

Special Limitations Zoning

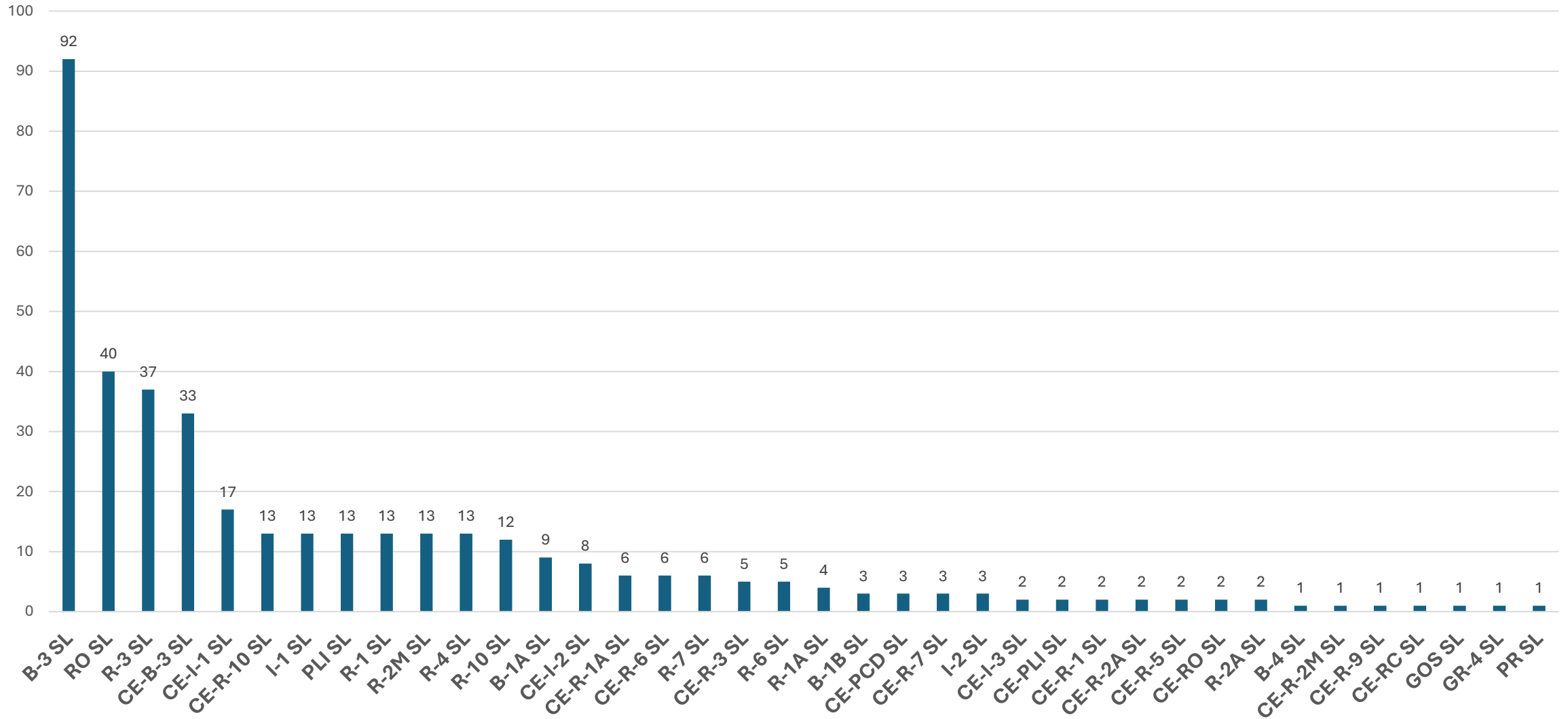
12/5/2024 CEDC meeting
AO 2024-124



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

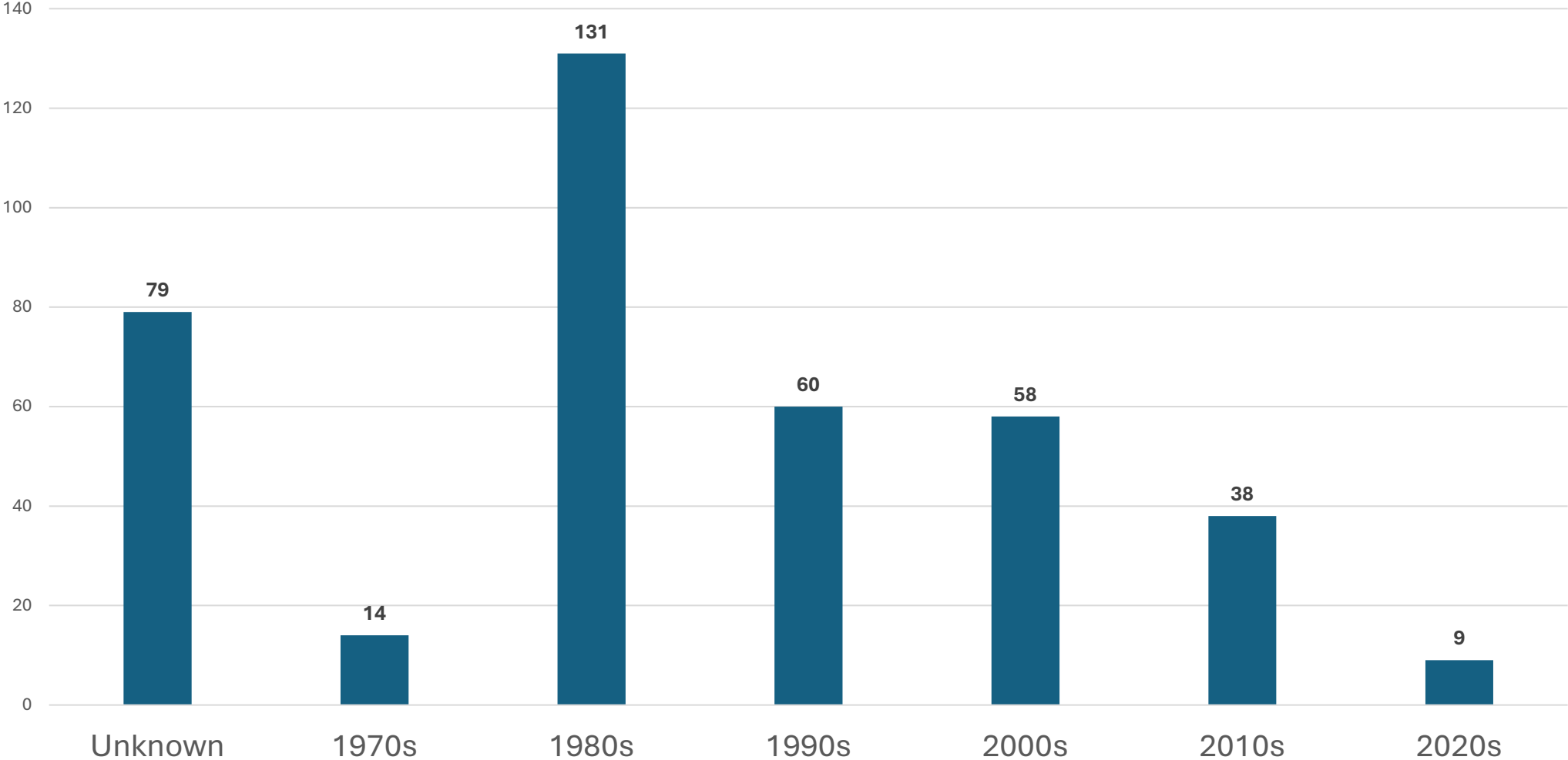


Many types of SLs have now been incorporated into Title 21:

- **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 1983-168

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 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

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

- 36
- 37 a. Antennas type 1, 2, 3 or 4
- 38 b. Mobile home parks
- 39 c. Airstrips and heliports
- 40 d. Natural resource extraction
- 41 e. Impound yards
- 42 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 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.

Including Multi family

November 26, 2024 Geotechnical Advisory Commission



Municipality of Anchorage
Geotechnical Advisory Commission
AGENDA

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



Final Considerations

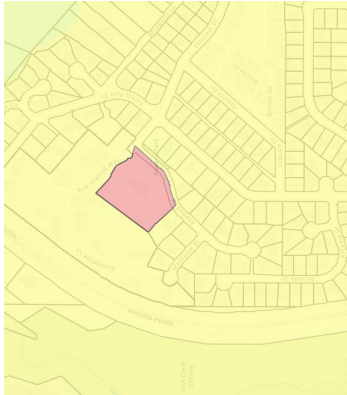
If property owners are putting forward rezones that are in line with the 2040 LUP, but facing opposition from the surrounding area, it could indicate that:



- 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.



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

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

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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 68TH 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.

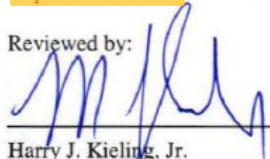
Section 4. The Director of the Planning Department shall change the zoning map accordingly.

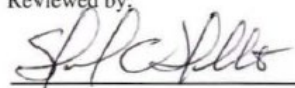
AM 202-2002

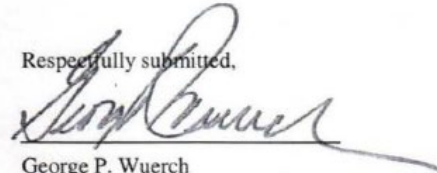
1 On September 10, 2001 the Planning and Zoning Commission approved the rezoning from R-2A to
2 R-2M SL for McCaughey Subdivision, Block 1, Lot 1.

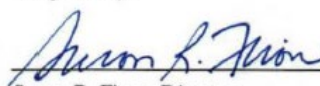
3
4 A three-story tri-plex occupies the lot. There are no legal nonconformities established with Land
5 Use Enforcement. The R-2A District prohibits tri-plex uses and structures. Municipal records
6 indicate the R-2A zoning was established in 1973, and the dwelling was converted to a tri-plex in
7 1983, making the structure and use of the structure nonconforming. Rezoning to R-2M will allow
8 the use and structure to become legally conforming.

9
10 This is a spot zoning and the ordinance is not recommended for approval upon the advice of the
11 Department of Law.

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13 Reviewed by:
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17 Harry J. Kieling, Jr.
18 Municipal Manager

Reviewed by:
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21
22 Craig E. Campbell, Executive Director
23 Office of Planning, Development, and
24 Public Works

25 Respectfully submitted,
26 
27 George P. Wuerch
28 Mayor

Prepared by:
29 
30 Susan R. Fison, Director
31 Planning Department

32
33