

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

ANCHORAGE, ALASKA
AO No. 2024-_____

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
2 ANCHORAGE MUNICIPAL CODE SECTION 21.03.160 TO PROHIBIT THE
3 INCLUSION OF SPECIAL LIMITATIONS IN APPROVING AN AMENDMENT TO
4 THE ZONING MAP AND WAIVING PLANNING AND ZONING COMMISSION
5 REVIEW.
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8 **WHEREAS,**

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10 **WHEREAS,** ; now, therefore,

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12 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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14 **Section 1.** Anchorage Municipal Code title/chapter/section is hereby amended to
15 read as follows (*the remainder of the section is not affected and therefore not set*
16 *out*):

17 **21.03.160 Rezoning (zoning map amendments).**

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19 *** **

20 D. *General procedure.*

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23 4. *Application submittal.* Applications for a rezoning shall be
24 submitted to the director on a form provided by the department
25 and shall contain the information specified on the application
26 form. Additional materials may be required for certain types of
27 rezoning[, SUCH AS REZONING WITH SPECIAL
28 LIMITATIONS].

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

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

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42 7. *Planning and zoning commission action.*

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- 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

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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 commission shall not recommend, nor should the assembly approve, the imposition of special limitations as part of a proposed rezoning. 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. *PURPOSES.* A REZONING MAY INCLUDE SPECIAL LIMITATIONS FOR ONE OR MORE OF THE FOLLOWING PURPOSES:

- A. TO PROHIBIT STRUCTURES, OR USES OF LAND OR STRUCTURES, THAT WOULD ADVERSELY AFFECT THE SURROUNDING NEIGHBORHOOD OR CONFLICT WITH THE COMPREHENSIVE PLAN.
- B. TO CONFORM THE ZONING MAP AMENDMENT TO THE COMPREHENSIVE PLAN, OR TO FURTHER THE GOALS AND POLICIES OF THE COMPREHENSIVE PLAN.
- C. TO CONFORM DEVELOPMENT UNDER THE ZONING MAP AMENDMENT TO EXISTING PATTERNS OF DEVELOPMENT IN THE SURROUNDING NEIGHBORHOOD.

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D. TO MITIGATE THE ADVERSE EFFECTS OF DEVELOPMENT UNDER THE ZONING MAP AMENDMENT ON THE NATURAL ENVIRONMENT, THE SURROUNDING NEIGHBORHOOD, AND ON PUBLIC FACILITIES AND SERVICES.

2. TYPES OF LIMITATIONS. A SPECIAL LIMITATION SHALL 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.

3. EFFECT OF APPROVAL.

A. 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.

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 zones within the Anchorage Bowl containing special limitations which are overly burdensome, no

longer desirable, or have otherwise outlived their efficacy. In conducting its analysis the Department shall review each special limitation in a light most favorable to maximizing the permissible uses of property within the Municipality. Further the Department should report its findings to the assembly and propose a draft ordinance amending the official zoning map to remove the special limitation it finds no longer serve the interests of the community.

Commented [HMP1]: This has more force in AO than it would in an AR. Plus it logically flows from Section 2.

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.

Commented [HMP2]: Assuming we are planning on this.

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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