



Municipality of Anchorage

Planning Department

Memorandum



G.1.

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.¹ 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.

¹ 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:

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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.

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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
<p>1. The proposed amendment will promote the public health, safety, and general welfare.</p>	<p>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.</p>
<p>2. The proposed amendment is consistent with the comprehensive plan and the stated purposes of this title.</p>	<p>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</i> Map, or that may require updates to the map.</p>
<p>3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.</p>	<p>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.</p>

- 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 1980s². 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*.”³ 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.⁴

² See AO 1985-58

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

⁴ 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
AO 1991-84	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.
AO 1997-101AA	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.
AO 2003-148AA	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.
AO 2017-32	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.
AO 2019-143	<p>Alaska Sand and Gravel (AS&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
AO 2022-2:	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.
AO 2022-49	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.
AO 2023-84	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.
AO 2024-12AA	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.
AO 2024-2AA	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 nd meeting, the applicant and the Planning Department collaborated to create the special limitation. ⁵ The SLs were ultimately removed by the Assembly at their regular meeting on March 3, 2024.

⁵ 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 th 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 nd 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 th 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 th 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 th 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 th 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 th , 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 rd 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

1 submitted to the director on a form provided by the department
2 and shall contain the information specified on the application
3 form. Additional materials may be required for certain types of
4 rezoning[, SUCH AS REZONING WITH SPECIAL
5 LIMITATIONS].
6

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

11
12 6. *Departmental review.* The department shall review each
13 proposed rezoning in light of the approval criteria in subsection
14 E. below and distribute the application to other reviewers as
15 deemed necessary. Based on the results of those reviews, the
16 department shall provide a report to the planning and zoning
17 commission.
18

19 7. *Planning and zoning commission action.*
20

21 a. The planning and zoning commission shall hold a public
22 hearing on the proposed rezoning and, at the close of
23 the hearing, taking into account the recommendations of
24 the department and public input, and based upon the
25 approval criteria of subsection E. below, shall
26 recommend approval, approval with [SPECIAL
27 LIMITATIONS OR OTHER] modifications (at least as
28 restrictive as submitted in the application), or denial. The
29 commission shall include written findings based on each
30 of the approval criteria. The planning and zoning
31 commission shall supplement any denial
32 recommendation with a summary of critical issues
33 related to the application, based upon public input and
34 the commission's deliberations. This information will be
35 available to assist the assembly if an ordinance is
36 submitted under subsection 7.c. below.
37

38 b. If the commission recommends approval or approval
39 with [SPECIAL LIMITATIONS OR OTHER]
40 modifications, within 60 days of the commission's written
41 resolution, the director shall forward the
42 recommendation to the assembly with an ordinance to
43 amend the official zoning map in accordance with the
44 recommendation.
45

46 c. If the commission recommends denial, the amendment
47 shall be deemed disapproved unless, within 15 days of
48 the commission's written resolution recommending
49 denial, the applicant files a written statement with the
50 municipal clerk requesting that an ordinance amending
51 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.

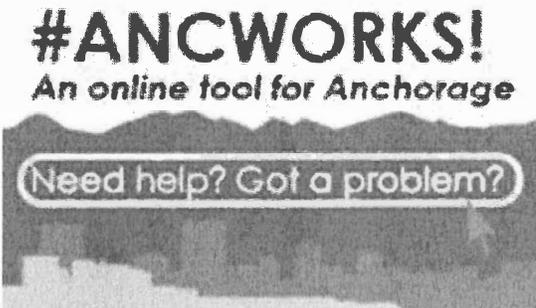
From: Walters, Michael S.
Sent: Thursday, October 17, 2024 8:49 AM
To: Blake, Lori A.; Kimmel, Corliss A.
Subject: 2024-0124 Request for Reviewing Agency Comments

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
Office: 907-343-8226
Cell: 907-727-7637
Fax: 907-249-7910





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.