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Anchorage creating new land-use code: the new Title 21 is not being written only for today or tomorrow, but rather for many years to come

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The Municipality of Anchorage is in the process of creating a new land-use code to replace the existing one that has been in place for nearly 40 years. Known as Title 21 (referring to its place in the Anchorage Municipal Code), the new land-use code of regulations will lay out the rules for land development for many years to come.

This undertaking is a multi-year effort, and when completed next year, will have taken five years. As long as that may seem, it is typical of the time required by most cities to create new land-use regulations. Every few decades, cities update their land-use code in order to keep development regulations current with changing community aspirations, evolving economic circumstances, and emerging development trends. As examples, it recently took Pittsburgh four years to complete its rewrite, while Detroit required seven years.

Much has been written and spoken throughout the community concerning the Title 21 rewrite during the past few years, with no small amount being either critical or confusing. With this acknowledgement, I hope to provide purpose and clarity for this important project.

WHAT IS IT AND WHY IS IT IMPORTANT?

Title 21 contains the rules regarding the use of land and how it can be developed. They are most commonly referred to as the zoning and subdivision regulations. For any given parcel of land, the zoning regulations typically regulate the following:

Subdivision regulations define how a parcel of land may be divided into two or more separate lots. Subdivision regulations include standards for design and layout of lots, streets, utilities and other public improvements, as well as procedures and requirements to ensure that public improvements are available when it is time to build on the lots.

In Anchorage, as with other cities, land-use regulations have been among the most significant influences that have shaped our built environment. They have established the pattern of land use in Anchorage from the strips of commercial development along most of the major roads, to the residential neighborhoods throughout the Anchorage Bowl and outlying communities, as well as the industrial areas. What has been built is very much the product of the allowances, the limits and instructions written into the code.

Over the years, many people have become aware of the deficiencies of Anchorage's land-use regulations. They are based upon single-use districts which discourages, if not disallows in many instances, more innovative mixed-use and mixed-housing developments. They are inflexible and lack

the ability to address important design issues. Over the years and decades, amendments upon amendments have been added to the code, making it a patchwork document in which it is difficult to find provisions one may need to know. It even lacks a table of contents from which to start one's search. Finally, to the frustration of developers as well as local residents, many provisions are open to interpretation.

A major objective of the Title 21 rewrite is to create a new land-use code that is restructured, reformatted and rewritten to be more understandable and to allow for more consistent interpretation and application. A second objective is to modernize Title 21 to accommodate more innovative types of land development.

WHY NOW?

There are a number of basic reasons for developing new land-use regulations at this time, in addition to the need to make structural changes for the reasons previously noted. One important reason is evolving economic circumstances. Two economic factors are worth noting: one is the changing land supply and the other is the cost and effect of energy consumption.

Most Anchorage residents and builders have become keenly aware of the shrinking amount of undeveloped land available for new development. Developers are being challenged to find suitable building sites. Residents who took many undeveloped wooded areas for granted have seen those woods disappear. It is estimated that less than 15 percent of the Anchorage Bowl area is still undeveloped or unencumbered for a specific use. Most of these remaining unencumbered undeveloped lands are marginal wetlands or located in the upper Hillside area at, or beyond, the outer edge of where public services can be provided.

More and more, developers will be turning to smaller parcels initially passed over as development occurred around them. These parcels remained undeveloped for any variety of reasons, but have gained much more attention lately as potential sites for "infill" development. Another source of land for future development in Anchorage will be parcels with older uses or structures that have now, or will in years to come, be reaching the end of their useful life. These parcels and structures will either be renovated or removed for new "redevelopment."

With the amount of developable land at a premium, infill and redevelopment will be very important for new economic investment in Anchorage. While some may argue that there is plenty of undeveloped land in Chugiak-Eagle River and the Mat-Su Valley, nothing would be more harmful to Anchorage's future than economic disinvestment. Therefore, land in Anchorage will have to be much more efficiently utilized than in the past. This will require a change in the land-use regulations that will encourage such things such as mixed-use development, shared use of parking spaces and enclosed parking.

The greatest opportunity for redevelopment is located in the older commercial areas of Anchorage. Many parts of Downtown, Midtown and other outlying commercial areas present opportunities for redevelopment, to include new housing.

Another economic factor is the rising cost and effects of energy consumption. Like most cities, Anchorage's land-use regulations have encouraged single-use districts, and reliance on a single mode of transportation to connect them--the automobile. This has led to a more sprawling land-use pattern and greater consumption of energy resources than would otherwise be the case.

This is not to suggest that Anchorage will reverse its current land-use patterns or primary mode of transport--they are fairly well established. However, as one looks ahead, there is a need to create other viable, attractive and less energy-consumptive choices for transportation--be it walking, biking or transit--as well as to shorten distances to destinations.

Another reason for redoing Anchorage's land-use regulations at this time is to respond to community aspirations. A few years ago, the Anchorage Assembly adopted the Anchorage 2020 Anchorage Bowl Comprehensive Plan. A short time before that, they had adopted the Girdwood Area Plan, and later this year the Assembly will be adopting a revised Chugiak-Eagle River Comprehensive Plan. These plans reflect community aspirations for their respective areas. Each has its unique characteristics and goals for the future.

Although details vary from one community or neighborhood to another, one thing these plans identify in common is a concern for improving the quality of their built environment while protecting important natural resources that are highly valued in their respective areas. It is also clear that the current land-use regulations are not sufficient to address the expectations of new development.

It should be noted that new regulations with design standards unique to Girdwood were created and adopted last year and are already in effect. Girdwood got an earlier start on redoing its regulations than Anchorage or Chugiak-Eagle River. In the case of the latter area, since its comprehensive plan is just being updated, the Anchorage Assembly has directed a placeholder chapter be included in the new Title 21. Development regulations and design standards that are exclusive to that part of the Municipality will be developed in the near future.

Finally, there are increasing changes in land development across the country that are creating more vibrant active communities and enriching the health and well-being of their residents. Mixed-use developments, winter-city design, energy-conserving buildings and transportation systems, creation of public spaces and retention of important open spaces are all increasing in usage. These trends in land development coincide with many of the solutions proposed in response to the changing economic circumstances and community aspirations in Anchorage. As developers, residents and local officials see the benefits of these attributes, Anchorage's land-use code needs to change in order to help accommodate and facilitate them.

A WORD ABOUT PROCESS

For the rewrite of Title 21 to be successful, it must be an open public process. This requires time, education and patience. The process has been long and complex due to the wide range of interest in the community coupled with the large number of issues needing to be addressed.

This process was begun in 2002 by a nationally recognized consulting firm, Clarion & Associates, which specializes in land-use codes. A diagnosis of the current code was performed pointing out its strengths and weaknesses, followed by an annotated outline for a new code. After extensive public review and concurrence on the outline from the Municipal Assembly, the consultants prepared an initial draft of a new Title 21.

The initial draft, created in three separate modules, was released to generate community discussion. It was intended to get reactions on a wide range of issues as to what would and would not work in Anchorage, what provisions were responsive to community goals, and what provisions would be problematic for development.

The Planning Department received more than 1,000 comments in response to those modules. Following an exhaustive review, a second draft was released, followed by a third earlier this year.

Given the breadth and complexity of creating new land-use regulations, the most effective way of gaining, and responding, to public feedback is by an iterative process of working through the provisions over the course of several drafts while striving to narrow down the number of outstanding issues.

The Anchorage Planning Department has taken the lead in revising the draft and has made extensive revisions in response to the input received. Working with the mayor and Assembly, the department has re-prioritized some of its efforts and made a number of midcourse corrections. A few are worth noting here.

Rather than creating all new zoning districts to replace the existing ones in Title 21, the existing districts will be retained and carried over to the new code. A number of new districts, primarily mixed-use districts, will be included with them. This will benefit the public, which is already familiar with the existing districts, as well avoid the need to go through an area-wide zoning process after adopting the new code. It is anticipated that the existing districts will be amended to include new development/design standards.

A second correction involves a chapter of the code that addresses nonconformities. Nonconformities are lots, uses, structures or characteristics of use (parking, landscaping for instance), which conformed to the rules at the time they were created, but subsequently became nonconforming as a result of changes to the land-use code. Much effort has been made to revise this chapter in a way that will minimize the creation of more nonconformities with the adoption of the new Title 21, while still encouraging existing development to be brought toward conformance with the new standards.

A third mid-course correction recently endorsed by the Assembly is to break the various chapters of Title 21 into sections for the public hearing process. As noted previously, chapters addressing Girdwood (and also the sign standards) have been completed and are already in effect. This fall, four more chapters are going through the public hearing and adoption process. These chapters, however, will not be put into effect until the rest of Title 21 has been adopted in 2007.

The remaining chapters will undergo public review and hearings in the second quarter of 2007. Final corrections to these chapters will await the results of an economic impact analysis that will provide guidance on the final changes to be made before releasing them for public hearing. Hearings on these chapters will also be done in sections.

A FEW CLOSING REMARKS

The current land-use code was created in the 1960s at a time when most cities, (Anchorage included), were expanding outward away from what had been the city center. Anchorage's code reflects that trend. Today, new investments are returning to the older city centers and neighborhoods. Much is taking the form of mixing commercial with housing in more compact settings. There are new innovations in design. This is a good thing, but the old land-use rules are in need of change in order to help facilitate these new developments rather than inhibit them.

Anchorage residents have expressed a strong desire to see improved standards for development, in appearance, quality and efficiency. A new land-use code, by itself, will not guarantee all these attributes will occur with every new development. But, it can up the bar for what the minimum acceptable community standards should be. The rest will be up to the property owner, developer or project designer.

In the course of creating new regulations, there has been a constant need to find that delicate balance between preserving the rights of the individual property owner and promoting the common interests of the community. There is a long history of federal and state case law that has established parameters for seeking this balance. It will continue to be a part of this process.

The new Title 21 is not being written only for today or tomorrow, but rather for many years to come. In so doing, individuals must be cognizant of not only local trends and issues, but also what is happening in the larger world and how, as a community, we can anticipate and be prepared to respond.

And finally, space has not allowed for a detailed description of all the reasons, challenges and benefits for rewriting Anchorage's land-use code. Nor has it provided for a status report on all the latest changes that have been made. But, for those interested, all of the reports various drafts and public comments since the beginning of this process can be found on the following Web site: www.muni.org/planning.

- * Types of land uses allowed
- * Intensity or density of development
- * Height, bulk and placement of structures
- * Amount and design of parking

* A number of other environmental and design aspects (for example, stream protection setbacks, landscaping, signage, and in some instances, building design)

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