM transmits Planning and Zoning Commission (PZC) Resolution No. 2024-034, which provides the Commission's findings and recommendation of its review of AO No. 2024-99 (PZC Case No. 2024-0124), prohibiting new special limitations on rezones.

Following the introduction of AO No. 2024-99 at the Assembly meeting on October 22, 2024, the Planning Department submitted PZC Case No. 2024-0124 to bring the item before the PZC for public hearing. The PZC held the hearing on November 18, 2024, closed the public hearing, and continued the item for discussion at its December 9, 2024 meeting after requesting additional information from staff. Staff packets and PowerPoint presentations for both meetings are also transmitted with this AIM.

Following discussion at the December 9 meeting, the PZC recommended a motion to approve the ordinance with additional amendments as provided in the staff materials and additional attention to the possibility of maintaining generalized language allowing flexibility for conditions of approval, effective clauses, or other modifications.

Staff supports the PZC recommendation that the Assembly investigate ways to better define the term "conditions of approval" mentioned in AMC 21.03.120B.2.d. and outlined in AMC 21.03.030M. (which currently allow ongoing conditions, such as hours of operation, which appear similar in function to special limitations). The Assembly may also consider better defining or clarifying the term "stipulations" included in rezone approval criteria in AMC 21.03.160E.7.

Prepared by: Daniel McKenna-Foster, Long-Range Planning Division  
Approved by: Mélisa R. K. Babb, Planning Director  
Concur: Lance Wilber, Community Development Director  
Concur: William D. Falsey, Acting Chief Administrative Officer  
Concur: Rebecca A. Windt Pearson, Municipal Manager  
Respectfully submitted: Suzanne LaFrance, Mayor

Attachments: 1. Planning and Zoning Commission Resolution No. 2024-034  
2. Planning and Zoning Commission Staff Packet, 11/18/2024  
3. Planning and Zoning Commission Staff Memo, 12/9/2024  
4. PowerPoint Presentation, 11/18/2024  
5. PowerPoint Presentation, 12/9/2024

# **Attachment 1**

## **MUNICIPALITY OF ANCHORAGE PLANNING AND ZONING COMMISSION RESOLUTION NO. 2024-034**

A RESOLUTION RECOMMENDING APPROVAL TO THE ANCHORAGE ASSEMBLY OF THE REVIEW AND RECOMMENDATION BY THE PLANNING AND ZONING COMMISSION OF ASSEMBLY ORDINANCE NO. 2024-99 AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.03.160 TO PROHIBIT THE INCLUSION OF SPECIAL LIMITATIONS IN APPROVING AN AMENDMENT TO THE ZONING MAP.

(Case No. 2024-0124)

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WHEREAS, members of the Anchorage Assembly introduced AO No. 2024-99 at the October 22, 2024 Assembly meeting and set the public hearing for December 17, 2024; and

WHEREAS, although the ordinance waived Planning and Zoning Commission review, the sponsors and the Planning Department wished to provide the item to the Planning and Zoning Commission for information; and

WHEREAS, the Planning and Zoning Commission heard the item at its November 18, 2024 meeting, closed the public hearing, and requested staff to provide additional information at a later meeting; and

WHEREAS, the Planning and Zoning Commission discussed the item at its December 9, 2024 meeting; and

WHEREAS, during the discussion, members of the Planning and Zoning Commission asked that the Planning Department include their comments and concerns in any informational memos sent to the Assembly.

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

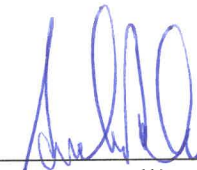
- A. The Commission makes the following findings of fact:
1. The Commission reviewed the ordinance, staff report, and staff memo at the meetings on November 18 and December 9, 2024.
  2. The Commission discussed the ordinance and its possible impacts.
  3. The Commission recommended that the Assembly retain some language about generalized conditions of approval, their scope, and how these could be used to modify recommendations for rezones or rezones.
  4. The Commission recommended that the Assembly maintain some language in the code that allows for mitigating adverse impacts that may come about from rezones.
  5. The Commission discussed the importance of maintaining some flexibility in this tool.

- B. The Planning and Zoning Commission recommends to the Anchorage Assembly approval of AO No. 2024-99, an ordinance amending Anchorage Municipal Code section 21.03.160 to prohibit the inclusion of special limitations in approving an amendment to the zoning map, with the incorporation of the text changes discussed in the November 18, 2024 staff report and the December 9, 2024 staff memo, to include the changes related to modifications as discussed at the December 9, 2024 meeting.

PASSED AND APPROVED by the Anchorage Planning and Zoning Commission on the 9th day of December 2024.

ADOPTED by the Anchorage Planning and Zoning Commission this 12th day of December 2024.

  
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Mélisa R. K. Babb  
Secretary

  
\_\_\_\_\_  
Andre Spinelli  
Chair

(Case No. 2024-0124)

dmf

## Attachment 2



# Municipality of Anchorage

## Planning Department


### Memorandum




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**DATE:** November 18, 2024

**TO:** Planning and Zoning Commission

**THRU:**  Mélisa Babb, Planning Director

**FROM:**  Daniel McKenna-Foster, Senior Planner, Long-Range Planning Division

**SUBJECT:** PZC Case 2024-0124, Text Amendments to AMC 21.03.160, *Rezoning (Zoning Map Amendments)*, AO 2024-99

#### PROPOSAL

Members of the Anchorage Assembly introduced AO 2024-99 at their October 22, 2024 meeting to propose text amendments to Anchorage Municipal Code (AMC) 21.03.160, *Rezoning (Zoning Map Amendments)*. A public hearing at the Planning and Zoning Commission has been scheduled for November 18, 2024, and at the Assembly meeting on December 17, 2024.

Special limitations (SLs) are supplementary requirements of a zoning district that apply in addition to the requirements of the base district. AO 2024-99 would remove the Planning Department's and the Planning and Zoning Commission's ability to recommend special limitations for a rezone, and the Assembly's ability to place special limitations on a rezone.

#### STAFF RECOMMENDATION

The Planning Department recommends that special limitations be removed from the code due to their varied application (both over time and across Anchorage) and their negative impact on development. If the Assembly chooses not to remove them, the application of special limitations should be strictly limited to definable issues related to health, safety, and welfare.

#### DISCUSSION

In general, the Planning Department does not encourage the use of special limitations (SLs) as they create more complexity and a lack of transparency in regulation, both of which have a dampening effect on development.<sup>1</sup> The Department has encountered several examples of this recently where an existing SL has imposed extra regulatory steps or a public hearing on a project when under normal circumstances the proposed development would be allowed by-right under current Title 21:

- A project in a district zoned by AO 1984-237: a rezone from R-2 to R-3 SL which requires both an Urban Design Commission review and a Planning and Zoning Commission non-public hearing review prior to the issuance of any construction permits. These reviews are duplicative.

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<sup>1</sup> See notes on AO 1991-84, AO 1997-101AA, AO 2003-148AA, or AO 2017-32 in Attachment B to this memo.

- A project in a district zoned by AO 1985-104: a rezone from B-1 to B-3 SL which requires a public hearing site plan review before any expansion of existing structures or new external structures may be allowed. This additional review does not seem to have a clear benefit to the public health, safety, or welfare.
- A project in a district zoned by AO 1985-198: a rezone from R-3 to RO SL with a number of limitations on uses, heights, housing density, and a requirement for “*a public hearing site plan review by the Planning and Zoning Commission subject to 21.15.030 and 21.50.200.*” The intent of these limitations is not clear, and the limitations refer to sections of code that are now out of date.

SLs can lead to a lack of transparency in zoning practice because they are not applied evenly or predictably and may not appear in title reports; each SL is unique to a small area and unique in its restrictions. However, the types of restrictions in some SLs may be similar to other SLs or follow certain trends over time. SLs may include restrictions such as requiring extra design standards (AO 2021-20AA) or limiting certain uses (AO 1996-89). In an internal planning document recording SLs from 1985 to 2003, 143 out of 594 AOs with SLs included specific restrictions on various uses. All of these varied restrictions are only discoverable by tracking down the specific ordinance that applied the SL.

At the same time, special limitations have served as a useful tool for the Planning and Zoning Commission (PZC) and the Assembly over the years by providing a means for both regulating natural hazards in the absence of similar protections in Title 21 and by providing flexibility during rezoning procedures.

Examples of SLs related to mitigating natural hazards:

- AO 1984-235 Limiting development due to slope risk
- AO 1985-061 Limiting development around watersheds

Some SLs combine different types of restrictions that may address both health and safety hazards but also address feedback on particular aspects of the change heard during public comment. Other SLs only include restrictions that seem to have arisen specifically during that proposed rezone process.

It is this last type of SL that appears to have proven most useful to regulators when considering controversial rezone applications. When faced with a rezone application that meets the comprehensive plan but could result in a type of use unpopular with the surrounding community, SLs have provided the PZC and the Assembly with a tool to permit the rezone without allowing the use, or to permit the rezone in a way that still technically meets the comprehensive plan. But this tool could also be used to soften a rezone request that does not align with the comprehensive plan, resulting in a zoning district that does not match the implementation districts specified by the *Anchorage 2040 Land Use Plan*.

The *Anchorage 2040 Land Use Plan* guides planned and expected changes to land use over time, and SLs used in the manner above may be symptomatic of a larger issue. If property owners are putting forward rezones that are in line with the 2040 LUP, but facing opposition from the surrounding area, it could indicate that:

- The 2040 LUP may not reflect community needs/values for that area, or
- Revisions to the code may be needed to adjust design standards or use restrictions in the desired zoning district to better match the needs of the community.

If property owners are putting forward rezones that require amendments to the 2040 LUP, it could indicate that:

- The property owner is attempting a change that is not appropriate for that area; or
- The 2040 LUP may not reflect community needs/values for that area and needs to be amended.

Approximately 40% of the rezones in the table in Attachment C required 2040 LUP map changes. This suggests there are some parts of the Municipality where the land use plan may need to be updated.

### **RECOMMENDED ALTERNATIVES TO SPECIAL LIMITATIONS**

One of the major difficulties of SLs is that they create a set of regulations that is difficult to access, and they create zoning districts that are inconsistent with other similarly zoned properties. There are a number of ways to address SL problems through private agreements recorded against property or through other tools which already exist in Title 21. These include:

- Deed restrictions, covenants, plat notes, or easements applied to or recorded against a specific property or properties.
- Changing use restrictions by zone so that unpalatable uses are subject to a different review standard (requiring site plan review or conditional use for a liquor store, or fueling station, for example).
- Changing 2040 Land Use Map designations so there is clearer policy guidance about which areas might see different types of changes through zoning over time.
- Greater use of the planned unit development (PUD) zoning tool.
- Overlay districts.
- Broader regulations which address hazards such as steep slopes or wetlands in a more comprehensive and uniform way in chapter 21.07.

### **POSSIBLE OUTCOMES OF REMOVING SPECIAL LIMITATIONS**

Broadly speaking, SLs could be explained to be a tool for making change more palatable on a case-by-case basis, or a means for policy makers to say yes when stuck between facilitating development and responding to public opposition. Like a valve that releases pressure, they appear to serve a moderating purpose in Anchorage land use discussions. Efforts to change the tool should consider how decision makers might otherwise address this pressure if the “valve” is removed from the system. Removing SLs might:

- Require additional updates to the 2040 Land Use Plan and 2020 Comprehensive Plan in order to ensure consistency between policy and implementation.
- Require adjustments to Title 21; and rethinking whether some uses should be permitted, subject to automatic site plan reviews, or listed as conditional uses.
- Result in decision makers using different tools such as effective clauses, conditions of approval, or plat notes (during the platting process) to achieve similar ends.

## STAFF COMMENTS SPECIFIC TO AO 2024-99

### Section 1 of AO No. 2024-99

Should the Assembly adopt AO 2024-99, then the Department recommends the edits below in order to meet the intent of prohibiting special limitations from future rezonings. The edits on lines 20-45 of page 2 of 5 and 6-22 on page 3 of 5 would read:

#### ***Page 2 of 5***

##### ***7. Planning and zoning commission action.***

- a. The planning and zoning commission shall hold a public hearing on the proposed rezoning and, at the close of the hearing, taking into account the recommendations of the department and public input, and based upon the approval criteria of subsection E. below, shall recommend approval, **effective clauses**, [SPECIAL LIMITATIONS OR OTHER] **[modifications]**, ~~(at least as restrictive as submitted in the application),~~ or denial. The commission shall include written findings based on each of the approval criteria. The planning and zoning commission shall supplement any denial recommendation with a summary of critical issues related to the application, based upon public input and the commission's deliberations. This information will be available to assist the assembly if an ordinance is submitted under subsection 7.c. below.
- b. If the commission recommends approval or approval with **effective clauses** [SPECIAL LIMITATIONS OR OTHER] **[modifications]**, within 60 days of the commission's written resolution, the director shall forward the recommendation to the assembly with an ordinance to amend the official zoning map in accordance with the recommendation.

#### ***Page 3 of 5***

##### ***8. Assembly action.***

The assembly shall hold a public hearing on the proposed rezoning and shall, at the close of the hearing, taking into account the recommendations of the department, planning and zoning commission, and public input, and based upon the approval criteria of subsection E. below:

- a. Approve the zoning map amendment as submitted in the application to the planning and zoning commission;
- b. Approve the zoning map amendment with **an effective clause** [SPECIAL LIMITATIONS (SEE SUBSECTION G.) OR OTHER] **[modifications]**, ~~at least as restrictive as those submitted in the application, provided that an ordinance approving an amendment initiated under this section shall become effective only with the written consent of the property owner(s) to the~~ [SPECIAL LIMITATIONS OR OTHER] **[modifications]**;

**Section 2 of AO No. 2024-99**

This section states that existing SLs remain unaffected; the Planning Department supports this approach.

**Section 3 of AO No. 2024-99**

This section of the AO states:

*“The Assembly hereby petitions the Planning Department to initiate a comprehensive review of the official zoning map to identify all zones and parcels within the municipality containing special limitations and to report its findings to the Assembly detailing the zones, number of parcels within each zone, and the special limitations imposed. Additionally, in rendering its report, the Department should make recommendations for zones and parcels to be considered in a later ordinance removing the special limitations it finds no longer serve the interests of the community.”*

In order to achieve greater transparency regarding existing special limitations, the Department has already begun the process of cataloging and posting links to SLs online via the zoning map application and plans to have this information available by early 2025. Doing this work will contribute to the comprehensive report as directed above, and a potential AO which identifies existing SLs for cleanup or removal. In working on that report, the Department will categorize SLs based on their current function and whether or not they have been superseded by other regulations.

**DEPARTMENTAL AND PUBLIC COMMENTS**

The Planning Department sent AO 2024-99 to the Federation of Community Councils (FCC) and to all community councils on October 16, 2024. As of this writing, no response has been received from the FCC or the community councils, and only one public comment from Debbie Ossiander, which says:

*“Special limitations have value to buffer different land uses, protect the environmental features and to create conformity to comprehensive plans. I fail to see how a blanket prohibition is beneficial.”*

State and municipal reviewing agencies had no comments or no objection to the proposed ordinance. The written comments from two municipal reviewing agencies are attached.



**AMC 21.03.210 TITLE 21 - TEXT AMENDMENTS**

*C. Approval Criteria: Text amendments may be approved if the assembly finds that all of the following approval criteria have been met:*

Criteria	Staff Response
<b>1. The proposed amendment will promote the public health, safety, and general welfare.</b>	The proposed amendment meets this criteria. Removing SLs will promote the public health, safety, and general welfare by promoting predictability and the equal application of zoning regulation.
<b>2. The proposed amendment is consistent with the comprehensive plan and the stated purposes of this title.</b>	The proposed amendment meets this criteria. The 2020 Comprehensive Plan calls for all rezones to be compatible with adjacent uses. The 2040 Land Use Plan establishes land use categories which have been adopted as acceptable for representing the public need and as compatible with adjacent uses. Currently, all rezones may only be approved if they implement their designated land use category. Because it would require more consistency with rezones aligning with the land use designations they implement, removing the SLs tool would provide fewer chances for rezones that do not align with the <i>Anchorage 2040 Land Use Plan Map</i> , or that may require updates to the map.
<b>3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.</b>	The proposed amendment meets this criteria. Many older SLs addressed environmental conditions such as slopes or wetlands, which are now regulated more comprehensively in modern Title 21 for all development. Other SLs that called for special meetings or administrative reviews have now been replaced by those processes being incorporated into Title 21 as well. Finally, many SLs limit housing or development in a way that no longer aligns with the community's priorities for growth and change. (See notes on AO 1991-84, AO 1997-101AA, AO 2003-148AA, or AO 2017-32 in Attachment B to this memo.) Updates to Title 21 have addressed many of the issues that SLs originally sought to protect against.

Attachments: A. Additional Background  
B. Examples of Rezones with SLs  
C. All Rezones since 2021  
D. AO No. 2024-99  
E. Comments Received

## ATTACHMENT A: ADDITIONAL BACKGROUND

### HISTORY OF SPECIAL LIMITATIONS IN ANCHORAGE

Section 23-21 of the 1958 zoning code for the City of Anchorage, part G. “Modification of Amendments” under section “District Changes and Amendments” states that: “...*the city planning commission may recommend, and the city council may make, modifications of any proposed amendment if it believes that such change in the amendment would be in the interest of the adjacent property owners and of the community as a whole*”. The text does not provide additional details about the nature or limitations on these amendments. Special limitations as they exist in code today seem to originate with the creation of the Municipality of Anchorage in the late 1970s, as they do not appear in the zoning code of the Greater Anchorage Borough up to that point. Special limitations have traditionally originated from applicants, the Planning and Zoning Commission, or the Assembly. Some older SLs have been rendered redundant as the intent of their regulations has been incorporated into more recent versions of Title 21. The Planning Department explored the possibility of removing SLs during the Title 21 rewrite in 2014, but those changes did not become part of the new Title.

### SPECIAL LIMITATIONS IN OTHER JURISDICTIONS

In Alaska, the zoning codes for Fairbanks and Palmer include language on establishing special limitations which appears to be directly copied from Anchorage’s own 21.03.160. This language on special limitations in 21.03.160 appears to be largely unchanged since the 1980s<sup>2</sup>. Older rezones in Fairbanks used the term “Contract Zones” and are designated with “CZ” on the zoning map.

A few jurisdictions in Washington State use “Concomitant Agreements”, which are defined in one jurisdiction as: “...*an agreement recorded against the title of a parcel of land under which a property owner binds the property to certain terms and conditions in exchange for development approval*.”<sup>3</sup> Tacoma, Bellevue, Poulsbo, and other cities in Washington require fully designed projects for rezonings, and the rezone is tied to the specific development through a concomitant agreement.

Flagstaff and Tucson Arizona both allow their city council to impose conditions for approval of a rezone.<sup>4</sup>

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<sup>2</sup> See AO 1985-58

<sup>3</sup> City of Poulsboro: <https://cityofpoulsbo.com/wp-content/uploads/2017/02/ConcomitantAgreementForm.pdf>

<sup>4</sup> See Flagstaff zoning code 10-20.50.040 and Tucson Unified Development code 3.4.6

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## ATTACHMENT B: EXAMPLES OF REZONES WITH SLS

Ordinance	Description
<b>AO 1991-84</b>	An R3-SL in Spenard that limits a 9-acre parcel to 180 dwelling units, requires access on Spenard Road and Northwood Street, a 25-foot setback from Fish Creek, a 35-foot building height, and minimum of 30% "useable open space". PZC case number 2015-0093 was an attempt to rezone this site from R-3 SL to R-4 in order to build 680 new residential units. The Planning Department recommended approving the rezone with an updated SL, the Planning and Zoning Commission ultimately denied the rezone and the applicant subsequently rescinded their application. The site remains undeveloped in 2024.
<b>AO 1997-101AA</b>	An R-3 SL in Government Hill that requires buffer landscaping, a mix of single and multiple family development, but no less than 60% as single family detached houses, each single family dwelling must have a minimum of 1,200 SF and a 2 car garage, a mandatory site plan review, and single family development limited to 6 dwelling units per acre.
<b>AO 2003-148AA</b>	A B-3 SL off of Spenard Road that requires a landscaping plan, and limits uses to parking and one 3,000 square foot accessory structure.
<b>AO 2017-32</b>	An R-4 SL in South Anchorage that limits 30 dwelling units per acre to the entire tract and prohibits commercial uses and manufactured home communities.
<b>AO 2019-143</b>	<p>Alaska Sand and Gravel (AS&amp;G) requested a rezone (AO 2019-143) from R-1A (single-family residential district, large lot) to B-1A (local and neighborhood business district) and R-2M (mixed residential district) for their property located at the northeast corner of West Dimond Boulevard and Sand Lake Road. The Planning and Zoning Commission recommended a special limitation requiring a public hearing site plan review prior to development of the property. The Planning and Zoning Commission's proposed special limitation was in response to commenter concerns with the rezone from single-family residential to commercial (B-1A) and multifamily residential (R-2M). The Sand Lake Community Council passed a resolution opposing the rezone. As part of the public process 211 hearing notices were mailed to members of the community surrounding these parcels. Staff received 38 responses back opposing the rezone.</p> <p>The Planning Department recommended approval of the rezone without any special limitations, but the Assembly approved the rezoning with the Planning and Zoning Commission's special limitation requiring site plan approval plus two more: one prohibiting gas stations and the second requiring parking areas to be located on the side or rear of businesses to promote pedestrian friendly site design as described in the <i>West Anchorage District Plan</i></p>

Ordinance	Description
<b>AO 2022-2:</b>	The Wharton Mobile Home Park Site was rezoned from R-2 SL and R-4 SL to R-4. The purpose of the rezone was to eliminate the split zoning (R-2M and R-4) and to remove the special limitations established in AO 84-152. The special limitations required a planned unit development application for a proposed high density multifamily residential development that was never built. A rezoning was needed to remove the special limitations to allow other potential projects.
<b>AO 2022-49</b>	The P&M Garden Services Site was rezoned from CE-B-3 SL to CE-B-3 to eliminate a special limitation that was created by AO 84-101. The special limitation said that the B-3 property could only be used for greenhouses and related uses.
<b>AO 2023-84</b>	The Petersen Group Site was rezoned from R-2M SL to R-3 to eliminate a restrictive special limitation created by AO 2005-36 that tied development of the property to a specific site plan.
<b>AO 2024-12AA</b>	The AWN Tower Site was rezoned from B-3 SL to B-3 to change the special limitations that were created by AO 78-197. The special limitations for this only allowed radio and television studios. This is a B-3 zoned tower and satellite dish site sandwiched between residential neighborhoods to the north and south. The original staff report called for a new special limitation that required nonresidential uses to be subject to the dimensional standards of the R-3 District.
<b>AO 2024-2AA</b>	An applicant sought to amend the 2040 Land Use Plan map and subsequently rezone an R-5-zoned property to B-3 (AO 2024-2AA). The Planning Department recommended denial of the rezone due to the inability of the application to meet the 9 approval criteria required by code. At the November 6, 2023 Planning and Zoning Commission meeting, the Commission asked the applicant and the Planning Department to develop a special limitation requiring a minimum number of residential units. Subsequent to the October 2 <sup>nd</sup> meeting, the applicant and the Planning Department collaborated to create the special limitation. <sup>5</sup> The SLs were ultimately removed by the Assembly at their regular meeting on March 3, 2024.

<sup>5</sup> See the November 6, 2023 Memo for PZC Case 2023-0097 "Case 2023-0097, Rezone from R-5 to B-3"

## ATTACHMENT C: ALL REZONES SINCE 2021

The following is a chronological list of all the rezones from the past three years, whether they required an *Anchorage 2040 Land Use Plan* (2040 LUP) map amendment, and whether any SLs were included. Boxes shaded in orange had SLs attached but ultimately removed, boxes shaded in purple were rezoned with SLs:

AO	PZC Case #	Location	Description
AO 2024-22AA Federal Archives Site	2024-0013	Southwest corner of Denali Street and East 40 <sup>th</sup> Avenue	Rezone from R-3 to R-4A. No 2040 LUP change required.
AO 2024-12AA AWN Tower site	2023-0131	North of Cope Street and West 32 <sup>nd</sup> Avenue	Rezone from B-3 SL to B-3. A 2040 LUP change was required: Urban Residential High to Main Street Corridor. SL proposed, removed by Assembly.
AO 2024-2AA Spinell Homes/ Capricorn	2023-0097	Northeast corner of Abbott Road and Elim Road	Rezone from R-5 to B-3. A 2040 LUP change was required: Mixed Residential Medium to Town Center. SL proposed, removed by Assembly.
AO 2023-121 Busse Storage Site	2023-0083	South of Juneau Street and East 46 <sup>th</sup> Court	Rezone from R-3 to B-3. No 2040 LUP change required.
AO 2023-84 Petersen Group Site	2023-0020	Southeast corner of Lake Otis Boulevard and Lore Road	R-2M SL to R-3. A 2040 LUP change was required: Compact Mixed Residential Low to Compact Mixed Residential Medium.
AO 2022-81 Morrison & Philips Site	2022-0071	West 46 <sup>th</sup> Avenue between Taft Street and Harding Drive	Rezone from R-2M to I-1. No 2040 LUP change required.
AO 2022-66AA U-Haul Site	2022-0021	North of West Dimond Boulevard	Rezone from B-1B SL to B-3 SL. No 2040 LUP change required.
AO 2022-55 HLB/ Debenham Site	2022-0020	East of Northwood Street and north of Bearfoot Drive	Rezone from R-1 to R-3 A 2040 LUP change was required from Compact Mixed Residential- Low to Compact Mixed Residential Medium.
AO 2022-48, Bear's Tooth Site	2022-0018	South of West 27 <sup>th</sup> Avenue	Rezone from R-4 to B-3 No 2040 LUP change required.

AO	PZC Case #	Location	Description
AO 2022-39, Sand Lake Fill Site	2022-0002	North of West Dimond Boulevard and east of Sand Lake Road	Rezone from R-1A to PLI No 2040 LUP change required.
AO 2022-4, Carol Creek Site	2021-0066	South of Mendenhall Street	Rezone from CE-PLI to CE-R-6 SL No 2040 LUP change required.
AO 2022-2, Wharton Mobile Home Park Site	2021-0113	North of West 24 <sup>th</sup> Avenue and west of Eureka Street	Rezone from R-2A SL and R-4 SL to R-4 A 2040 LUP change was required: "Single-family and Two-family" and "Urban Residential High" to "Urban Residential High"
AO 2021-79 Arcticorp	2021-0065	Beaver Place & DeBarr Road	Rezone from R-2M to B-1B SL. A 2040 LUP change was required: Compact Mixed residential Low to Neighborhood Center with Residential Mixed Use Overlay.
AO 2021-20AA Debenham Mobile Home Park	2020-0118	Arctic & Benson	Rezone from R-4 to B-3SL and R-4SL. No 2040 LUP change required.
AO 2021-106 Alpen View Estates	2021-0067	Alyeska Highway	Modify the boundary and Special limitations for gR-4 and gR-4SL No comprehensive plan change required.
AO 2021-81 Snow Dump Site	2021-0058	North of Raspberry along Minnesota expressway.	TR to PLI SL A 2040 LUP change was required: "Park or Natural Area" to "Community Facility or Institution".
AO 2021-45 Parks & Rec Rezone	2021-0052	Citywide	Several properties. No 2040 LUP change required.
AO 2021-47 Chugach Way/J.Jay Brooks	2021-0010	36 <sup>th</sup> , Arctic, and Chugach Way	Rezone of R-2M & B-3 to R-4A No 2040 LUP change required.
AO 2021-48 Neeser Rezone	2021-0032	Near Reeve & 3 <sup>rd</sup> Avenue	Rezone of I-1 and I-2 to I-2 No 2040 LUP change required.

AO	PZC Case #	Location	Description
AO 2021-24(S)AA Sky Ridge	2021-0007	O'Malley & Lake Otis	Rezone from R-6 to R-7 SL No 2040 LUP change required, but PZC Case 2021-0008 was an amendment to the Hillside District Plan to reclassify the petition site as Low Intensity.



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# **ATTACHMENT D**

## **ASSEMBLY ORDINANCE AO NO. 2024-99**

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Submitted by: Assembly Member Volland  
Assembly Member Brawley  
Assembly Vice Chair Zaletel  
Prepared by: Assembly Counsel's Office  
For reading:

**ANCHORAGE, ALASKA**  
**AO No. 2024-99**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.03.160 TO PROHIBIT THE APPLICATION FOR OR RECOMMENDATION OF SPECIAL LIMITATIONS IN APPROVING AN AMENDMENT TO THE ZONING MAP AND WAIVING PLANNING AND ZONING COMMISSION REVIEW.**

**WHEREAS**, a special limitation is a legal mechanism under Title 21 enabling the municipal government to restrict certain land uses otherwise allowed on private property within the zoning district; and

**WHEREAS**, special limitations are frequently project specific to that moment, current code at that time, and are parcel or location specific; and

**WHEREAS**, special limitations are approved by ordinance, are not recorded in the State Recorder's Office Anchorage Recording District, and attach to the zoning map, not the individual parcels of property within the zone, making them a permanent constraint to the subject properties; and

**WHEREAS**, the persistent and consistent use of special limitations constitute stop-gap measures designed to address an immediate issue at the expense of indefinitely burdening property owners; and

**WHEREAS**, special limitations have been utilized in a variety of ways to place conditions on development, but there are many other planning and land use regulation tools already in the Anchorage Municipal Code and built into the plan review and permitting process that can achieve the same community objectives; now, therefore,

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** Anchorage Municipal Code section 21.03.160 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**21.03.160 Rezoning (zoning map amendments).**

\*\*\* \*\*\* \*\*\*

D. *General procedure.*

\*\*\* \*\*\* \*\*\*

4. *Application submittal.* Applications for a rezoning shall be

submitted to the director on a form provided by the department and shall contain the information specified on the application form. Additional materials may be required for certain types of rezoning[, SUCH AS REZONING WITH SPECIAL LIMITATIONS].

5. *Public notice.* Notice shall be provided in accordance with subsection 21.03.020 H. In addition, the published and written (mailed) notice for the public hearing before the assembly shall list the protest provisions set forth in subsection D.9. below.

6. *Departmental review.* The department shall review each proposed rezoning in light of the approval criteria in subsection E. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the planning and zoning commission.

7. *Planning and zoning commission action.*

a. The planning and zoning commission shall hold a public hearing on the proposed rezoning and, at the close of the hearing, taking into account the recommendations of the department and public input, and based upon the approval criteria of subsection E. below, shall recommend approval, approval with [SPECIAL LIMITATIONS OR OTHER] modifications (at least as restrictive as submitted in the application), or denial. The commission shall include written findings based on each of the approval criteria. The planning and zoning commission shall supplement any denial recommendation with a summary of critical issues related to the application, based upon public input and the commission's deliberations. This information will be available to assist the assembly if an ordinance is submitted under subsection 7.c. below.

b. If the commission recommends approval or approval with [SPECIAL LIMITATIONS OR OTHER] modifications, within 60 days of the commission's written resolution, the director shall forward the recommendation to the assembly with an ordinance to amend the official zoning map in accordance with the recommendation.

c. If the commission recommends denial, the amendment shall be deemed disapproved unless, within 15 days of the commission's written resolution recommending denial, the applicant files a written statement with the municipal clerk requesting that an ordinance amending the zoning map as set out in the application be submitted

for action by the assembly. The draft ordinance shall be appended to an Assembly Informational Memorandum (AIM) for consideration by the assembly.

8. *Assembly action.* The assembly shall hold a public hearing on the proposed rezoning and shall, at the close of the hearing, taking into account the recommendations of the department, planning and zoning commission, and public input, and based upon the approval criteria of subsection E. below:

- a. Approve the zoning map amendment as submitted in the application to the planning and zoning commission;
- b. Approve the zoning map amendment with [SPECIAL LIMITATIONS (SEE SUBSECTION G.) OR OTHER] modifications at least as restrictive as those submitted in the application, provided that an ordinance approving an amendment initiated under this section shall become effective only with the written consent of the property owner(s) to the [SPECIAL LIMITATIONS OR OTHER] modifications;
- c. Deny the amendment; or
- d. Remand the proposed amendment to the planning and zoning commission or to a committee of the assembly for further consideration.

\*\*\*      \*\*\*      \*\*\*

11. *Form of amending ordinance.* An ordinance amending the zoning map shall contain the following:

- a. The names of the current and the requested zoning districts;
- b. The legal description of the subject property; and
- c. [ANY SPECIAL LIMITATIONS BEING APPLIED TO THE SUBJECT PROPERTY; AND
- D.] An effective clause.

\*\*\*      \*\*\*      \*\*\*

G. Rezoning with special limitations. Pursuant to this subsection, the department and planning and zoning commission shall not recommend, nor should the assembly approve, the imposition of special limitations as part of a proposed rezone. An application for a rezoning received after [insert date of passage] may not include special limitations that restrict some aspects of development, to a greater degree than otherwise provided for a zoning district applied by the rezoning.

- 1  
2 [1. *PURPOSES.* A REZONING MAY INCLUDE SPECIAL  
3 LIMITATIONS FOR ONE OR MORE OF THE FOLLOWING  
4 PURPOSES:  
5  
6 A. TO PROHIBIT STRUCTURES, OR USES OF LAND OR  
7 STRUCTURES, THAT WOULD ADVERSELY AFFECT  
8 THE SURROUNDING NEIGHBORHOOD OR  
9 CONFLICT WITH THE COMPREHENSIVE PLAN.  
10  
11 B. TO CONFORM THE ZONING MAP AMENDMENT TO  
12 THE COMPREHENSIVE PLAN, OR TO FURTHER THE  
13 GOALS AND POLICIES OF THE COMPREHENSIVE  
14 PLAN.  
15  
16 C. TO CONFORM DEVELOPMENT UNDER THE ZONING  
17 MAP AMENDMENT TO EXISTING PATTERNS OF  
18 DEVELOPMENT IN THE SURROUNDING  
19 NEIGHBORHOOD.  
20  
21 D. TO MITIGATE THE ADVERSE EFFECTS OF  
22 DEVELOPMENT UNDER THE ZONING MAP  
23 AMENDMENT ON THE NATURAL ENVIRONMENT,  
24 THE SURROUNDING NEIGHBORHOOD, AND ON  
25 PUBLIC FACILITIES AND SERVICES.  
26  
27 2. *TYPES OF LIMITATIONS.* A SPECIAL LIMITATION SHALL  
28 DO ONE OR MORE OF THE FOLLOWING:  
29  
30 A. LIMIT RESIDENTIAL DENSITY; OR PROHIBIT  
31 STRUCTURES, OR USES OF LAND OR  
32 STRUCTURES, OTHERWISE PERMITTED IN A  
33 ZONING DISTRICT.  
34  
35 B. REQUIRE COMPLIANCE WITH DESIGN STANDARDS  
36 FOR STRUCTURES AND OTHER SITE FEATURES.  
37  
38 C. REQUIRE COMPLIANCE WITH A SITE PLAN  
39 APPROVED UNDER THIS TITLE.  
40  
41 D. REQUIRE THE CONSTRUCTION AND  
42 INSTALLATION OF IMPROVEMENTS, INCLUDING  
43 PUBLIC IMPROVEMENTS.  
44  
45 E. IMPOSE TIME LIMITS FOR TAKING SUBSEQUENT  
46 DEVELOPMENT ACTIONS.  
47  
48 3. *EFFECT OF APPROVAL.*  
49  
50 A. A ZONING DISTRICT SUBJECT TO SPECIAL  
51 LIMITATIONS SHALL BE IDENTIFIED ON THE

ZONING MAP BY THE SUFFIX "SL," AND THE NUMBER OF THE ORDINANCE APPLYING THE SPECIAL LIMITATIONS SHALL BE PRINTED ON THE ZONING MAP.

B. WHERE A SPECIAL LIMITATION IN A ZONING MAP AMENDMENT CONFLICTS WITH ANY LESS RESTRICTIVE PROVISION OF THIS TITLE, THE SPECIAL LIMITATION GOVERNS.]

\*\*\*      \*\*\*      \*\*\*

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2017-176, § 1, 1-9-18; AO No. 2021-89(S), § 21, 2-15-22; AO No. 2022-38, § 2, 4-12-22)

**Section 2.** All special limitations approved prior to passage of this ordinance shall remain valid and unaffected.

**Section 3.** The Assembly hereby petitions the Planning Department to initiate a comprehensive review of the official zoning map to identify all zones and parcels within the municipality containing special limitations and to report its findings to the Assembly detailing the zones, number of parcels within each zone, and the special limitations imposed. Additionally, in rendering its report, the Department should make recommendations for zones and parcels to be considered in a later ordinance removing the special limitations it finds no longer serve the interests of the community.

**Section 4.** Pursuant to AMC subsection 21.03.210C., this ordinance shall not require planning and zoning commission review prior to assembly action, and the 21-day published notice requirement of AMC subsection 21.03.020H.4. is waived; this ordinance shall comply with charter § 10.01(b) notice requirements.

**Section 5.** This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Municipal Clerk



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# **ATTACHMENT E**

## **COMMENTS RECEIVED**

**PZC Case 2024-0124**

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## Public Comments: 2024-0124

Commenter	Email	Phone Number	Submitted
Debbie Ossiander PO Box670772 Chugiak, AK 99567	ossiander@hotmail.com Special limitations have value to buffer different land uses, protect environmental features and to create conformity to comprehensive plans. I fail to see how a blanket prohibition is beneficial	9076882308	10/16/2024 8:52:42 PM

**Kimmel, Corliss A.**

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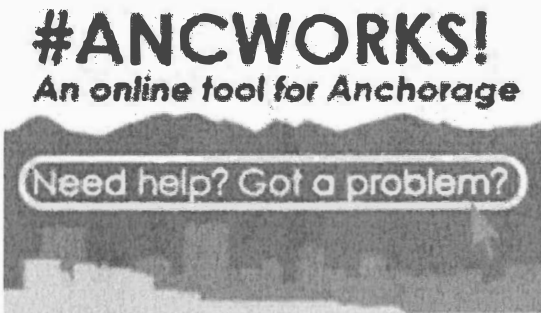
**From:** Walters, Michael S.  
**Sent:** Thursday, October 17, 2024 8:49 AM  
**To:** Blake, Lori A.; Kimmel, Corliss A.  
**Subject:** 2024-0124 Request for Reviewing Agency Comments

ROW has the following comments for case number 2024-0124:

ROW has no comment or objections on the proposed action.

Regards,

Michael S Walters  
Senior Plan Reviewer  
Right of Way Section  
[michael.walters@anchorageak.gov](mailto:michael.walters@anchorageak.gov)  
Office: 907-343-8226  
Cell: 907-727-7637  
Fax: 907-249-7910





# MUNICIPALITY OF ANCHORAGE

Traffic Engineering Department



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## MEMORANDUM

DATE: November 4, 2024

TO: Current Planning Division Supervisor,  
Planning Department

THRU: Kristen A. Langley, Traffic Safety Section Supervisor,  
Traffic Engineering Department

FROM: Randy Ribble PE, Assistant Traffic Engineer

SUBJECT: **2024-0124 Review and Recommendation by Planning and Zoning Commission of an Ordinance amending Anchorage Municipal Code Section 21.03.160 to prohibit the inclusion of Special Limitations in approving amendment to the zoning map.**

Traffic has no objection to this proposed ordinance prohibiting the inclusion of Special Limitations to the current zoning map.

# Planning and Zoning Commission

November 18, 2024

Case #: **2024-0124**

Case Title: **Review and Recommendation on AO 2024-99,  
Text Amendments to AMC 21.03.160,  
to Prohibit the Inclusion of Special Limitations  
in Approving an Amendment to the Zoning Map**

Agenda Item #: **G.1.**      Supplementary Packet #: **1**

☒ Comments submitted after the packet was finalized

☐ Additional information:

☐ Other:

Sent by email:   **X**   yes                 no

## Mckenna-Foster, Daniel R.

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**From:** Kimmel, Corliss A.  
**Sent:** Thursday, November 14, 2024 10:21 AM  
**To:** Yelle, Ryan J; Perry, Susan; Mckenna-Foster, Daniel R.  
**Subject:** FW: Comments PZC CASE NO: 2024-0124 Regarding elimination of SLs

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**From:** John Weddleton <john@weddleton.com>  
**Sent:** Thursday, November 14, 2024 10:19 AM  
**To:** Kimmel, Corliss A. <corliss.kimmel@anchorageak.gov>; Blake, Lori A. <lori.blake@anchorageak.gov>  
**Subject:** Comments PZC CASE NO: 2024-0124 Regarding elimination of SLs

### [EXTERNAL EMAIL]

Good morning,

A case in support of retaining the use of Special Limitations follows. Thanks for your consideration.

John Weddleton  
907-770-0685

Generally, Special Limitations allow a way towards more intensive use of land in Anchorage. SLs are a useful tool that should be retained.

Issues raised by the Assembly sponsors:

1. Does an SL restrict use of a parcel or allow more intensive use?
2. Is it hard to discover what an SL is for a property?
3. Are there alternatives that are better than using SLs?

1. Does an SL restrict use of a parcel or allow more intensive use?

The Assembly's AM states:

"... widespread use of SLs over decades has had significant negative impacts on several property owners' ability to build projects, and the continued use of this practice is directly contrary to our goals to facilitate more housing development in the city."

and

"While the municipality can place nuanced rules and limitations on individual properties, it must be balanced against the principle that regulation must not be arbitrary and capricious: that properties with similar characteristics, with the same zoning rules applied to them, should have essentially similar entitlement to by right or conditional uses."

Requirements in code can be seen as a negative impact of a property owner's ability to build a project. In terms of SLs, it can be the opposite. A typical rezone is a request to be able to do more with a parcel by



rezoning it. It is often a context relevant feature of the parcel that an SL can address that allows the rezone to be approved in line with the comprehensive plan and the surrounding neighborhood. Without the rezone, the parcel would typically have *less* ability to develop. Without the SL, there would be no rezone.

It's important to keep sight of the starting point. The initial zoning is logically more restrictive than the new zoning even with the SL. With this perspective, it is hard to see a rezone from R-1 to R-3SL as more restrictive. The SL should be seen as allowing a change to more intense development. Since a property owner could reject a rezone, if an SL decreased the use of a property from its original zoning, it's hard to imagine a property owner who would accept the rezone.

The purposes for SLs show in 21.03.160.G.1 and 2 support their continued use. These show the usefulness of SLs where those purposes include 'conforming to the comprehensive plan, further the goals of the comprehensive plan, mitigate adverse effects ...' These point to the importance of SLs in creating an opportunity to rezone to a higher intensity district.

## 2. Is it hard to discover what an SL is for a property?

The Assembly's AM states:

"The fact that SLs are individually defined in ordinances, not in code, also means they are opaque to the property owner, and are often only discovered through a development application and review process.' P.4

This is an odd complaint. Current code specifies 'A zoning district subject to special limitations shall be identified on the zoning map by the suffix "SL" and the number of the ordinance applying the special limitations shall be printed on the zoning map.' Anyone buying a piece of property would look at the zoning and can easily find the AO that has the special limitation. Any property with an SL is clearly shown in the zoning.

Rather than toss a useful tool for allowing more development in Anchorage, figure out what trouble people have learning what the SL is and fix that. Our Assessor can add the relevant AO number to the public info in CAMA.

## 3. Are there alternatives that are better than using SLs?

In Exhibit A The 'Existing Planning Regulatory Tools to Modify Zoning Entitlements' do not cleanly address limitations that reflect the context of some rezones. They would be add-on actions alongside a rezone.

The Assembly's AM states:

"Because they are created in an ordinance, special limitations can be, and have been, removed by ordinance: one example is an SL on an Eagle River property's legal access points to existing roads, which was removed in 2016 from the property by Assembly Ordinance (AO 2016-119).' The memorandum described the alternative option for the property owner, a new rezone application to remove the SL, as "unnecessary and burdensome." P.4

Should the context or comprehensive plan change and make an SL no longer relevant, changing it through an ordinance is reasonable.

Special Limitations offer a flexible and collaborative tool to gain more use of scarce land in Anchorage. Shortcomings regarding any difficulty in determining what the SL can be fixed by following code and using our flexible new CAMA system. Without SLs, we would have fewer rezones to higher intensity use. SLs should remain a tool in the box.

# Planning and Zoning Commission

November 18, 2024

Case #: **2024-0124**

Case Title: **Review and Recommendation on AO 2024-99,  
Text Amendments to AMC 21.03.160,  
to Prohibit the Inclusion of Special Limitations  
in Approving an Amendment to the Zoning Map**

Agenda Item #: **G.1.**      Supplementary Packet #: **2**

☒ Comments submitted after the packet was finalized

☐ Additional information:

☐ Other:

Sent by email: \_\_\_\_\_ yes        X   no

## Correspondence



### **RABBIT CREEK COMMUNITY COUNCIL (RCCC)**

A Forum for Respectful Communication & Community Relations

**1057 West Fireweed Lane, Suite 100 / Anchorage, AK 99503**



November 18, 2024

Dear Planning and Zoning Commission:

RE: Planning and Zoning Case 2024-124, Text Amendments to AMC 21.03.160 Rezoning

Rabbit Creek Community Council (RCCC) reviewed Case 2024-124 (draft Assembly Ordinance 2024-99) at our monthly meeting on November 11, 2024. RCCC voted to submit comments to the Planning and Zoning Commission (PZC) by a vote of 24 yeas, zero nays and 1 abstention.

RCCC raised several concerns and questions and, in summary, voted to oppose the ordinance and thereby retain the use of Special Limitations.

RCCC suggests better definition of the “planning toolbox” of how and when to use Special Limitations, effective clauses, plat notes, and conditions of approval. RCCC does not find any basis for the Staff Memo statement that Special Limitations should be based only on safety, health and public welfare.

**CONCERNS:** Following are specific concerns and reasons to retain Special Limitations:

1. Lack of evidence that Special Limitations (SL) have been, or will be, mis-applied. The staff analysis thus far is inchoate and not compelling. There are numerous SL zonings in the Rabbit Creek area and across the Hillside that pertain to inadequate infrastructure and natural conditions: for example, lack of secondary egress, or steep slopes. *There is guidance in 21.03.160 that, “Rezoning shall not be used as a way to legitimize nonconforming uses or structures.”*
2. Public versus private interest. The staff memo describes the removal of an SL through an ordinance as “unnecessary and burdensome” but it is equally valid that removal of an SL should serve the public interest and comply with the Comprehensive Plan, and not serve just a private short-term expediency. Special limitations are not lightly approved; they should not be lightly removed.
3. Up-or-down votes on rezoning by Planning Staff and Planning and Zoning Commission (PZC) could have negative consequences. Without the option to use SLs, there is:
  - a. Higher likelihood for denials of rezoning applications;
  - b. Higher likelihood for approvals of rezoning that do not comply with the Comprehensive Plan; and
  - c. More pressure for piecemeal amendments to the Zoning Map, which defeats the intention of zoning: “to provide a degree of certainty that is important for long-term investment and neighborhood cohesion and stability.

4. Transparency (discovering what a past SL stands for).
  - a. Parcels with SLs are clearly marked on Muni zoning maps and the accompanying data base. That is not true of plat notes or effective clauses or conditions of approval. In some ways, SLs are far more obvious to the public than other conditions of approval.
  - b. The issue of researching SLs can be cleanly solved by a Map Layer in the Muni GIS data base.
  - c. The highest concern for transparency is whether PZC gets to “yes” or “no” on a controversial rezoning case through due process: robust analysis of both the proposed development and the Comprehensive Plan; and full public notice and participation, minus ex parte influence. *It is not clear whether SLs are more, or less, incorruptible than other means to solve a complex rezoning decision.*

#### **REASONS TO RETAIN THE OPTION FOR SPECIAL LIMITATIONS ON REZONING DECISIONS**

1. Special Limitations serve many purposes. The Planning Memo (dated 11/18/24) erroneously asserts that SLs should be applied only for reasons of “safety, health, and public welfare.” This is a major policy statement that comes out of nowhere. Multiple adopted plans and policies clearly commit to building a well-designed city that embraces our natural setting and northern climate and that fosters distinctive neighborhoods. For examples of this public statement of values:
  - a. “Creating Great Places.” Chapter 2 of the 2040 Land Use Plan discusses the importance of physical character. “Character of place is integral to land use, the way people experience a place, and how that place functions.”
  - b. “Shared infill design principles.” Design principles on pages 34-35 are intended to “guide . . . discretionary (non by right) land use decisions such as rezonings or site plan reviews.”
2. Compatibility. Case-by-case consideration is appropriate for making rezoning compatible with adjoining land uses, infrastructure capacity, and environmental conditions.
3. A complete toolbox. SLs serve a niche purpose in getting to “yes” for new development that benefits the entire community. SLs solve concerns that cannot necessarily be handled by plat notes, effective clauses, or other planning tools. Keep a full toolbox of planning tools.

Thank you for your attention to these comments.

Sincerely,



Ann Rappoport, Co-chair



John Riley, Co-chair

cc: Melisa Babb, Director, Muni Planning Department  
Ryan Yelle, Manager, Long Range Planning

# Planning and Zoning Commission

December 9, 2024

Case #: **2024-0124**

Case Title: **Review and Recommendation on AO 2024-99,  
Text Amendments to AMC 21.03.160,  
to Prohibit the Inclusion of Special Limitations  
in Approving an Amendment to the Zoning Map**

Agenda Item #:

Supplementary Packet #:

- ☒ Comments submitted after the packet was finalized
- Jason Norris submitted electronically in November, but staff didn't receive.

☐ Additional information:

☐ Other:

Sent by email:   X   yes            no

12/5/2024 4:42 PM

**Mckenna-Foster, Daniel R.**

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**From:** Jason Norris  
**Sent:** Wednesday, December 4, 2024 12:20 PM  
**To:** Mckenna-Foster, Daniel R.  
**Subject:** Comment on AO 2024-124

[EXTERNAL EMAIL]

Absolutely. Please see below:

PZC Members,

I write to you in regard to Case 2024-0124 (DM) that seeks to amend AMC 21.03.160 to prohibit the inclusion of Special Limitations in approving an amendment to the Zoning Map. I urge you to approve of the amendment for the reasons stated below.

Special Limitations act to contravene market forces driving development in the community and have demonstrably led to the cancelling of the construction of hundreds of units of housing in our community, enhancing our housing crisis. Special Limitations unilaterally and bureaucratically dismiss the well-being of the community at large in favor of the loudest opposing voices in the room. They are, in effect, a NIMBY's final chance at a veto. Notice that Special Limitations only work in one direction. They can only be used to reduce the amount of development being sought. This is ostensibly because staff have unique and valuable information about local conditions that require a negative deviation from the zoning code being sought to govern a particular development. However, if this is true, would staff not also have unique and valuable information about local conditions that require a positive deviation from the zoning code being sought? Should Special Limitations remain in use, staff should not just be allowed, but encouraged, to find opportunities where a developer individually and the community generally might benefit from more intensive development than that being sought. If we are placing staff in the position of being all knowing and all powerful in being able to determine what is best in each case down to a very granular level of development, then why do we not trust them to enhance, rather than solely restrict development? In summary, the Special Limitation process is obstructionist by design, and their individual and collective impacts highly detrimental to the city as a whole.

Special Limitations are also often arbitrary, with little reason for their existence in the first place, much less justification based on observable data or logical conclusions. They contribute to a patch work, "vibes-based zoning" feel to the Municipality as a whole and given they run with the land forever until repealed, they cement in stone restrictions on a lot that may otherwise be put to more productive use as conditions inherently change.

While I wholeheartedly support eliminating the approval of the use of Special Limitations, I further support repealing all Special Limitations already in effect, and encourage PZC to make such a recommendation in moving this item forward.

Thank you,  
Jason Norris  
Anchorage, Alaska

## Attachment 3



# Municipality of Anchorage

## Planning Department

### Memorandum



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**DATE:** December 9, 2024

**TO:** Planning and Zoning Commission

**THRU:** Mélisa Babb, Planning Director *MB*

**FROM:** *DMF* Daniel McKenna-Foster, Senior Planner, Long-Range Planning Division

**SUBJECT:** PZC Case 2024-0124, Text Amendments to AMC 21.03.160, AO 2024-99 – Additional Information on Special Limitations Zoning

### Overview

At the November 18, 2024 meeting, Planning staff provided a memorandum and presentation on special limitations (SLs) in the Title 21 zoning code. Over the course of the meeting, the Planning and Zoning Commission requested additional information, which we provide along with each question below. The memo also includes summary responses to some of the feedback provided so far through public comment.

### Questions Raised by Planning and Zoning Commission on November 18, 2024

**Question 1:** *What is the difference between code sections which mention special limitations, “other modifications,” “stipulations,” effective clauses, or conditions of approval?*

The following are a summary of the differences as defined in Title 21. Further explanation of the differences may require a legal opinion.

- **Special Limitations (SLs)** restrict a range of aspects of development “to a greater degree than otherwise provided for a zoning district applied by the rezoning”( 21.03.160G.). SLs are noted on the zoning map along with the underlying zoning.

*The remainder of the items on this list generally appear in Assembly ordinances but are generally not noted on the zoning map or plat (unless specifically stated otherwise) and are considered a temporary or more time-limited outcome of the zoning process:*

- **Other Modifications:** are allowed *in addition to* special limitations (“at least as restrictive as submitted in the application”) (21.03.160D.7.a.). These are not well defined in code.

- **Stipulations** are allowed through criteria #7 for rezonings, which requires that *“The proposed rezoning is not likely to result in significant adverse impacts upon adjacent land uses, or such impacts shall be mitigated through stipulations”* (21.03.160E.). There is no mention of special limitations in the approval criteria, but this reference to stipulations *may* be referring to the special limitations tool.
- **Effective Clauses** may be applied to an ordinance at final approval by the Assembly (21.03.160D.). In general, an effective clause may be understood as a clause requiring a one-time action, while a special limitation could require a one-time action and/or other restrictions that are associated with the zoning district.
- **Conditions of Approval** may be imposed upon an entitlement in order to conform to the standards of the title, reduce or minimize any *“potential adverse impact upon other property in the area”*, or *“to carry out the general purpose and intent of the comprehensive plan and this title.”* Conditions on rezones must always be more restrictive than the requirements of the title or any special limitations. Any conditions attached to approvals must be *“directly related to the impacts of the proposed use or development and shall be roughly proportional in both extent and amount to the anticipated impacts of the proposed use or development.”* Unless otherwise specified, conditions must be met within one year of approval.

**Question 2:** *How many SLs have been recorded in the past 5 years?*

Staff have located 11 AOs with SLs that date from 2019 or later. Some of these AOs apply to multiple zones (AO 2021-20, for example, applies to both B-3 and R-4 areas):

- |                                |                    |
|--------------------------------|--------------------|
| • 2019-143(AA) B-1A SL/R-2M SL | • 2021-24(S)(AA)   |
| • 2019-20(AA) R-10 SL          | • 2021-79 B-1B SL  |
| • 2019-31(S)(AA) I-2 SL        | • 2021-81 PLI SL   |
| • 2019-73(S) B-1B SL           | • 2022-4 CE R-6 SL |
| • 2020-71 CE-R-2M SL           | • 2022-66 B-3 SL   |
| • 2021-20 R-4 SL, B-3 SL       |                    |

SLs were also proposed, but ultimately removed, by the Assembly from AO 2024-2 (AA) B-3 and AO 2024-12 (AA) B-3.

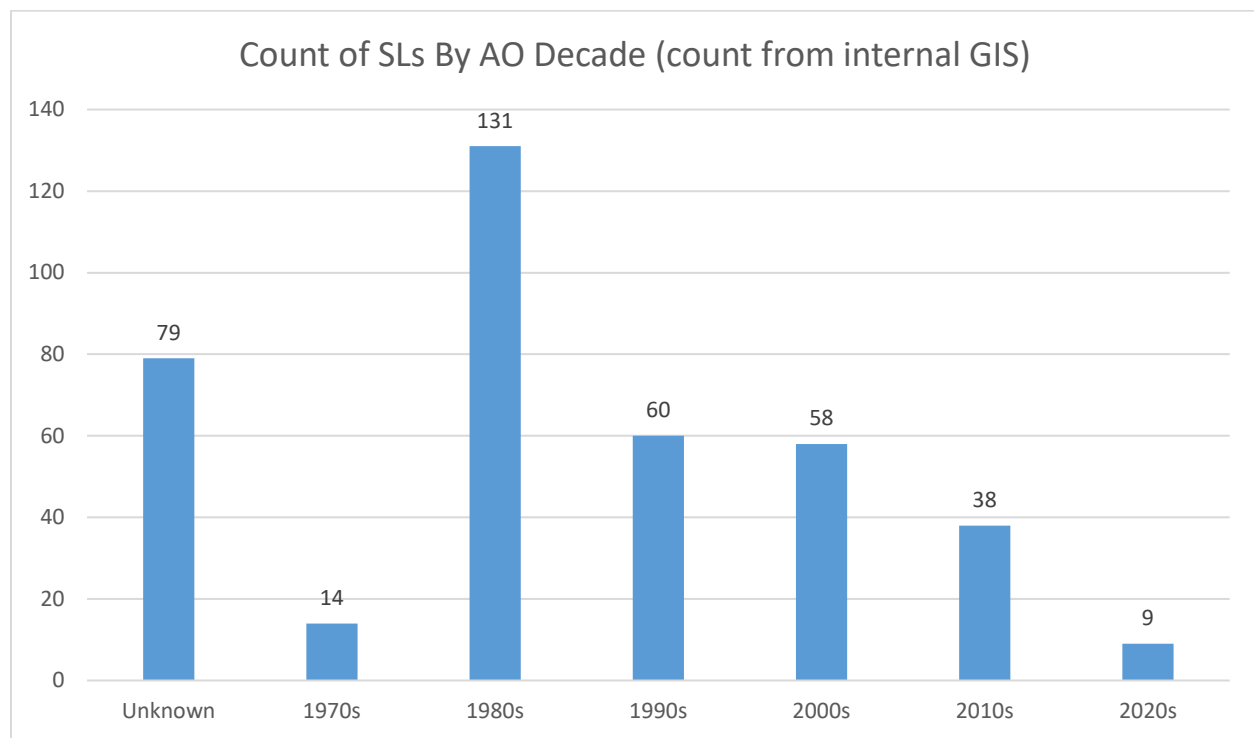


**Question 3:** *What is and isn't possible using tools such as special limitations, covenants, plat notes, deed restrictions, or HOA rules?*

Tool	Who Creates them?	Who holds & enforces them?
<b>Special Limitations:</b> Can limit residential density, prohibit structures or uses, require design standards, require additional site plan processes, require additional public improvements, and impose time limits for taking subsequent development actions.	Adopted by Assembly legislation.	Held in zoning. Enforced through the police power of the Municipality. SLs can only be removed by a rezone process.
<b>Covenants, Conditions &amp; Restrictions (CC&amp;Rs):</b> Legally binding restrictions that require financial obligations, maintenance requirements, dispute resolution, or limit the use of a piece of property in a given area. Deed restrictions simply limit the use of the land, while covenants are agreements between two parties or run with the land. They are generally recorded with the state recorder's office and run with the land. Plat notes may be considered part of CC&Rs.	CC&Rs can be created property owners, the platting authority, or organizations such as HOAs.	Recorded at the state level. Enforced through the court system. CC&Rs cannot be enforced if they violate federal law.  CC&Rs may expire, or may be waived through non-compliance.
<b>Homeowner Association (HOA) Rules:</b> HOA rules may be separate from legally binding CC&R restrictions.	Adopted by Homeowner Association members.	Homeowner Association boards regulate and change these rules.

**Question 4:** *What progress has the Planning Department made on cataloging and researching existing SLs?*

The Planning Department has begun tracking and cataloging all known zones with special limitations zoning and plans to have all publicly available and linked to the GIS system in 2025. Considering that some AOs apply SLs to multiple zones, the Department predicts there are around 394 areas with distinct special limitations currently in effect across the Municipality. Counting AO years also shows that the use of SLs appears to have declined considerably (likely as code progressively and increasingly addressed more of the issues SLs originally addressed).



**Question 5:** *Are there any examples of the positive side of SLs, such as where they have been used to provide public improvements?*

There are numerous examples of SLs which required the provision of public infrastructure in advance of the rezone or development. Preliminary investigation indicates that many of these requirements have subsequently included in general standards for all development in Title 21. Examples:

- AO 1983-6: “B. Sewer and water service shall be extended to the site.”
- AO 1984-13: “3. No building permits shall be issued until construction of the streets.”

- AO 1986-217: *"7. A performance bond for the painting and landscaping improvements shall be required."*
- AO 1997-74: *"All streets shall [be] constructed to Municipal Standards and all rights-of-way dedicated to the Municipality."*
- AO 1997-96: *"2. Subsequent development of the petition site shall incorporate a dedicated bicycle path to connect with the proposed multi-use trail in the Areawide Trails Plan."*

It should be noted, however, that some of these same ordinances also include restrictions which appear to impose restrictions that may not be directly related to the public good (AO 1984-13 *"1. A maximum of 18 dwelling units per acre will be permitted in this district"*, AO 1997-74 *"Density 3 dwelling units per acre minimum and 6 dwelling units per acre maximum"*, AO 1997-96 *"the maximum density on the petition site shall not exceed 5 dwelling units per acre"*). Additionally, at least one SL (AO 2007-54) provides an example of considerable public improvements that might be prohibitively burdensome:

- Reconstruct Oilwell Road to a five lane facility from the Glenn Highway to the Elmendorf Gate, including all turn lanes as shown in the TIA.*
- Construct the new intersection of Oilwell Road/Bartless High/ANHC/East Mall access intersection to include signalization and connection to the interconnection system.*
- Relocate the interior road to connect Bartless High/ANHC to the new Oilwell Road/Bartlett High ANHC signal location as shown in Figure 4-1 of the TIA.*

#### **Question 6: *How many other cities use SLs or something similar?***

Due to the wide range of zoning codes across the country, it is difficult to do a meaningful review of how many other cities use a tool like special limitations or something similar. However, planning staff wrote planning departments in the cities listed below and so far has heard back from Great Falls, MT; Boise, ID; Reno, NV; and Juneau, AK:

<ul style="list-style-type: none"> <li>• Great Falls, MT</li> <li>• Albuquerque, NM</li> <li>• Everett, WA</li> <li>• Reno, NV</li> <li>• Juneau, AK</li> </ul>	<ul style="list-style-type: none"> <li>• Port Angeles, WA</li> <li>• Boise, ID</li> <li>• Spokane, WA</li> <li>• Tacoma, WA</li> </ul>
---	--

Great Falls, MT:

*Here in the City of Great Falls, the closest we get to something like that is through the creation of a PUD (Planned Unit Development) that can have special restrictions related to lot area and dimensional standards or uses such as garage ADU's not permitted in the PUD. PUD's are put forth, in most cases, during the creation of a new subdivision and it is the developer that is responsible for proposing the special standards. Otherwise, our zoning map amendment process ([OCCGF 17.16.40 Amendment to Title 17, Relative to Subdivisions and/or zoning](#)) includes conditions of approval. In extraordinary cases, this could hypothetically be used to limit certain uses or propose different standards. This has not been done to my knowledge as these conditions would be in perpetuity to the site, not the owner.<sup>1</sup>*

Boise, ID:

*We have historically done something similar which we call "Development Agreements (DAs)" These are often an agreement between the city and the property owner in addition to the conditions of the rezone. Similar limitations as you stated are written into the "DA." However, with the adoption of our new zoning code in 2023 – we are really trying to move away from using DAs as they are complicated to enforce overtime and are hoping that our new base zoning provides enough regulation that we don't need a separate contract controlling land use.<sup>2</sup>*

Reno, NV:

*The City of Reno doesn't have anything like a "Special Limitations." We accomplish similar goals via use specific standards, overlays, and base zoning districts.<sup>3</sup>*

Juneau, AK, speaking to what appears to be a special limitation on an older zoning map:

*From what I could find, the ordinances mandating special restrictions for the D15 area across from Honsinger Pond were never codified. I'm not sure why that information was included on the 2006 zoning maps. Our land use code says that rezones cannot be conditioned.<sup>4</sup>*

As noted in the original staff memo, Fairbanks and Palmer both seem to use special limitations code language based on the MOA's Title 21. Tacoma, Washington, has code that provides for the Planning Commission to make a decision "*whether or not the*

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<sup>1</sup> Email from Great Falls Planning & Community Development Department dated November 25, 2024

<sup>2</sup> Email from Boise Planning & Development Services dated November 26, 2024

<sup>3</sup> Email from City of Reno Planning Department dated December 2, 2024

<sup>4</sup> Email from Juneau Community Development Department dated November 4, 2024

*scope of the application should be modified, and if so, what alternatives should be considered”* but it is not clear whether this is comparable to SLs in Anchorage.

**Question 7: *Request for additional recommendations for changes to code language.***

The Planning Department does not have a recommendation for amending special limitations language to allow them in some circumstances but not others. If demonstrated risks to health or safety exist and have appeared during a rezone process, it may not be appropriate to approve the rezone. Plat notes and conditions may serve to address health and safety concerns or potential impacts on existing natural features. In order to remove the special limitations tool for rezones going forward, the Department would recommend the following additional changes to AMC Title 21:

Proposed Change	Reasoning
<b>21.03.020 COMMON PROCEDURES</b>  *** ** <b>M. Conditions of Approval</b>  1. The decision-making body is authorized to impose such conditions upon the entitlement as may be necessary to conform to the standards of this title, reduce or minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of the comprehensive plan and this title. In such cases, any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both extent and amount to the anticipated impacts of the proposed use or development.  2. No conditions of approval, except for those attached to variance approvals, shall be less restrictive than the requirements of this title[ OR APPLICABLE SPECIAL LIMITATIONS].  *** **	Removing reference to special limitations in the conditions of approval for all rezones.

Proposed Change	Reasoning
<p><b>21.03.120 MINOR MODIFICATIONS</b></p> <p><b>B. Applicability</b>  *** **</p> <p>2. Exceptions to Authority to Grant Minor Modifications In no circumstance shall any decision-making body approve a minor modification that results in:</p> <ul style="list-style-type: none"> <li>a. An increase in overall project density;</li> <li>b. A change in permitted uses or mix of uses;</li> <li>c. A deviation from the district-specific standards set forth in chapter 21.04, Zoning Districts, section 21.09.040, Zoning Districts (Girdwood), and section 21.10.040, Zoning Districts (Chugiak-Eagle River), or the use-specific standards set forth in chapter 21.05, Use Regulations, section 21.09.050, Use Regulations (Girdwood), section 21.10.050, Use Regulations (Chugiak-Eagle River), and section 21.11.050, Use Regulations (Downtown); or</li> <li>d. A change in conditions attached to the approval of any subdivision plan (section 21.03.200), site plan (section 21.03.180), conditional use (section 21.03.080), or rezone [(SPECIAL LIMITATION)] (section 21.03.160).</li> </ul>	<p>Removing reference to special limitations in the procedure for minor modifications.</p>
<p><b>21.03.160 REZONINGS (ZONING MAP AMENDMENTS)</b>  *** **</p> <p><b>E. Approval Criteria</b>  *** **</p> <p>7. The proposed rezoning is not likely to result in significant adverse impacts upon adjacent land uses[, OR SUCH IMPACTS SHALL BE MITIGATED THROUGH STIPULATIONS];</p> <p>*** **</p>	<p>Removing unclear code language which could be used to create restrictions which function like special limitations.</p>

### Questions or Comments Provided Through Public Comment

**Comment:** *SLs allow more permissive or intensive uses, and without SLs there would be fewer rezones.*

There are several examples of SLs which have resulted in a nominally more flexible zoning district, such as the R3-SL districts created by AO 1984-21 and AO 1997-49. While these R-3 SL zones appear to be more permissive, when considering the particulars it is not clear that the zones actually provide significantly more flexibility, and may in fact have simply been a shortcut to getting one or two attractive features of R-3 (such as height) without having to change the Comprehensive Plan, local area plans, or the zoning districts themselves. For example:

- AO 1984-21 requires a two-phase site plan review.
- AO 1997-149 limits development to 6 dwelling units per acre (R-3 normally allows up to 30 dwelling units per acre), limits housing types to single family dwellings, it limits access to certain streets, requires HOAs, requires HOAs and mandatory open space, establishes specific setbacks, and forbids all accessory structures except for decks, saunas/hot tubs, fences, and swing sets.

There are also examples of rezones which converted to more flexible districts, with SLs applied, even though the comprehensive plan already designed the rezone as appropriate:

- AO 2019-31(S) I-2 SL: A portion of a property at C and 92<sup>nd</sup> avenue was split-zoned R-2M. The property owner sought to correct this error and bring the zoning into compliance with the Land Use Plan, which designated the area as industrial. Now the property has a very specific set of screening requirements that do not apply to neighboring I-2 properties which abut the exact same residential district.
- AO 2014-130 R-3 SL: Despite the proposed zoning complying with the 2040 land use plan, the Planning department proposed SLs to restrict the placement of buildings due to shadow concerns.

**Comment:** *It's not difficult to find Special Limitations.*

AMC Title 21 requires any zoning districts with a special limitation to be marked with "SL" on the zoning map, as of December 2024, the MOA GIS system seems to be in compliance with this rule. Finding the specifics of what SLs entail or how to interpret them, however, remains obscure and complex. Some examples of this include:

- **SLs referring to sections of code which no longer exist** (AO 85-198), or refer to other AOs which no longer apply (AO 2008-106).
- **SLs which apply to only portions of property or buildings** (AO 1983-224)

- **SLs which sometimes list uses by what is prohibited** ( AO 1999-69, AO 2007-73) **and sometimes by what is permitted** (AO 1983-79, AO 1996-66, AO 2000-155, AO 2003-148).
- **SLs which create stipulations using undefined or unequal terms:** AO 2000-86(S): *“Package liquor stores shall be allowed only if associated with a major retail operation so that the package liquor sales is a subsidiary use only”*.
- **SLs which apply measurements in different ways** (AO 1984-126: *“No new structures shall be higher than the highest point of the existing structures on the property”* vs AO 2002-152: *“Building height...shall not exceed the lesser of 35 feet or a maximum of 138 feet above mean sea level based on the GAAB 1972 Post Quake Adjustment”* and AO 2003-133, AO 2003-142).
- **SLs which apply highly specific requirements that might require interpretation or amendment over time:** AO 1998-77: *“Density: Residential development shall be a minimum of 2.0 dwelling units per acre and a maximum of 3.0 dwelling units per acre.”*, AO 2009-95 requires a site plan review that addresses *“h. site lighting that will not impede the views of Melody Commons. i. does not interfere with the views of Melody commons”* and AO 2009-38 which requires that *“The north façade and the northeast and northwest corners of the building shall have a high level of quality, detail, and architectural interest.”*
- **SLs which require compliance with specific plans or strategies that may be out of date:** AO 2003-148: *“Any further redevelopment on this site shall be subject to an administrative site plan review, which shall comply with the Spenard Commercial District Development Strategy,”* and AO 2005-132.
- **SLs where the ordinance refers to a zoning district that no longer exists:** AO 1978-210 and AO 1980-139 both refer to an R-2 SL zone, even though on the map the property is indicated as an R-2M SL zone. The public may not know that many R-2 lots were converted to R-2M lots at some point in the past.
- **The requirement that SLs require a full rezone process to be amended,** even for a minor change, such as adjusting building height (AO 2008-128, AO 2019-73(S)) or changing the number of houses allowed (2004-4).

**Comment:** *Without SLs, we would have fewer rezones to higher intensity use. SLs should remain a tool in the box.*

Based on a review of over 300 AOs that created SLs, many of these special limitations may in fact have allowed rezones which (1) were not appropriate and not adequately supported by the comprehensive plan, or (2) supported by the plan and thus should have been approved without SLs. Some examples include:



- AO 1985-207 PLI SL: Created a unique PLI zone for a single property that only allows a commercial equestrian facility with a single-family home as accessory use. It is not clear that this rezone complied with the comprehensive plan guidance of that time.
- AO 2002-52 R-2M SL: Created a unique R-2M zone on an 18,891 SF lot for a single property owner to legalize an existing triplex. It is not clear that this rezone complied with the comprehensive plan guidance of that time.
- AO 2004-107 R-2M SL: Created a unique R-2M zone on two parcels comprising 26,000 SF to legalize a duplex. This rezone appeared to comply with comprehensive plan guidance of that time and should not have required an SL.
- AO 2005-37 RO SL: Created a unique RO zone for a single property owner in the middle of a neighborhood otherwise zoned R-1A. It is not clear that this rezone complied with the comprehensive plan guidance of that time.
- AO 2019-43 (AA) B-1A SL and R-2M SL: This rezone appeared to very clearly comply with comprehensive plan guidance of the time without an SL, as a whereas clause in the AO stated explicitly: *“This rezone complies with the nine approval criteria for rezonings, AMC 21.03.160E. The rezone is consistent with the Anchorage 2040 Land Use Plan Map and the 2012 West Anchorage District Plan. The B-1A and R-2M districts implement both Plans.”*

**Comment:** *Removing the SLs tool could result in a higher likelihood of denials for rezones, and also higher likelihood of approval of rezonings that do not comply with the comprehensive plan.*

It is appropriate to deny rezones when they are not appropriate or in compliance with the plan, and it is prohibited to allow rezones when they do not comply with the comprehensive plan. The Department’s investigation into several decades of SLs seems to reveal a number of instances where special limitations were used as a tool to “soften” antipathy towards rezones or facilitate a rezone that may not have otherwise been appropriate (R-3 in a plan designated for low density, for example, as in AO 1984-21 AA).

Per AMC 21.03.160E.2., rezonings must comply with and conform to the comprehensive plan and comprehensive plan map. Per AMC 21.03.070, comprehensive plan map amendments are allowed to run concurrently with zoning map amendments. When the Assembly amends the land use map, it is establishing that the new land use designation is appropriate for that area and any rezones within that designation may be appropriate.

**Comment:** *The Planning Memo (dated 11/18/24) erroneously asserts that SLs should be applied only for reasons of “safety, health, and public welfare.” This is a major policy statement that comes out of nowhere.*

AMC 21.01.030 states that the purpose of Title 21 is to “...implement the comprehensive plan in a manner which protects the public health, safety, welfare, and economic vitality.” The legal basis for zoning stems from the 1926 US Supreme Court Decision Village of Euclid v. Ambler Realty, which determined that zoning was a legitimate use of the police power as long as it related to health, safety, and public welfare.

**Comment:** *SLs serve a niche purpose in getting to “yes” for new development that benefits the entire community. SLs solve concerns that cannot necessarily be handled by plat notes, effective clauses, or other planning tools. Keep a full toolbox of planning tools.*

Based on the Department’s research, SLs appear to serve a tool that adds extra discretion and moves away from code consistency. Some SLs require site plan reviews that in turn require highly subjective criteria (AO 2001-24<sup>5</sup>, AO 2018-56<sup>6</sup>). In some cases when they require conformity to parts of an adopted plan or specific policies of a plan, SLs can open the door to wide and varied interpretation of policy guidance language as if it was regulation. (AO 2002-128, AO 2003-148. All the SLs the Department has reviewed so far could have been applied through normal departmental reviews, plat notes, effective clauses, or private covenants, if desired.

The concept of zoning rests upon the foundation of uniform classification of land and development potential.<sup>7</sup> Due to their limited oversight, expansive scope, and broad applicability, SLs appear to have the ability to completely change zoning districts under the same nominal classification which might ultimately undermine the integrity of the land use system.

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<sup>5</sup> “Design of the site shall provide a positive relationship between Muldoon and DeBarr Roads and the development...All buildings, especially those over 50,000 S.F., shall have multiple entries, active windows, varied roof lines, and architectural detailing which is harmonious with smaller scaled buildings...”

<sup>6</sup> “The site plan shall address...The physical development characteristics provided for in the comprehensive Plan, including its land use designation(s), infill design principles, and other types of designations, including transit-supportive development, that apply to the site”

<sup>7</sup> Per the Standard State Zoning Enabling Act of 1926:

“For any or all of said purposes the local legislative body may divide the municipality into districts of such number, shape, and are as may be deemed best suited to carry out the purposes of this act; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. **All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts**”. [emphasis added]

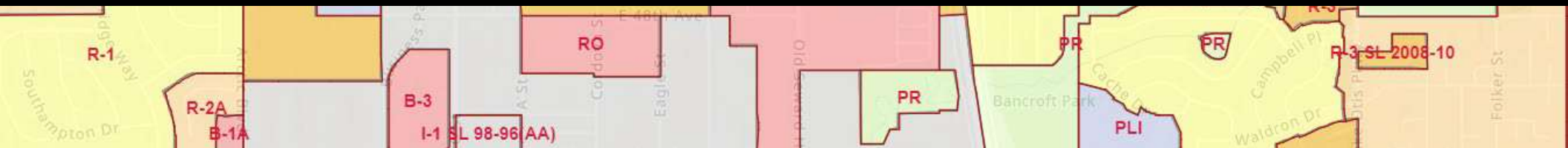
“Uniform for each class or kind of buildings throughout each district” This is important, not so much for legal reasons, as because it gives notice to property owners that there shall be no improper discriminations, but that all in the same class shall be treated alike.” [govinfo.gov/content/pkg/GOVPUB-C13-18b3b6e632119b6d94779f558b9d3873/pdf/GOVPUB-C13-18b3b6e632119b6d94779f558b9d3873.pdf](https://govinfo.gov/content/pkg/GOVPUB-C13-18b3b6e632119b6d94779f558b9d3873/pdf/GOVPUB-C13-18b3b6e632119b6d94779f558b9d3873.pdf)

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# Special Limitations Zoning

## 11/18/2024 PZC meeting

**PZC Case 2024-0124, AO 2024-99**



*Note: Planning and Zoning Commission review was waived by the Assembly when this item was introduced at the October 22, 2024 Assembly Regular meeting.*

*This appears as a case but the Assembly sponsors are not petitioning the Planning and Zoning Commission, were not expecting to appear, and were not asked to appear before the Commission this evening.*

*This information is presented by staff to give the Commission an opportunity to ask questions or take action if desired.*

## **Special limitations can do one or more of the following:**

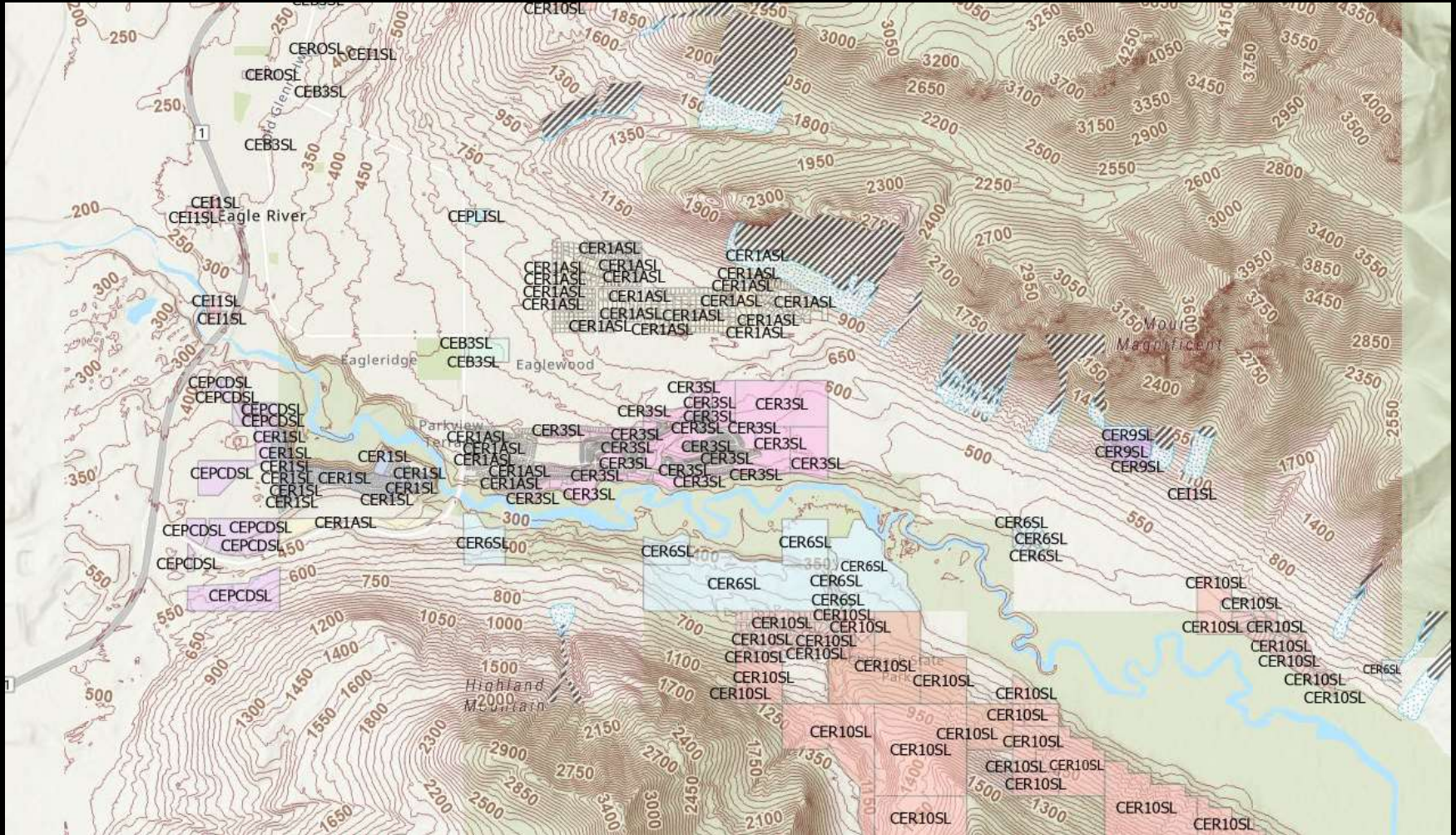
- a. Limit residential density; or prohibit structures, or uses of land or structures, otherwise permitted in a zoning district.
- b. Require compliance with design standards for structures and other site features.
- c. Require compliance with a site plan approved under this title.
- d. Require the construction and installation of improvements, including public improvements.
- e. Impose time limits for taking subsequent development actions.

## Many types of SLs have now been incorporated into Title 21:

- Public meetings/site plan reviews: now regulated by 21.03 & 21.05
- Access requirements: now regulated through site plan reviews and agency comments (21.07).
- Design standards/density requirements: now part of R-3A and R-4A zones (21.04).

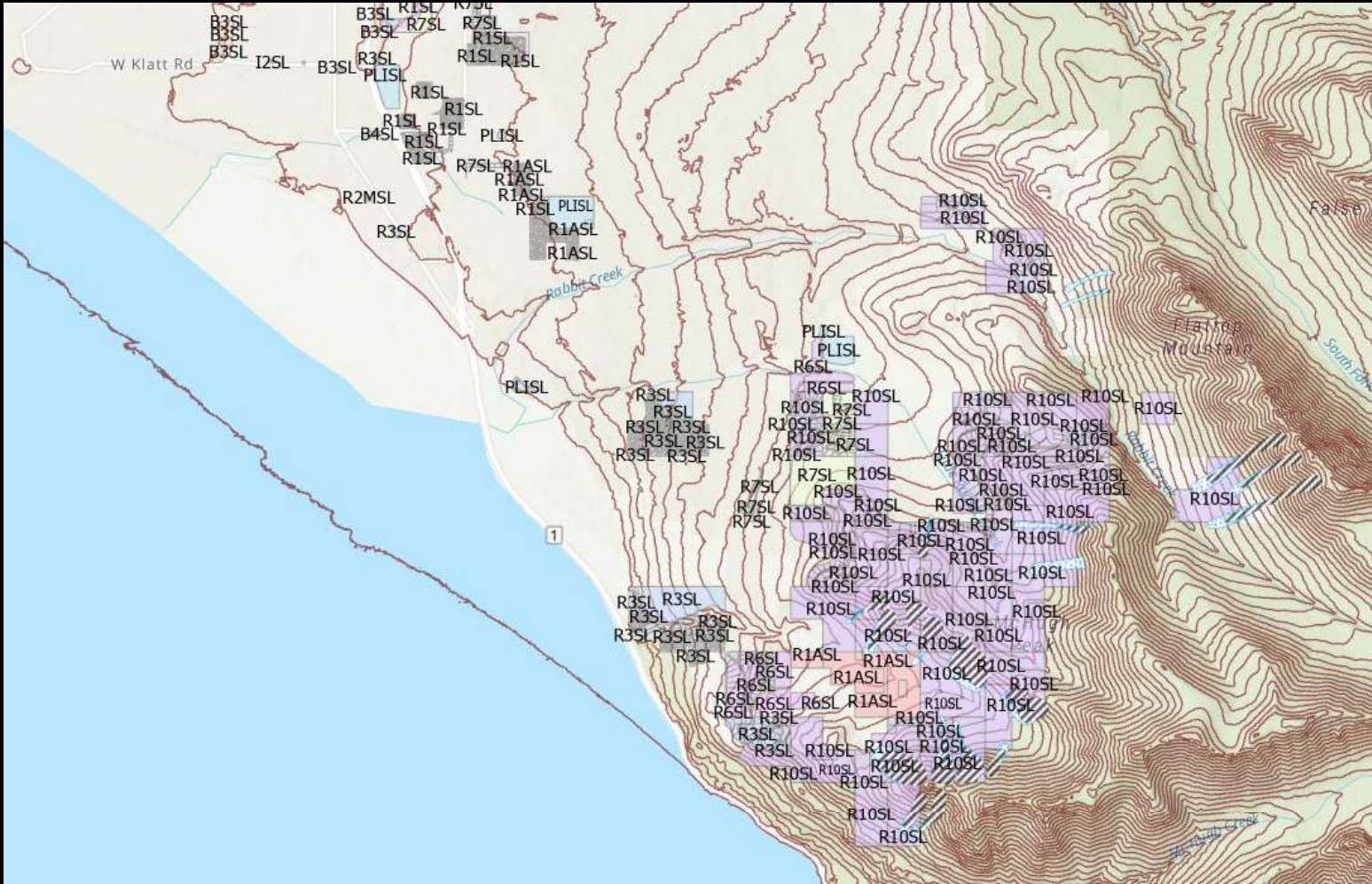


# Eagle River Slopes & SLs





## South Anchorage Slopes & SLs



Referred to  
Geotechnical  
Advisory  
Commission for  
discussion at their  
11/26/2024 meeting



# Muldoon Area: access & uses

Section 2. This zoning map amendment is subject to the following special limitations:

- A. Permitted uses:
1. Dwelling, mixed-use.
  2. Dwelling, multifamily.
  3. Assisted living facility (9 or more residents).
  4. Habilitative care facility, small (up to 6 residents).
  5. Rooming-house.
  6. Transitional living facility.
  7. Adult care facility (3 to 8 persons).
  8. Adult care facility (9 or more persons).
  9. Child care center (9 or more children).
  10. Child care home (up to 8 children).
  11. Government administration and civic facility.
  12. Neighborhood recreation center.
  13. Social service facility.
  14. Elementary school or middle school.
  15. High school.
  16. Instructional services.
  17. Health services.
  18. Hospital/health care facility.
  19. Nursing facility.
  20. Community garden.

2017

AO 2017-50 Rezoning to B-3 SL

Page 2 of 3

21. Park, public or private.
22. Community or police substation.
23. Tower, high voltage transmission.
24. Commercial horticulture.
25. Animal boarding<sup>2</sup>.
26. Retail and pet services<sup>2</sup>.
27. Veterinary clinic<sup>2</sup>.
28. Club/meeting hall.
29. Amusement establishment<sup>2</sup>.
30. Fitness and recreational sports center<sup>2</sup>.
31. General outdoor recreation, commercial<sup>2</sup>.
32. Theater company or dinner theater<sup>2</sup>.
33. Food and beverage kiosk<sup>2</sup>.
34. Restaurant<sup>2</sup>.
35. Financial institution.
36. Office, business or professional.
37. Business service establishment.
38. Funeral/mortuary services.
39. Conference space<sup>2</sup>.
40. Farmers market<sup>2</sup>.
41. Fueling station<sup>2</sup>.
42. Furniture and home appliance store<sup>2</sup>.
43. General retail<sup>2</sup>.
44. Grocery or food store<sup>2</sup>.
45. Parking lot or structure (50+ spaces).
46. Parking lot or structure (less than 50 spaces).
47. Vehicle service and repair, minor.
48. Data processing facility.
49. Cottage crafts.

- B. Conditional uses:
1. Habilitative care facility, medium (7-25 residents).
  2. Habilitative care facility, large (26+ residents).
  3. Crematorium.
  4. Vocational or trade school.
  5. Public safety facility.
  6. Transit center.
  7. Tower, high voltage transmission.
  8. Utility substation.
  9. Entertainment facility, major<sup>2</sup>.
  10. Land reclamation.
- C. Administrative site plan review:
1. Dwelling, townhouse.
  2. Community center.
  3. Government administration and civic facility.
  4. Religious assembly.

AO 2017-50 Rezoning to B-3 SL

Page 3 of 3

- D. Major site plan review:
1. Aquarium.
  2. Library.
  3. Museum or cultural center.
  4. College or university.
  5. Elementary school or middle school.
  6. High school.
  7. Fire station.
- E. All other uses not listed are prohibited.
- F. Development height shall be limited to two stories or 22 feet, unless a proposed development includes a residential or community use component, in which case development up to three stories in height, or 35 feet, shall be allowed, and a site plan shall be required and recorded.

<sup>2</sup> Uses with structures with a gross floor area over 20,000 square feet require major site plan review through subsection 21.07.125A, Large Commercial Establishments.

Section 2. The zoning map amendment described in Section 1 shall be subject to the following special limitation regarding use of the property:

1993

A. No curb cut shall be allowed within 50 feet of the intersection of Muldoon Road and DeBarr Road.

ing uses shall be prohibited:

1. General services including crematories.
2. Street parking lots, garages.
3. Gasoline service stations.

2001

4. Aircraft and marine parts and equipment stores.
  5. Antique and secondhand stores including auctions, pawn shops.
  6. Farm equipment and garden supply stores.
  7. Automobile repair, services, garages, body shops but not to include tire repair, wheel alignment and brake service.
  8. Motor vehicle dealers, new and used.
  9. Mobile home display lots, new and used.
  10. Aircraft and boat display lots, new and used.
  11. Motorcycle, snow machine display lots, new and used.
  12. Automobile, truck and trailer rental agencies.
  13. Lumber yards and builder supply stores.
  14. Fuel dealers.
  15. Bus terminals, air passenger terminals, with sufficient street area for maneuvering and waiting automobiles.
  16. Pole mounted signs.
  17. Outdoor storage.
- a. Maximum height of structures: 3 stories or 35 feet in height.
- b. There shall be no additional access points permitted onto the portion site from Muldoon Road.
- c. Resolving curb cuts and access with State of Alaska, Department of Transportation.

SECTION 2. This zoning map amendment is subject to the following special limitations regarding the uses of the property.

A. The following uses shall be prohibited:

1984

- a. Funeral services including crematoria.
- b. Off-street parking lots, garages.
- c. Gasoline service stations.
- d. Aircraft and marine parts and equipment stores.
- e. Antique and secondhand stores including auctions, pawn shops.
- f. Farm equipment and garden supply stores.
- g. Automobile repair, services and garages not to include body shops.
- h. Motor vehicle dealers, new and used.
- i. Automobile display lots, new and used.
- j. Mobile home display lots, new and used.
- k. Aircraft and boat display lots, new and used.
- l. Motorcycle, snow machine display lots, new and used.
- m. Automobile, truck and trailer rental agencies.
- n. Lumber yards and builder supply stores.
- o. Fuel dealers.
- p. Bus terminals, air passenger terminals, with sufficient street area for maneuvering and waiting automobiles.

SECTION 3. The zoning map amendment is subject to the following special limitations establishing design standards for the property.

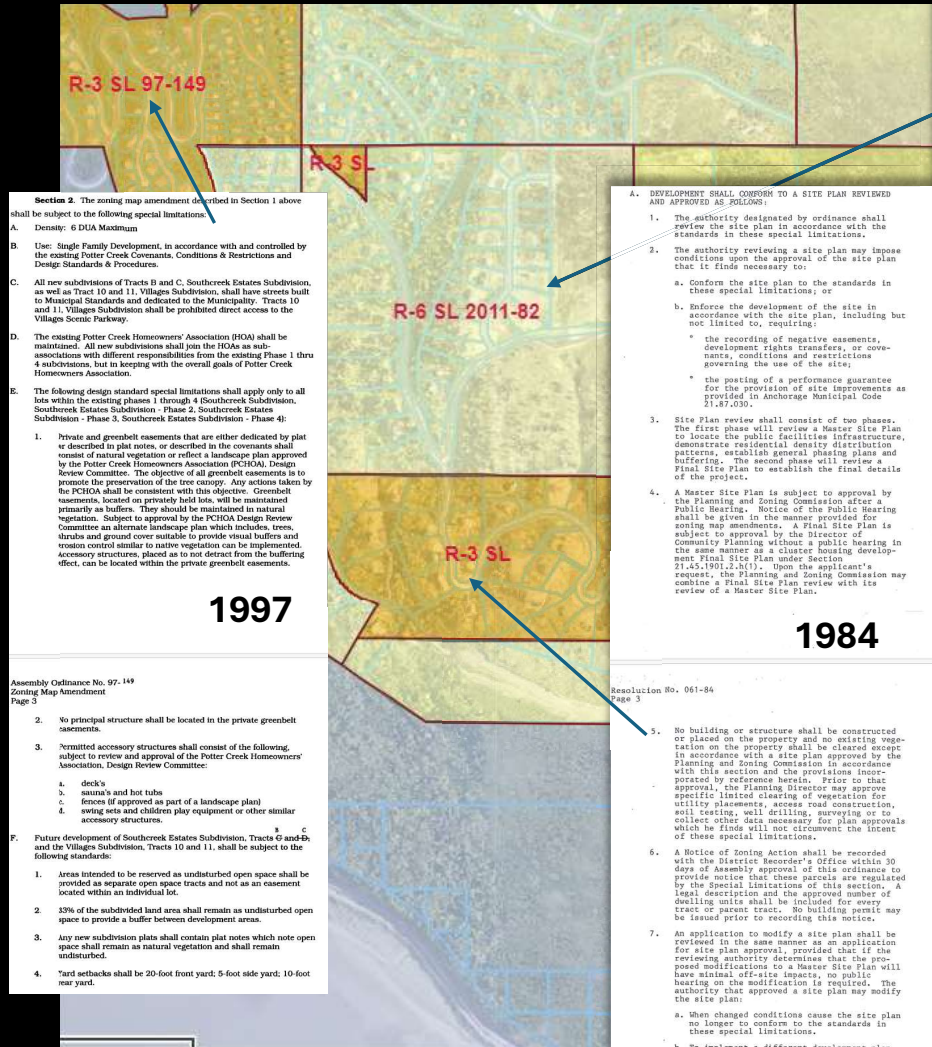
1. Maximum height of structure: 3 stories or 35 feet in height.
2. Resolving curb cuts and access with State of Alaska, Department of Transportation.

Section 2. This zoning map amendment is subject to the following special limitations:

2018

- A) Install (L1) visual enhancement landscaping along the west boundary of the district and (L2) buffer landscaping along the east boundary of the district.
- B) Major engine, transmission, differential repair or replacement, body, fender, upholstery work and painting are prohibited.

# Hillside Area: slopes, general restrictions



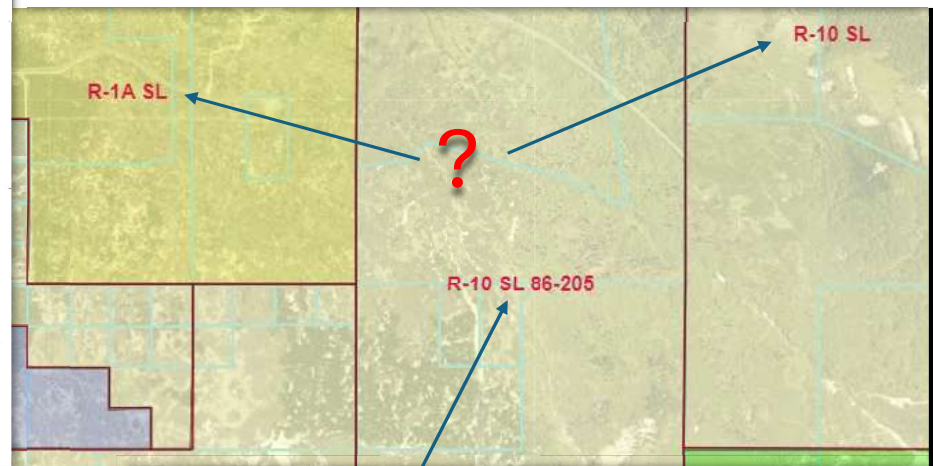
**Section 2.** The zoning map amendment described in Section 1 above shall be subject to the following special limitation:

**2011**

**A.** The following uses are allowed:

**1.** Permitted principal uses and structures.

**a.** Single family home per lot.



**Section 3.** The R-10 SL district established by Section 1 shall be subject to the following special limitations establishing design standards for the property:

**1986**

**A.** Lot shall have a minimum area of 54,450 square feet (1-1/4 acres), including 1/2 the area of abutting dedicated rights-of-way.

**B.** Property situated within the [SOUTHEAST] northeast quarter of Section 13 is exempt from the requirements of A if developed through the cluster development process.



# Midtown Area: reviews & uses

**2001**

**Design Standards**

The master plan shall address the need for and design of pedestrian landscape buffers and access to sidewalks. The landscape buffers and sidewalks shall be designed to provide a safe and comfortable environment for pedestrians. The design shall be consistent with the Anchorage Municipal Code, Section 21.15.030.

**2001**

**Design Standards**

The master plan shall address the need for and design of pedestrian landscape buffers and access to sidewalks. The landscape buffers and sidewalks shall be designed to provide a safe and comfortable environment for pedestrians. The design shall be consistent with the Anchorage Municipal Code, Section 21.15.030.

**2001**

**Design Standards**

The master plan shall address the need for and design of pedestrian landscape buffers and access to sidewalks. The landscape buffers and sidewalks shall be designed to provide a safe and comfortable environment for pedestrians. The design shall be consistent with the Anchorage Municipal Code, Section 21.15.030.

**2001**

**Design Standards**

The master plan shall address the need for and design of pedestrian landscape buffers and access to sidewalks. The landscape buffers and sidewalks shall be designed to provide a safe and comfortable environment for pedestrians. The design shall be consistent with the Anchorage Municipal Code, Section 21.15.030.

**2001**

**Design Standards**

The master plan shall address the need for and design of pedestrian landscape buffers and access to sidewalks. The landscape buffers and sidewalks shall be designed to provide a safe and comfortable environment for pedestrians. The design shall be consistent with the Anchorage Municipal Code, Section 21.15.030.

**2001**

**Design Standards**

The master plan shall address the need for and design of pedestrian landscape buffers and access to sidewalks. The landscape buffers and sidewalks shall be designed to provide a safe and comfortable environment for pedestrians. The design shall be consistent with the Anchorage Municipal Code, Section 21.15.030.

**1991**

**The following uses shall be prohibited:**

- funeral services including crematoriums;
- churches, to include any place of religious worship along with its accessory uses.

Prior to development occurring on the site, a non-public hearing site plan review shall be held before the Planning and Zoning Commission utilizing AMC 21.15.030 and AMC 21.50.020. The site plan review shall include but is not limited to:

- percentage of open space;
- access;
- integration of residential development;
- landscaping and buffering.

**1984**

**SECTION 3.** This zoning map amendment is subject to the following limitations regarding the use of the property.

The following uses will be prohibited from this zoning district:

- 11 taxi-cab stands and dispatching offices;
- vv gasoline service stations;
- vw aircraft and marine parts and equipment stores;
- vy farm equipment;
- bbb automotive repair services and garages;
- ccc motor vehicle dealers, new and used;
- eee automobile display lots, new and used;
- fff mobile home display lots, new and used;
- ggg aircraft and boat display lots, new and used;
- hhh motorcycle and snowmachine display lots, new and used;
- fff automobile, truck and trailer rental agencies;
- jjj lumber yards;
- kkk fuel dealers;
- mmm automobile car washes, self-service and automatic, with sufficient off-street area for maneuvering, waiting and drying automobiles;
- sss mini-storage;

The following uses are prohibited:

**A. Commercial-Wholesale.**

- wholesale and distribution operations, including incidental manufacturing or processing of goods for sale at retail or wholesale on the premises; but not to include yards for storage or display of any scrap, junk, salvaged or secondhand materials or for any scrap or salvage operations;
- business offices for mercantile establishments.

**1986**

**B. Commercial-Retail.**

- funeral services, including crematoria;
- small appliance repair shops;
- plumbing and heating service and equipment dealers;
- gasoline service stations;
- aircraft and marine parts and equipment stores;
- antiques and secondhand stores, including auctions, pawnshops;
- automotive repair services and garages;
- automobile display lots, new and used;
- mobile home display lots, new and used;
- aircraft and boat display lots, new and used;
- motorcycle and snow machine display lots, new and used;
- automobile, truck and trailer rental agencies;
- lumber yards and builder's supply stores;
- fuel dealers;
- automobile car washes, self-service and automatic, with sufficient off-street area for maneuvering, waiting and drying automobiles;
- amusement arcades, billiard parlors and bowling alleys;
- frozen food lockers;
- mini-storage.

Prior to the issuance of any building permits, a non-public hearing site plan review shall be conducted before the Planning and Zoning Commission in accordance with Section 21.15.030 of the Anchorage Municipal Code.

**1997**

**A. Prohibited Uses:**

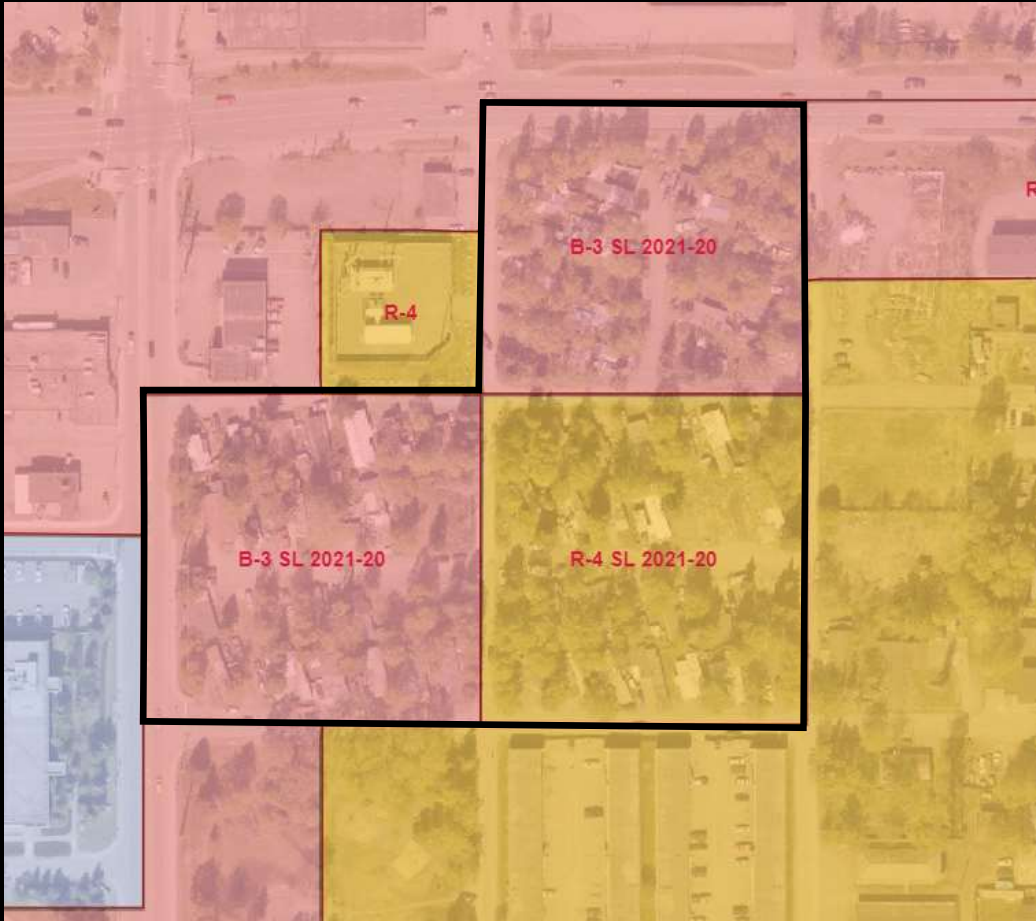
- mobile home parks on sites at least two acres.
- camper parks
- convenience establishments
- planned unit developments
- gasoline service stations
- snow disposal sites

**B. Design.** Require compliance with a site plan approved under AMC 21.50.200 to address access, landscaping, parking, and screening prior to development.





## AO 2021-20



### Section 2. The zoning map amendment is subject to the following special limitations:

1. B-3 (General Business) zoning district (Northern Lights Subdivision, Block 6, Lots 2-11, and Block 9, Lots 1-12) shall be subject to the following:

Development in this zoning district shall receive administrative site plan approval that reviews the development for compliance with the following adapted set of Shared Infill Design Principles from the *Anchorage 2040 Land Use Plan*:

## 2021

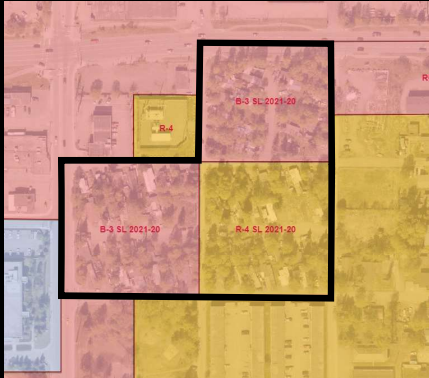
- Parking for buildings located beside or behind the front façade(s) facing the development site's highest-classified *Official Streets & Highways Plan* street frontage. This standard may apply to no more than two street frontages.
- Shared parking solutions among neighboring uses wherever possible.
- Pedestrian connections between the two B-3SL zoning areas along Arctic and Benson to connect the interior R-4SL [DEVELOPMENT SITE AND ADJACENT] Northern Lights Subdivision, Block 10 to connect those sites and ultimately connect to Arctic and/or Benson.
- Building orientation and scale that frames a welcoming walking environment along the development site's highest-classified *Official Streets & Highways Plan* street frontage. A welcoming walking environment would include elements such as more street-facing windows, wider sidewalks and/or walkways, pedestrian-scale lighting, landscaping, and seating. This standard may apply to no more than two street frontages.
- Windows and entrances of active uses, such as stores, offices, or living spaces, address the street and public realm along the development site's highest-classified *Official Streets & Highways Plan* street frontage. This standard may apply to no more than two street frontages.
- These special limitations do not require the front façades and primary

entrances of residential units to face the highest-classified *Official Streets & Highways Plan* street frontage, provided that other development features contribute to a welcoming walking environment on that street.

2. R-4 (Multifamily Residential) zoning district (Northern Lights Subdivision, Block 10, Lots 1-12) shall be subject to the following:

Development in this zone shall provide a minimum residential density of 32 dwelling units per net acre.

## AO 2021-20



### Section 2. The zoning map amendment is subject to the following special limitations:

1. B-3 (General Business) zoning district (Northern Lights Subdivision, Block 6, Lots 2-11, and Block 9, Lots 1-12) shall be subject to the following:

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- Shared parking solutions among neighboring uses wherever possible.
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- Building orientation and scale that frames a welcoming walking environment along the development site's highest-classified *Official Streets & Highways Plan* street frontage. A welcoming walking environment would include elements such as more street-facing windows, wider sidewalks and/or walkways, pedestrian-scale lighting, landscaping, and seating. This standard may apply to no more than two street frontages.
- Windows and entrances of active uses, such as stores, offices, or living spaces, address the street and public realm along the development site's highest-classified *Official Streets & Highways Plan* street frontage. This standard may apply to no more than two street frontages.
- These special limitations do not require the front façades and primary

entrances of residential units to face the highest-classified *Official Streets & Highways Plan* street frontage, provided that other development features contribute to a welcoming walking environment on that street.

2. R-4 (Multifamily Residential) zoning district (Northern Lights Subdivision, Block 10, Lots 1-12) shall be subject to the following:

Development in this zone shall provide a minimum residential density of 32 dwelling units per net acre.

### 21.04.020: R-4A (2022)

#### Street Frontage Requirements

- i. Notwithstanding 21.07.110C.6.e-f., new parking facilities shall not be located between buildings and the nearest public street in the R-4A zoning district. On lots with two or more street frontages, this limitation shall apply only on the primary front setback; however, when the site abuts a street designated in the comprehensive plan as a "main street, a "transit street," a "mixed-use street," or a derivation of these street typologies, this limitation may be changed to such street with the concurrence of the director.

### Parking requirements no longer apply (2022)

### 21.07.060: Transportation & Connectivity

#### E. Standards for Pedestrian Facilities

##### 1. Purpose

The purpose of this section is to provide convenient, safe, and regular pedestrian facilities along streets and within and between developments. Such facilities create a healthful built environment in which individuals have opportunities to incorporate physical activity, such as walking or bicycling, into their daily routine. Injuries and fatalities are reduced when interactions between pedestrians and vehicles are minimized. Adequate pedestrian facilities meet community goals for mobility and access, as well as for providing transportation choices. Safe pedestrian access for students to their schools is also an essential purpose of these standards.

### See site access standards (2023)

### 21.04.020: R-4A (2022)

#### 2. District-Specific Standards

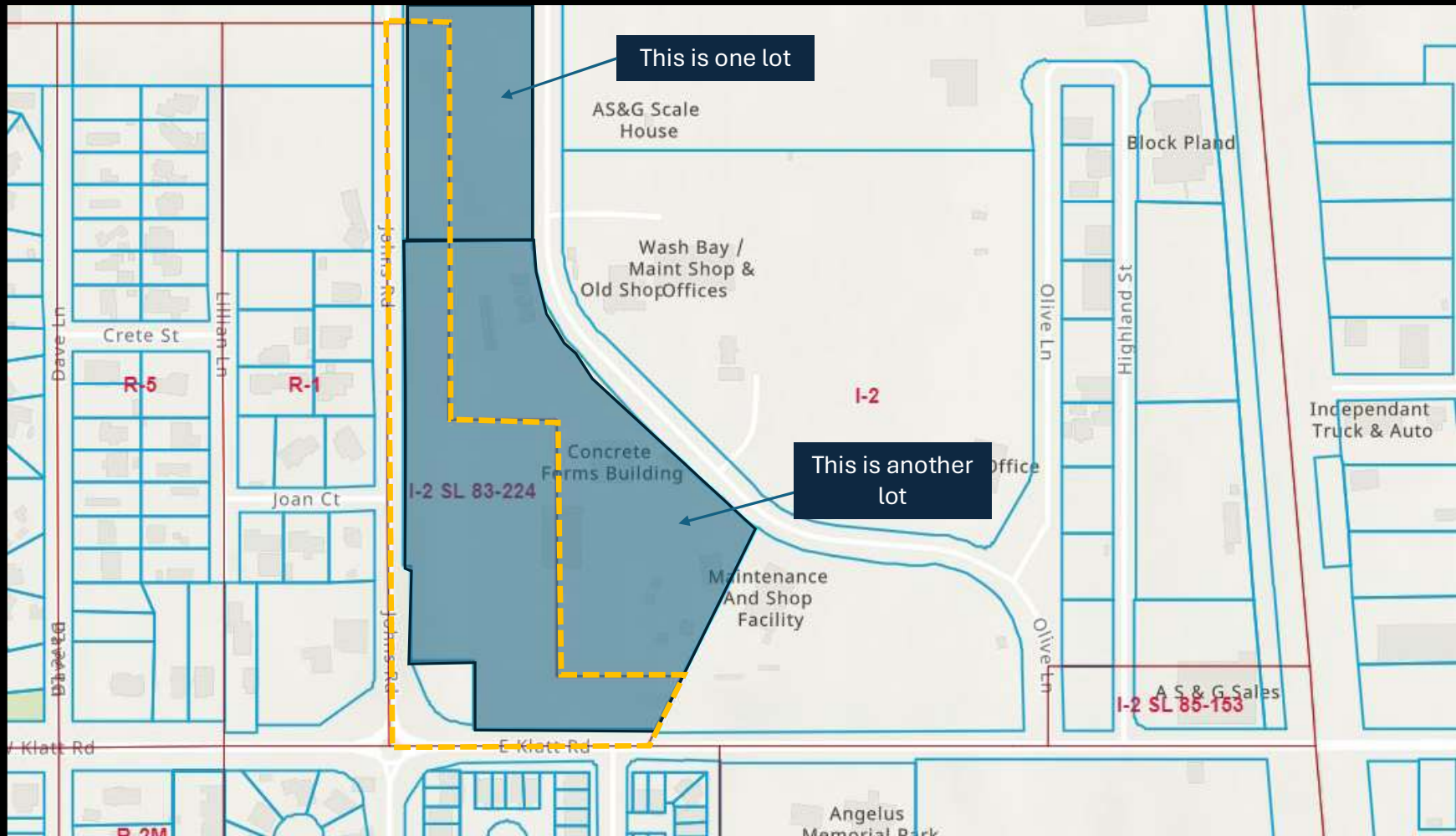
##### a. Dwelling Units Required

- i. Unless limited by physical constraints or determined otherwise through a Small Area Implementation Plan (SAIP), development in the R-4A district shall include at least 20 dwelling units per gross acre per phase, or on average of subsequent phases.
- ii. The overall development site shall include at least 20 dwelling units per gross acre at the completion of all phases unless provided otherwise through a major site plan review, conditional use process, or Small Area Implementation Plan.

## Issues:

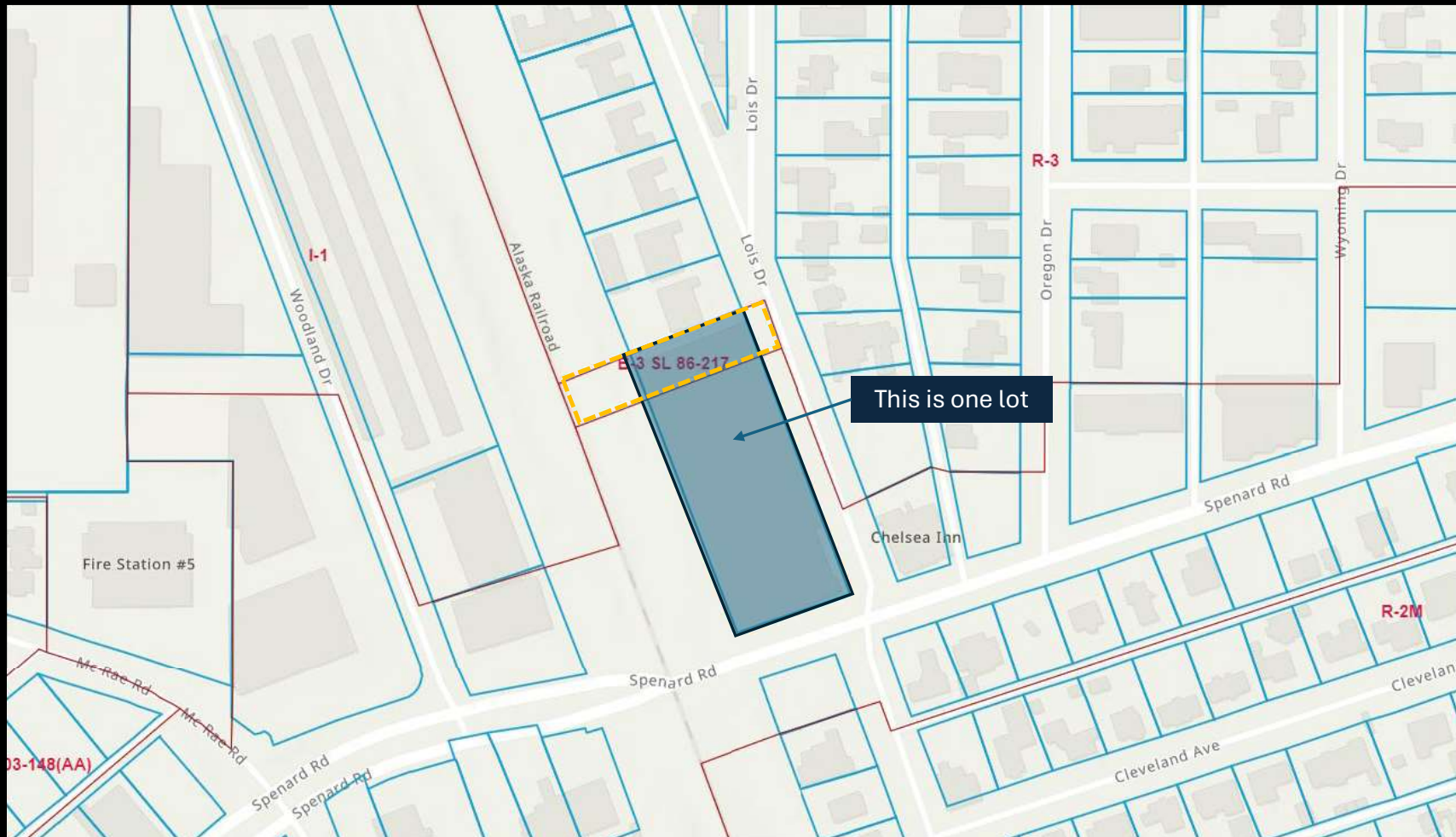
- Transparency:
  - It's hard for people to find SLs
  - SLs often don't show up in a title search.
  - SLs might apply in irregular ways
- Consistency: Some SLs apply to sections of code which are long out of date.
- Fairness: Some SLs limit housing for reasons that may not be related to health, safety, and welfare.

## SLs & Split Lot Zoning AO 1983-224

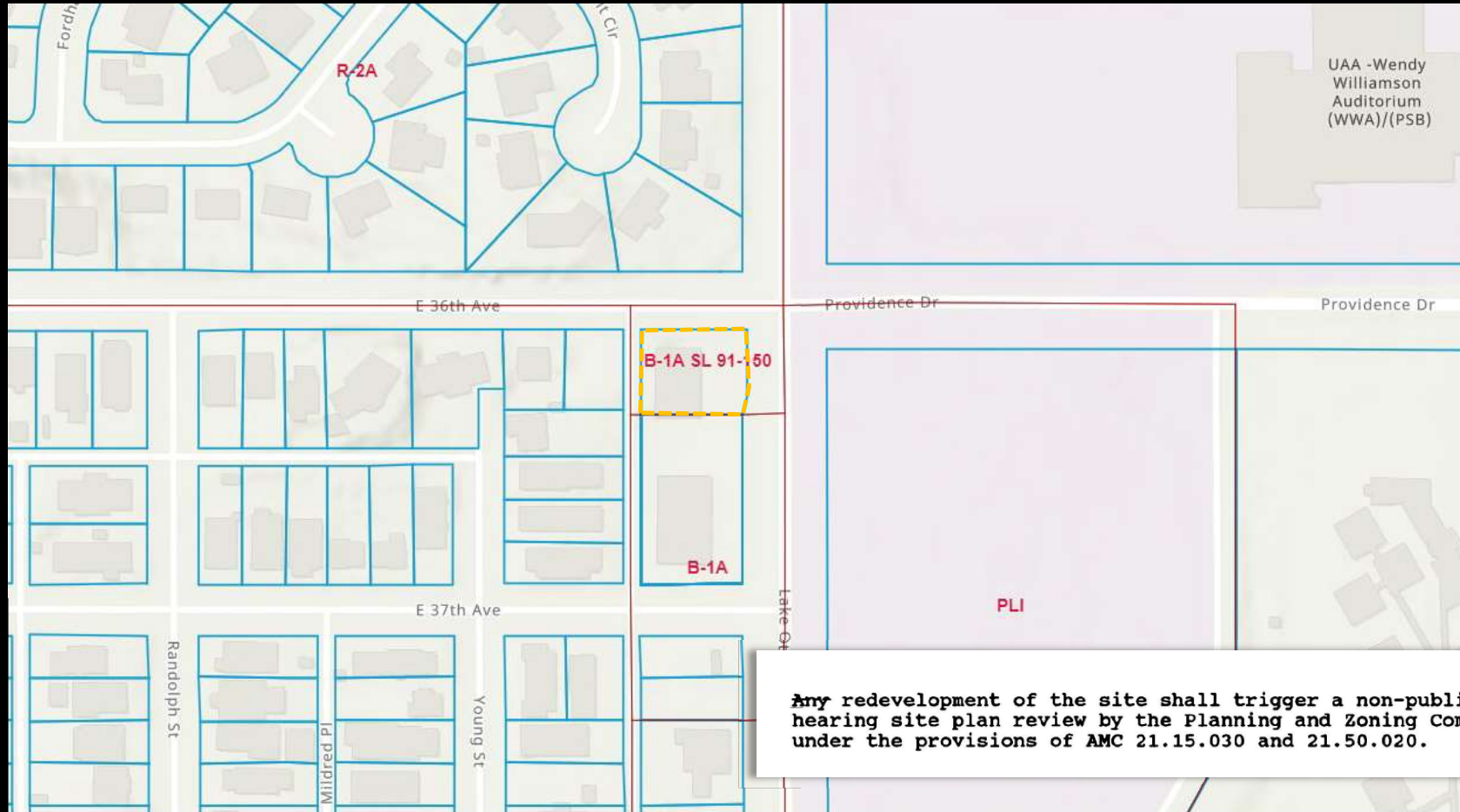




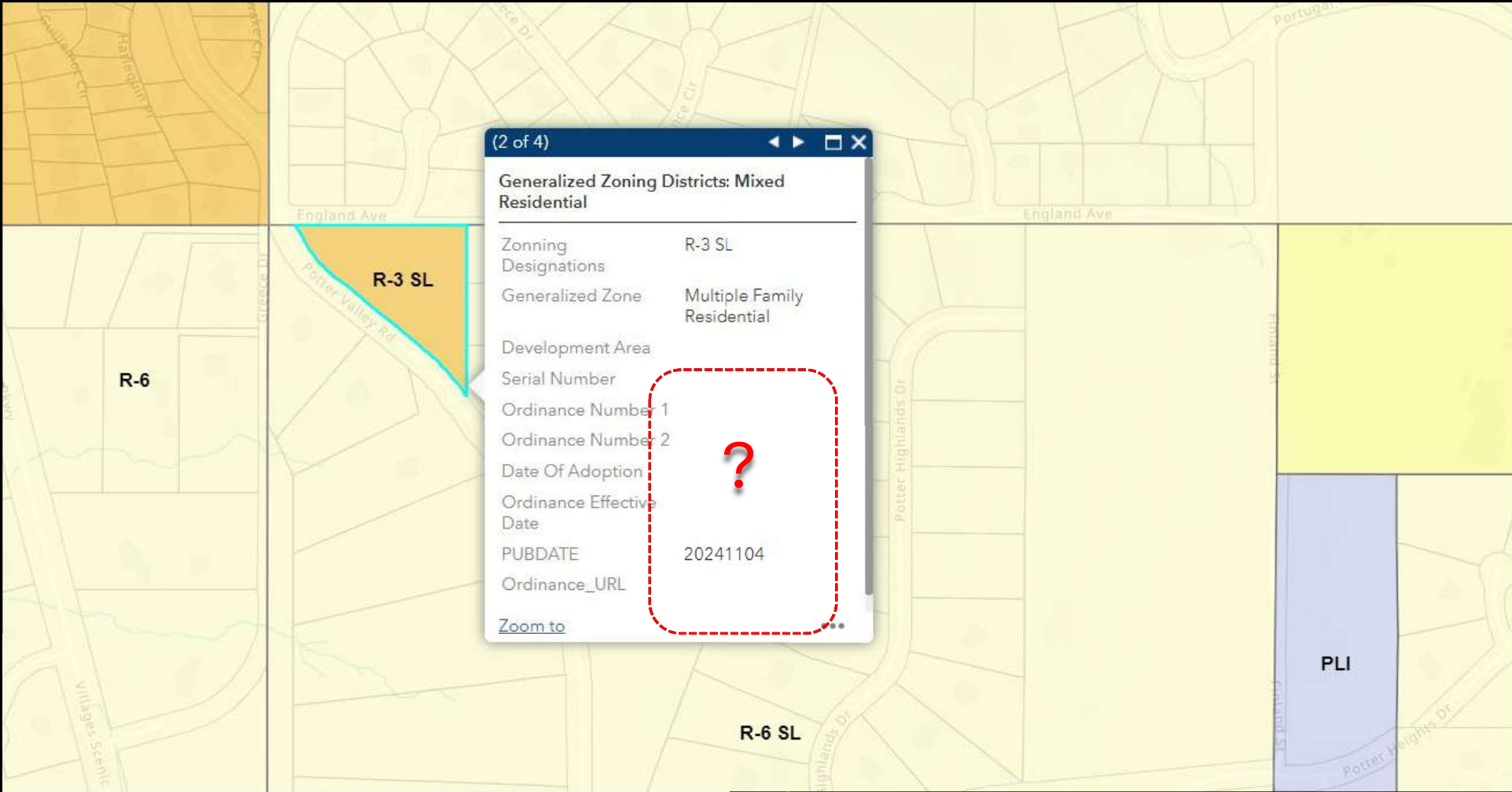
## SLs & Split Lot Zoning AO 1986-217



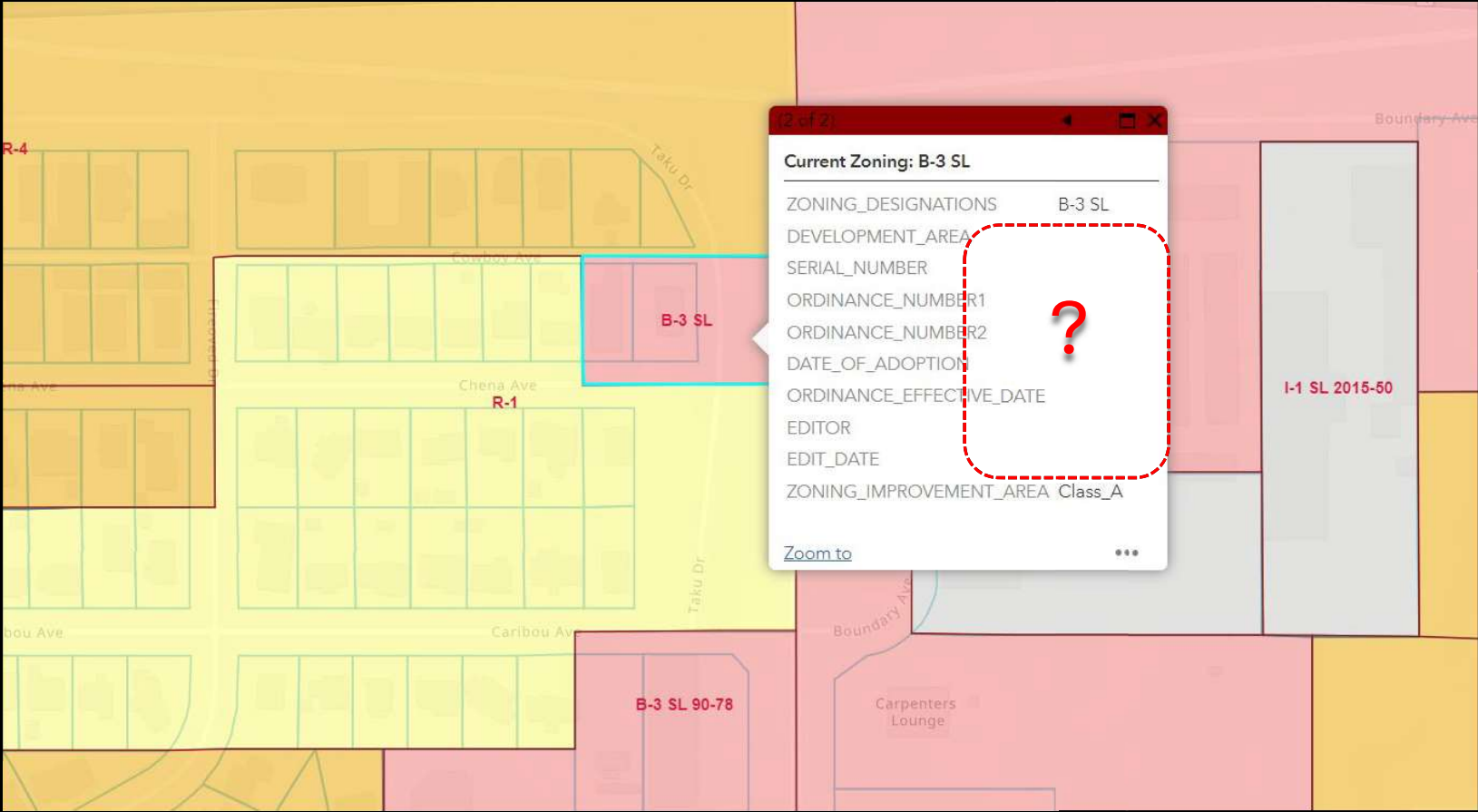
## Special Zone of 12,006 SF: AO 1991-150



AO ???

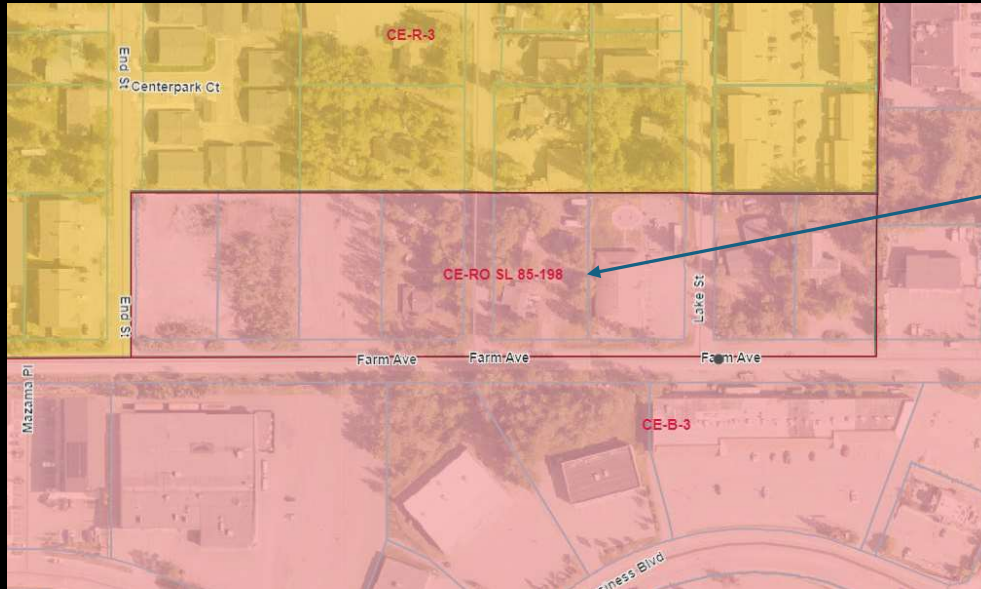


AO ???





## CE-RO SL AO 1995-198



Section 3. This zoning map amendment is subject to the following special limitations establishing design standards for the property:

- a. Maximum height of all structures shall be limited to 35 feet.
- b. Maximum density shall be limited to that of the R-3 zoning district.
- c. Public Hearing Site Plan Review by the Planning and Zoning Commission subject to 21.15.030 and 21.50.200 prior to any and all development of the property.
- d. Buffer landscaping shall be installed and maintained along the northern boundary in accordance with standards stated at AMC 21.45.

## R3 SL AO 1997-101



**Section 2.** The zoning map described in Section 1 shall be subject to the following listed special limitation design standards:

1. Buffer landscaping in accordance with AMC 21.45.125 shall be provided along the adjoining south-facing bluff.
2. There may be a mix of single family and multiple family development, but no less than 60 percent of the site area shall be single family detached housing development. Each single family dwelling shall have a minimum size of 1,200 SF and a 2-car garage.

**Section 3.** The zoning map described in Section 1 shall be subject to the following special limitations:

1. Master Development Site Plan Review: Prior to a public hearing site plan review by the Planning and Zoning Commission, the Heritage Land Bank and the Hollywood Vista Advisory Task Force, if in existence or if the task force is not in existence another similar community group to be created for the purpose by the Mayor, shall review a master development site plan, and provide recommendations to the Planning and Zoning Commission.
2. Density: Single Family Development shall be no more than 6 dwelling units per acre maximum.

## R3 SL AO 1983-301



2,991 sf lot

### THE ANCHORAGE ASSEMBLY ORDAINS:

SECTION 1. The zoning map be amended by designating the following described property as an R-3 (Multiple-Family Residential District) with special limitations zone:

Tract A, Abbott Loop Manor Subdivision

SECTION 2. This zoning map amendment is subject to the following special limitation establishing design standards for the property:

- A. Overall density for this tract shall be 7 to 10 DUA (maximum 44 units).



## R3 SL AO 2006-95(S)



**Section 2.** This zoning map amendment is subject to the following special limitations:

1. A 12-foot wide pedestrian access easement along the north, south, southeast and southwest sides of the property to connect the existing Peck Avenue right-of-way on the east and west sides of the subject property.
2. The south property line shall be planted with buffer landscaping.
3. The development is limited to a maximum of 66 dwelling units.
4. Prior to development and building permit application, the applicant shall submit site plans for a public review and comment by the local community council prior to a public hearing site plan review before the Planning and Zoning Commission which addresses the following:
  - a. 600 square feet of useable open space per unit;
  - b. a minimum of 20 percent overflow parking area;
  - c. snow storage contained on-site or hauled off-site;

AO 2006-95(S)

Page 2 of 2

- d. condominium declarations to include the snow storage requirements;
- e. building separation;
- f. site grading, drainage, drainage improvements, drainage easements to limit drainage onto other properties and to connect into the Municipal storm drain system;
- g. trail easement located along the southeast, south and southwest area of the property;
- h. site lighting that will not impede the views of Melody Commons;
- i. does not ~~deter~~ interfere with the views of Melody Commons;
- j. installing landscaping to prevent soils erosion on steep slopes;
- k. geotechnical recommendation for foundations;
- l. prohibition of T-111 siding for any structure;
- m. internal traffic circulation.



## RO SL AO 1980-138



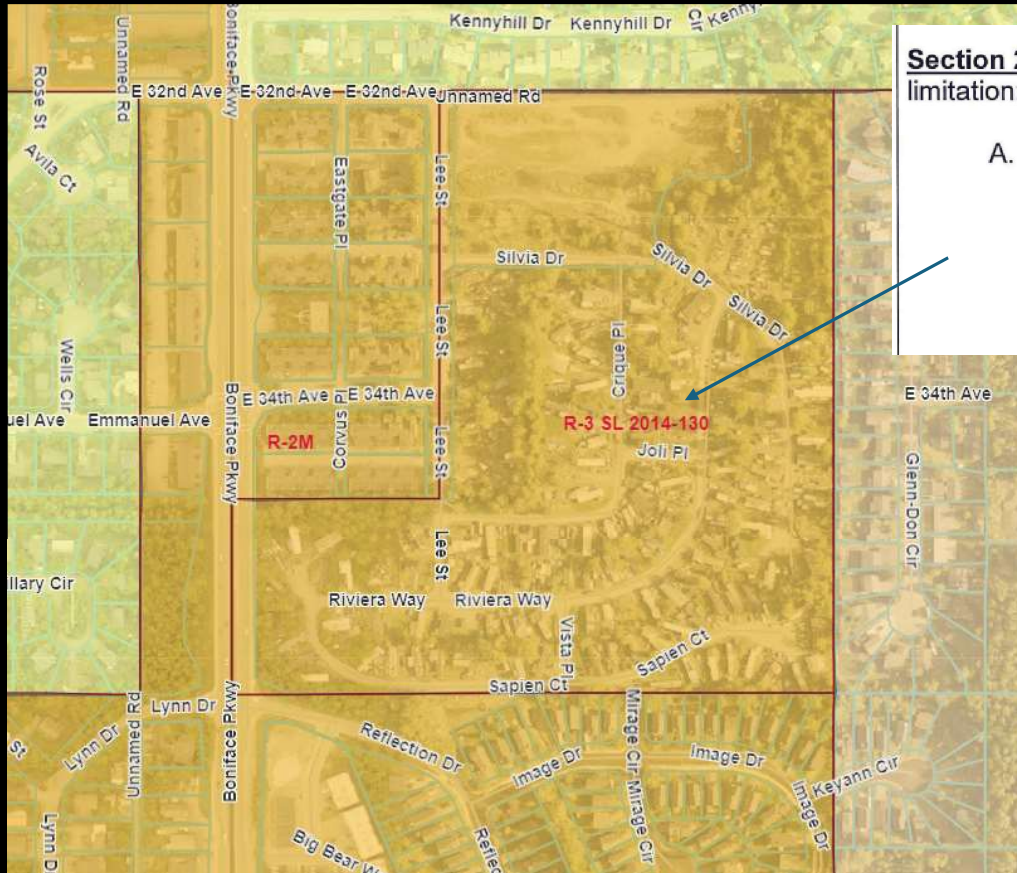
SECTION 2. The zoning map amendment for the R-O (Residential Office District) with special limitations use district designation for the property described in Section 1. above is restricted with the following limitations:

B. Permitted principal uses and structures;

1. Single family, 2-family and multi-family dwellings. That the development of any residential uses would be at the densities allowed in the R-2 District classification;
2. Park, playground and playfields, Municipal buildings in keeping with the character of the district;
3. Museums, historic and cultural exhibit, libraries and the like;
4. Hospitals, nursing homes, convalescent homes, homes for the aged, medical clinics, medical and dental laboratories, research centers and the like;
5. Offices of physicians, surgeons, dentists, osteopaths, chiropractors and other practioners of the healing sciences;

6. Accounting, auditing and bookkeeping services;
7. Engineering, surveying and architectural services;
8. Attorneys and legal services;
9. Real Estates services and appraisers;
10. Stock and bond brokerage services;
11. Insurance services;
12. Photographic services;
13. Banks, Saving and Loans Associations, Credit Unions and similar finanacial institutions.

## R3 SL AO 2014-130

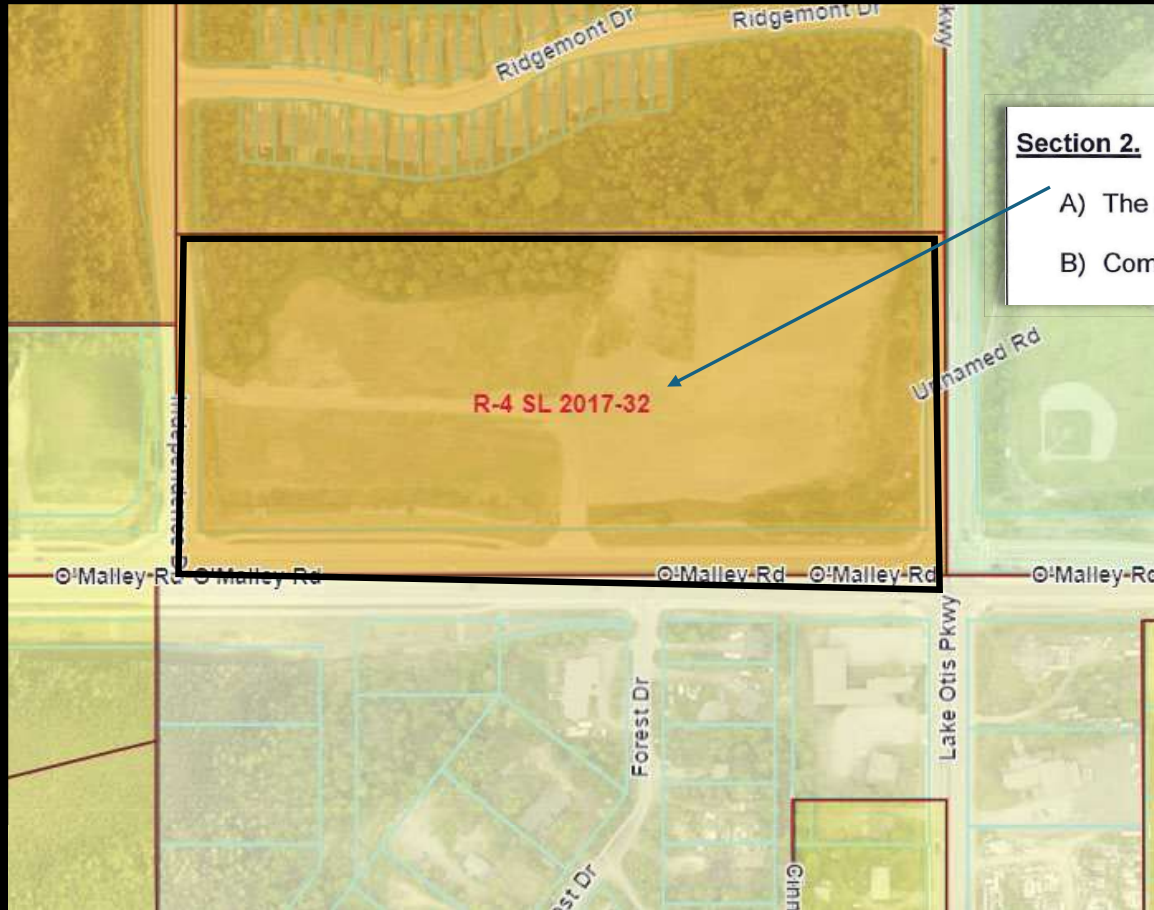


### Section 2. limitation:

This zoning map amendment is subject to the following special

- A. Any portion of any structure within 40 feet of the north lot line, the majority of which abuts College Gate East Subdivision, will have a minimum 20-foot setback with a maximum height of two stories and 30 feet. All structures along the east lot line, the majority of which abuts Glenn-Don Subdivision, shall be set back at least 20 feet from the property line.

## R4 SL AO 2017-32

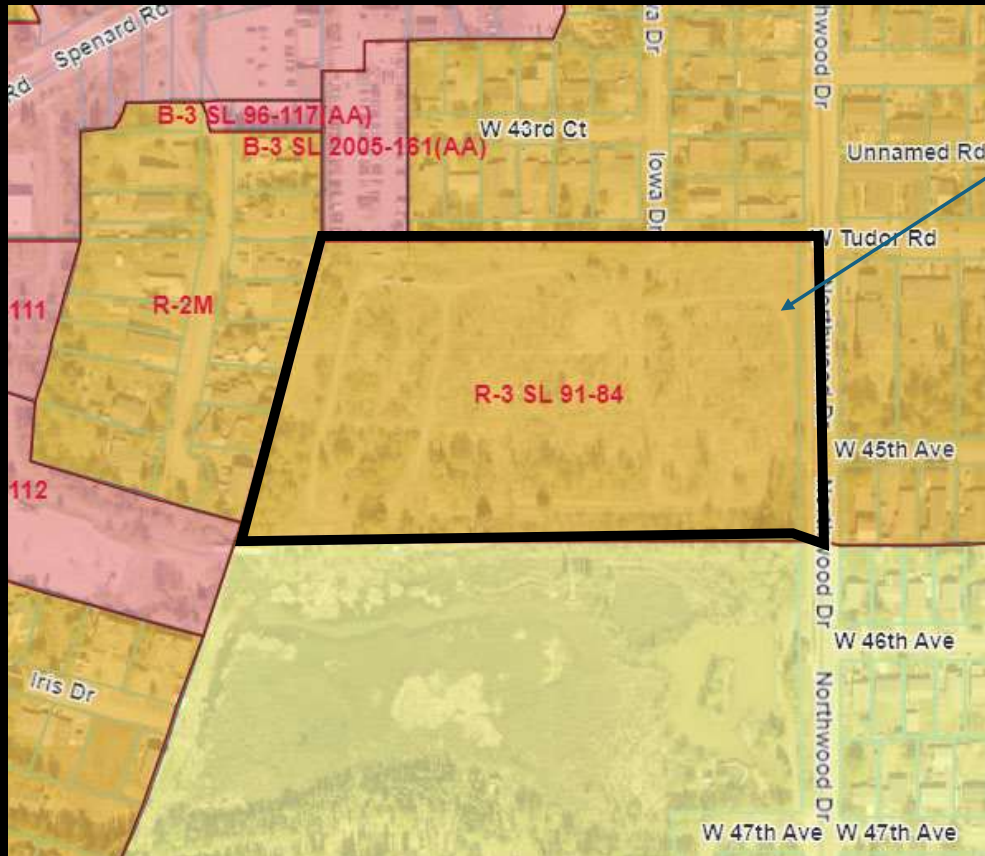


**Section 2.** This zoning map amendment is subject to the following special limitations

- A) The maximum number of dwelling units per acre across the tract is 30.
- B) Commercial uses and manufactured home communities are prohibited.



## R3 SL AO 1991-84



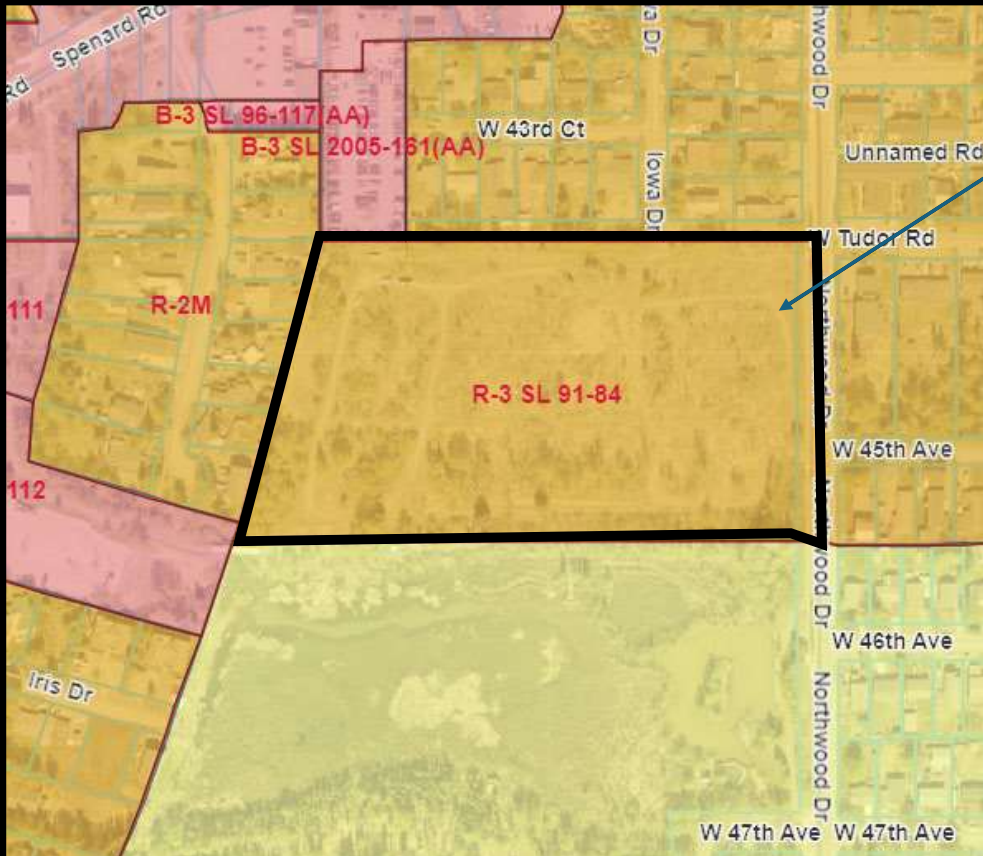
**SECTION 3.** This zoning map amendment is subject to the following special limitations establishing design standards for the property:

- a. Number of dwelling units limited to ~~200~~. 180
- b. There shall be ingress and egress to both Spenard Road and Northwood Street with the intersections aligned with Barbara Street and West 45th Avenue.
- c. There shall be a 25 foot setback from Fish Creek, with the first 15 feet north of Fish Creek returned to a condition which will allow regrowth of natural vegetation.
- d. Maximum 35 foot building height ~~as measured from existing grade~~.
- e. There shall be a minimum 30% useable open space.

AM 570-91

- f. The west boundary of the site and the boundary of the site adjacent to Lakeway Subdivision shall be fenced. Landscaping to be determined in the site plan review process.
- g. A 20-foot buffer shall be provided along Northwood containing a sidewalk and vegetated landscaping.
- h. Development on this parcel is subject to a public hearing site plan review by Planning and Zoning Commission as outlined in AMC 21.15.030.

## Case 2015-0093



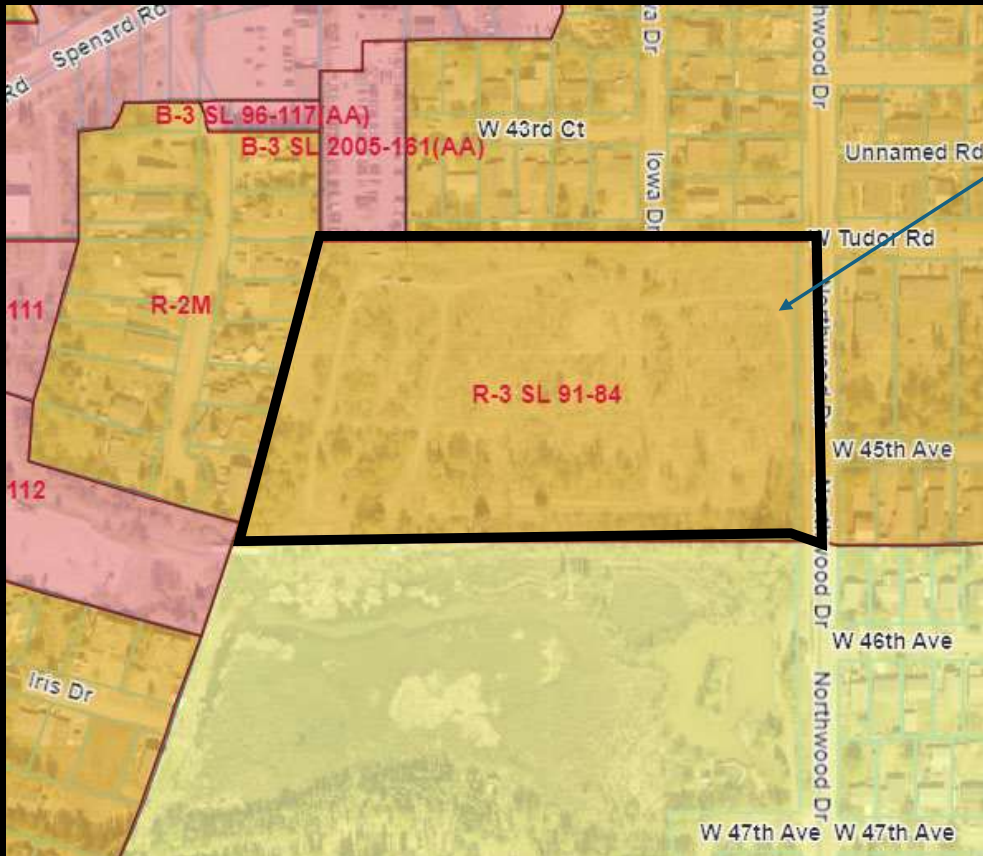
## Northwood At The Park

### New Multifamily Housing Development for Anchorage

#### Proposed Development

This parcel is expected to be developed with “Northwood at the Park,” an approximately 680-unit complex of residential multifamily buildings. The development is projected to consist of six buildings which will be built in two phases, with each phase constructed above a one story parking garage (see Exhibit 4, Preferred Concept Site Plan). The unit mix is projected to meet the needs of the area residents. Currently the unit mix that is being considered is 60% one bedroom units, 25% studio efficiencies, and 15% two bedroom units. This is based on housing market information for the area and census data described in Exhibit 3.

# Case 2015-0093

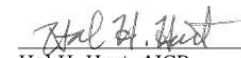



Planning and Zoning Commission  
Resolution 2016-024  
Page 2 of 2

5. The Commission finds that the current R-3 SL zoning is appropriate and would support an application to rezone to R-3 SL with the modification of two special limitations: b. and h. The Commission would recommend special limitations b. and h. (AO 1991-084) be modified to read:
  - b. "There shall be ingress and egress to Northwood Street with the intersection aligned with West 45th Avenue."
  - h. "Development on this parcel is subject to a public hearing site plan review by Planning and Zoning Commission as outline in AMC 21.03.180D."

DENIED by the Municipal Planning and Zoning Commission on the 6th day of June, 2016.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 11th day of July, 2016.

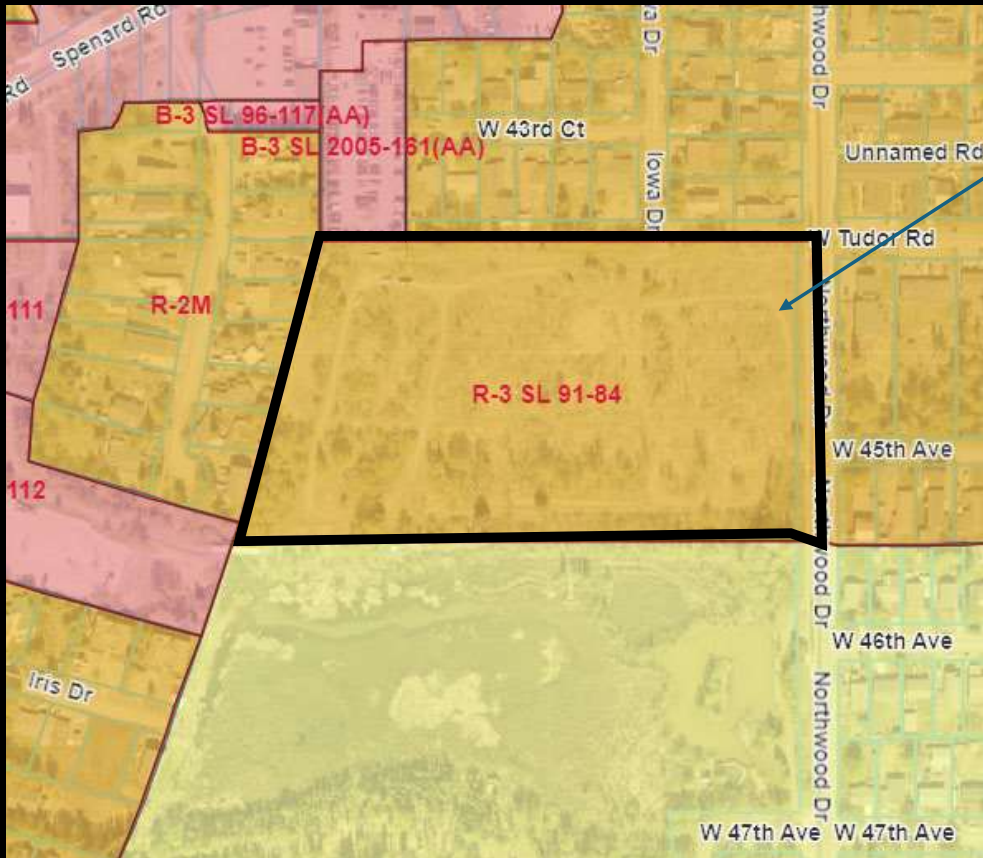
  
Hal H. Hart, AICP  
Secretary

  
Tyler Robinson  
Chair

(Case 2015-0093; Parcel ID No. 010-244-28)



# Case 2015-0093



## MUNICIPALITY OF ANCHORAGE MEMORANDUM

DATE: October 26, 2015  
TO: Planning & Zoning Commission  
THRU: *EM* Erika McConnell, Current Planning Section Manager  
FROM: *SO* Shawn Odell, Senior Planner  
SUBJECT: Case 2015-0093 Tract 3, Boettcher Subdivision rezone R-3 SL (multiple-family residential) district with special limitations to R-4 (multiple-family residential) district

The above referenced case is a request to rezone 9.96 acres from R-3 SL to R-4 on Tract 3, Boettcher Subdivision. The Petitioner and the Department have mutually agreed to postpone the case to a future date to be determined in order to work on traffic issues. The Department has no objection and recommends approval of this postponement request.





Thank you

## Public Comment #1

***“Special limitations have value to buffer different land uses, protect the environmental features and to create conformity to comprehensive plans. I fail to see how a blanket prohibition is beneficial.”***

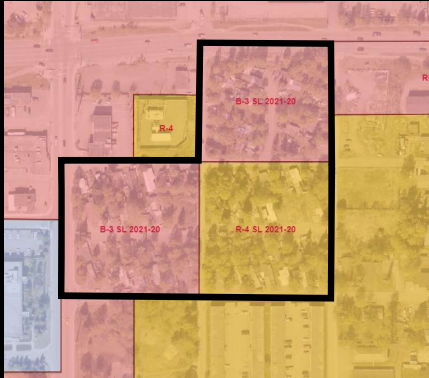
## Public Comment #1

***“Special limitations have value to buffer different land uses, protect the environmental features and to create conformity to comprehensive plans. I fail to see how a blanket prohibition is beneficial.”***

### Response:

- Other land use tools are already in place to address buffering, environmental features, and conformity.
- Having rezones that align with 2040 LUP categories ensures conformity to the Comprehensive Plan

## AO 2021-20



### Section 2. The zoning map amendment is subject to the following special limitations:

1. B-3 (General Business) zoning district (Northern Lights Subdivision, Block 6, Lots 2-11, and Block 9, Lots 1-12) shall be subject to the following:

Development in this zoning district shall receive administrative site plan approval that reviews the development for compliance with the following adapted set of Shared Infill Design Principles from the *Anchorage 2040 Land Use Plan*:

- Parking for buildings located beside or behind the front façade(s) facing the development site's highest-classified *Official Streets & Highways Plan* street frontage. This standard may apply to no more than two street frontages.
- Shared parking solutions among neighboring uses wherever possible.
- Pedestrian connections between the two B-3SL zoning areas along Arctic and Benson to connect the interior R-4SL [DEVELOPMENT SITE AND ADJACENT] Northern Lights Subdivision, Block 10 to connect those sites and ultimately connect to Arctic and/or Benson.
- Building orientation and scale that frames a welcoming walking environment along the development site's highest-classified *Official Streets & Highways Plan* street frontage. A welcoming walking environment would include elements such as more street-facing windows, wider sidewalks and/or walkways, pedestrian-scale lighting, landscaping, and seating. This standard may apply to no more than two street frontages.
- Windows and entrances of active uses, such as stores, offices, or living spaces, address the street and public realm along the development site's highest-classified *Official Streets & Highways Plan* street frontage. This standard may apply to no more than two street frontages.
- These special limitations do not require the front façades and primary

entrances of residential units to face the highest-classified *Official Streets & Highways Plan* street frontage, provided that other development features contribute to a welcoming walking environment on that street.

2. R-4 (Multifamily Residential) zoning district (Northern Lights Subdivision, Block 10, Lots 1-12) shall be subject to the following:

Development in this zone shall provide a minimum residential density of 32 dwelling units per net acre.

### 21.04.020: R-4A (2022)

#### Street Frontage Requirements

- i. Notwithstanding 21.07.110C.6.e-f., new parking facilities shall not be located between buildings and the nearest public street in the R-4A zoning district. On lots with two or more street frontages, this limitation shall apply only on the primary front setback; however, when the site abuts a street designated in the comprehensive plan as a "main street, a "transit street," a "mixed-use street," or a derivation of these street typologies, this limitation may be changed to such street with the concurrence of the director.

### Parking requirements no longer apply (2022)

### 21.07.060: Transportation & Connectivity

#### E. Standards for Pedestrian Facilities

##### 1. Purpose

The purpose of this section is to provide convenient, safe, and regular pedestrian facilities along streets and within and between developments. Such facilities create a healthful built environment in which individuals have opportunities to incorporate physical activity, such as walking or bicycling, into their daily routine. Injuries and fatalities are reduced when interactions between pedestrians and vehicles are minimized. Adequate pedestrian facilities meet community goals for mobility and access, as well as for providing transportation choices. Safe pedestrian access for students to their schools is also an essential purpose of these standards.

### See site access standards (2023)

### 21.04.020: R-4A (2022)

#### 2. District-Specific Standards

##### a. Dwelling Units Required

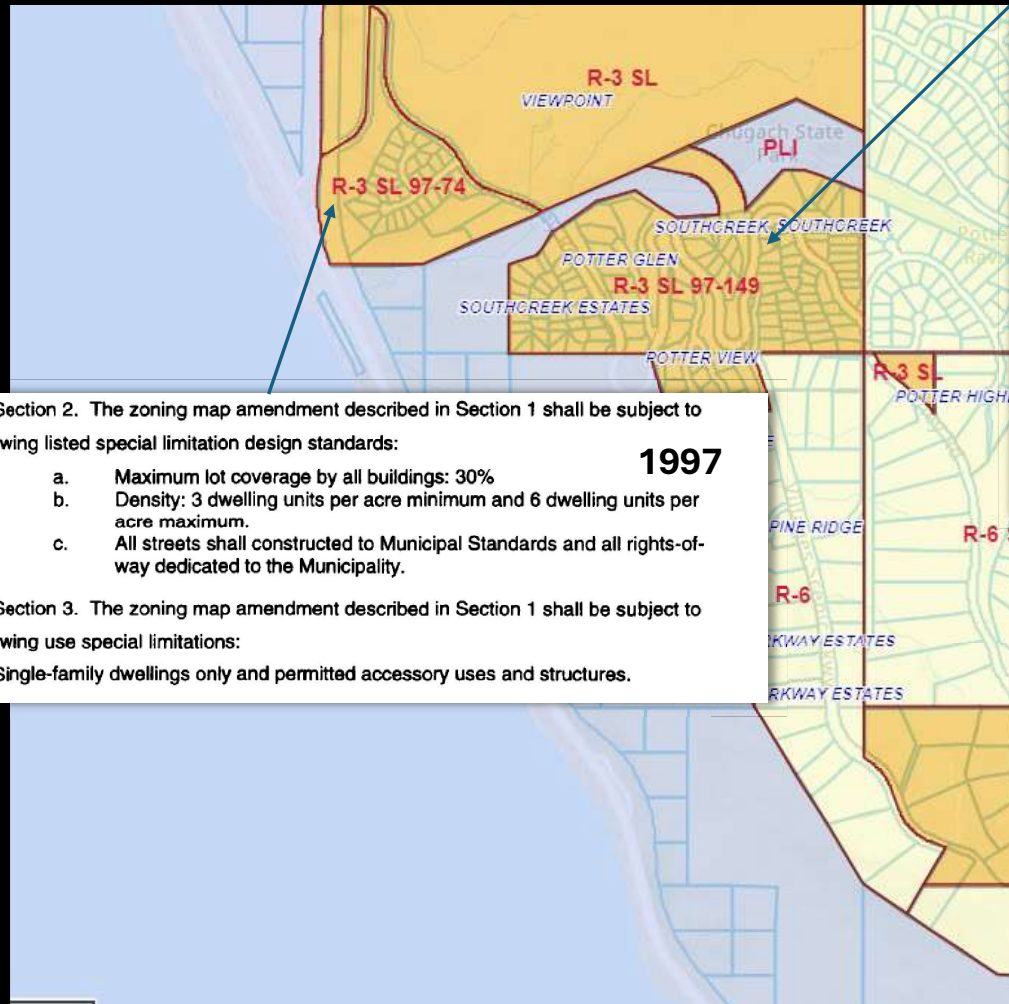
- i. Unless limited by physical constraints or determined otherwise through a Small Area Implementation Plan (SAIP), development in the R-4A district shall include at least 20 dwelling units per gross acre per phase, or on average of subsequent phases.
- ii. The overall development site shall include at least 20 dwelling units per gross acre at the completion of all phases unless provided otherwise through a major site plan review, conditional use process, or Small Area Implementation Plan.

## Public Comment #2

***#1 “It is often a context relevant feature of the parcel that an SL can address that allows the rezone to be approved in line with the comprehensive plan and the surrounding neighborhood. Without the rezone, the parcel would typically have less ability to develop. Without the SL, there would be no rezone. It's important to keep sight of the starting point. The initial zoning is logically more restrictive than the new zoning even with the SL. With this perspective, it is hard to see a rezone from R-1 to R-3SL as more restrictive. The SL should be seen as allowing a change to more intense development.***

***Since a property owner could reject a rezone, if an SL decreased the use of a property from its original zoning, it's hard to imagine a property owner who would accept the rezone. The purposes for SLs show in 21.03.160.G.1 and 2 support their continued use. These show the usefulness of SLs where those purposes include ‘conforming to the comprehensive plan, further the goals of the comprehensive plan, mitigate adverse effects ...’ These point to the importance of SLs in creating an opportunity to rezone to a higher intensity district.”***

# Public Comment #2



Section 2. The zoning map amendment described in Section 1 shall be subject to the following listed special limitation design standards:

**1997**

- Maximum lot coverage by all buildings: 30%
- Density: 3 dwelling units per acre minimum and 6 dwelling units per acre maximum.
- All streets shall constructed to Municipal Standards and all rights-of-way dedicated to the Municipality.

Section 3. The zoning map amendment described in Section 1 shall be subject to the following use special limitations:

Single-family dwellings only and permitted accessory uses and structures.

Section 2. The zoning map amendment described in Section 1 above shall be subject to the following special limitations:

- Density: 6 DUA Maximum
- Use: Single Family Development, in accordance with and controlled by the existing Potter Creek Covenants, Conditions & Restrictions and Design Standards & Procedures.
- All new subdivisions of Tracts B and C, Southcreek Estates Subdivision, as well as Tract 10 and 11, Villages Subdivision, shall have streets built to Municipal Standards and dedicated to the Municipality. Tracts 10 and 11, Villages Subdivision shall be prohibited direct access to the Villages Scenic Parkway.
- The existing Potter Creek Homeowners' Association (HOA) shall be maintained. All new subdivisions shall join the HOAs as sub-associations with different responsibilities from the existing Phase 1 thru 4 subdivisions, but in keeping with the overall goals of Potter Creek Homeowners Association.
- The following design standard special limitations shall apply only to all lots within the existing phases 1 through 4 (Southcreek Subdivision, Southcreek Estates Subdivision - Phase 2, Southcreek Estates Subdivision - Phase 3, Southcreek Estates Subdivision - Phase 4):

**1997**

- Private and greenbelt easements that are either dedicated by plat or described in plat notes, or described in the covenants shall consist of natural vegetation or reflect a landscape plan approved by the Potter Creek Homeowners Association (PCHOA), Design

A. DEVELOPMENT SHALL CONFORM TO A SITE PLAN REVIEWED AND APPROVED AS FOLLOWS:

- The authority designated by ordinance shall review the site plan in accordance with the standards in these special limitations.
- The authority reviewing a site plan may impose conditions upon the approval of the site plan that it finds necessary to:
  - Conform the site plan to the standards in these special limitations; or
  - Enforce the development of the site in accordance with the site plan, including but not limited to, requiring:
    - the recording of negative easements, development rights transfers, or covenants, conditions and restrictions governing the use of the site;
    - the posting of a performance guarantee for the provision of site improvements as provided in Anchorage Municipal Code 21.87.030.
- Site Plan review shall consist of two phases. The first phase will review a Master Site Plan to locate the public facilities infrastructure.

**1984**

## Public Comment #2

clustering.

Ms. Angvik argued the R-3 designation would allow more flexibility to the developer than the R-7 proposed without significantly increasing the allowable density.

### Planning Commission Recommendation:

R-3 SL at 3 DU/A. The R-3 SL zoning district would allow an unlimited number of units in any one structure and would have a height limitation of 35'. Special Limitations were included to ensure strict control over site design and public facilities.

## Public Comment #2

*"It is often a context relevant feature of the parcel that an SL can address that allows the rezone to be approved in line with the comprehensive plan and the surrounding neighborhood. Without the rezone, the parcel would typically have less ability to develop. Without the SL, there would be no rezone. It's important to keep sight of the starting point. The initial zoning is logically more restrictive than the new zoning even with the SL. With this perspective, it is hard to see a rezone from R-1 to R-3SL as more restrictive. The SL should be seen as allowing a change to more intense development.*

*Since a property owner could reject a rezone, if an SL decreased the use of a property from its original zoning, it's hard to imagine a property owner who would accept the rezone. The purposes for SLs show in 21.03.160.G.1 and 2 support their continued use. These show the usefulness of SLs where those purposes include 'conforming to the comprehensive plan, further the goals of the comprehensive plan, mitigate adverse effects ...' These point to the importance of SLs in creating an opportunity to rezone to a higher intensity district."*

### Response:

- **Most SLs are not to drastically different zones.**
- **The R-3SLs in South Anchorage are in fact very complex and may have been better as different zones.**

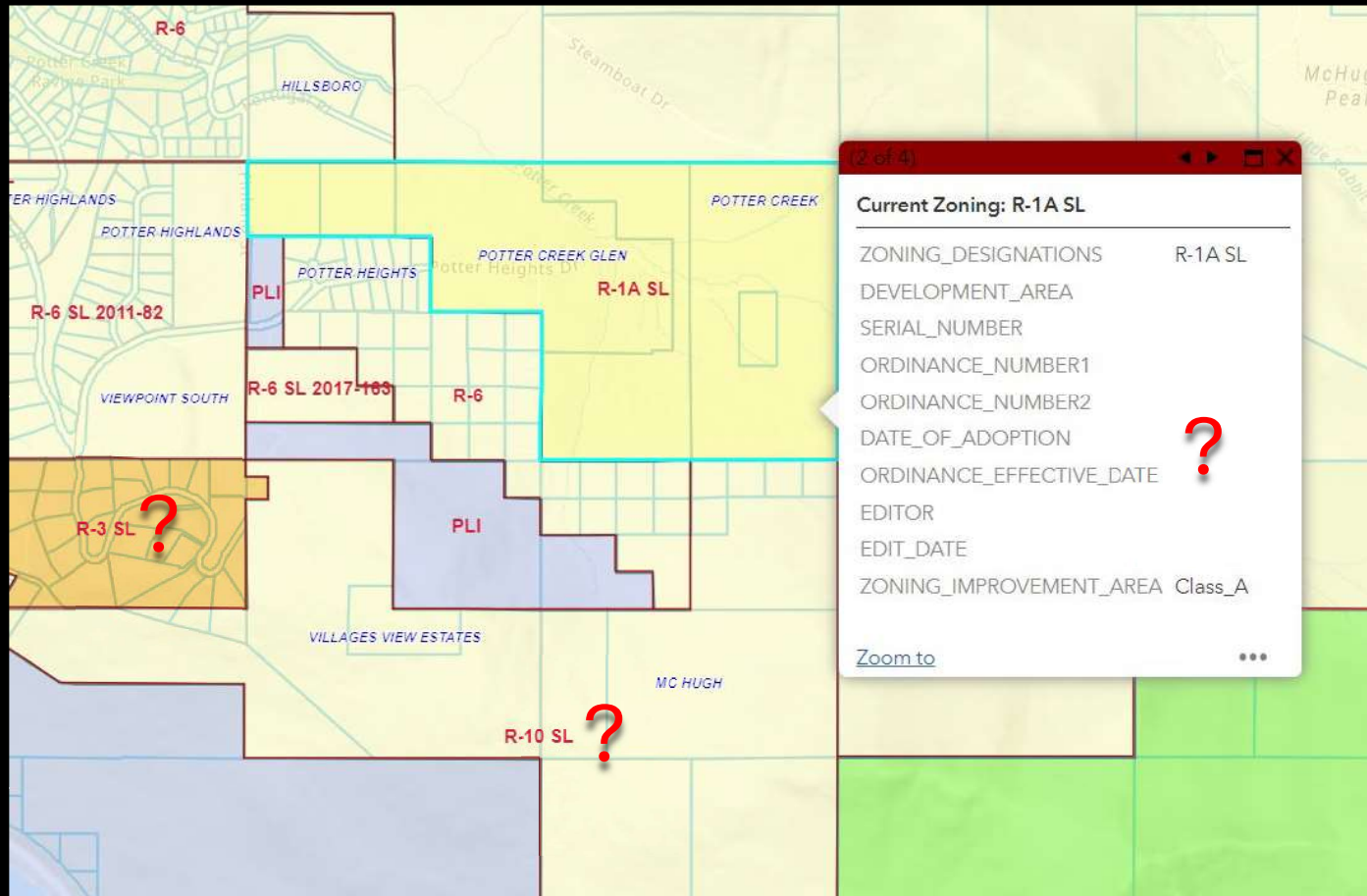


## Public Comment #3

***“The fact that SLs are individually defined in ordinances, not in code, also means they are opaque to the property owner, and are often only discovered through a development application and review process.” P.4 This is an odd complaint. Current code specifies ‘A zoning district subject to special limitations shall be identified on the zoning map by the suffix “SL” and the number of the ordinance applying the special limitations shall be printed on the zoning map.’***

***Anyone buying a piece of property would look at the zoning and can easily find the AO that has the special limitation. Any property with an SL is clearly shown in the zoning. Rather than toss a useful tool for allowing more development in Anchorage, figure out what trouble people have learning what the SL is and fix that. Our Assessor can add the relevant AO number to the public info in CAMA.”***

# Public Comment #3



## Public Comment #3

*“The fact that SLs are individually defined in ordinances, not in code, also means they are opaque to the property owner, and are often only discovered through a development application and review process.” P.4 This is an odd complaint. Current code specifies ‘A zoning district subject to special limitations shall be identified on the zoning map by the suffix “SL” and the number of the ordinance applying the special limitations shall be printed on the zoning map.’*

*Anyone buying a piece of property would look at the zoning and can easily find the AO that has the special limitation. Any property with an SL is clearly shown in the zoning. Rather than toss a useful tool for allowing more development in Anchorage, figure out what trouble people have learning what the SL is and fix that. Our Assessor can add the relevant AO number to the public info in CAMA.”*

### Response:

- **Requiring the public to search for AOs makes regulations less transparent.**
- **An AO from 1984 might refer to R-3 standards that have since changed considerably.**

## Public Comment #4

***“Should the context or comprehensive plan change and make an SL no longer relevant, changing it through an ordinance is reasonable. Special Limitations offer a flexible and collaborative tool to gain more use of scarce land in Anchorage. Shortcomings regarding any difficulty in determining what the SL can be fixed by following code and using our flexible new CAMA system. Without SLs, we would have fewer rezones to higher intensity use. SLs should remain a tool in the box.”***

## Public Comment #4

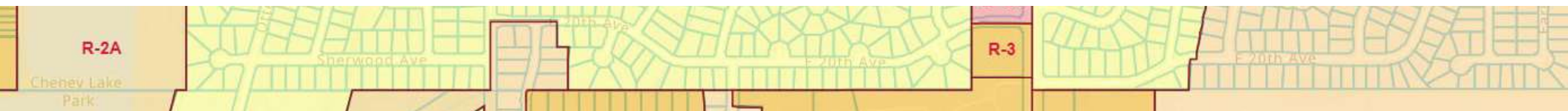
***“Should the context or comprehensive plan change and make an SL no longer relevant, changing it through an ordinance is reasonable. Special Limitations offer a flexible and collaborative tool to gain more use of scarce land in Anchorage. Shortcomings regarding any difficulty in determining what the SL can be fixed by following code and using our flexible new CAMA system. Without SLs, we would have fewer rezones to higher intensity use. SLs should remain a tool in the box.”***

### **Response:**

- **Most rezones with SLs are to zones that are allowed under 2040 LUP**
- **If zones are not appropriate, or not implementing the plan, they might not be a good fit.**
- **Changing SLs by ordinance can be complicated for the average user.**
- **Title 21 has other tools to achieve the same ends**



**12/9/2024 PZC meeting**  
**PZC Case #2024-0124**  
**AO 2024-99**

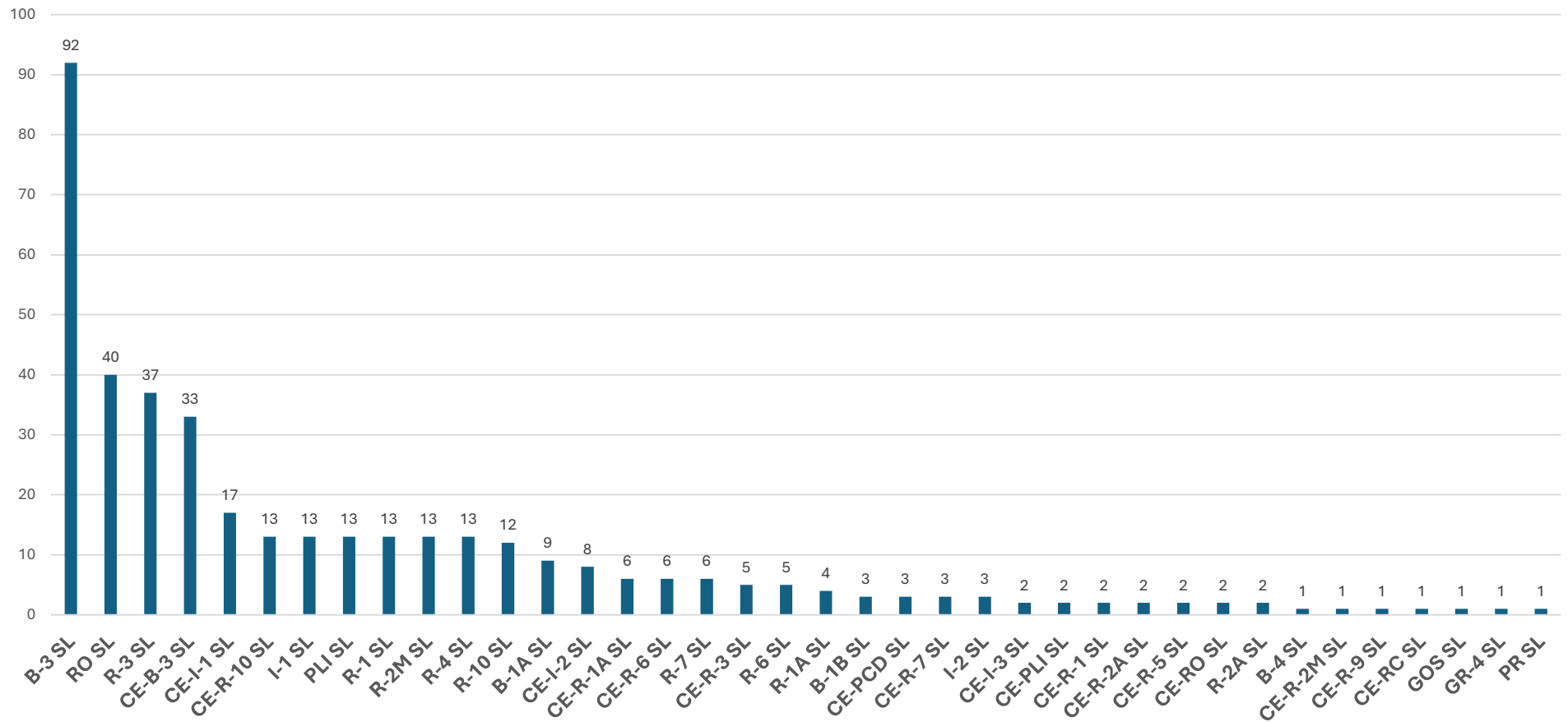




## **Special limitations can do one or more of the following:**

- a. Limit residential density; or prohibit structures, or uses of land or structures, otherwise permitted in a zoning district.
- b. Require compliance with design standards for structures and other site features.
- c. Require compliance with a site plan approved under this title.
- d. Require the construction and installation of improvements, including public improvements.
- e. Impose time limits for taking subsequent development actions.

## SLs Shown in Internal MOA GIS

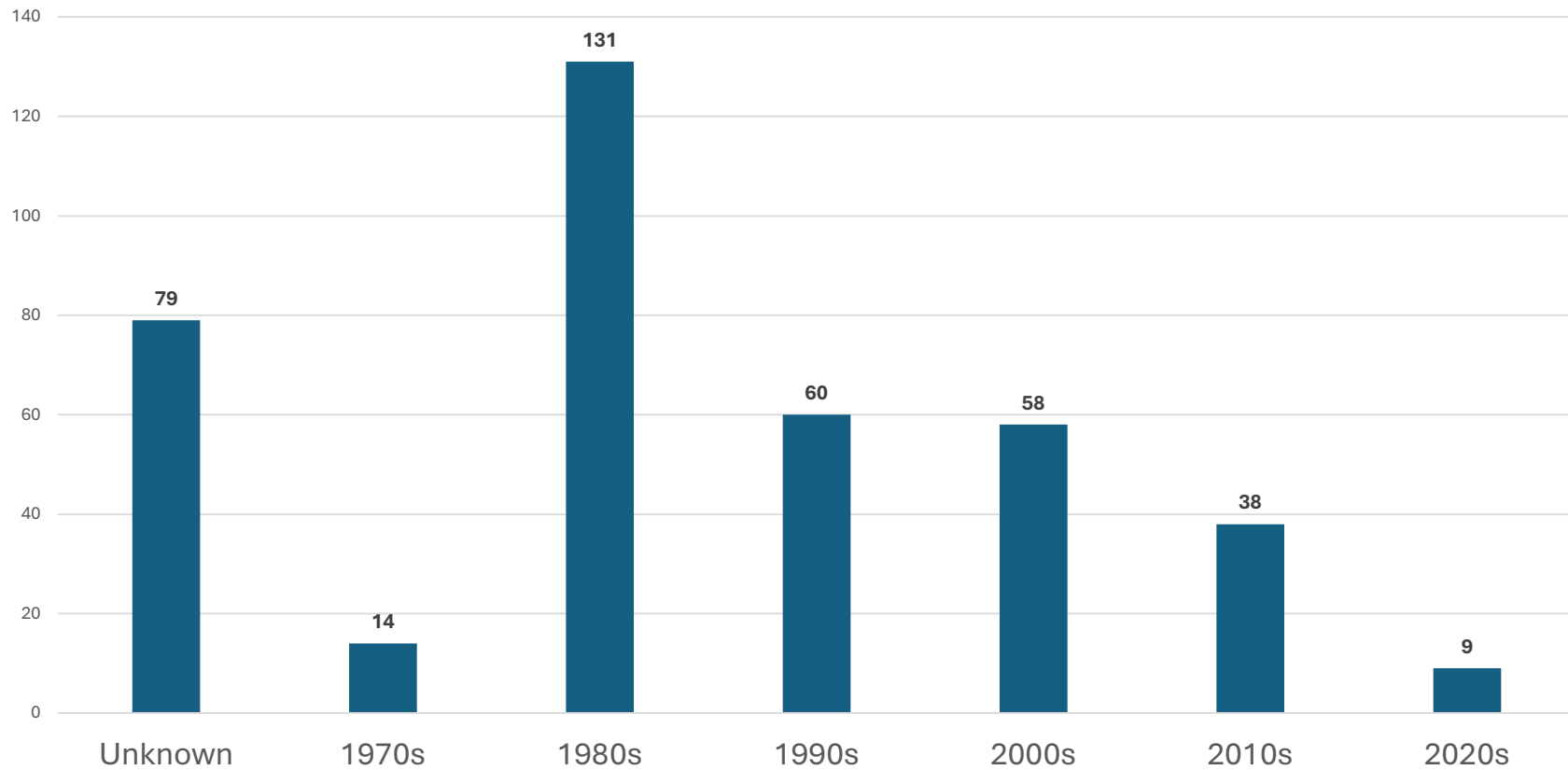


## Many types of SLs have now been incorporated into Title 21:

- **Public meetings/site plan reviews**: now regulated by 21.03 & 21.05
- **Access requirements**: now regulated through site plan reviews and agency comments (21.07).
- **Design standards/density requirements**: now part of R-3A and R-4A zones (21.04).
- **Slope concerns**: now incorporated into Title 23 building code and zoning reviews.

# Count of SLs By AO Decade

(based on internal MOA GIS layers)



## **Problems that can arise with SLs:**

- **References to code sections which no longer exist** (AO 85-198), or refer to other AOs which no longer apply (AO 2008-106).
- **Split lot zoning** (AO 1983-224)
- **Highly variable lists of what is allowed or not allowed** (AO 1999-69, AO 2007-73) and sometimes by what is permitted (AO 1983-79, AO 1996-66, AO 2000-155, AO 2003-148).
- **Case-by-Case stipulations** AO 2000-86(S): "Package liquor stores shall be allowed only if associated with a major retail operation so that the package liquor sales is a subsidiary use only".
- **Complicated ways of measuring restrictions** (AO 1984-126: "No new structures shall be higher than the highest point of the existing structures on the property" vs AO 2002-152: "Building height...shall not exceed the lesser of 35 feet or a maximum of 138 feet above mean sea level based on the GAAB 1972 Post Quake Adjustment" and AO 2003-133, AO 2003-142).
- **Very specific rules which require interpretation** AO 1998-77: "Density: Residential development shall be a minimum of 2.0 dwelling units per acre and a maximum of 3.0 dwelling units per acre.", AO 2009-95 requires a site plan review that addresses "h. site lighting that will not impede the views of Melody Commons. i. does not interfere with the views of Melody commons" and AO 2009-38 which requires that "The north façade and the northeast and northwest corners of the building shall have a high level of quality, detail, and architectural interest."
- **References to Plans that may not be in force anymore** AO 2003-148: "Any further redevelopment on this site shall be subject to an administrative site plan review, which shall comply with the Spenard Commercial District Development Strategy," and AO 2005-132.
- **References to zoning districts that no longer exist** AO 1978-210 and AO 1980-139 both refer to an R-2 SL zone, even though on the map the property is indicated as an R-2M SL zone. The public may not know that many R-2 lots were converted to R-2M lots at some point in the past.
- **A very long process to make simple amendments**, even for a minor change such as adjusting building height (AO 2008-128, AO 2019-73(S)), or changing the number of houses allowed (2004-4) AO 1990-78 amended an SL to allow a single additional permitted use. .

## SLs have been used to limit housing production:

### AO 1982-109

SECTION 2. That the zoning map amendment for the R-3 (Multiple-family Residential District) S.L. use district designation for the property described in Section 1. above is restricted with the following limitation:

Density is limited to 16 units per acre.

### AO 1983-68

- b. This R-2 zoning district shall not exceed 36 units in the described area.
- c. This R-3 zoning district shall have a height limitation of 30 feet.

### AO 1983-195

SECTION 2. This zoning map amendment is subject to the following special limitations establishing design standards for the property.

1. The residential density of this site shall not exceed 12 dwelling units per acre.

### AO 1984-13

SECTION 2: This zoning map amendment is subject to the following special limitations establishing design standards for the property.

1. A maximum of 18 dwelling units per acre will be permitted in this district.

### AO 1984-144

SECTION 2. This zoning map amendment is subject to the following special limitation establishing design standards for the property:

- A. Only single family or duplex construction is permitted.

### AO 1991-84

SECTION 3. This zoning map amendment is subject to the following special limitations establishing design standards for the property:

- a. Number of dwelling units limited to 200. 180

### AO 1991-149

- a. The maximum number of dwelling units on the tract shall be limited to 60.

### AO 1997-96

5. The maximum density on the petition site shall not exceed 5 Dwelling Units Per Acre, (44 units total).

### AO 1997-117

The area described in Section 1 shall be restricted to a maximum of 10 dwelling units.

### AO 2017-32

Section 2. This zoning map amendment is subject to the following special limitations:

- A) The maximum number of dwelling units per acre across the tract is 30.
- B) Commercial uses and manufactured home communities are prohibited.

### AO 2022-4

Section 2. The zoning map amendment is subject to the following special limitation: "No more than 7 dwelling units shall be developed on Tract 2."



## SLs have been used to limit housing production:

### AO 1986-77 (B-3)

- c. Multi-family residential, at a density, minimum lot size, minimum yard requirements and maximum lot coverage allowed in the R-2M zoning district;

### AO 1997-174

- a. Maximum lot coverage by all buildings: 30%
- b. Density: 3 dwelling units per acre minimum and 6 dwelling units per acre maximum.

### AO 1997-149

**Section 2.** The zoning map amendment described in Section 1 above shall be subject to the following special limitations:

- A. Density: 6 DUA Maximum
- B. Use: Single Family Development, in accordance with and controlled by the existing Potter Creek Covenants, Conditions & Restrictions and Design Standards & Procedures.

### AO 1999-19

- A. The petition site shall be limited to a maximum of 10 dwelling units per acre.

### AO 2003-148 AA (B-3)

2. The uses shall be limited to parking and one 3,000 square foot accessory structure.

### AO 2004-107

1. No further subdivision or replat of the lots shall be allowed.
2. Lot 16 is limited to a single family home, and Lot 15 is limited to one duplex. Any redesign or reconstruction on Lot 15 must resemble a single family home.
3. All other development standards, yard setback, lot coverage, building height, etc., of the R-1A district shall be applied to the property.

### AO 2004-152

1. Regardless of the slope of an individual lot, no lot shall be smaller than 2.5 acres.

### AO 2006-195

3. The development is limited to a maximum of 66 dwelling units.
4. Prior to development and building permit application, the applicant shall submit site plans for a public review and comment by the local community council prior to a public hearing site plan review before the Planning and Zoning Commission which addresses the following:
  - a. 600 square feet of useable open space per unit;
  - b. a minimum of 20 percent overflow parking area;
  - c. snow storage contained on-site or hauled off-site;

### AO 2008-10

- A. Dwelling unit density shall not exceed ninety-six units total.

## SLs have also been used to limit specific housing types:

### AO 2017-32

**Section 2.** This zoning map amendment is subject to the following special limitations:

- A) The maximum number of dwelling units per acre across the tract is 30.
- B) Commercial uses and manufactured home communities are prohibited.

### AO 2002-159

**Section 3.** Special Limitations. The following uses are prohibited:

- a. Antennas type 1, 2, 3 or 4
- b. Mobile home parks
- c. Airstrips and heliports
- d. Natural resource extraction
- e. Impound yards
- f. Motorized sports

### AO 2001-49 (S)

#### 4. Prohibited uses [AND STRUCTURES]

- a. Notwithstanding AMC 21.50.130.D, all other permitted principal uses, accessory uses, and conditional uses [AND STRUCTURES] listed in the B-1A, B-2A, B-2B, B-2C, B-3, B-4, and R-O are prohibited.

[B ANY USE OR STRUCTURE NOT OF A CHARACTER INDICATED UNDER PERMITTED USES AND STRUCTURES.]

b.[C.] Storage or use of mobile homes or quonset huts.

c.[D.] Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust, or other particulate matter, toxic, or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

### AO 1979-191(A)

The proposed rezoning from B-1 to B-3SL is in an area adjacent on three sides to residential property. The proposed rezoning excludes all residential use. The Comprehensive Plan land use classification map identifies this area as a residential area. Any ordinance rezoning this property should be supported by a finding on the record that exceptional circumstances justify this particular rezoning.

### AO 2002-129

- 2 11. Prohibited uses and structures. The following uses and structures are prohibited:
- 3 a. The outdoor storage or display of any scrap, junk, salvaged or secondhand
- 4 materials, or any salvage yard or salvage operation.
- 5 b. Any use which causes or may reasonably be expected to cause excessive
- 6 noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter,
- 7 humidity, heat or glare at or beyond any lot line of the lot on which it is located. The
- 8 term "excessive" is defined for the purpose of this subsection as to a degree
- 9 exceeding that generated by uses permitted in the district in their customary manner
- 10 of operation, or to a degree injurious to the public health, safety, welfare or
- 11 convenience.
- 12 c. Storage or use of mobile homes.
- 13 d. Truck and heavy equipment repair, service and storage.
- 14 e. Open storage of cinders, coal, feed, grain, gravel, manure, muck, peat, sand
- 15 or topsoil.

### AO 2013-74

A. In addition to the prohibited uses and structures listed under AMC 21.40.180E, the following uses are prohibited:

- a. Adult entertainment/adult book stores, peepshows, topless bottomless dancers, massage parlors and escort services;
- b. Truck and trailer rental agencies;
- c. Automotive repair services and garages;
- d. Gasoline service stations, bulk fuel dealers, or primary tire change facility;
- e. Automobile car wash, self service and automatic, with sufficient off-street area for maneuvering, washing and drying automobiles;
- f. Taxicab stands and dispatching offices;

O Rezoning 4.09 acres to B-3 SL  
page 2 of 2

- g. Mobile home parks;
- h. Camper parks;

### AO 2007-73

A Prohibited principal uses and structures.


- 1. Hotels, motels and motor lodges.
- 2. Boarding and lodging houses.
- 3. Private clubs and lodges.
- 4. Funeral parlors and services.

### AO 1984-144

SECTION 2. This zoning map amendment is subject to the following special limitation establishing design standards for the property:

- A. Only single family or duplex construction is permitted.

## November 26, 2024 Geotechnical Advisory Commission



**Municipality of Anchorage**  
**Geotechnical Advisory Commission**  
**A G E N D A**  
**Tuesday, November 26, 2024**  
**12:00 Noon – 1:30 p.m.**  
**Regular Meeting**  
**(Hybrid format)**

**In-Person Physical Location**  
Planning Conference Room 170  
Planning and Development Center  
4700 Elmore Road  
Anchorage, Alaska

**via Microsoft Teams**  
[Join the meeting](#)  
Meeting ID: 265 612 833 853, Passcode: rAKoXB  
Or call in (audio only): +1 907-519-0237  
Conference ID: 385 258 676#

**I. CALL TO ORDER**  
A. Establishment of Quorum  
B. Disclosures  
C. Recognizing Staff and Guests

**II. MEETING SUMMARIES**  
A. October 22, 2024 Regular Meeting

**III. OLD BUSINESS**  
A. GAC Resolution 2024-02: Recommending Minimum On-Site Testing for Geotechnical Technical Reports or Guidance on Handout Material to Be Provided by the MOA  
B. Update on the Port  
C. Update on Academic Research from University of Colorado and University of Notre Dame on Building Code

**IV. NEW BUSINESS**  
A. Special Limitations Zoning, Steep Slopes, and Seismic Areas  
B. GAC Recommendations to Local Amendments for the 2024 IBC

**V. PERSONS TO BE HEARD (3-minute limit)**

**VI. COMMITTEE REPORTS**  
A. Communications Committee  
B. Hazard Mitigation Committee  
C. Seismic Hazard Committee

**VII. OTHER BUSINESS**

**VIII. STAFF REPORTS**

**IX. ADJOURNMENT**

*Next Regular Meeting – December 17, 2024*

- Discussion of SLs (The GAC did not take any action on this item)
- Commissioners asked if the GAC has ever been involved in the creation of SLs related to slope (staff has not found any evidence that they have)
- The recognized that some SLs are now covered by code, but did not do a comprehensive analysis (building codes, slope regulations, avalanche regulations).
- The Commission discussed how many SLs were in seismic zones or avalanche zones (staff has found that there are very few, or no consistent correlation)
- Recording is available on the MOA GAC page

Questions?

Thank you



# MUNICIPALITY OF ANCHORAGE

## Assembly Information Memorandum

No. AIM 215-2024

Meeting Date: December 17, 2024

**FROM: MAYOR**

**SUBJECT: PUBLIC OUTREACH RELATED TO AO NO. 2024-99,  
PROHIBITING NEW SPECIAL LIMITATIONS ON REZONES.**

This AIM provides additional information about public outreach and comments related to AO 2024-99 prohibiting new special limitations (SLs) on rezones.

- Planning Department staff presented to the Planning and Zoning Commission (PZC) at the November 18 and December 9, 2024 Commission meetings (PZC Case No. 2024-0124).
- Planning Department staff provided a presentation to the Assembly's Community and Economic Development Committee on December 5, 2024.
- Planning Department staff were invited to present on SLs at the Anchorage Housing Club on December 10, 2024, at 6 p.m. Staff presented and answered questions for the discussion.
- Planning Department staff were invited to speak at the Federation of Community Councils on December 16 and presented the same slide show as at the Anchorage Housing Club.

Prepared by: Daniel McKenna-Foster, Long-Range Planning Division  
Approved by: Mélisa R. K. Babb, Planning Director  
Concur: Lance Wilber, Community Development Director  
Concur: William D. Falsey, Acting Chief Administrative Officer  
Concur: Rebecca A. Windt Pearson, Municipal Manager  
Respectfully submitted: Suzanne LaFrance, Mayor

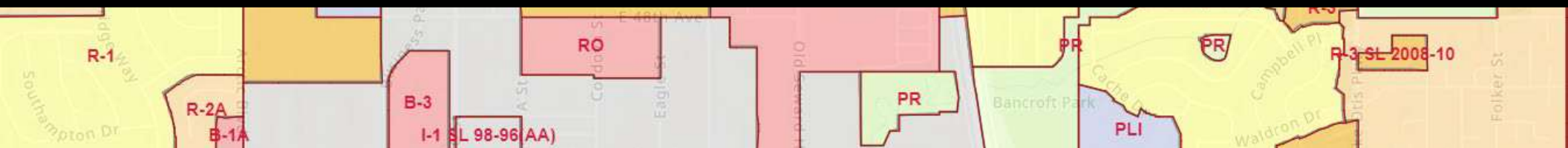
Attachments: 1. Presentation for PZC Public Hearing, 11/18/2024  
2. Presentation for PZC Meeting, 12/9/2024  
3. Presentation for CEDC Meeting, 12/5/2024  
4. Presentation for Anchorage Housing Club Meeting, 12/10/2024  
5. Presentation for Federation of Community Councils, 12/16/2024



# Special Limitations Zoning

## 11/18/2024 PZC meeting

**PZC Case 2024-0124, AO 2024-99**



*Note: Planning and Zoning Commission review was waived by the Assembly when this item was introduced at the October 22, 2024 Assembly Regular meeting.*

*This appears as a case but the Assembly sponsors are not petitioning the Planning and Zoning Commission, were not expecting to appear, and were not asked to appear before the Commission this evening.*

*This information is presented by staff to give the Commission an opportunity to ask questions or take action if desired.*

## **Special limitations can do one or more of the following:**

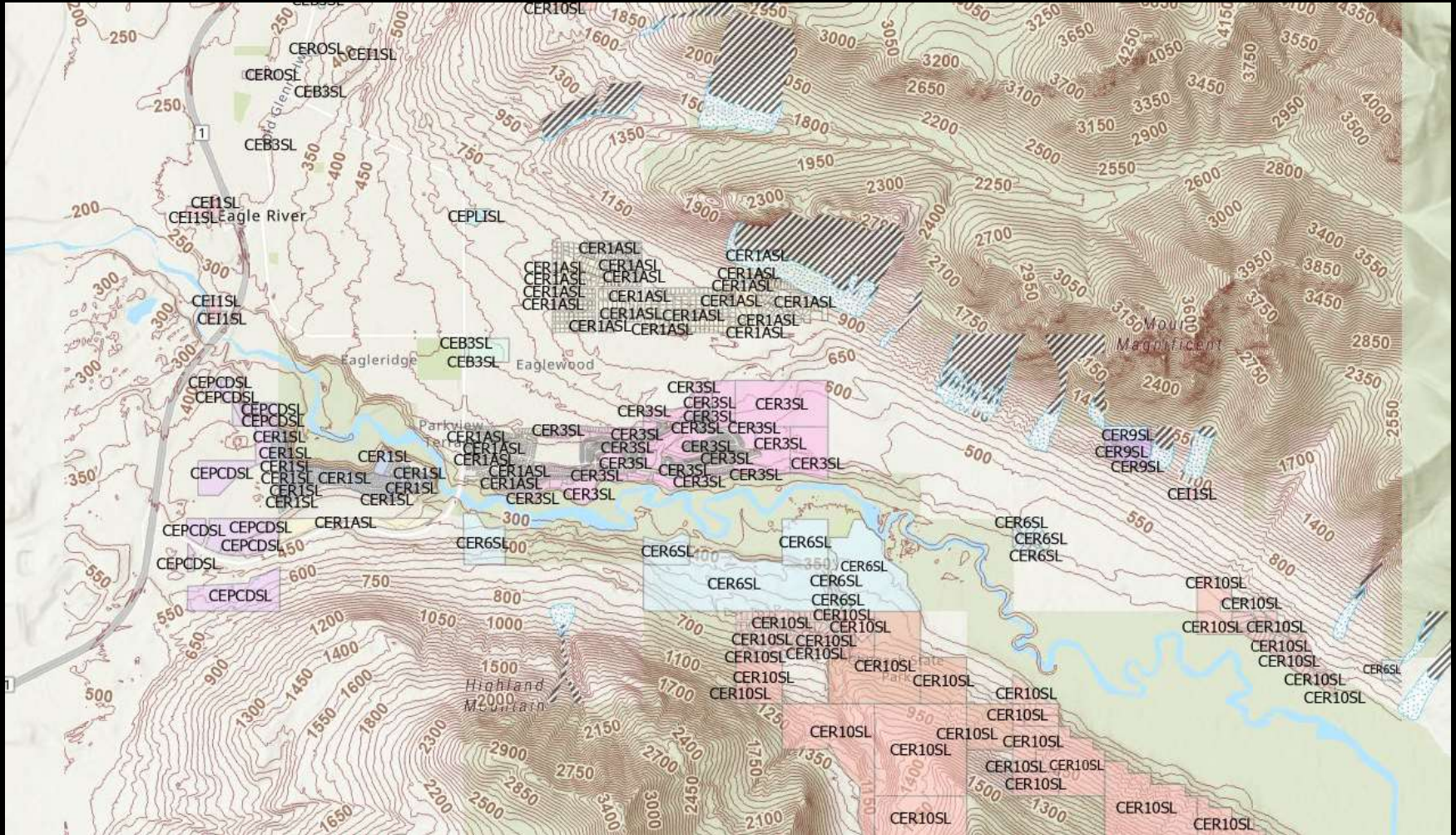
- a. Limit residential density; or prohibit structures, or uses of land or structures, otherwise permitted in a zoning district.
- b. Require compliance with design standards for structures and other site features.
- c. Require compliance with a site plan approved under this title.
- d. Require the construction and installation of improvements, including public improvements.
- e. Impose time limits for taking subsequent development actions.

## Many types of SLs have now been incorporated into Title 21:

- Public meetings/site plan reviews: now regulated by 21.03 & 21.05
- Access requirements: now regulated through site plan reviews and agency comments (21.07).
- Design standards/density requirements: now part of R-3A and R-4A zones (21.04).

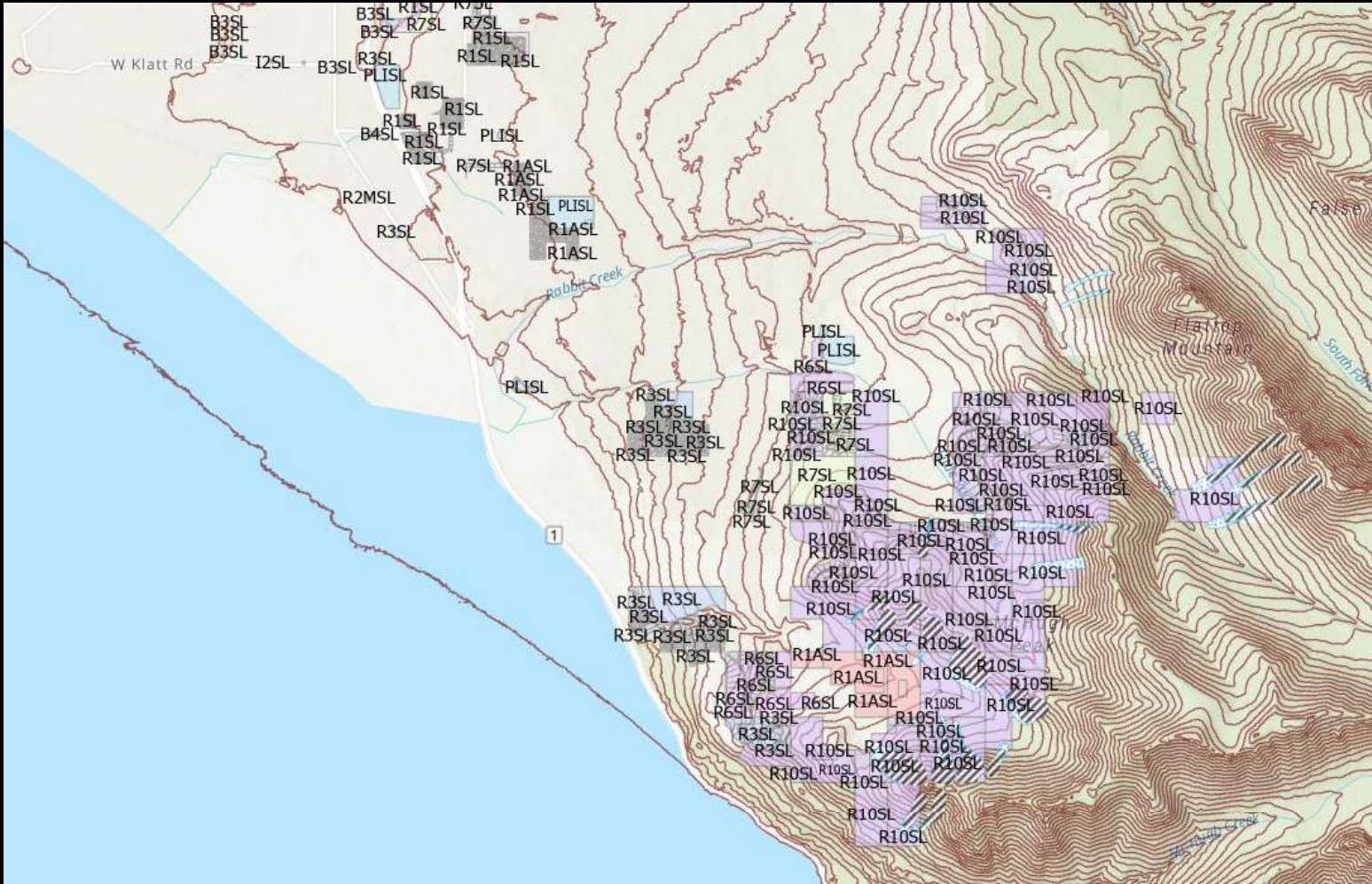


# Eagle River Slopes & SLs





## South Anchorage Slopes & SLs



Referred to  
Geotechnical  
Advisory  
Commission for  
discussion at their  
11/26/2024 meeting

# Muldoon Area: access & uses

Section 2. This zoning map amendment is subject to the following special limitations:

- A. Permitted uses:
1. Dwelling, mixed-use.
  2. Dwelling, multifamily.
  3. Assisted living facility (9 or more residents).
  4. Habilitative care facility, small (up to 6 residents).
  5. Rooming-house.
  6. Transitional living facility.
  7. Adult care facility (3 to 8 persons).
  8. Adult care facility (9 or more persons).
  9. Child care center (9 or more children).
  10. Child care home (up to 8 children).
  11. Government administration and civic facility.
  12. Neighborhood recreation center.
  13. Social service facility.
  14. Elementary school or middle school.
  15. High school.
  16. Instructional services.
  17. Health services.
  18. Hospital/health care facility.
  19. Nursing facility.
  20. Community garden.

2017

AO 2017-50 Rezoning to B-3 SL

Page 2 of 3

21. Park, public or private.
22. Community or police substation.
23. Tower, high voltage transmission.
24. Commercial horticulture.
25. Animal boarding<sup>2</sup>.
26. Retail and pet services<sup>2</sup>.
27. Veterinary clinic<sup>2</sup>.
28. Club/meeting hall.
29. Amusement establishment<sup>2</sup>.
30. Fitness and recreational sports center<sup>2</sup>.
31. General outdoor recreation, commercial<sup>2</sup>.
32. Theater company or dinner theater<sup>2</sup>.
33. Food and beverage kiosk<sup>2</sup>.
34. Restaurant<sup>2</sup>.
35. Financial institution.
36. Office, business or professional.
37. Business service establishment.
38. Funeral/mortuary services.
39. Conference space<sup>2</sup>.
40. Farmers market<sup>2</sup>.
41. Fueling station<sup>2</sup>.
42. Furniture and home appliance store<sup>2</sup>.
43. General retail<sup>2</sup>.
44. Grocery or food store<sup>2</sup>.
45. Parking lot or structure (50+ spaces).
46. Parking lot or structure (less than 50 spaces).
47. Vehicle service and repair, minor.
48. Data processing facility.
49. Cottage crafts.

- B. Conditional uses:
1. Habilitative care facility, medium (7-25 residents).
  2. Habilitative care facility, large (26+ residents).
  3. Crematorium.
  4. Vocational or trade school.
  5. Public safety facility.
  6. Transit center.
  7. Tower, high voltage transmission.
  8. Utility substation.
  9. Entertainment facility, major<sup>2</sup>.
  10. Land reclamation.
- C. Administrative site plan review:
1. Dwelling, townhouse.
  2. Community center.
  3. Government administration and civic facility.
  4. Religious assembly.

AO 2017-50 Rezoning to B-3 SL

Page 3 of 3

- D. Major site plan review:
1. Aquarium.
  2. Library.
  3. Museum or cultural center.
  4. College or university.
  5. Elementary school or middle school.
  6. High school.
  7. Fire station.
- E. All other uses not listed are prohibited.
- F. Development height shall be limited to two stories or 22 feet, unless a proposed development includes a residential or community use component, in which case development up to three stories in height, or 35 feet, shall be allowed, and a site plan shall be required and recorded.

<sup>2</sup> Uses with structures with a gross floor area over 20,000 square feet require major site plan review through subsection 21.07.125A, Large Commercial Establishments.

Section 2. The zoning map amendment described in Section 1 shall be subject to the following special limitation regarding use of the property:

1993

A. No curb cut shall be allowed within 50 feet of the intersection of Muldoon Road and DeBarr Road.

ing uses shall be prohibited:

1. General services including crematories.
2. Street parking lots, garages.
3. Gasoline service stations.

2001

4. Aircraft and marine parts and equipment stores.
  5. Antique and secondhand stores including auctions, pawn shops.
  6. Farm equipment and garden supply stores.
  7. Automobile repair, services, garages, body shops but not to include tire repair, wheel alignment and brake service.
  8. Motor vehicle dealers, new and used.
  9. Mobile home display lots, new and used.
  10. Aircraft and boat display lots, new and used.
  11. Motorcycle, snow machine display lots, new and used.
  12. Automobile, truck and trailer rental agencies.
  13. Lumber yards and builder supply stores.
  14. Fuel dealers.
  15. Bus terminals, air passenger terminals, with sufficient street area for maneuvering and waiting automobiles.
  16. Pole mounted signs.
  17. Outdoor storage.
- a. Maximum height of structures: 3 stories or 35 feet in height.
- b. There shall be no additional access points permitted onto the portion site from Muldoon Road.
- c. Resolving curb cuts and access with State of Alaska, Department of Transportation.

SECTION 2. This zoning map amendment is subject to the following special limitations regarding the uses of the property.

A. The following uses shall be prohibited:

1984

- a. Funeral services including crematoria.
- b. Off-street parking lots, garages.
- c. Gasoline service stations.
- d. Aircraft and marine parts and equipment stores.
- e. Antique and secondhand stores including auctions, pawn shops.
- f. Farm equipment and garden supply stores.
- g. Automobile repair, services and garages not to include body shops.
- h. Motor vehicle dealers, new and used.
- i. Automobile display lots, new and used.
- j. Mobile home display lots, new and used.
- k. Aircraft and boat display lots, new and used.
- l. Motorcycle, snow machine display lots, new and used.
- m. Automobile, truck and trailer rental agencies.
- n. Lumber yards and builder supply stores.
- o. Fuel dealers.
- p. Bus terminals, air passenger terminals, with sufficient street area for maneuvering and waiting automobiles.

SECTION 3. The zoning map amendment is subject to the following special limitations establishing design standards for the property.

1. Maximum height of structure: 3 stories or 35 feet in height.
2. Resolving curb cuts and access with State of Alaska, Department of Transportation.

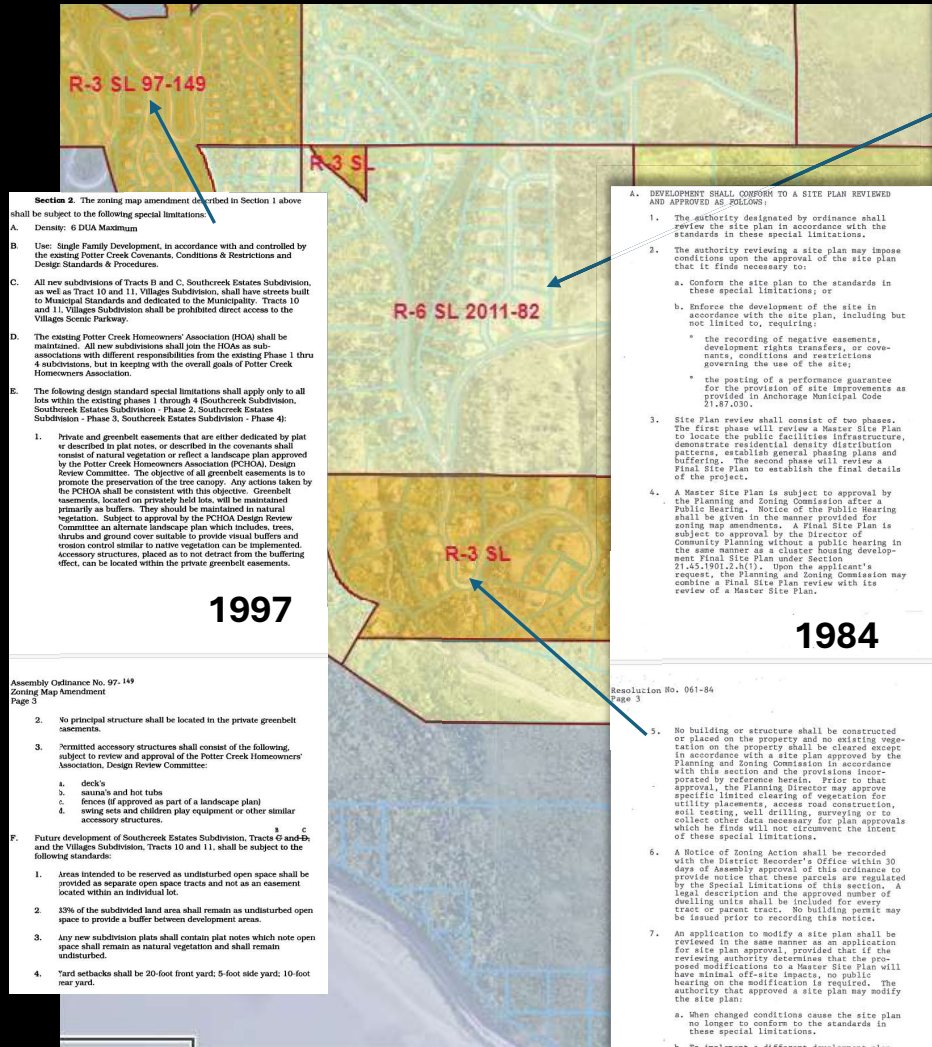
Section 2. This zoning map amendment is subject to the following special limitations:

2018

- A) Install (L1) visual enhancement landscaping along the west boundary of the district and (L2) buffer landscaping along the east boundary of the district.
- B) Major engine, transmission, differential repair or replacement, body, fender, upholstery work and painting are prohibited.



# Hillside Area: slopes, general restrictions



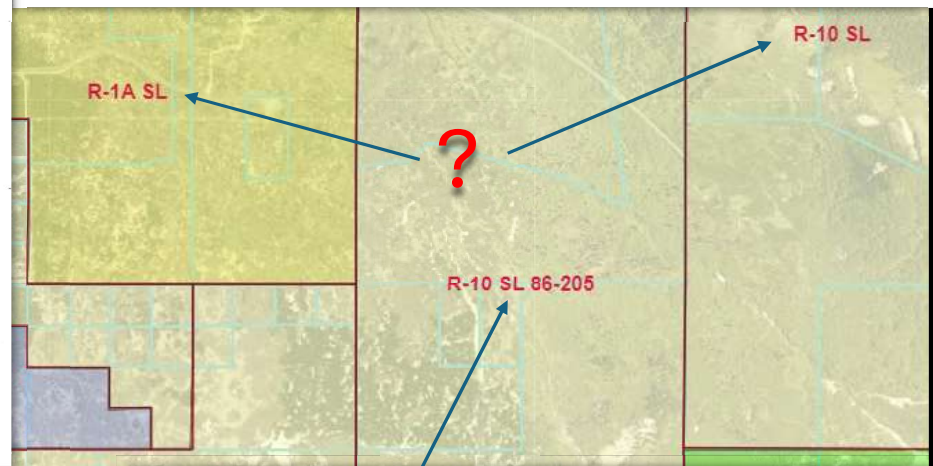
**Section 2.** The zoning map amendment described in Section 1 above shall be subject to the following special limitation:

**2011**

**A.** The following uses are allowed:

**1.** Permitted principal uses and structures.

**a.** Single family home per lot.



**Section 3.** The R-10 SL district established by Section 1 shall be subject to the following special limitations establishing design standards for the property:

**1986**

**A.** Lot shall have a minimum area of 54,450 square feet (1-1/4 acres), including 1/2 the area of abutting dedicated rights-of-way.

**B.** Property situated within the [SOUTHEAST] northeast quarter of Section 13 is exempt from the requirements of A if developed through the cluster development process.

## Midtown Area: reviews & uses

2001

## 2001

The following uses shall be prohibited:

- a. funeral services including crematoriums;
- b. churches, to include any place of religious worship along with its accessory uses.

Prior to development occurring on the site, a non-public hearing site plan review shall be held before the Planning and Zoning Commission utilizing AMC 21.15.030 and AMC 21.50.020. The site plan review shall include but is not limited to:

- a. percentage of open space;
- b. access;
- c. integration of residential development;
- d. landscaping and buffering.

# 1991

1984

The following uses are prohibited:

- A. Commercial-Wholesale.
1. wholesale and distribution operations, including incidental manufacturing or processing of goods for sale at retail or wholesale on the premises, but not to include yards for storage or display of any scrap, junk, salvaged or secondhand materials or for any scrap or salvage operations;
  2. business offices for mercantile establishments.
- 1986
- B. Commercial-Retail.
1. funeral services, including crematoria;
  2. small appliance repair shops;
  3. plumbing and heating service and equipment dealers;
  4. gasoline service stations;
  5. aircraft and marine parts and equipment stores;
  6. antiques and secondhand stores, including auctions, pawnshops;
  7. automotive repair services and garages;
  8. automobile display lots, new and used;
  9. mobile home display lots, new and used;
  10. aircraft and boat display lots, new and used;
  11. motorcycle and snow machine display lots, new and used;
  12. automobile, truck and trailer rental agencies;
  13. lumber yards and builder's supply stores;
  14. fuel dealers;
  15. automobile car washes, self-service and automatic, with sufficient off-street area for maneuvering, waiting and drying automobiles; amusement arcades, billiard parlors and bowling alleys;
  16. frozen food lockers;
  17. mini-storage.

# 1986

Prior to the issuance of any building permits, a non-public hearing site plan review shall be conducted before the Planning and Zoning Commission in accordance with Section 21.15.030 of the Anchorage Municipal Code.

R-4A B-3 SL 93-14

R-4 SL 97-1

**A. Prohibited Uses:**

1. mobile home parks on sites at least two acres.
2. camper parks
3. convenience establishments
4. planned unit developments
5. gasoline service stations
6. snow disposal sites

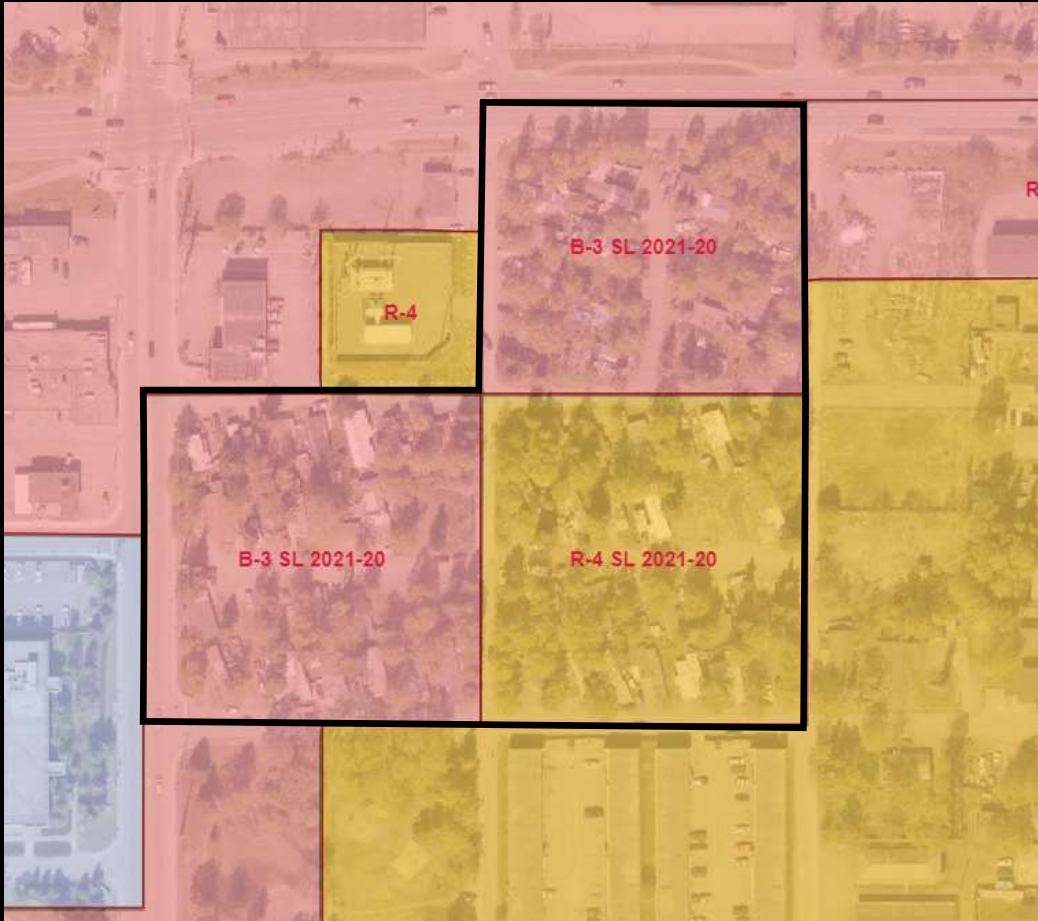
1997

- D. Design: Require compliance with a site plan approved under AMC 21.50.200 to address access, landscaping, parking, and screening prior to development.





## AO 2021-20



### Section 2. The zoning map amendment is subject to the following special limitations:

1. B-3 (General Business) zoning district (Northern Lights Subdivision, Block 6, Lots 2-11, and Block 9, Lots 1-12) shall be subject to the following:

Development in this zoning district shall receive administrative site plan approval that reviews the development for compliance with the following adapted set of Shared Infill Design Principles from the *Anchorage 2040 Land Use Plan*:

## 2021

- Parking for buildings located beside or behind the front façade(s) facing the development site's highest-classified *Official Streets & Highways Plan* street frontage. This standard may apply to no more than two street frontages.
- Shared parking solutions among neighboring uses wherever possible.
- Pedestrian connections between the two B-3SL zoning areas along Arctic and Benson to connect the interior R-4SL [DEVELOPMENT SITE AND ADJACENT] Northern Lights Subdivision, Block 10 to connect those sites and ultimately connect to Arctic and/or Benson.
- Building orientation and scale that frames a welcoming walking environment along the development site's highest-classified *Official Streets & Highways Plan* street frontage. A welcoming walking environment would include elements such as more street-facing windows, wider sidewalks and/or walkways, pedestrian-scale lighting, landscaping, and seating. This standard may apply to no more than two street frontages.
- Windows and entrances of active uses, such as stores, offices, or living spaces, address the street and public realm along the development site's highest-classified *Official Streets & Highways Plan* street frontage. This standard may apply to no more than two street frontages.
- These special limitations do not require the front façades and primary

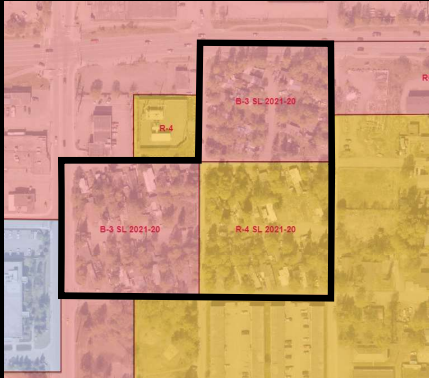
entrances of residential units to face the highest-classified *Official Streets & Highways Plan* street frontage, provided that other development features contribute to a welcoming walking environment on that street.

2. R-4 (Multifamily Residential) zoning district (Northern Lights Subdivision, Block 10, Lots 1-12) shall be subject to the following:

Development in this zone shall provide a minimum residential density of 32 dwelling units per net acre.



## AO 2021-20



### Section 2. The zoning map amendment is subject to the following special limitations:

1. B-3 (General Business) zoning district (Northern Lights Subdivision, Block 6, Lots 2-11, and Block 9, Lots 1-12) shall be subject to the following:

Development in this zoning district shall receive administrative site plan approval that reviews the development for compliance with the following adapted set of Shared Infill Design Principles from the *Anchorage 2040 Land Use Plan*:

- Parking for buildings located beside or behind the front façade(s) facing the development site's highest-classified *Official Streets & Highways Plan* street frontage. This standard may apply to no more than two street frontages.
- Shared parking solutions among neighboring uses wherever possible.
- Pedestrian connections between the two B-3SL zoning areas along Arctic and Benson to connect the interior R-4SL [DEVELOPMENT SITE AND ADJACENT] Northern Lights Subdivision, Block 10 to connect those sites and ultimately connect to Arctic and/or Benson.
- Building orientation and scale that frames a welcoming walking environment along the development site's highest-classified *Official Streets & Highways Plan* street frontage. A welcoming walking environment would include elements such as more street-facing windows, wider sidewalks and/or walkways, pedestrian-scale lighting, landscaping, and seating. This standard may apply to no more than two street frontages.
- Windows and entrances of active uses, such as stores, offices, or living spaces, address the street and public realm along the development site's highest-classified *Official Streets & Highways Plan* street frontage. This standard may apply to no more than two street frontages.
- These special limitations do not require the front façades and primary

entrances of residential units to face the highest-classified *Official Streets & Highways Plan* street frontage, provided that other development features contribute to a welcoming walking environment on that street.

2. R-4 (Multifamily Residential) zoning district (Northern Lights Subdivision, Block 10, Lots 1-12) shall be subject to the following:

Development in this zone shall provide a minimum residential density of 32 dwelling units per net acre.

### 21.04.020: R-4A (2022)

#### Street Frontage Requirements

- i. Notwithstanding 21.07.110C.6.e-f., new parking facilities shall not be located between buildings and the nearest public street in the R-4A zoning district. On lots with two or more street frontages, this limitation shall apply only on the primary front setback; however, when the site abuts a street designated in the comprehensive plan as a "main street, a "transit street," a "mixed-use street," or a derivation of these street typologies, this limitation may be changed to such street with the concurrence of the director.

### Parking requirements no longer apply (2022)

### 21.07.060: Transportation & Connectivity

#### E. Standards for Pedestrian Facilities

##### 1. Purpose

The purpose of this section is to provide convenient, safe, and regular pedestrian facilities along streets and within and between developments. Such facilities create a healthful built environment in which individuals have opportunities to incorporate physical activity, such as walking or bicycling, into their daily routine. Injuries and fatalities are reduced when interactions between pedestrians and vehicles are minimized. Adequate pedestrian facilities meet community goals for mobility and access, as well as for providing transportation choices. Safe pedestrian access for students to their schools is also an essential purpose of these standards.

### See site access standards (2023)

### 21.04.020: R-4A (2022)

#### 2. District-Specific Standards

##### a. Dwelling Units Required

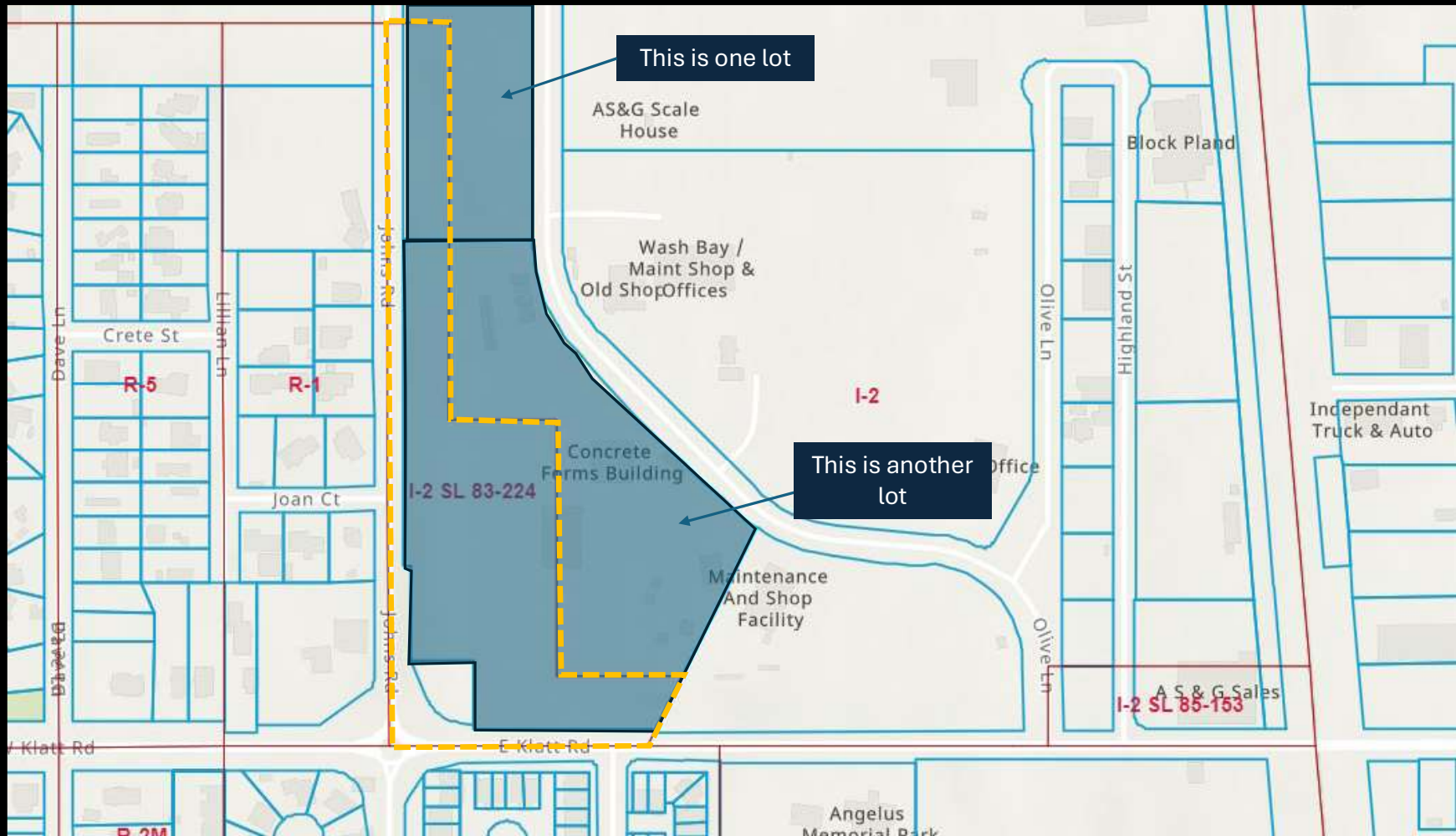
- i. Unless limited by physical constraints or determined otherwise through a Small Area Implementation Plan (SAIP), development in the R-4A district shall include at least 20 dwelling units per gross acre per phase, or on average of subsequent phases.
- ii. The overall development site shall include at least 20 dwelling units per gross acre at the completion of all phases unless provided otherwise through a major site plan review, conditional use process, or Small Area Implementation Plan.

## Issues:

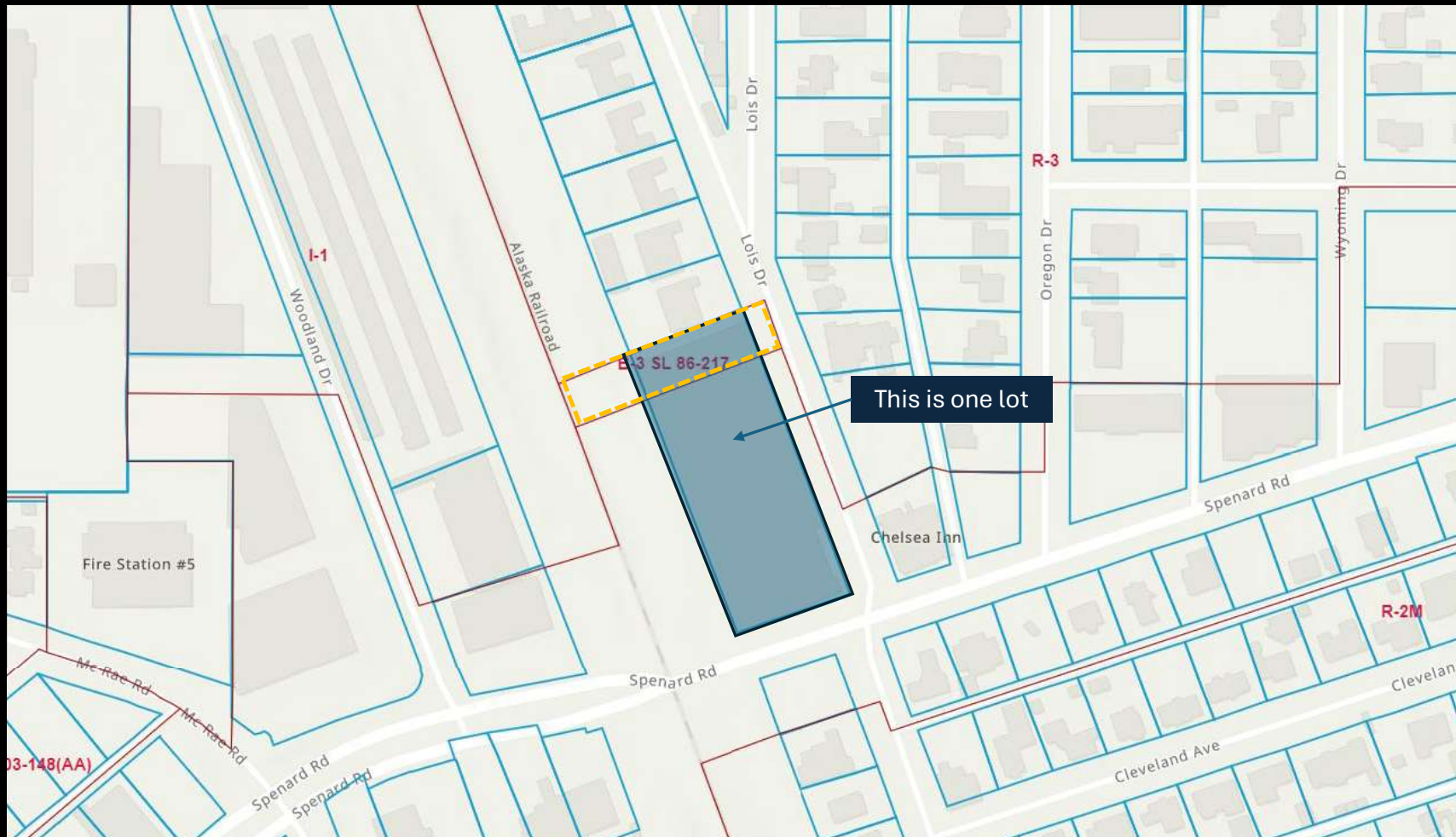
- Transparency:
  - It's hard for people to find SLs
  - SLs often don't show up in a title search.
  - SLs might apply in irregular ways
- Consistency: Some SLs apply to sections of code which are long out of date.
- Fairness: Some SLs limit housing for reasons that may not be related to health, safety, and welfare.



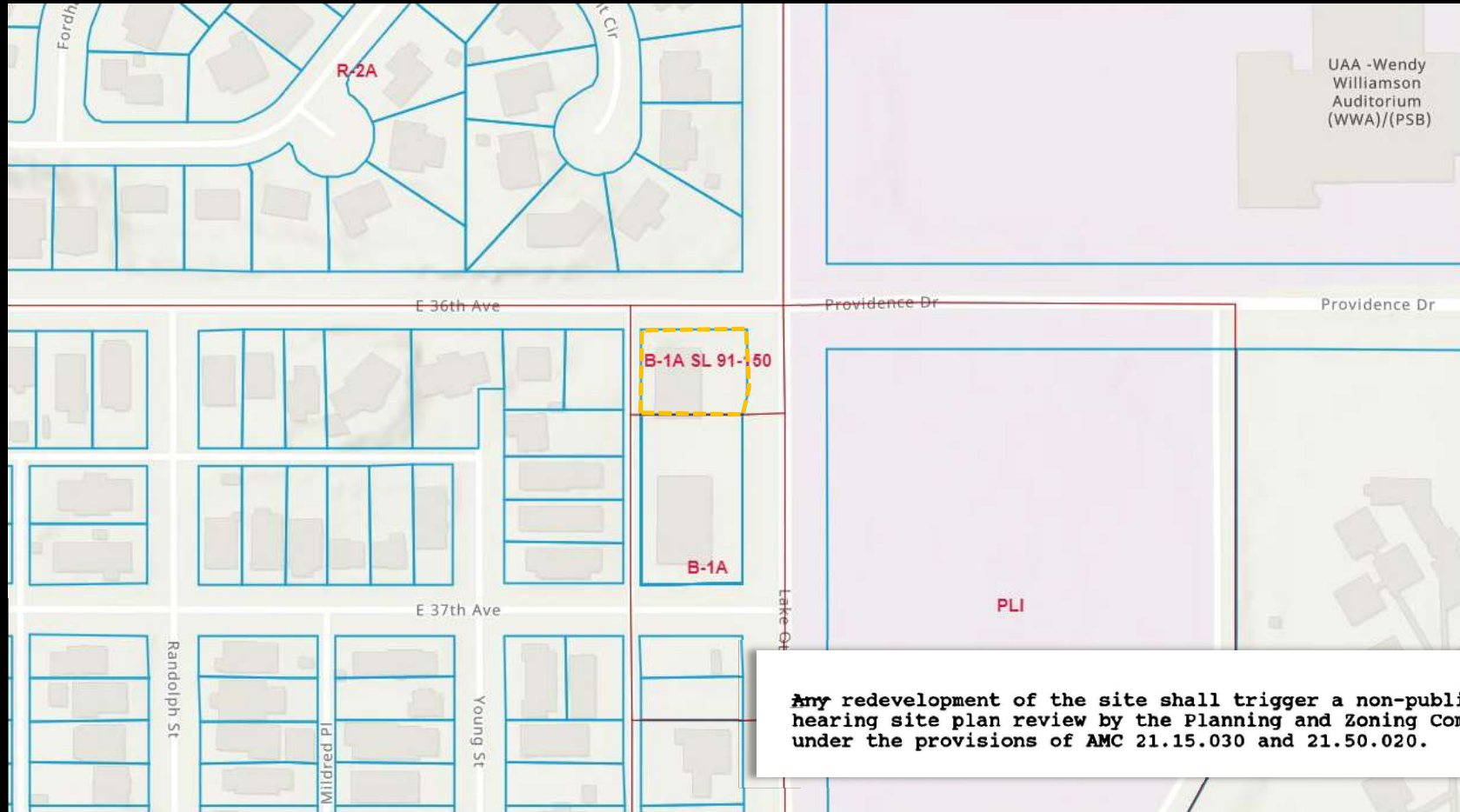
## SLs & Split Lot Zoning AO 1983-224



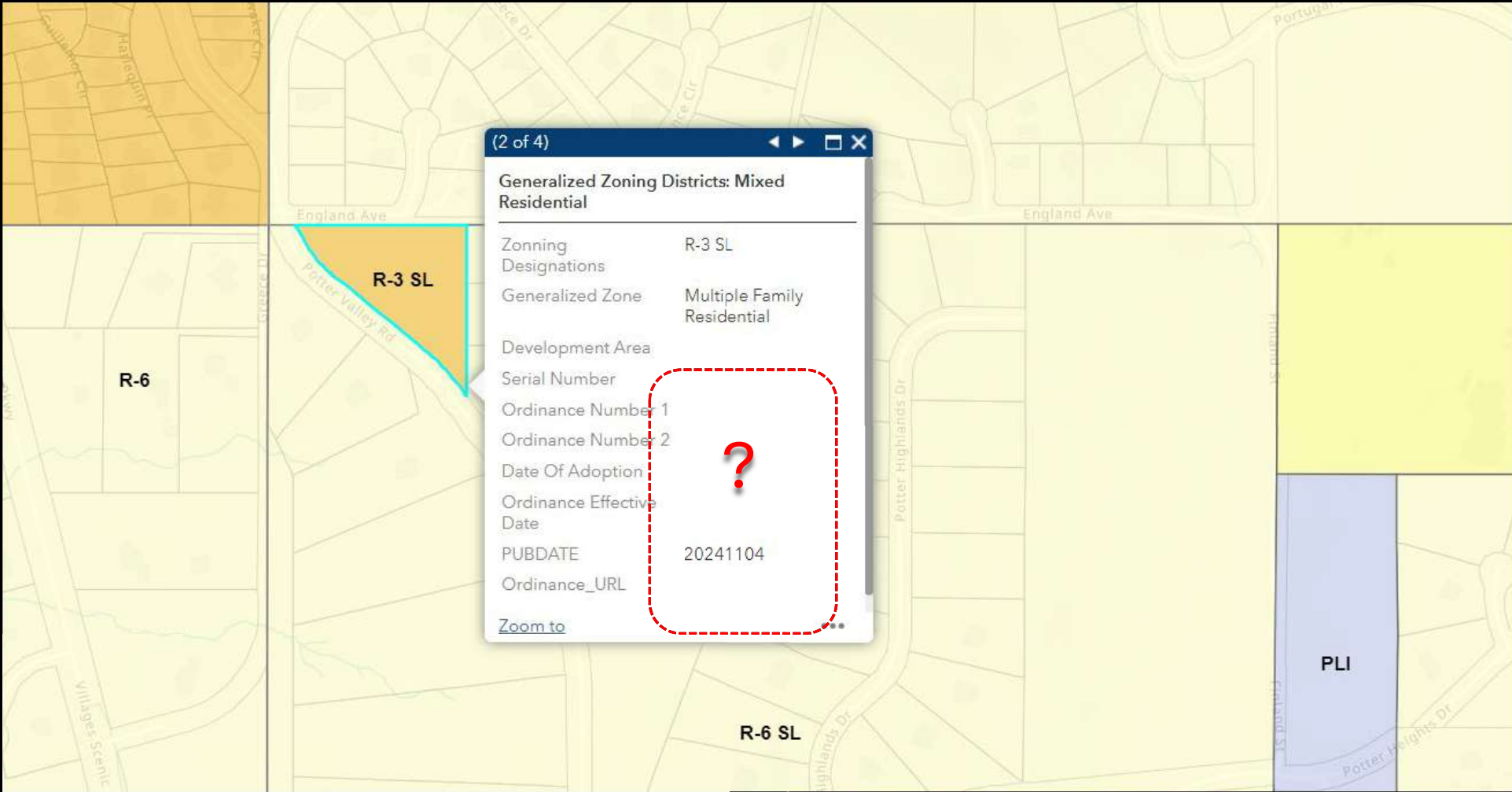
## SLs & Split Lot Zoning AO 1986-217



## Special Zone of 12,006 SF: AO 1991-150

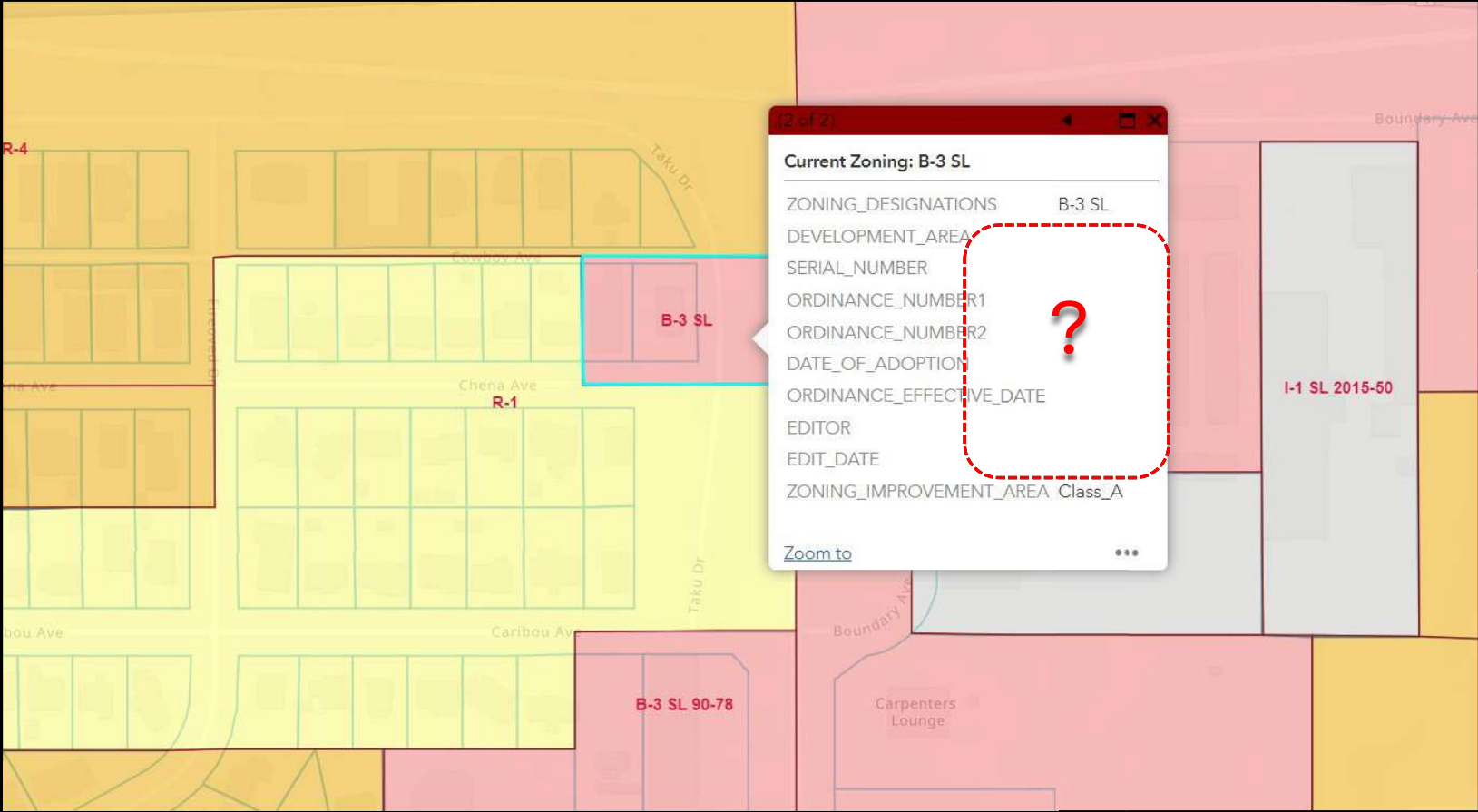


AO ???

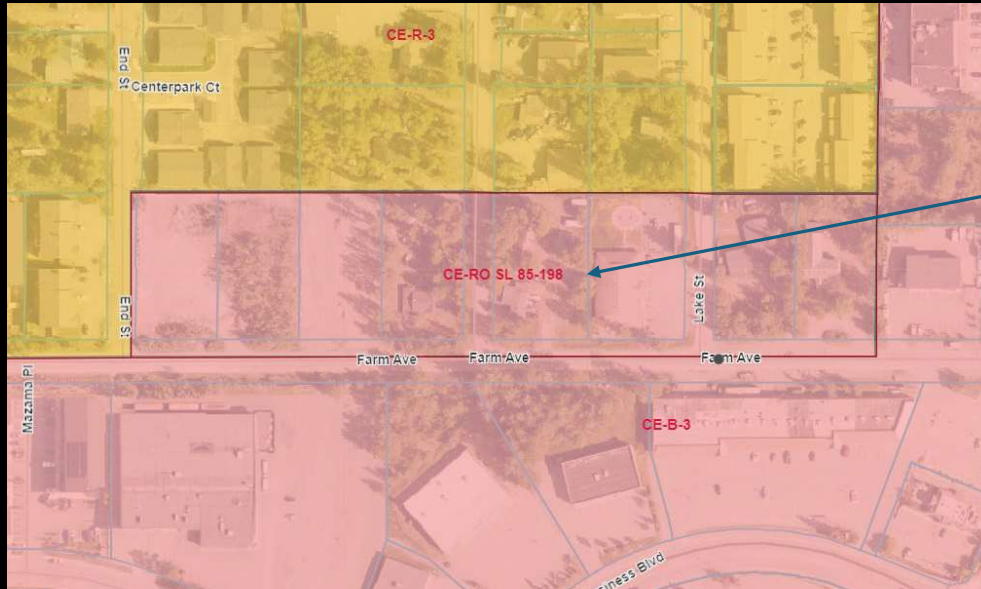




AO ???



## CE-RO SL AO 1995-198



Section 3. This zoning map amendment is subject to the following special limitations establishing design standards for the property:

- a. Maximum height of all structures shall be limited to 35 feet.
- b. Maximum density shall be limited to that of the R-3 zoning district.
- c. Public Hearing Site Plan Review by the Planning and Zoning Commission subject to 21.15.030 and 21.50.200 prior to any and all development of the property.
- d. Buffer landscaping shall be installed and maintained along the northern boundary in accordance with standards stated at AMC 21.45.



## R3 SL AO 1997-101



**Section 2.** The zoning map described in Section 1 shall be subject to the following listed special limitation design standards:

1. Buffer landscaping in accordance with AMC 21.45.125 shall be provided along the adjoining south-facing bluff.
2. There may be a mix of single family and multiple family development, but no less than 60 percent of the site area shall be single family detached housing development. Each single family dwelling shall have a minimum size of 1,200 SF and a 2-car garage.

**Section 3.** The zoning map described in Section 1 shall be subject to the following special limitations:

1. Master Development Site Plan Review: Prior to a public hearing site plan review by the Planning and Zoning Commission, the Heritage Land Bank and the Hollywood Vista Advisory Task Force, if in existence or if the task force is not in existence another similar community group to be created for the purpose by the Mayor, shall review a master development site plan, and provide recommendations to the Planning and Zoning Commission.
2. Density: Single Family Development shall be no more than 6 dwelling units per acre maximum.

## R3 SL AO 1983-301



2,991 sf lot

### THE ANCHORAGE ASSEMBLY ORDAINS:

SECTION 1. The zoning map be amended by designating the following described property as an R-3 (Multiple-Family Residential District) with special limitations zone:

Tract A, Abbott Loop Manor Subdivision

SECTION 2. This zoning map amendment is subject to the following special limitation establishing design standards for the property:

- A. Overall density for this tract shall be 7 to 10 DUA (maximum 44 units).

## R3 SL AO 2006-95(S)



**Section 2.** This zoning map amendment is subject to the following special limitations:

1. A 12-foot wide pedestrian access easement along the north, south, southeast and southwest sides of the property to connect the existing Peck Avenue right-of-way on the east and west sides of the subject property.
2. The south property line shall be planted with buffer landscaping.
3. The development is limited to a maximum of 66 dwelling units.
4. Prior to development and building permit application, the applicant shall submit site plans for a public review and comment by the local community council prior to a public hearing site plan review before the Planning and Zoning Commission which addresses the following:
  - a. 600 square feet of useable open space per unit;
  - b. a minimum of 20 percent overflow parking area;
  - c. snow storage contained on-site or hauled off-site;

AO 2006-95(S)

Page 2 of 2

- d. condominium declarations to include the snow storage requirements;
- e. building separation;
- f. site grading, drainage, drainage improvements, drainage easements to limit drainage onto other properties and to connect into the Municipal storm drain system;
- g. trail easement located along the southeast, south and southwest area of the property;
- h. site lighting that will not impede the views of Melody Commons;
- i. does not ~~deter~~ interfere with the views of Melody Commons;
- j. installing landscaping to prevent soils erosion on steep slopes;
- k. geotechnical recommendation for foundations;
- l. prohibition of T-111 siding for any structure;
- m. internal traffic circulation.



## RO SL AO 1980-138



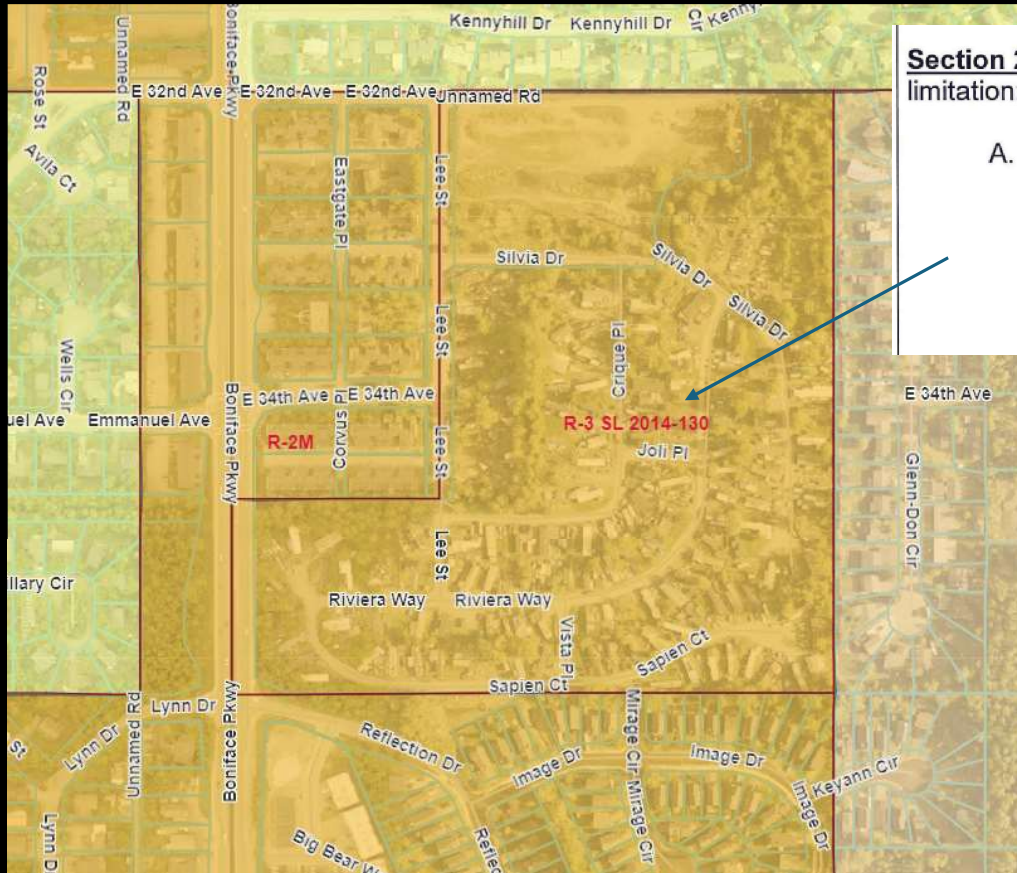
SECTION 2. The zoning map amendment for the R-O (Residential Office District) with special limitations use district designation for the property described in Section 1. above is restricted with the following limitations:

B. Permitted principal uses and structures;

1. Single family, 2-family and multi-family dwellings. That the development of any residential uses would be at the densities allowed in the R-2 District classification;
2. Park, playground and playfields, Municipal buildings in keeping with the character of the district;
3. Museums, historic and cultural exhibit, libraries and the like;
4. Hospitals, nursing homes, convalescent homes, homes for the aged, medical clinics, medical and dental laboratories, research centers and the like;
5. Offices of physicians, surgeons, dentists, osteopaths, chiropractors and other practioners of the healing sciences;

6. Accounting, auditing and bookkeeping services;
7. Engineering, surveying and architectural services;
8. Attorneys and legal services;
9. Real Estates services and appraisers;
10. Stock and bond brokerage services;
11. Insurance services;
12. Photographic services;
13. Banks, Saving and Loans Associations, Credit Unions and similar finanacial institutions.

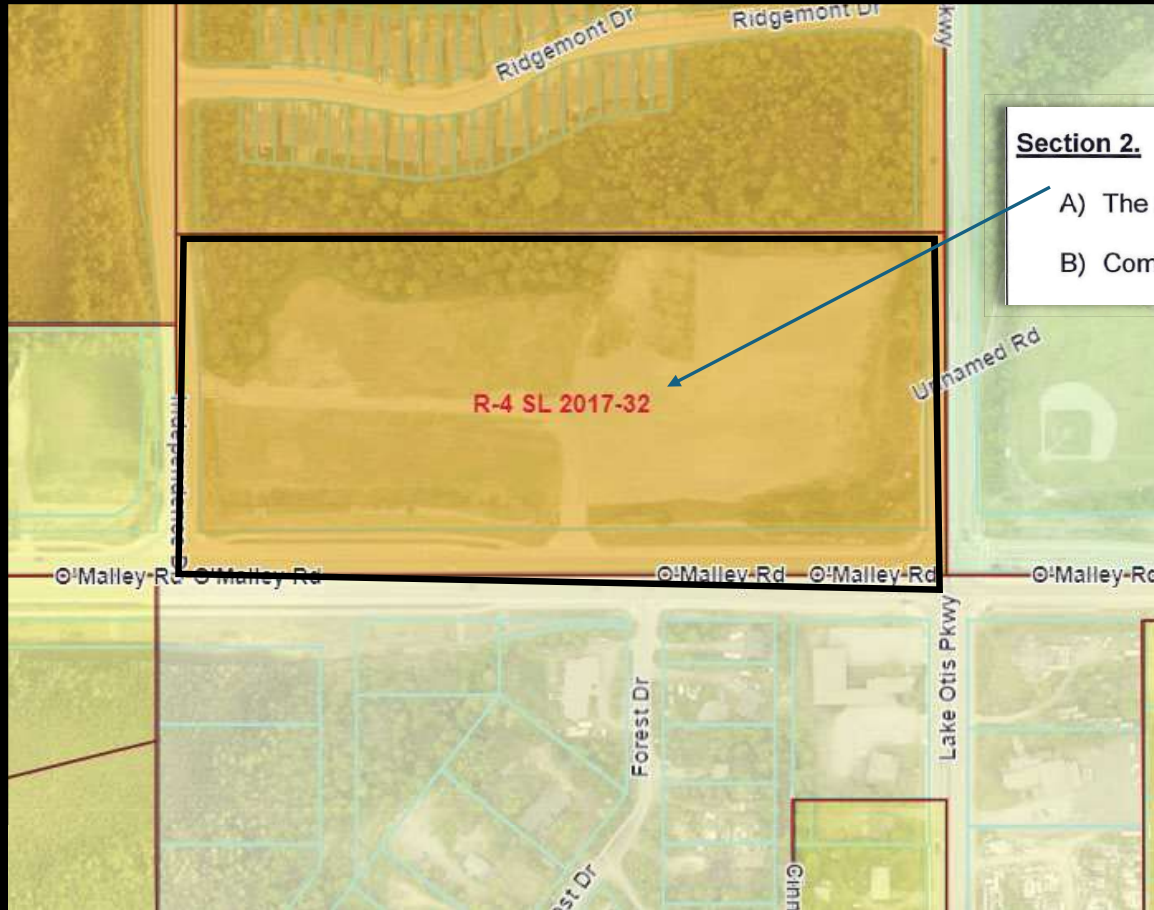
## R3 SL AO 2014-130



### Section 2. This zoning map amendment is subject to the following special limitation:

- A. Any portion of any structure within 40 feet of the north lot line, the majority of which abuts College Gate East Subdivision, will have a minimum 20-foot setback with a maximum height of two stories and 30 feet. All structures along the east lot line, the majority of which abuts Glenn-Don Subdivision, shall be set back at least 20 feet from the property line.

## R4 SL AO 2017-32

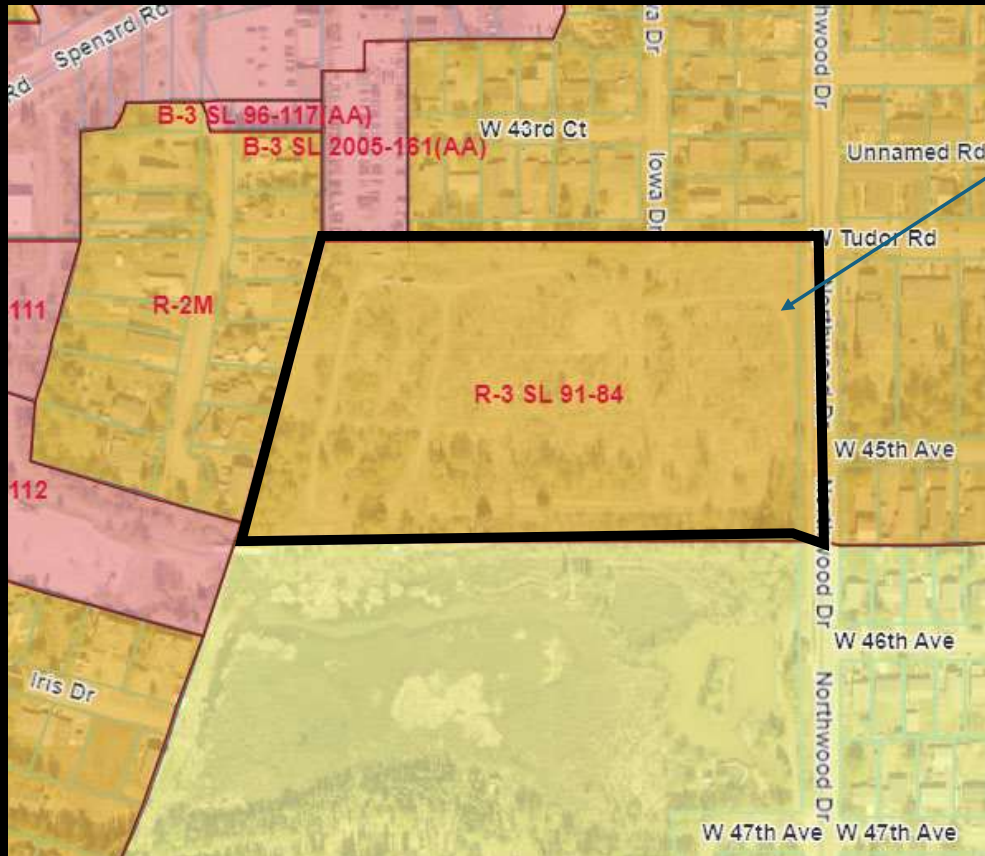


**Section 2.** This zoning map amendment is subject to the following special limitations

- A) The maximum number of dwelling units per acre across the tract is 30.
- B) Commercial uses and manufactured home communities are prohibited.



## R3 SL AO 1991-84



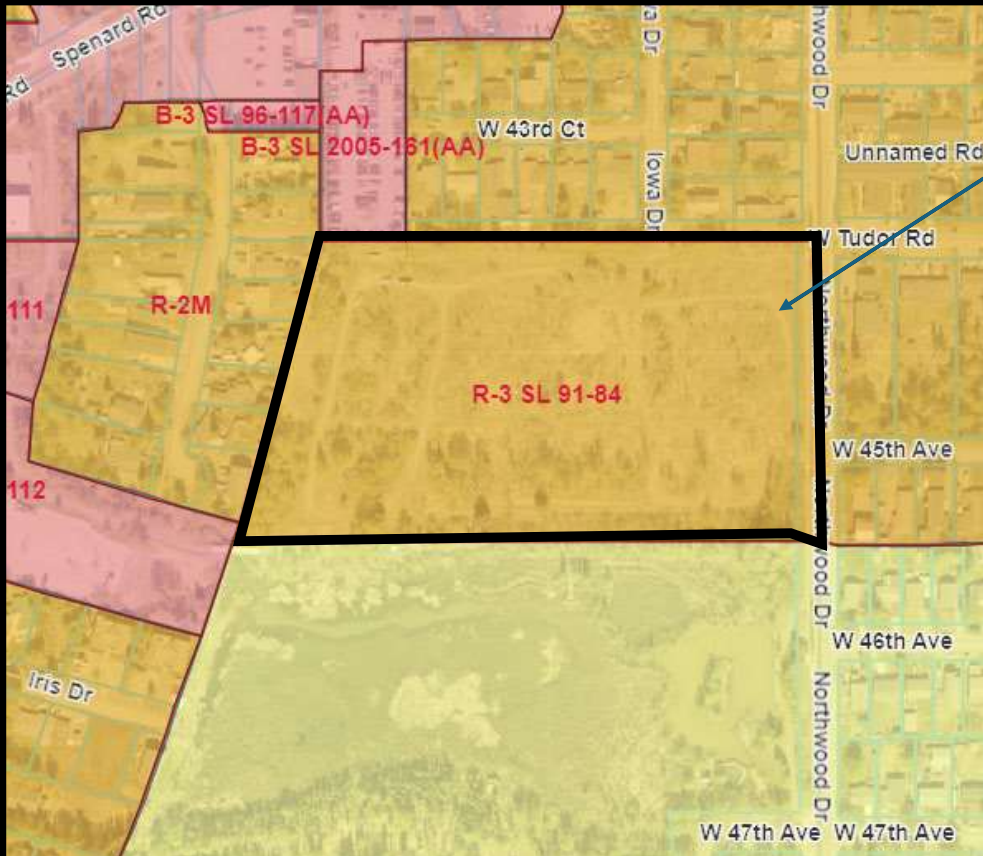
**SECTION 3.** This zoning map amendment is subject to the following special limitations establishing design standards for the property:

- a. Number of dwelling units limited to ~~200~~. 180
- b. There shall be ingress and egress to both Spenard Road and Northwood Street with the intersections aligned with Barbara Street and West 45th Avenue.
- c. There shall be a 25 foot setback from Fish Creek, with the first 15 feet north of Fish Creek returned to a condition which will allow regrowth of natural vegetation.
- d. Maximum 35 foot building height ~~as measured from existing grade~~.
- e. There shall be a minimum 30% useable open space.

AM 570-91

- f. The west boundary of the site and the boundary of the site adjacent to Lakeway Subdivision shall be fenced. Landscaping to be determined in the site plan review process.
- g. A 20-foot buffer shall be provided along Northwood containing a sidewalk and vegetated landscaping.
- h. Development on this parcel is subject to a public hearing site plan review by Planning and Zoning Commission as outlined in AMC 21.15.030.

## Case 2015-0093



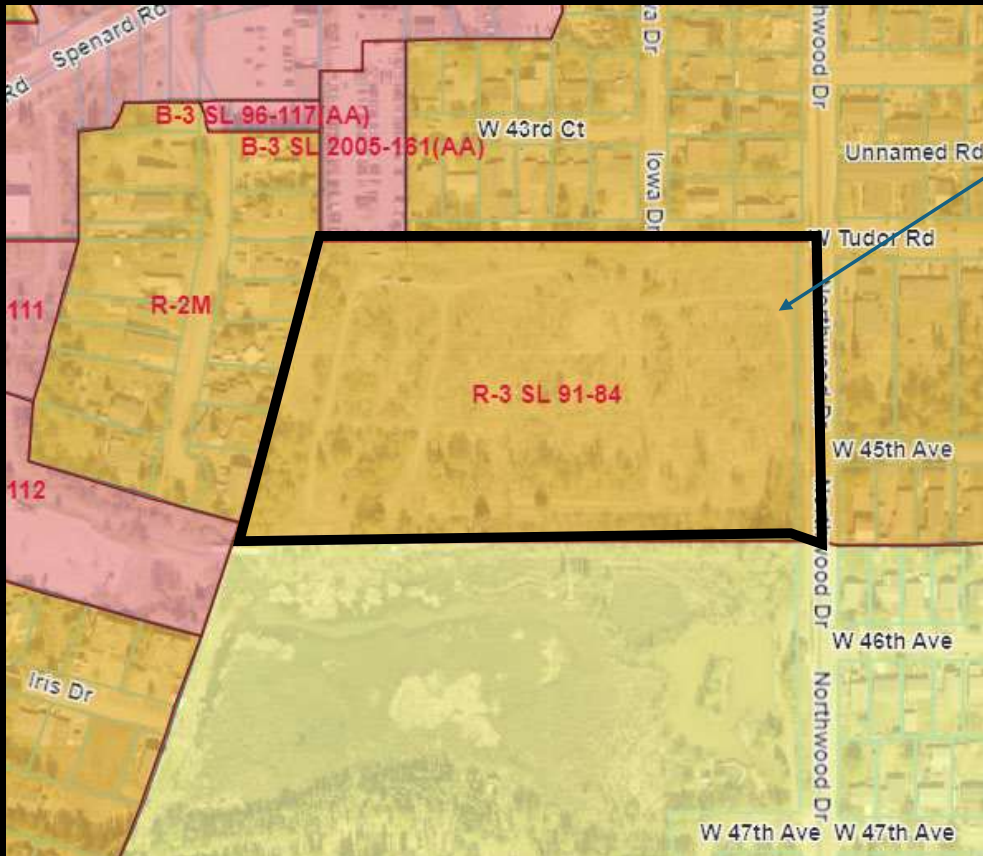
## Northwood At The Park

### New Multifamily Housing Development for Anchorage

#### Proposed Development

This parcel is expected to be developed with “Northwood at the Park,” an approximately 680-unit complex of residential multifamily buildings. The development is projected to consist of six buildings which will be built in two phases, with each phase constructed above a one story parking garage (see Exhibit 4, Preferred Concept Site Plan). The unit mix is projected to meet the needs of the area residents. Currently the unit mix that is being considered is 60% one bedroom units, 25% studio efficiencies, and 15% two bedroom units. This is based on housing market information for the area and census data described in Exhibit 3.

# Case 2015-0093

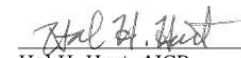



Planning and Zoning Commission  
Resolution 2016-024  
Page 2 of 2

5. The Commission finds that the current R-3 SL zoning is appropriate and would support an application to rezone to R-3 SL with the modification of two special limitations: b. and h. The Commission would recommend special limitations b. and h. (AO 1991-084) be modified to read:
  - b. "There shall be ingress and egress to Northwood Street with the intersection aligned with West 45th Avenue."
  - h. "Development on this parcel is subject to a public hearing site plan review by Planning and Zoning Commission as outline in AMC 21.03.180D."

DENIED by the Municipal Planning and Zoning Commission on the 6th day of June, 2016.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 11th day of July, 2016.

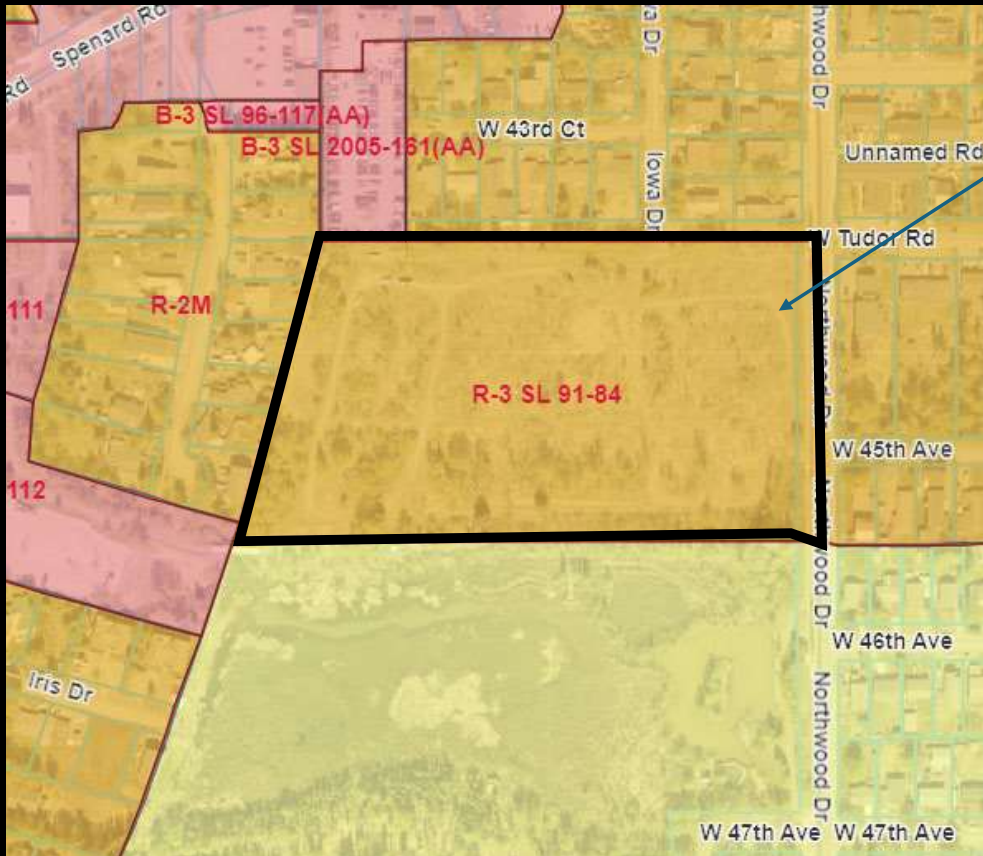
  
Hal H. Hart, AICP  
Secretary

  
Tyler Robinson  
Chair

(Case 2015-0093; Parcel ID No. 010-244-28)



# Case 2015-0093



## MUNICIPALITY OF ANCHORAGE MEMORANDUM

DATE: October 26, 2015

TO: Planning & Zoning Commission

THRU: *EM* Erika McConnell, Current Planning Section Manager

FROM: *SO* Shawn Odell, Senior Planner

SUBJECT: Case 2015-0093 Tract 3, Boettcher Subdivision rezone R-3 SL (multiple-family residential) district with special limitations to R-4 (multiple-family residential) district

The above referenced case is a request to rezone 9.96 acres from R-3 SL to R-4 on Tract 3, Boettcher Subdivision. The Petitioner and the Department have mutually agreed to postpone the case to a future date to be determined in order to work on traffic issues. The Department has no objection and recommends approval of this postponement request.



Thank you



## Public Comment #1

***“Special limitations have value to buffer different land uses, protect the environmental features and to create conformity to comprehensive plans. I fail to see how a blanket prohibition is beneficial.”***

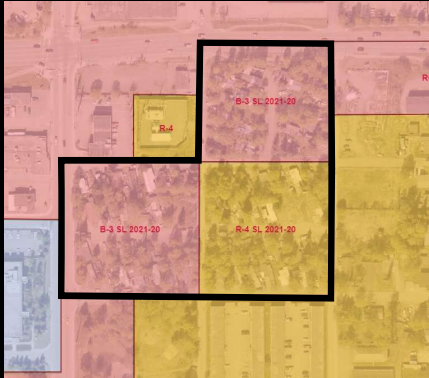
## Public Comment #1

***“Special limitations have value to buffer different land uses, protect the environmental features and to create conformity to comprehensive plans. I fail to see how a blanket prohibition is beneficial.”***

### Response:

- Other land use tools are already in place to address buffering, environmental features, and conformity.
- Having rezones that align with 2040 LUP categories ensures conformity to the Comprehensive Plan

## AO 2021-20



### Section 2. The zoning map amendment is subject to the following special limitations:

1. B-3 (General Business) zoning district (Northern Lights Subdivision, Block 6, Lots 2-11, and Block 9, Lots 1-12) shall be subject to the following:

Development in this zoning district shall receive administrative site plan approval that reviews the development for compliance with the following adapted set of Shared Infill Design Principles from the *Anchorage 2040 Land Use Plan*:

- Parking for buildings located beside or behind the front façade(s) facing the development site's highest-classified *Official Streets & Highways Plan* street frontage. This standard may apply to no more than two street frontages.
- Shared parking solutions among neighboring uses wherever possible.
- Pedestrian connections between the two B-3SL zoning areas along Arctic and Benson to connect the interior R-4SL [DEVELOPMENT SITE AND ADJACENT] Northern Lights Subdivision, Block 10 to connect those sites and ultimately connect to Arctic and/or Benson.
- Building orientation and scale that frames a welcoming walking environment along the development site's highest-classified *Official Streets & Highways Plan* street frontage. A welcoming walking environment would include elements such as more street-facing windows, wider sidewalks and/or walkways, pedestrian-scale lighting, landscaping, and seating. This standard may apply to no more than two street frontages.
- Windows and entrances of active uses, such as stores, offices, or living spaces, address the street and public realm along the development site's highest-classified *Official Streets & Highways Plan* street frontage. This standard may apply to no more than two street frontages.
- These special limitations do not require the front façades and primary

entrances of residential units to face the highest-classified *Official Streets & Highways Plan* street frontage, provided that other development features contribute to a welcoming walking environment on that street.

2. R-4 (Multifamily Residential) zoning district (Northern Lights Subdivision, Block 10, Lots 1-12) shall be subject to the following:

Development in this zone shall provide a minimum residential density of 32 dwelling units per net acre.

### 21.04.020: R-4A (2022)

#### Street Frontage Requirements

- i. Notwithstanding 21.07.110C.6.e-f., new parking facilities shall not be located between buildings and the nearest public street in the R-4A zoning district. On lots with two or more street frontages, this limitation shall apply only on the primary front setback; however, when the site abuts a street designated in the comprehensive plan as a "main street, a "transit street," a "mixed-use street," or a derivation of these street typologies, this limitation may be changed to such street with the concurrence of the director.

### Parking requirements no longer apply (2022)

### 21.07.060: Transportation & Connectivity

#### E. Standards for Pedestrian Facilities

##### 1. Purpose

The purpose of this section is to provide convenient, safe, and regular pedestrian facilities along streets and within and between developments. Such facilities create a healthful built environment in which individuals have opportunities to incorporate physical activity, such as walking or bicycling, into their daily routine. Injuries and fatalities are reduced when interactions between pedestrians and vehicles are minimized. Adequate pedestrian facilities meet community goals for mobility and access, as well as for providing transportation choices. Safe pedestrian access for students to their schools is also an essential purpose of these standards.

### See site access standards (2023)

### 21.04.020: R-4A (2022)

#### 2. District-Specific Standards

##### a. Dwelling Units Required

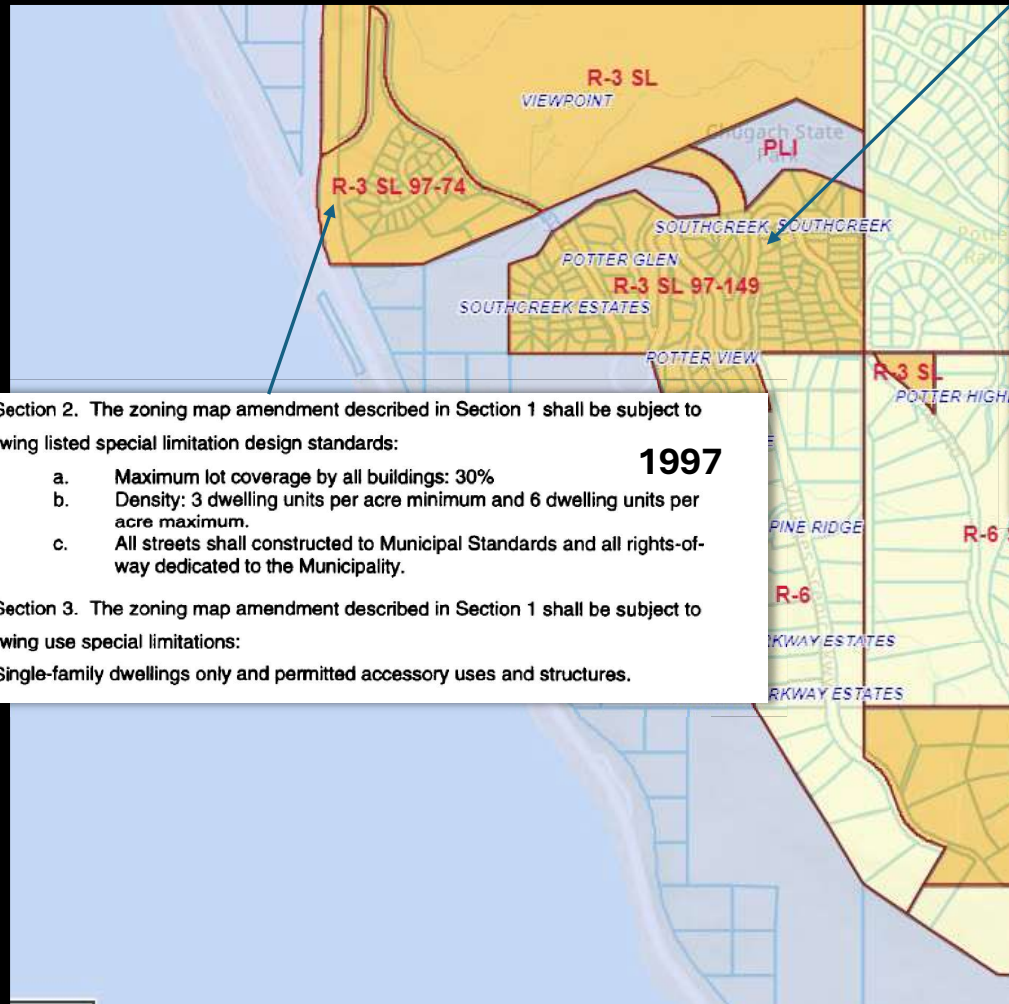
- i. Unless limited by physical constraints or determined otherwise through a Small Area Implementation Plan (SAIP), development in the R-4A district shall include at least 20 dwelling units per gross acre per phase, or on average of subsequent phases.
- ii. The overall development site shall include at least 20 dwelling units per gross acre at the completion of all phases unless provided otherwise through a major site plan review, conditional use process, or Small Area Implementation Plan.

## Public Comment #2

***#1 “It is often a context relevant feature of the parcel that an SL can address that allows the rezone to be approved in line with the comprehensive plan and the surrounding neighborhood. Without the rezone, the parcel would typically have less ability to develop. Without the SL, there would be no rezone. It's important to keep sight of the starting point. The initial zoning is logically more restrictive than the new zoning even with the SL. With this perspective, it is hard to see a rezone from R-1 to R-3SL as more restrictive. The SL should be seen as allowing a change to more intense development.***

***Since a property owner could reject a rezone, if an SL decreased the use of a property from its original zoning, it's hard to imagine a property owner who would accept the rezone. The purposes for SLs show in 21.03.160.G.1 and 2 support their continued use. These show the usefulness of SLs where those purposes include ‘conforming to the comprehensive plan, further the goals of the comprehensive plan, mitigate adverse effects ...’ These point to the importance of SLs in creating an opportunity to rezone to a higher intensity district.”***

# Public Comment #2



Section 2. The zoning map amendment described in Section 1 shall be subject to the following listed special limitation design standards:

**1997**

- Maximum lot coverage by all buildings: 30%
- Density: 3 dwelling units per acre minimum and 6 dwelling units per acre maximum.
- All streets shall constructed to Municipal Standards and all rights-of-way dedicated to the Municipality.

Section 3. The zoning map amendment described in Section 1 shall be subject to the following use special limitations:

Single-family dwellings only and permitted accessory uses and structures.

Section 2. The zoning map amendment described in Section 1 above shall be subject to the following special limitations:

- Density: 6 DUA Maximum
- Use: Single Family Development, in accordance with and controlled by the existing Potter Creek Covenants, Conditions & Restrictions and Design Standards & Procedures.
- All new subdivisions of Tracts B and C, Southcreek Estates Subdivision, as well as Tract 10 and 11, Villages Subdivision, shall have streets built to Municipal Standards and dedicated to the Municipality. Tracts 10 and 11, Villages Subdivision shall be prohibited direct access to the Villages Scenic Parkway.
- The existing Potter Creek Homeowners' Association (HOA) shall be maintained. All new subdivisions shall join the HOAs as sub-associations with different responsibilities from the existing Phase 1 thru 4 subdivisions, but in keeping with the overall goals of Potter Creek Homeowners Association.
- The following design standard special limitations shall apply only to all lots within the existing phases 1 through 4 (Southcreek Subdivision, Southcreek Estates Subdivision - Phase 2, Southcreek Estates Subdivision - Phase 3, Southcreek Estates Subdivision - Phase 4):

**1997**

- Private and greenbelt easements that are either dedicated by plat or described in plat notes, or described in the covenants shall consist of natural vegetation or reflect a landscape plan approved by the Potter Creek Homeowners Association (PCHOA), Design

A. DEVELOPMENT SHALL CONFORM TO A SITE PLAN REVIEWED AND APPROVED AS FOLLOWS:

- The authority designated by ordinance shall review the site plan in accordance with the standards in these special limitations.
- The authority reviewing a site plan may impose conditions upon the approval of the site plan that it finds necessary to:
  - Conform the site plan to the standards in these special limitations; or
  - Enforce the development of the site in accordance with the site plan, including but not limited to, requiring:
    - the recording of negative easements, development rights transfers, or covenants, conditions and restrictions governing the use of the site;
    - the posting of a performance guarantee for the provision of site improvements as provided in Anchorage Municipal Code 21.87.030.
- Site Plan review shall consist of two phases. The first phase will review a Master Site Plan to locate the public facilities infrastructure.

**1984**



## Public Comment #2

clustering.

Ms. Angvik argued the R-3 designation would allow more flexibility to the developer than the R-7 proposed without significantly increasing the allowable density.

### Planning Commission Recommendation:

R-3 SL at 3 DU/A. The R-3 SL zoning district would allow an unlimited number of units in any one structure and would have a height limitation of 35'. Special Limitations were included to ensure strict control over site design and public facilities.

## Public Comment #2

*"It is often a context relevant feature of the parcel that an SL can address that allows the rezone to be approved in line with the comprehensive plan and the surrounding neighborhood. Without the rezone, the parcel would typically have less ability to develop. Without the SL, there would be no rezone. It's important to keep sight of the starting point. The initial zoning is logically more restrictive than the new zoning even with the SL. With this perspective, it is hard to see a rezone from R-1 to R-3SL as more restrictive. The SL should be seen as allowing a change to more intense development.*

*Since a property owner could reject a rezone, if an SL decreased the use of a property from its original zoning, it's hard to imagine a property owner who would accept the rezone. The purposes for SLs show in 21.03.160.G.1 and 2 support their continued use. These show the usefulness of SLs where those purposes include 'conforming to the comprehensive plan, further the goals of the comprehensive plan, mitigate adverse effects ...' These point to the importance of SLs in creating an opportunity to rezone to a higher intensity district."*

### Response:

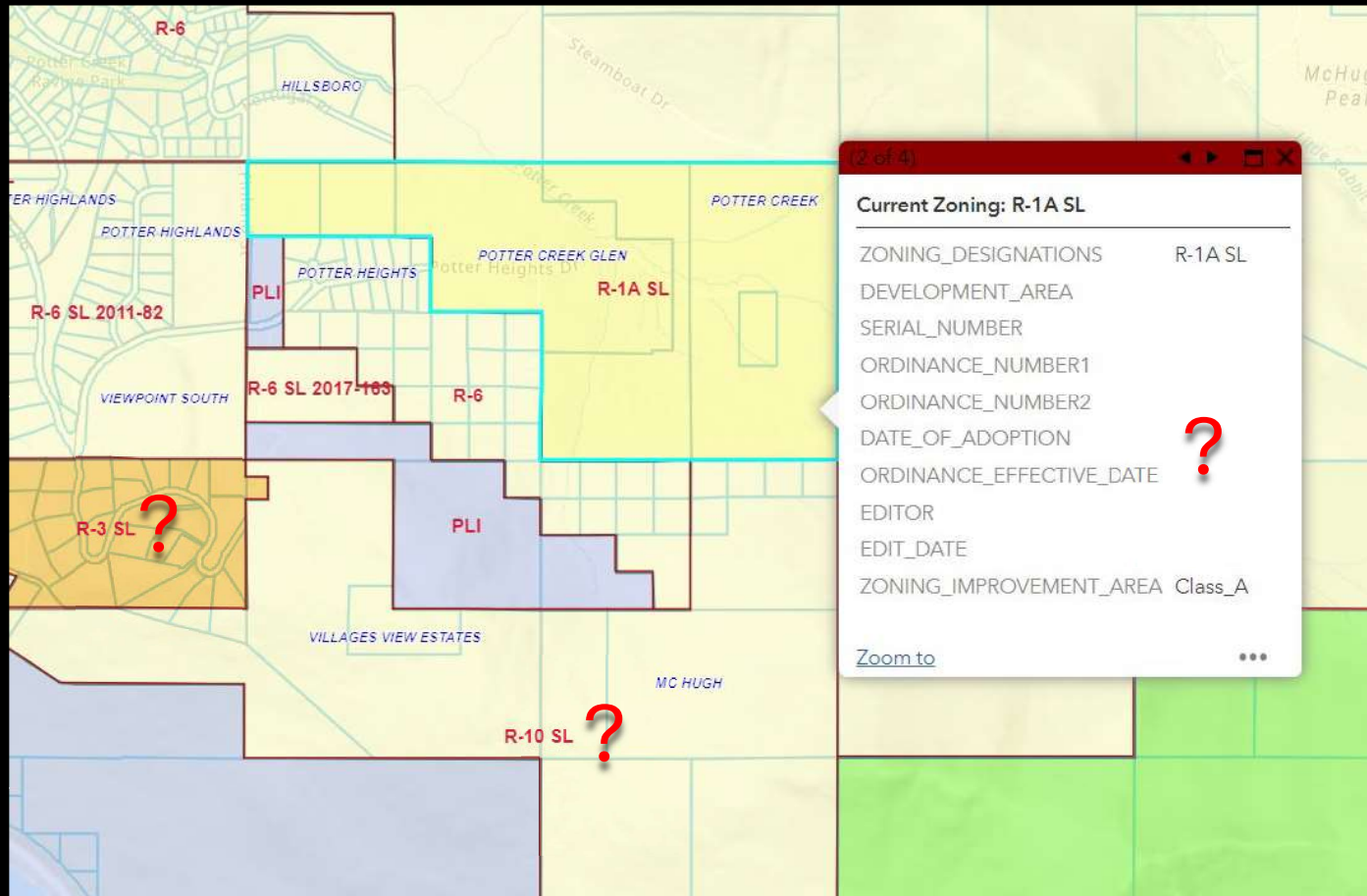
- **Most SLs are not to drastically different zones.**
- **The R-3SLs in South Anchorage are in fact very complex and may have been better as different zones.**

## Public Comment #3

***“The fact that SLs are individually defined in ordinances, not in code, also means they are opaque to the property owner, and are often only discovered through a development application and review process.” P.4 This is an odd complaint. Current code specifies ‘A zoning district subject to special limitations shall be identified on the zoning map by the suffix “SL” and the number of the ordinance applying the special limitations shall be printed on the zoning map.’***

***Anyone buying a piece of property would look at the zoning and can easily find the AO that has the special limitation. Any property with an SL is clearly shown in the zoning. Rather than toss a useful tool for allowing more development in Anchorage, figure out what trouble people have learning what the SL is and fix that. Our Assessor can add the relevant AO number to the public info in CAMA.”***

# Public Comment #3



## Public Comment #3

*"The fact that SLs are individually defined in ordinances, not in code, also means they are opaque to the property owner, and are often only discovered through a development application and review process." P.4 This is an odd complaint. Current code specifies 'A zoning district subject to special limitations shall be identified on the zoning map by the suffix "SL" and the number of the ordinance applying the special limitations shall be printed on the zoning map.'*

*Anyone buying a piece of property would look at the zoning and can easily find the AO that has the special limitation. Any property with an SL is clearly shown in the zoning. Rather than toss a useful tool for allowing more development in Anchorage, figure out what trouble people have learning what the SL is and fix that. Our Assessor can add the relevant AO number to the public info in CAMA."*

### Response:

- **Requiring the public to search for AOs makes regulations less transparent.**
- **An AO from 1984 might refer to R-3 standards that have since changed considerably.**



## Public Comment #4

***“Should the context or comprehensive plan change and make an SL no longer relevant, changing it through an ordinance is reasonable. Special Limitations offer a flexible and collaborative tool to gain more use of scarce land in Anchorage. Shortcomings regarding any difficulty in determining what the SL can be fixed by following code and using our flexible new CAMA system. Without SLs, we would have fewer rezones to higher intensity use. SLs should remain a tool in the box.”***

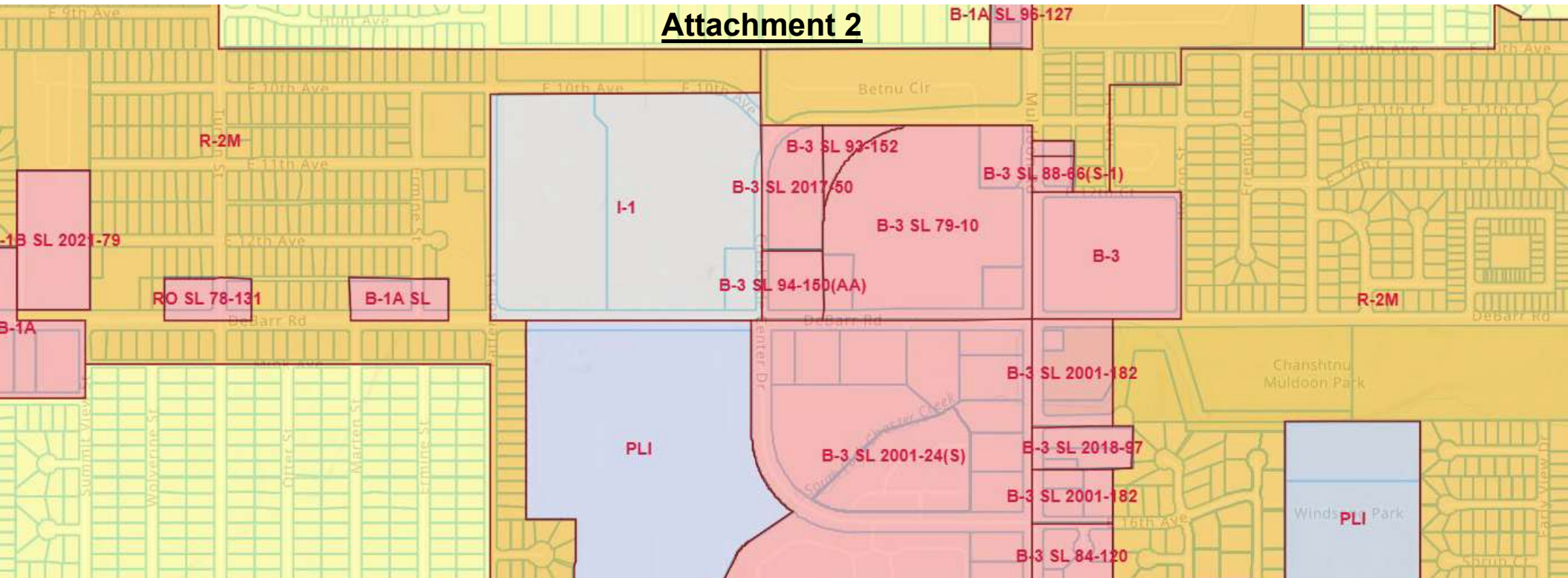
## Public Comment #4

***“Should the context or comprehensive plan change and make an SL no longer relevant, changing it through an ordinance is reasonable. Special Limitations offer a flexible and collaborative tool to gain more use of scarce land in Anchorage. Shortcomings regarding any difficulty in determining what the SL can be fixed by following code and using our flexible new CAMA system. Without SLs, we would have fewer rezones to higher intensity use. SLs should remain a tool in the box.”***

### **Response:**

- **Most rezones with SLs are to zones that are allowed under 2040 LUP**
- **If zones are not appropriate, or not implementing the plan, they might not be a good fit.**
- **Changing SLs by ordinance can be complicated for the average user.**
- **Title 21 has other tools to achieve the same ends**

## Attachment 2



# Special Limitations Zoning

12/9/2024 PZC meeting

PZC Case #2024-0124

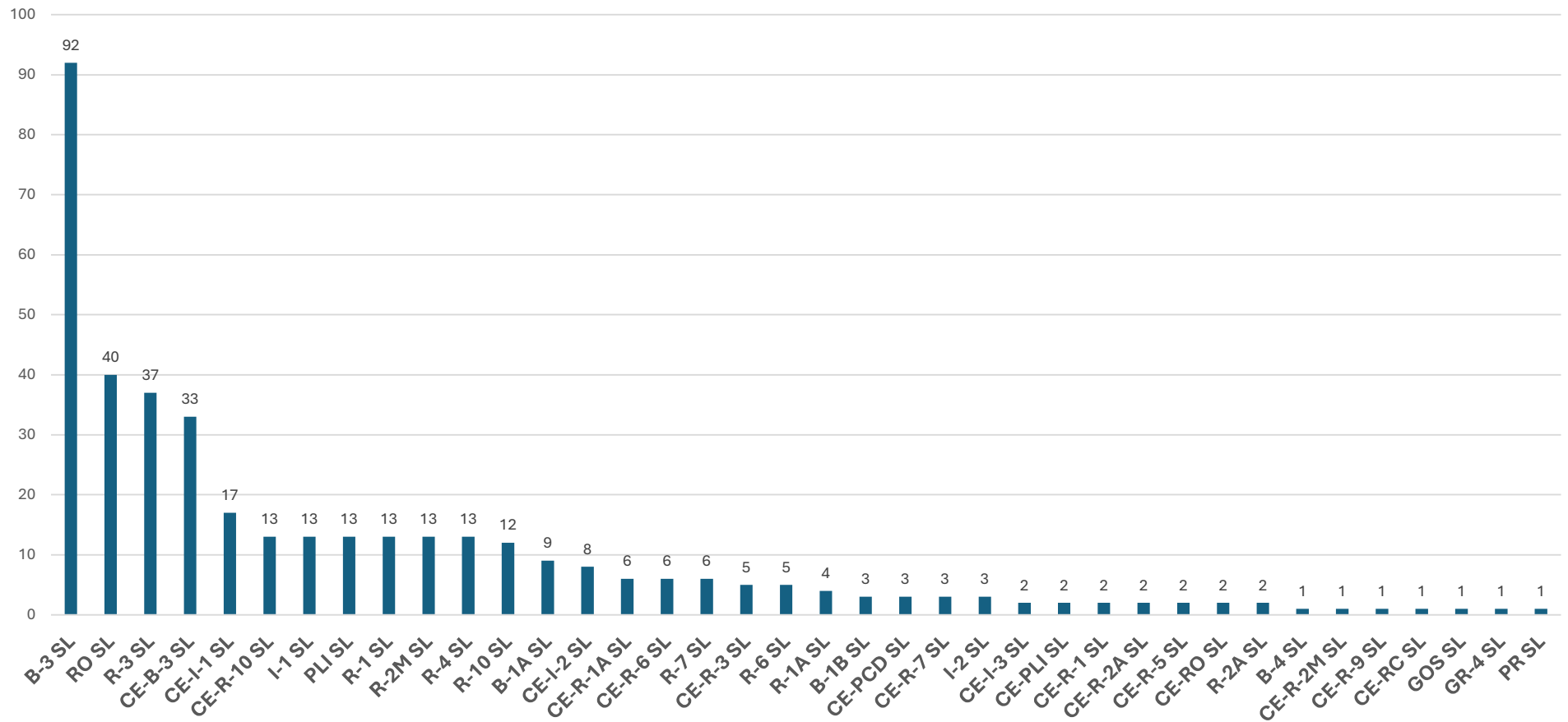
AO 2024-99



## **Special limitations can do one or more of the following:**

- a. Limit residential density; or prohibit structures, or uses of land or structures, otherwise permitted in a zoning district.
- b. Require compliance with design standards for structures and other site features.
- c. Require compliance with a site plan approved under this title.
- d. Require the construction and installation of improvements, including public improvements.
- e. Impose time limits for taking subsequent development actions.

## SLs Shown in Internal MOA GIS



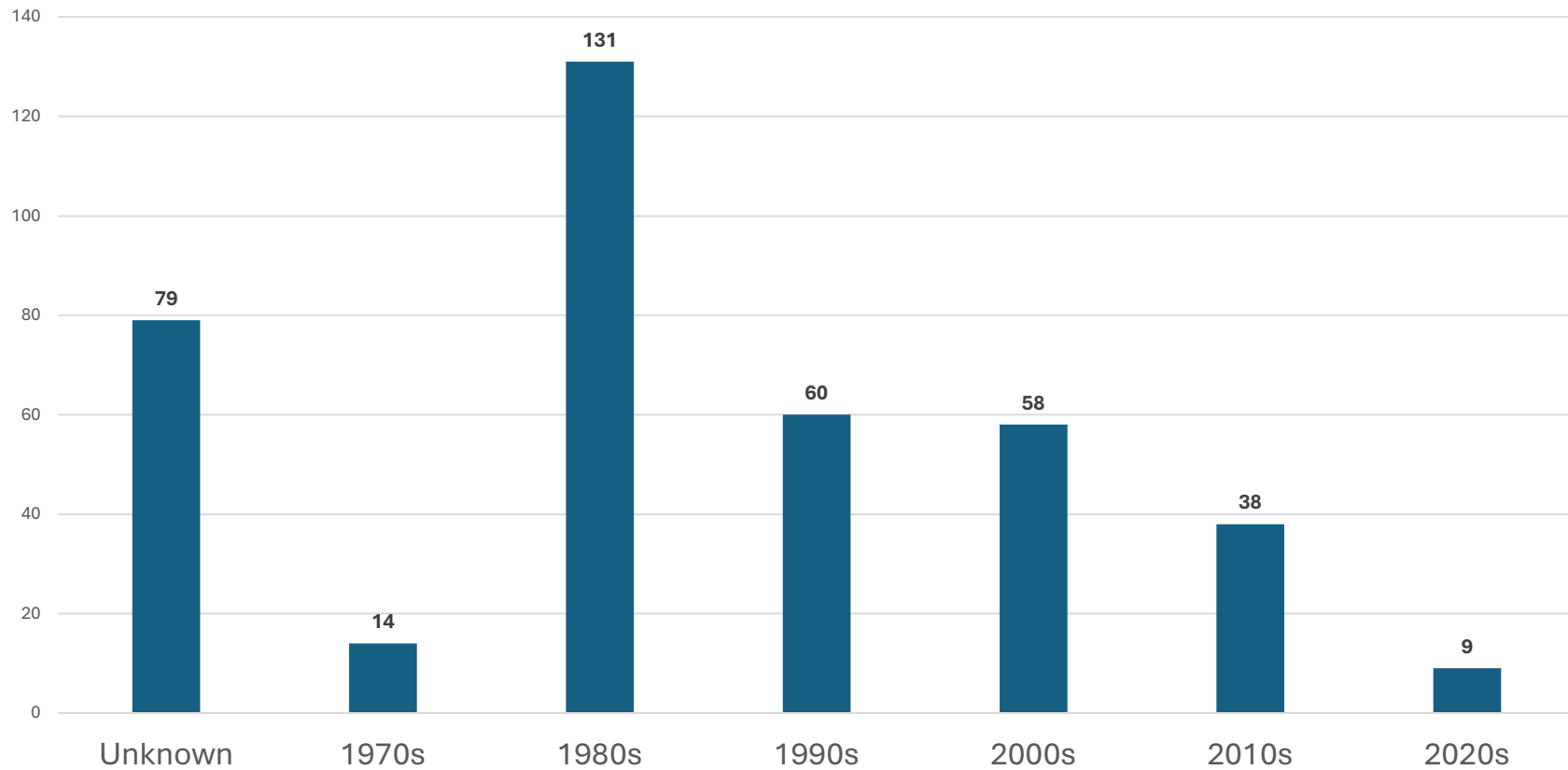


## Many types of SLs have now been incorporated into Title 21:

- **Public meetings/site plan reviews**: now regulated by 21.03 & 21.05
- **Access requirements**: now regulated through site plan reviews and agency comments (21.07).
- **Design standards/density requirements**: now part of R-3A and R-4A zones (21.04).
- **Slope concerns**: now incorporated into Title 23 building code and zoning reviews.

# Count of SLs By AO Decade

(based on internal MOA GIS layers)



## **Problems that can arise with SLs:**

- **References to code sections which no longer exist** (AO 85-198), or refer to other AOs which no longer apply (AO 2008-106).
- **Split lot zoning** (AO 1983-224)
- **Highly variable lists of what is allowed or not allowed** (AO 1999-69, AO 2007-73) and sometimes by what is permitted (AO 1983-79, AO 1996-66, AO 2000-155, AO 2003-148).
- **Case-by-Case stipulations** AO 2000-86(S): "Package liquor stores shall be allowed only if associated with a major retail operation so that the package liquor sales is a subsidiary use only".
- **Complicated ways of measuring restrictions** (AO 1984-126: "No new structures shall be higher than the highest point of the existing structures on the property" vs AO 2002-152: "Building height...shall not exceed the lesser of 35 feet or a maximum of 138 feet above mean sea level based on the GAAB 1972 Post Quake Adjustment" and AO 2003-133, AO 2003-142).
- **Very specific rules which require interpretation** AO 1998-77: "Density: Residential development shall be a minimum of 2.0 dwelling units per acre and a maximum of 3.0 dwelling units per acre.", AO 2009-95 requires a site plan review that addresses "h. site lighting that will not impede the views of Melody Commons. i. does not interfere with the views of Melody commons" and AO 2009-38 which requires that "The north façade and the northeast and northwest corners of the building shall have a high level of quality, detail, and architectural interest."
- **References to Plans that may not be in force anymore** AO 2003-148: "Any further redevelopment on this site shall be subject to an administrative site plan review, which shall comply with the Spenard Commercial District Development Strategy," and AO 2005-132.
- **References to zoning districts that no longer exist** AO 1978-210 and AO 1980-139 both refer to an R-2 SL zone, even though on the map the property is indicated as an R-2M SL zone. The public may not know that many R-2 lots were converted to R-2M lots at some point in the past.
- **A very long process to make simple amendments**, even for a minor change such as adjusting building height (AO 2008-128, AO 2019-73(S)), or changing the number of houses allowed (2004-4) AO 1990-78 amended an SL to allow a single additional permitted use. .

## SLs have been used to limit housing production:

### AO 1982-109

SECTION 2. That the zoning map amendment for the R-3 (Multiple-family Residential District) S.L. use district designation for the property described in Section 1. above is restricted with the following limitation:

Density is limited to 16 units per acre.

### AO 1983-68

- b. This R-2 zoning district shall not exceed 36 units in the described area.
- c. This R-3 zoning district shall have a height limitation of 30 feet.

### AO 1983-195

SECTION 2. This zoning map amendment is subject to the following special limitations establishing design standards for the property.

1. The residential density of this site shall not exceed 12 dwelling units per acre.

### AO 1984-13

SECTION 2: This zoning map amendment is subject to the following special limitations establishing design standards for the property.

1. A maximum of 18 dwelling units per acre will be permitted in this district.

### AO 1984-144

SECTION 2. This zoning map amendment is subject to the following special limitation establishing design standards for the property:

- A. Only single family or duplex construction is permitted.

### AO 1991-84

SECTION 3. This zoning map amendment is subject to the following special limitations establishing design standards for the property:

- a. Number of dwelling units limited to 200. 180

### AO 1991-149

- a. The maximum number of dwelling units on the tract shall be limited to 60.

### AO 1997-96

5. The maximum density on the petition site shall not exceed 5 Dwelling Units Per Acre, (44 units total).

### AO 1997-117

The area described in Section 1 shall be restricted to a maximum of 10 dwelling units.

### AO 2017-32

Section 2. This zoning map amendment is subject to the following special limitations:

- A) The maximum number of dwelling units per acre across the tract is 30.
- B) Commercial uses and manufactured home communities are prohibited.

### AO 2022-4

Section 2. The zoning map amendment is subject to the following special limitation: "No more than 7 dwelling units shall be developed on Tract 2."

## SLs have been used to limit housing production:

### AO 1986-77 (B-3)

- c. Multi-family residential, at a density, minimum lot size, minimum yard requirements and maximum lot coverage allowed in the R-2M zoning district;

### AO 1997-174

- a. Maximum lot coverage by all buildings: 30%
- b. Density: 3 dwelling units per acre minimum and 6 dwelling units per acre maximum.

### AO 1997-149

**Section 2.** The zoning map amendment described in Section 1 above shall be subject to the following special limitations:

- A. Density: 6 DUA Maximum
- B. Use: Single Family Development, in accordance with and controlled by the existing Potter Creek Covenants, Conditions & Restrictions and Design Standards & Procedures.

### AO 1999-19

- A. The petition site shall be limited to a maximum of 10 dwelling units per acre.

### AO 2003-148 AA (B-3)

2. The uses shall be limited to parking and one 3,000 square foot accessory structure.

### AO 2004-107

1. No further subdivision or replat of the lots shall be allowed.
2. Lot 16 is limited to a single family home, and Lot 15 is limited to one duplex. Any redesign or reconstruction on Lot 15 must resemble a single family home.
3. All other development standards, yard setback, lot coverage, building height, etc., of the R-1A district shall be applied to the property.

### AO 2004-152

1. Regardless of the slope of an individual lot, no lot shall be smaller than 2.5 acres.

### AO 2006-195

3. The development is limited to a maximum of 66 dwelling units.
4. Prior to development and building permit application, the applicant shall submit site plans for a public review and comment by the local community council prior to a public hearing site plan review before the Planning and Zoning Commission which addresses the following:
  - a. 600 square feet of useable open space per unit;
  - b. a minimum of 20 percent overflow parking area;
  - c. snow storage contained on-site or hauled off-site;

### AO 2008-10

- A. Dwelling unit density shall not exceed ninety-six units total.

## SLs have also been used to limit specific housing types:

### AO 2017-32

**Section 2.** This zoning map amendment is subject to the following special limitations:

- A) The maximum number of dwelling units per acre across the tract is 30.
- B) Commercial uses and manufactured home communities are prohibited.

### AO 2002-159

**Section 3.** Special Limitations. The following uses are prohibited:

- a. Antennas type 1, 2, 3 or 4
- b. Mobile home parks
- c. Airstrips and heliports
- d. Natural resource extraction
- e. Impound yards
- f. Motorized sports

### AO 2001-49 (S)

#### 4. Prohibited uses [AND STRUCTURES]

- a. Notwithstanding AMC 21.50.130.D, all other permitted principal uses, accessory uses, and conditional uses [AND STRUCTURES] listed in the B-1A, B-2A, B-2B, B-2C, B-3, B-4, and R-O are prohibited.

[B ANY USE OR STRUCTURE NOT OF A CHARACTER INDICATED UNDER PERMITTED USES AND STRUCTURES.]

b.[C.] Storage or use of mobile homes or quonset huts.

c.[D.] Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust, or other particulate matter, toxic, or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

### AO 1979-191(A)

The proposed rezoning from B-1 to B-3SL is in an area adjacent on three sides to residential property. The proposed rezoning excludes all residential use. The Comprehensive Plan land use classification map identifies this area as a residential area. Any ordinance rezoning this property should be supported by a finding on the record that exceptional circumstances justify this particular rezoning.

### AO 2002-129

- 2 11. Prohibited uses and structures. The following uses and structures are prohibited:
- 3 a. The outdoor storage or display of any scrap, junk, salvaged or secondhand
- 4 materials, or any salvage yard or salvage operation.
- 5 b. Any use which causes or may reasonably be expected to cause excessive
- 6 noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter,
- 7 humidity, heat or glare at or beyond any lot line of the lot on which it is located. The
- 8 term "excessive" is defined for the purpose of this subsection as to a degree
- 9 exceeding that generated by uses permitted in the district in their customary manner
- 10 of operation, or to a degree injurious to the public health, safety, welfare or
- 11 convenience.
- 12 c. Storage or use of mobile homes.
- 13 d. Truck and heavy equipment repair, service and storage.
- 14 e. Open storage of cinders, coal, feed, grain, gravel, manure, muck, peat, sand
- 15 or topsoil.

### AO 2013-74

A. In addition to the prohibited uses and structures listed under AMC 21.40.180E, the following uses are prohibited:

- a. Adult entertainment/adult book stores, peepshows, topless bottomless dancers, massage parlors and escort services;
- b. Truck and trailer rental agencies;
- c. Automotive repair services and garages;
- d. Gasoline service stations, bulk fuel dealers, or primary tire change facility;
- e. Automobile car wash, self service and automatic, with sufficient off-street area for maneuvering, washing and drying automobiles;
- f. Taxicab stands and dispatching offices;

O Rezoning 4.09 acres to B-3 SL  
page 2 of 2

- g. Mobile home parks;
- h. Camper parks;

### AO 2007-73

A Prohibited principal uses and structures.

- 1. Hotels, motels and motor lodges.
- 2. Boarding and lodging houses.
- 3. Private clubs and lodges.
- 4. Funeral parlors and services.


### AO 1984-144

SECTION 2. This zoning map amendment is subject to the following special limitation establishing design standards for the property:

- A. Only single family or duplex construction is permitted.



## November 26, 2024 Geotechnical Advisory Commission



**Municipality of Anchorage**  
**Geotechnical Advisory Commission**  
**A G E N D A**  
**Tuesday, November 26, 2024**  
**12:00 Noon – 1:30 p.m.**  
**Regular Meeting**  
**(Hybrid format)**

**In-Person Physical Location**  
Planning Conference Room 170  
Planning and Development Center  
4700 Elmore Road  
Anchorage, Alaska

**via Microsoft Teams**  
[Join the meeting](#)  
Meeting ID: 265 612 833 853, Passcode: rAKoXB  
Or call in (audio only): +1 907-519-0237  
Conference ID: 385 258 676#

**I. CALL TO ORDER**  
A. Establishment of Quorum  
B. Disclosures  
C. Recognizing Staff and Guests

**II. MEETING SUMMARIES**  
A. October 22, 2024 Regular Meeting

**III. OLD BUSINESS**  
A. GAC Resolution 2024-02: Recommending Minimum On-Site Testing for Geotechnical Technical Reports or Guidance on Handout Material to Be Provided by the MOA  
B. Update on the Port  
C. Update on Academic Research from University of Colorado and University of Notre Dame on Building Code

**IV. NEW BUSINESS**  
A. Special Limitations Zoning, Steep Slopes, and Seismic Areas  
B. GAC Recommendations to Local Amendments for the 2024 IBC

**V. PERSONS TO BE HEARD (3-minute limit)**

**VI. COMMITTEE REPORTS**  
A. Communications Committee  
B. Hazard Mitigation Committee  
C. Seismic Hazard Committee

**VII. OTHER BUSINESS**

**VIII. STAFF REPORTS**

**IX. ADJOURNMENT**

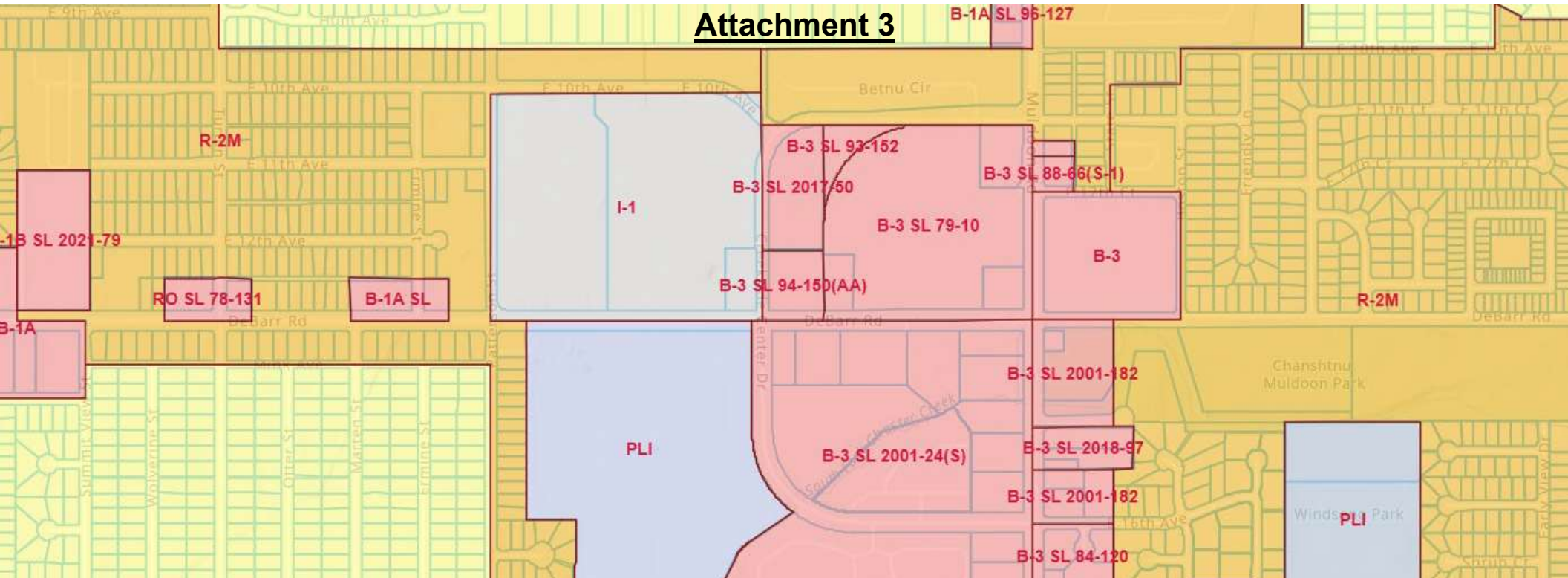
*Next Regular Meeting – December 17, 2024*

- Discussion of SLs (The GAC did not take any action on this item)
- Commissioners asked if the GAC has ever been involved in the creation of SLs related to slope (staff has not found any evidence that they have)
- The recognized that some SLs are now covered by code, but did not do a comprehensive analysis (building codes, slope regulations, avalanche regulations).
- The Commission discussed how many SLs were in seismic zones or avalanche zones (staff has found that there are very few, or no consistent correlation)
- Recording is available on the MOA GAC page

Questions?

Thank you

## Attachment 3



# Special Limitations Zoning

12/5/2024 CEDC meeting

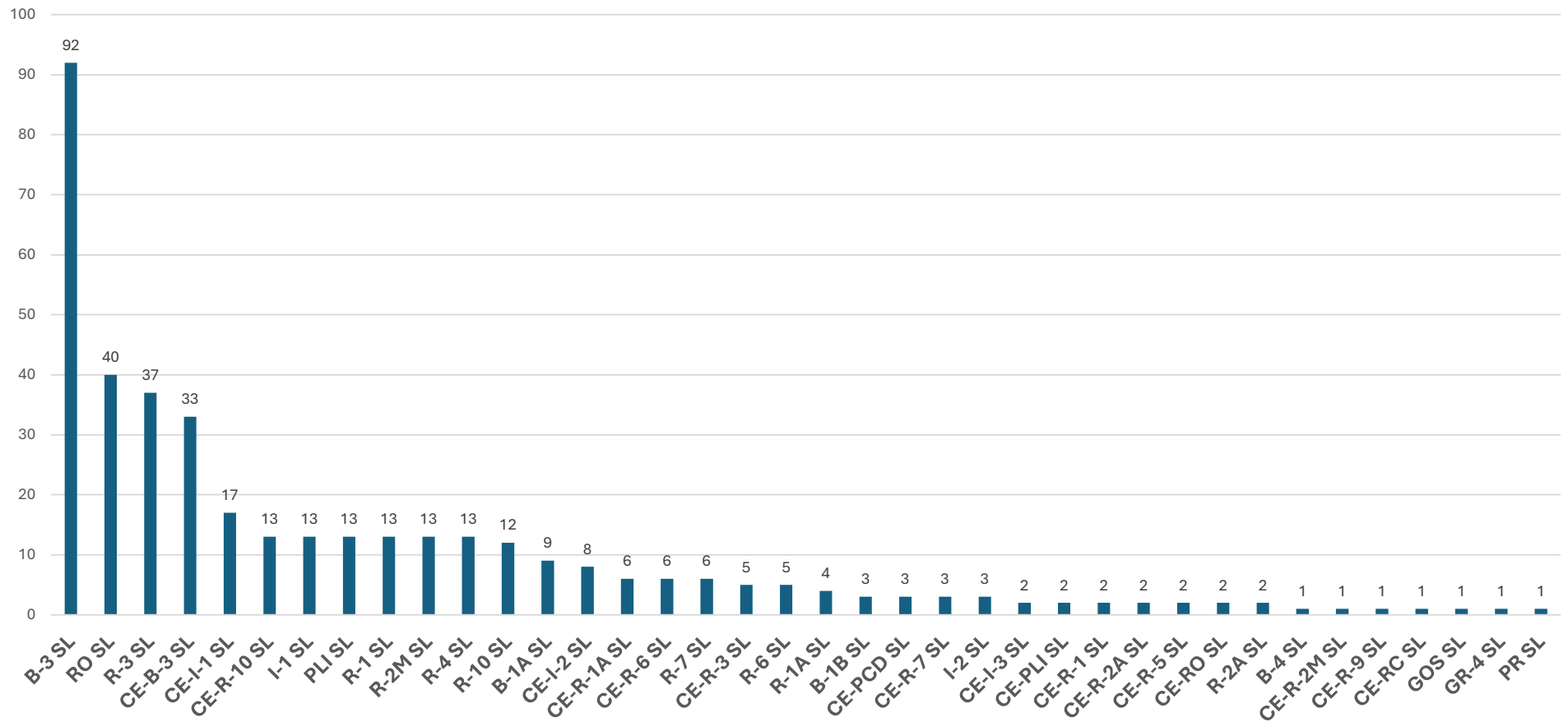
AO 2024-0124



## **Special limitations can do one or more of the following:**

- a. Limit residential density; or prohibit structures, or uses of land or structures, otherwise permitted in a zoning district.
- b. Require compliance with design standards for structures and other site features.
- c. Require compliance with a site plan approved under this title.
- d. Require the construction and installation of improvements, including public improvements.
- e. Impose time limits for taking subsequent development actions.

## SLs Shown in Internal MOA GIS



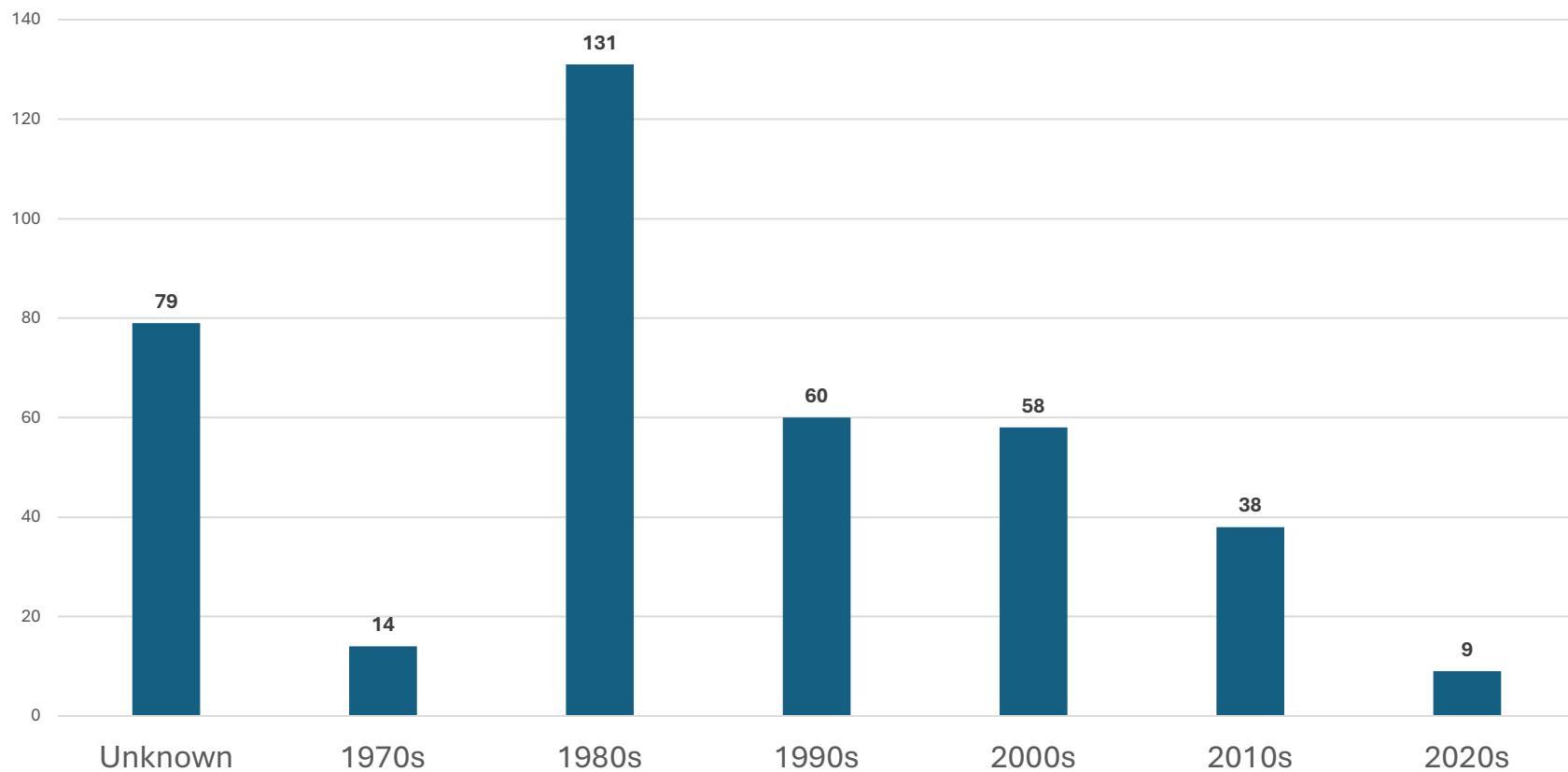


## Many types of SLs have now been incorporated into Title 21:

- **Public meetings/site plan reviews**: now regulated by 21.03 & 21.05
- **Access requirements**: now regulated through site plan reviews and agency comments (21.07).
- **Design standards/density requirements**: now part of R-3A and R-4A zones (21.04).
- **Slope concerns**: now incorporated into Title 23 building code and zoning reviews.

# Count of SLs By AO Decade

(based on internal MOA GIS layers)



## **Problems that can arise with SLs:**

- **References to code sections which no longer exist** (AO 85-198), or refer to other AOs which no longer apply (AO 2008-106).
- **Split lot zoning** (AO 1983-224)
- **Highly variable lists of what is allowed or not allowed** (AO 1999-69, AO 2007-73) and sometimes by what is permitted (AO 1983-79, AO 1996-66, AO 2000-155, AO 2003-148).
- **Case-by-Case stipulations** AO 2000-86(S): "Package liquor stores shall be allowed only if associated with a major retail operation so that the package liquor sales is a subsidiary use only".
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Density is limited to 16 units per acre.

### AO 1983-168

- b. This R-2 zoning district shall not exceed 36 units in the described area.
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SECTION 2. This zoning map amendment is subject to the following special limitations establishing design standards for the property.

1. The residential density of this site shall not exceed 12 dwelling units per acre.

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SECTION 3. This zoning map amendment is subject to the following special limitations establishing design standards for the property:

- a. Number of dwelling units limited to 200. 180

### AO 1991-149

- a. The maximum number of dwelling units on the tract shall be limited to 60.

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5. The maximum density on the petition site shall not exceed 5 Dwelling Units Per Acre, (44 units total).

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The area described in Section 1 shall be restricted to a maximum of 10 dwelling units.

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Section 2. This zoning map amendment is subject to the following special limitations:

- A) The maximum number of dwelling units per acre across the tract is 30.
- B) Commercial uses and manufactured home communities are prohibited.

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## SLs have also been used to limit specific housing types:

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**Section 3.** Special Limitations. The following uses are prohibited:

- a. Antennas type 1, 2, 3 or 4
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- c. Airstrips and heliports
- d. Natural resource extraction
- e. Impound yards
- f. Motorized sports

### AO 2001-49 (S)

#### 4. Prohibited uses [AND STRUCTURES]

- a. Notwithstanding AMC 21.50.130.D, all other permitted principal uses, accessory uses, and conditional uses [AND STRUCTURES] listed in the B-1A, B-2A, B-2B, B-2C, B-3, B-4, and R-O are prohibited.

[B ANY USE OR STRUCTURE NOT OF A CHARACTER INDICATED UNDER PERMITTED USES AND STRUCTURES.]

b.[C.] Storage or use of mobile homes or quonset huts.

c.[D.] Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust, or other particulate matter, toxic, or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

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O Rezoning 4.09 acres to B-3 SL  
Page 2 of 2


- g. Mobile home parks;
- h. Camper parks;

### AO 2007-73

- A Prohibited principal uses and structures.
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  - 2. Boarding and lodging houses.
  - 3. Private clubs and lodges.
  - 4. Funeral parlors and services.

Including Multi  
family

## November 26, 2024 Geotechnical Advisory Commission



**Municipality of Anchorage**  
**Geotechnical Advisory Commission**  
**A G E N D A**  
**Tuesday, November 26, 2024**  
**12:00 Noon – 1:30 p.m.**  
**Regular Meeting**  
**(Hybrid format)**

**In-Person Physical Location**  
Planning Conference Room 170  
Planning and Development Center  
4700 Elmore Road  
Anchorage, Alaska

**via Microsoft Teams**  
[Join the meeting](#)  
Meeting ID: 265 612 833 853; Passcode: rAKoXB  
Or call in (audio only): +1 907-519-0237  
Conference ID: 385 258 676#

**I. CALL TO ORDER**  
A. Establishment of Quorum  
B. Disclosures  
C. Recognizing Staff and Guests

**II. MEETING SUMMARIES**  
A. October 22, 2024 Regular Meeting

**III. OLD BUSINESS**  
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B. Update on the Port  
C. Update on Academic Research from University of Colorado and University of Notre Dame on Building Code

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A. Communications Committee  
B. Hazard Mitigation Committee  
C. Seismic Hazard Committee

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**IX. ADJOURNMENT**

*Next Regular Meeting – December 17, 2024*

- Discussion of SLs (The GAC did not take any action on this item)
- Commissioners asked if the GAC has ever been involved in the creation of SLs related to slope (staff has not found any evidence that they have)
- The recognized that some SLs are now covered by code, but did not do a comprehensive analysis (building codes, slope regulations, avalanche regulations).
- The Commission discussed how many SLs were in seismic zones or avalanche zones (staff has found that there are very few, or no consistent correlation)
- Recording is available on the MOA GAC page





## Final Considerations

**If property owners are putting forward rezones that are in line with the 2040 LUP, but facing opposition from the surrounding area, it could indicate that:**



- The 2040 LUP may not reflect community needs/values for that area, or
- Revisions to the code may be needed to adjust design standards or use restrictions in the desired zoning district to better match the needs of the community.

## Final Considerations

**If property owners are putting forward rezones that require amendments to the 2040 LUP, it could indicate that:**



- The property owner is attempting a change that is not appropriate for that area, or
- The 2040 LUP may not reflect community needs/values for that area and needs to be amended.

Questions?

Thank you

## Final Considerations



### *Legislative Decisions*

Legislative decisions are decisions that make or interpret policy. The decisions may be broad ranging, such as recommending the adoption of a comprehensive plan or recommending priorities for the capital improvements program, or very specific, such as recommending amendments to the platting code or advocating for a new staff member. The key element of legislative decisions is that they apply equally (or are meant to apply equally) to everyone in the community or to everyone in a class of persons, not just to a specific individual or property. Another element is that only the governing body has discretion to adopt or not adopt the legislative proposal. A law that sets speed limits is legislative because it applies to and affects all those persons who drive, and the legislative body has discretion as to which limit to adopt or whether to adopt any speed limit at all. In Alaska, a rezone is legislative. It affects all those with property in the area that is rezoned, and the governing body has the discretion to approve or deny the rezoning.



AO 2002-52

CLERK'S OFFICE  
APPROVED  
Date: 4-16-02

Submitted by: Chair of the Assembly at the Request of the Mayor  
Prepared by: Planning Department  
For reading: February 26, 2002

Anchorage, Alaska  
AO 2002-52

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF APPROXIMATELY 0.437 ACRES FROM R-2A (TWO-FAMILY DISTRICT WITH SPECIAL LIMITATIONS) TO R-2M SL (MULTIPLE FAMILY DISTRICT) WITH SPECIAL LIMITATIONS FOR McCaughey Subdivision, Block 1, Lot 1; GENERALLY LOCATED AT THE SOUTHEAST CORNER OF EAST 68<sup>TH</sup> AVENUE AND STELLA PLACE

(Abbott Loop Community Council) (Planning and Zoning Commission Case 2001-106)

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** The zoning map shall be amended by designating the following described property as R-2M SL (Multiple Family District) with Special Limitations zone:

McCaughey Subdivision, Block 1, Lot 1, consisting of 0.437 acres, as shown on Exhibit A attached (Planning and Zoning Commission Case 2001-106).

**Section 2.** The zoning map amendment described in Section 1 above shall be subject to the following special limitation regarding the uses of the property:

Density is limited to the existing triplex structure (three living units) on the existing 18,890 square foot lot.

**Section 3.** The special limitations set forth in this ordinance prevail over any inconsistent provisions of Title 21 of the Anchorage Municipal Code, unless specifically provided for otherwise. All provisions of Title 21 of the Anchorage Municipal Code not specifically affected by the Special Limitations set forth in this ordinance shall apply in the same manner as if the district classification applied by this ordinance were not subject to Special Limitations.

**Section 4.** The Director of the Planning Department shall change the zoning map accordingly.

AM 202-2002



MUNICIPALITY OF ANCHORAGE  
ASSEMBLY MEMORANDUM

No. AM 202-2002  
Meeting Date: February 26, 2002

From: Mayor

Subject: AO 2002-52

Planning and Zoning Commission Recommendation on a Rezoning From R-2A to R-2M SL for McCaughey Subdivision, Block 1, Lot 1

On September 10, 2001 the Planning and Zoning Commission approved the rezoning from R-2A to R-2M SL for McCaughey Subdivision, Block 1, Lot 1.

A three-story tri-plex occupies the lot. There are no legal nonconformities established with Land Use Enforcement. The R-2A District prohibits tri-plex uses and structures. Municipal records indicate the R-2A zoning was established in 1973, and the dwelling was converted to a tri-plex in 1983, making the structure and use of the structure nonconforming. Rezoning to R-2M will allow the use and structure to become legally conforming.

This is a spot zoning and the ordinance is not recommended for approval upon the advice of the Department of Law.

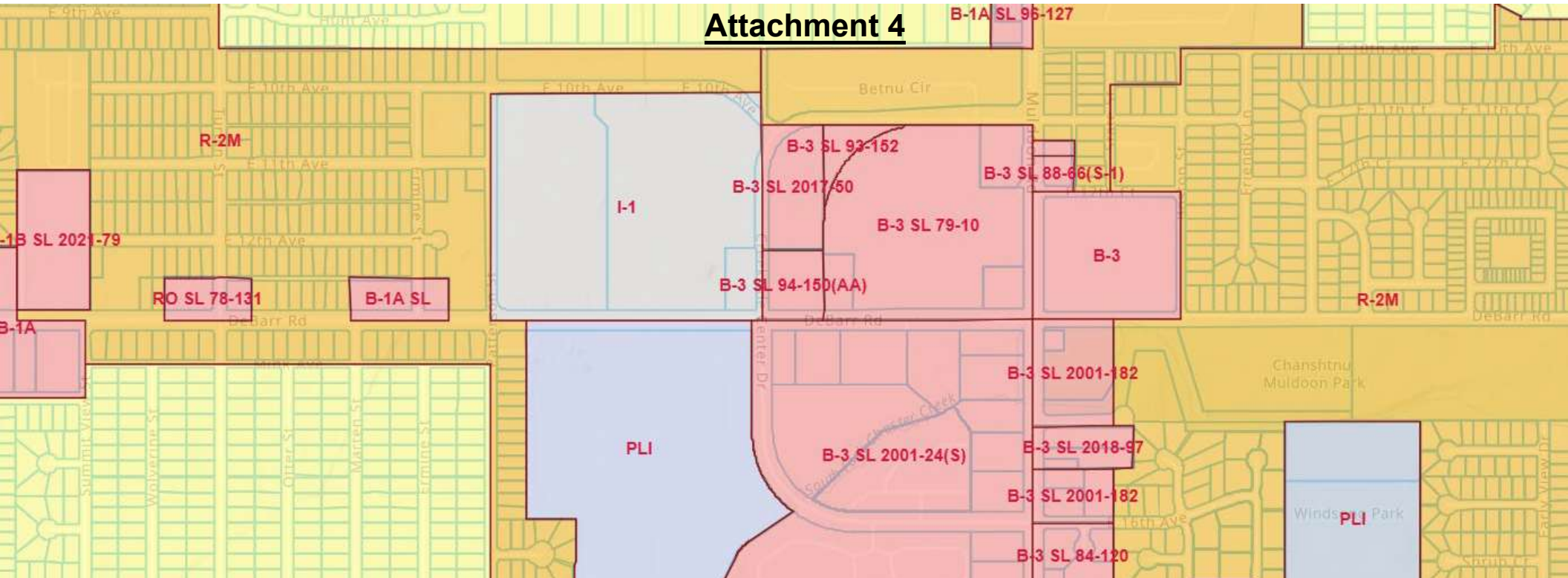
Reviewed by:  
  
Harry J. Kielling, Jr.  
Municipal Manager

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

## Attachment 4

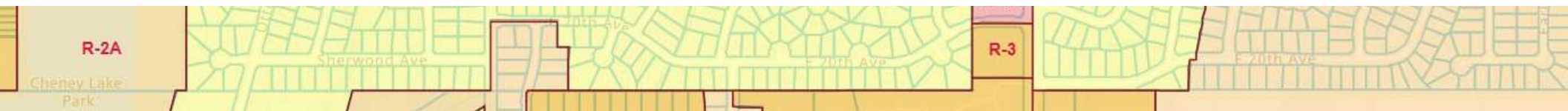


# Special Limitations Zoning

Anchorage Housing Club 12/10/2024

PZC Case #2024-0124

AO 2024-99



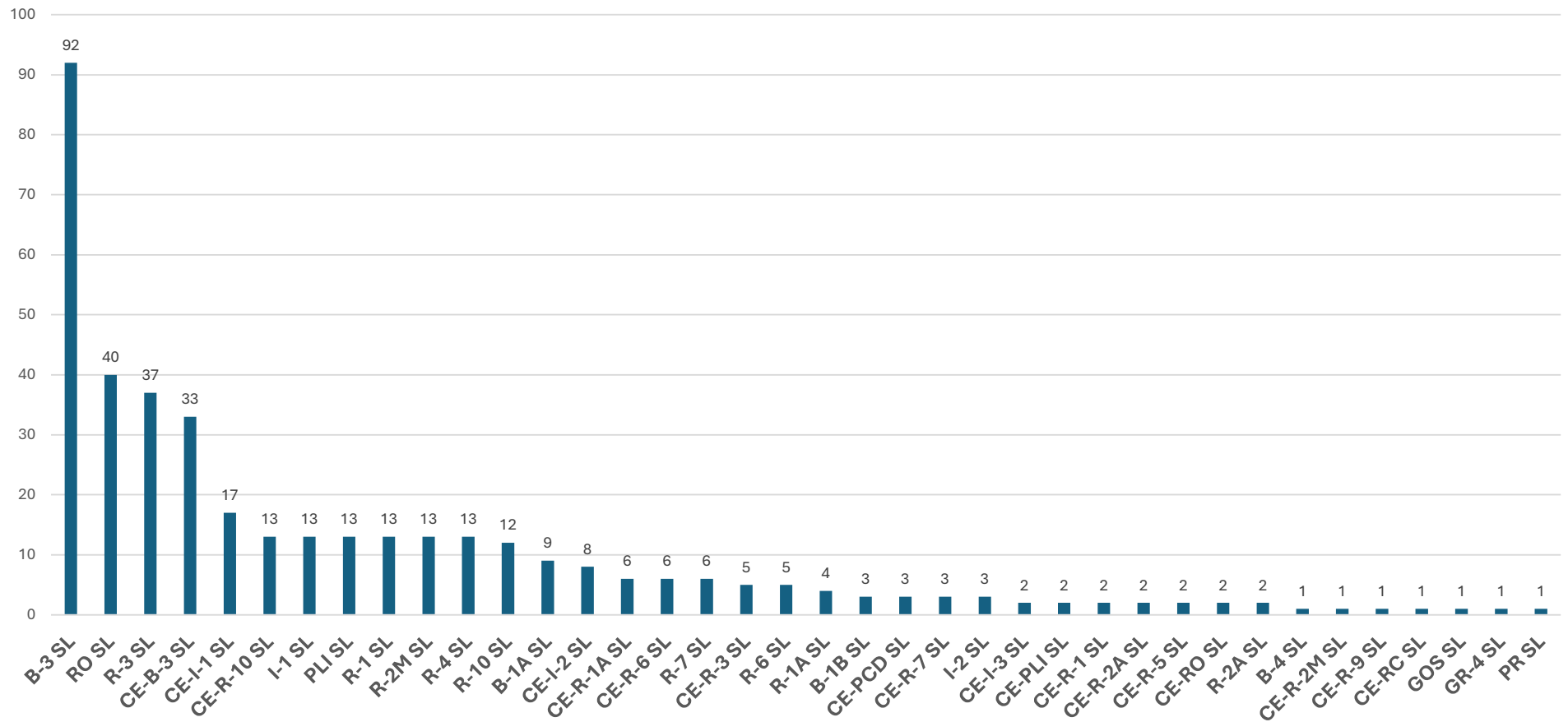
## **AO 2024-99 Overview**

- **For discussion at the 12/17/2024 Assembly meeting.  
Discussed at the 11/18/2024 and 12/9/2024 PZC meetings**
- **AO 2024-99 does not cancel SLs, it just prohibits using it as a tool moving forward.**
- **As part of the AO, the Assembly petitioned the Planning Department to do a deeper analysis of all the SLs that currently exist.**
- **The Planning Department is already working on cataloging and providing better information on all the existing SLs.**

## **Special limitations can do one or more of the following:**

- a. Limit residential density; or prohibit structures, or uses of land or structures, otherwise permitted in a zoning district.
- b. Require compliance with design standards for structures and other site features.
- c. Require compliance with a site plan approved under this title.
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## SLs Shown in Internal MOA GIS



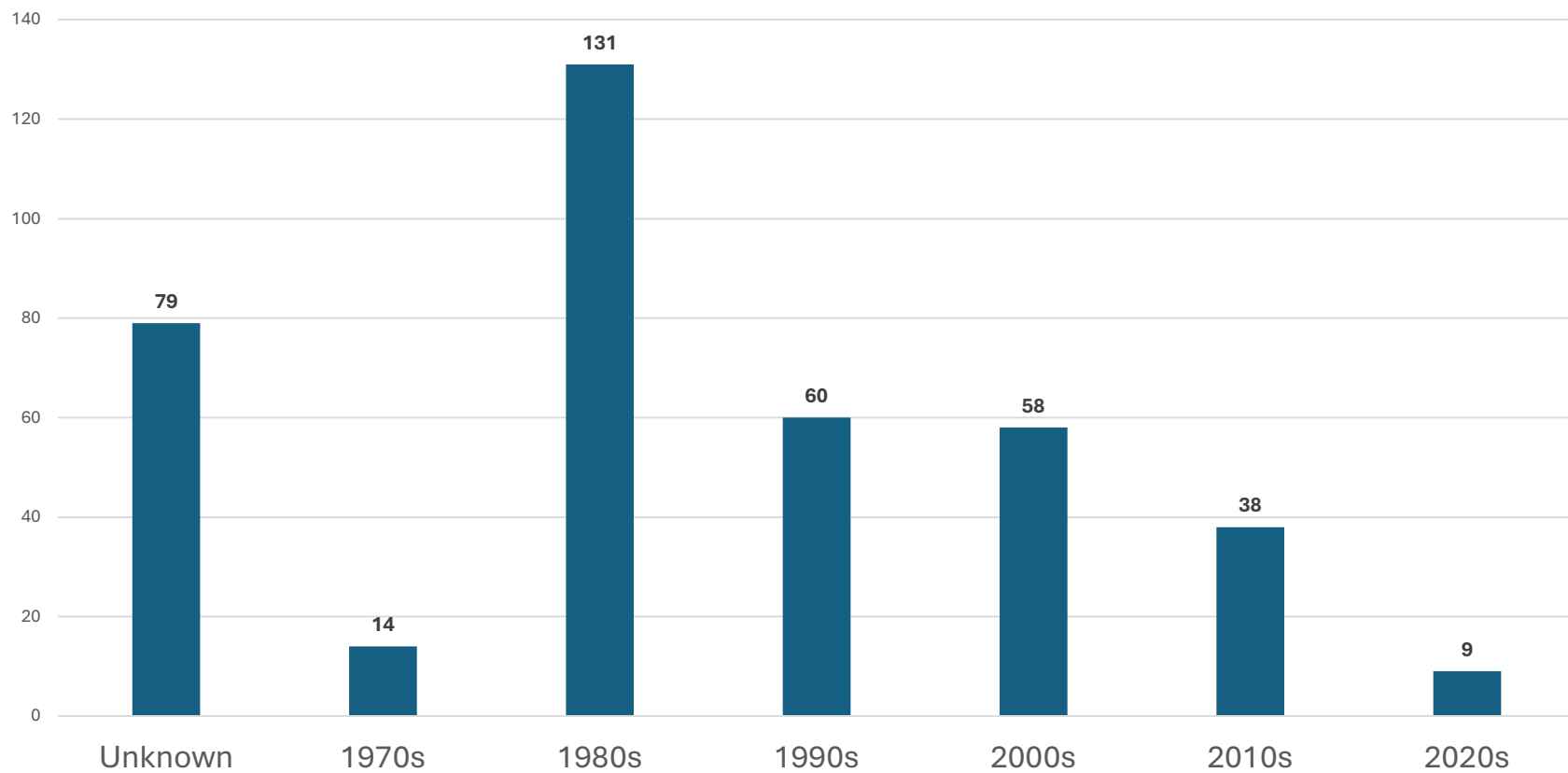
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- **Public meetings/site plan reviews**: now regulated by 21.03 & 21.05
- **Access requirements**: now regulated through site plan reviews and agency comments (21.07).
- **Design standards/density requirements**: now part of R-3A and R-4A zones (21.04).
- **Slope concerns**: now incorporated into Title 23 building code and zoning reviews.



# Count of SLs By AO Decade

(based on internal MOA GIS layers)



## **Problems that can arise with SLs:**

- **References to code sections which no longer exist** (AO 85-198), or refer to other AOs which no longer apply (AO 2008-106).
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## SLs have been used to limit housing production:

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SECTION 2. That the zoning map amendment for the R-3 (Multiple-family Residential District) S.L. use district designation for the property described in Section 1. above is restricted with the following limitation:

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- c. This R-3 zoning district shall have a height limitation of 30 feet.

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SECTION 3. This zoning map amendment is subject to the following special limitations establishing design standards for the property:

- a. Number of dwelling units limited to 200. 180

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- a. The maximum number of dwelling units on the tract shall be limited to 60.

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5. The maximum density on the petition site shall not exceed 5 Dwelling Units Per Acre, (44 units total).

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The area described in Section 1 shall be restricted to a maximum of 10 dwelling units.

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Section 2. This zoning map amendment is subject to the following special limitations:

- A) The maximum number of dwelling units per acre across the tract is 30.
- B) Commercial uses and manufactured home communities are prohibited.

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Section 2. The zoning map amendment is subject to the following special limitation: "No more than 7 dwelling units shall be developed on Tract 2."

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- c. Multi-family residential, at a density, minimum lot size, minimum yard requirements and maximum lot coverage allowed in the R-2M zoning district;

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- a. Maximum lot coverage by all buildings: 30%
- b. Density: 3 dwelling units per acre minimum and 6 dwelling units per acre maximum.

### AO 1997-149

**Section 2.** The zoning map amendment described in Section 1 above shall be subject to the following special limitations:

- A. Density: 6 DUA Maximum
- B. Use: Single Family Development, in accordance with and controlled by the existing Potter Creek Covenants, Conditions & Restrictions and Design Standards & Procedures.

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- A. The petition site shall be limited to a maximum of 10 dwelling units per acre.

### AO 2003-148 AA (B-3)

2. The uses shall be limited to parking and one 3,000 square foot accessory structure.

### AO 2004-107

1. No further subdivision or replat of the lots shall be allowed.
2. Lot 16 is limited to a single family home, and Lot 15 is limited to one duplex. Any redesign or reconstruction on Lot 15 must resemble a single family home.
3. All other development standards, yard setback, lot coverage, building height, etc., of the R-1A district shall be applied to the property.

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1. Regardless of the slope of an individual lot, no lot shall be smaller than 2.5 acres.

### AO 2006-195

3. The development is limited to a maximum of 66 dwelling units.
4. Prior to development and building permit application, the applicant shall submit site plans for a public review and comment by the local community council prior to a public hearing site plan review before the Planning and Zoning Commission which addresses the following:
  - a. 600 square feet of useable open space per unit;
  - b. a minimum of 20 percent overflow parking area;
  - c. snow storage contained on-site or hauled off-site;

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- A. Dwelling unit density shall not exceed ninety-six units total.

## SLs have also been used to limit specific housing types:

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- A) The maximum number of dwelling units per acre across the tract is 30.
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### AO 2002-159

**Section 3.** Special Limitations. The following uses are prohibited:

- a. Antennas type 1, 2, 3 or 4
- b. Mobile home parks
- c. Airstrips and heliports
- d. Natural resource extraction
- e. Impound yards
- f. Motorized sports

### AO 2001-49 (S)

#### 4. Prohibited uses [AND STRUCTURES]

- a. Notwithstanding AMC 21.50.130.D, all other permitted principal uses, accessory uses, and conditional uses [AND STRUCTURES] listed in the B-1A, B-2A, B-2B, B-2C, B-3, B-4, and R-O are prohibited.
- [B ANY USE OR STRUCTURE NOT OF A CHARACTER INDICATED UNDER PERMITTED USES AND STRUCTURES.]
- b.[C.] Storage or use of mobile homes or quonset huts.
- c.[D.] Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust, or other particulate matter, toxic, or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

### AO 1979-191(A)

The proposed rezoning from B-1 to B-3SL is in an area adjacent on three sides to residential property. The proposed rezoning excludes all residential use. The Comprehensive Plan land use classification map identifies this area as a residential area. Any ordinance rezoning this property should be supported by a finding on the record that exceptional circumstances justify this particular rezoning.

### AO 2002-129

- 2 11. Prohibited uses and structures. The following uses and structures are prohibited:
- 3 a. The outdoor storage or display of any scrap, junk, salvaged or secondhand
- 4 materials, or any salvage yard or salvage operation.
- 5 b. Any use which causes or may reasonably be expected to cause excessive
- 6 noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter,
- 7 humidity, heat or glare at or beyond any lot line of the lot on which it is located. The
- 8 term "excessive" is defined for the purpose of this subsection as to a degree
- 9 exceeding that generated by uses permitted in the district in their customary manner
- 10 of operation, or to a degree injurious to the public health, safety, welfare or
- 11 convenience.
- 12 c. Storage or use of mobile homes.
- 13 d. Truck and heavy equipment repair, service and storage.
- 14 e. Open storage of cinders, coal, feed, grain, gravel, manure, muck, peat, sand
- 15 or topsoil.

### AO 2013-74

- A. In addition to the prohibited uses and structures listed under AMC 21.40.180E, the following uses are prohibited:
- a. Adult entertainment/adult book stores, peepshows, topless bottomless dancers, massage parlors and escort services;
  - b. Truck and trailer rental agencies;
  - c. Automotive repair services and garages;
  - d. Gasoline service stations, bulk fuel dealers, or primary tire change facility;
  - e. Automobile car wash, self service and automatic, with sufficient off-street area for maneuvering, washing and drying automobiles;
  - f. Taxicab stands and dispatching offices;

O Rezoning 4.09 acres to B-3 SL  
page 2 of 2

- g. Mobile home parks;
- h. Camper parks;

### AO 2007-73


- A Prohibited principal uses and structures.
- 1. Hotels, motels and motor lodges.
  - 2. Boarding and lodging houses.
  - 3. Private clubs and lodges.
  - 4. Funeral parlors and services.

### AO 1984-144

SECTION 2. This zoning map amendment is subject to the following special limitation establishing design standards for the property:

- A. Only single family or duplex construction is permitted.

## November 26, 2024 Geotechnical Advisory Commission



**Municipality of Anchorage**  
**Geotechnical Advisory Commission**  
**A G E N D A**  
Tuesday, November 26, 2024  
12:00 Noon – 1:30 p.m.  
**Regular Meeting**  
*(Hybrid format)*

**In-Person Physical Location**  
Planning Conference Room 170  
Planning and Development Center  
4700 Elmore Road  
Anchorage, Alaska

**via Microsoft Teams**  
[Join the meeting](#)  
Meeting ID: 265 612 833 853; Passcode: rAKoXB  
Or call in (audio only): +1 907-519-0237  
Conference ID: 385 258 676#

**I. CALL TO ORDER**  
A. Establishment of Quorum  
B. Disclosures  
C. Recognizing Staff and Guests

**II. MEETING SUMMARIES**  
A. October 22, 2024 Regular Meeting

**III. OLD BUSINESS**  
A. GAC Resolution 2024-02: Recommending Minimum On-Site Testing for Geotechnical Technical Reports or Guidance on Handout Material to Be Provided by the MOA  
B. Update on the Port  
C. Update on Academic Research from University of Colorado and University of Notre Dame on Building Code

**IV. NEW BUSINESS**  
A. Special Limitations Zoning, Steep Slopes, and Seismic Areas  
B. GAC Recommendations to Local Amendments for the 2024 IBC

**V. PERSONS TO BE HEARD (3-minute limit)**

**VI. COMMITTEE REPORTS**  
A. Communications Committee  
B. Hazard Mitigation Committee  
C. Seismic Hazard Committee

**VII. OTHER BUSINESS**

**VIII. STAFF REPORTS**

**IX. ADJOURNMENT**

*Next Regular Meeting – December 17, 2024*

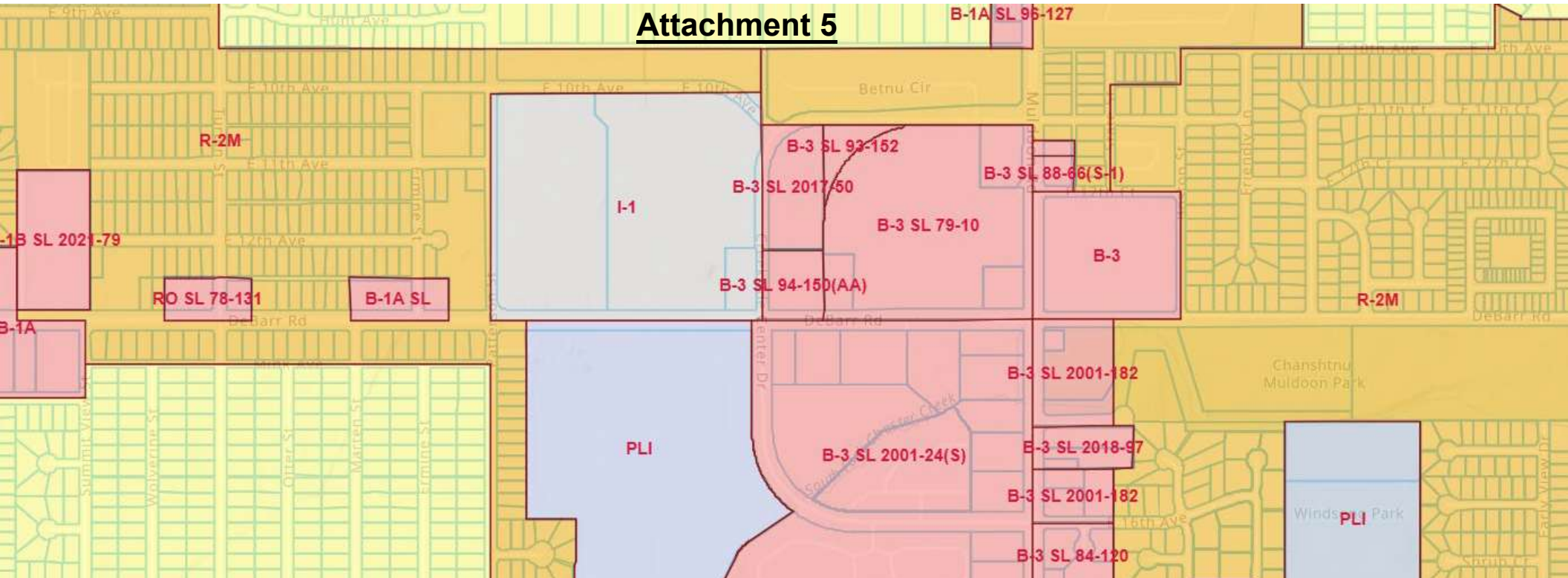
- Discussion of SLs (The GAC did not take any action on this item)
- Commissioners asked if the GAC has ever been involved in the creation of SLs related to slope (staff has not found any evidence that they have)
- The recognized that some SLs are now covered by code, but did not do a comprehensive analysis (building codes, slope regulations, avalanche regulations).
- The Commission discussed how many SLs were in seismic zones or avalanche zones (staff has found that there are very few, or no consistent correlation)
- Recording is available on the MOA GAC page



Questions?

Thank you

## Attachment 5



# Special Limitations Zoning

FCC 12/16/2024

PZC Case #2024-0124

AO 2024-99



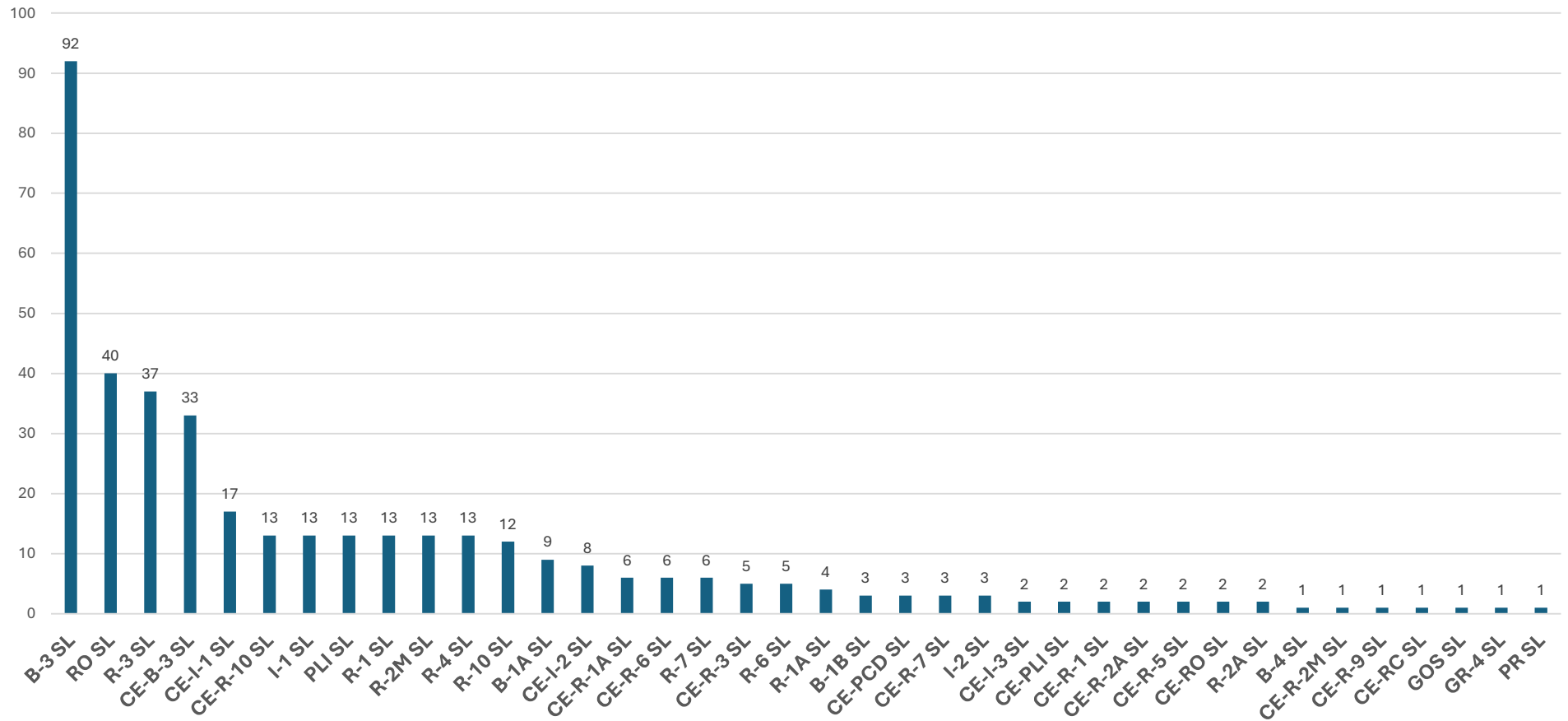
## **AO 2024-99 Overview**

- **For discussion at the 12/17/2024 Assembly meeting.  
Discussed at the 11/18/2024 and 12/9/2024 PZC meetings**
- **AO 2024-99 does not cancel SLs, it just prohibits using it as a tool moving forward.**
- **As part of the AO, the Assembly petitioned the Planning Department to do a deeper analysis of all the SLs that currently exist.**
- **The Planning Department is already working on cataloging and providing better information on all the existing SLs.**

## **Special limitations can do one or more of the following:**

- a. Limit residential density; or prohibit structures, or uses of land or structures, otherwise permitted in a zoning district.
- b. Require compliance with design standards for structures and other site features.
- c. Require compliance with a site plan approved under this title.
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## SLs Shown in Internal MOA GIS



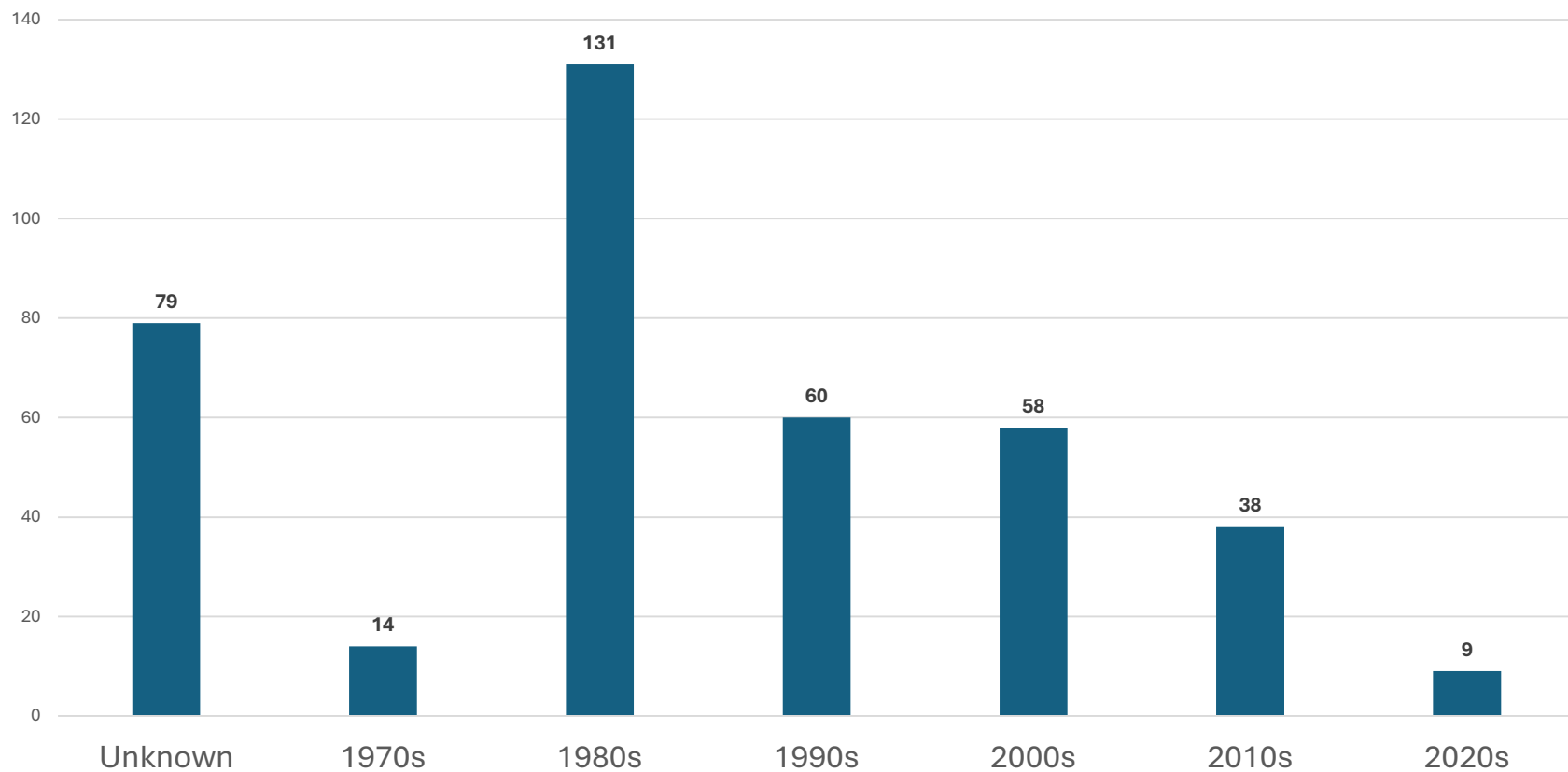


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**Municipality of Anchorage**  
**Geotechnical Advisory Commission**  
**A G E N D A**  
**Tuesday, November 26, 2024**  
**12:00 Noon – 1:30 p.m.**  
**Regular Meeting**  
**(Hybrid format)**

**In-Person Physical Location**  
Planning Conference Room 170  
Planning and Development Center  
4700 Elmore Road  
Anchorage, Alaska

**via Microsoft Teams**  
[Join the meeting](#)  
Meeting ID: 265 612 833 853, Passcode: rAKoXB  
Or call in (audio only): +1 907-519-0237  
Conference ID: 385 258 676#

**I. CALL TO ORDER**  
A. Establishment of Quorum  
B. Disclosures  
C. Recognizing Staff and Guests

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A. Communications Committee  
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