

Title 21 Rewrite Frequently Asked Questions (FAQs)

What is wrong with the existing Title 21?

The existing Title 21 was written and adopted in the 1960s with a multitude of patchwork amendments over the past forty years. It is no longer adequate to meet Anchorage's needs as the city moves into second generation development. The existing code is not aligned with our adopted comprehensive plans; it is hard to read, interpret, and use; and there are various community and developer complaints that need to be addressed.

What is the new Title 21 trying to accomplish? How does the new code make our community better?

The new Title 21 takes major steps to implement the Anchorage 2020 comprehensive plan. It encourages infill and redevelopment of commercial areas while protecting the character and stability of existing residential neighborhoods. The code decreases the number of discretionary reviews by providing standards that promote equity and certainty for homeowners, developers, and all residents. It supports innovative and efficient use of land, while promoting increased transportation and living choices for Anchorage's citizens.

How does the new Title 21 relate to the Comprehensive Plan?

Anchorage's comprehensive plan sets out broad land use goals and policies. There are many elements to the comprehensive plan which are implemented by various departments using a variety of methods. The Title 21 Rewrite is a primary implementation component of Anchorage 2020, a comprehensive plan element focused on the Anchorage Bowl. The comprehensive plan reflects the community's desired vision for the future, and Title 21 helps bring the vision into reality with specific zoning and development regulations.

Will the new code impact my existing residential or commercial property?

Some residential and commercial property presently developed will not be affected. Some property will have different standards for the future. The intent is to recognize existing conditions of existing development and minimize any impacts the new code may have on properties.

Existing legally developed property will have nonconforming rights, also known as grandfather rights. The new code relaxes the nonconforming provisions of the existing code, reducing the number of nonconformities. Existing developments that do not meet new use specific standards or design and development standards will be considered conforming. In return, developments that are modified in the future will be required to spend a small percentage of their costs to bring any characteristics of use (such as parking, landscaping, or lighting) that don't meet the standards of the new code, towards compliance with the new regulations. Single- and two-family homes are made exempt from most of the nonconforming provisions, which is a change from current code.

How does the new Title 21 affect the cost of development?

The new Title 21 raises the minimum bar for quality of development. Some provisions in the new Title 21 will reduce development costs, and some provisions will increase development costs. The Planning Department and the Assembly's Title 21 Committee, with considerable public input, have worked hard to keep these relatively balanced. The Municipality's Title 21 Rewrite Economic Impact Analysis shows that, for a majority of developments, costs will be the same or less than under the current code. However, for some types of development, the cost of complying will be higher. Overall, the new Title 21 yields cost savings or a neutral impact for most kinds of projects, while promoting investments that add long-term value to the property and surrounding area.

I see that there are new mixed-use zoning districts. What is mixed-use, and will it be required in those districts?

Mixed-use is defined in the new Title 21 as "a single building containing more than one classification of land use (residential, office, retail, institutional, etc.) or a single development of more than one building and use, where the uses of different classifications (residential, office, retail, institutional, etc.) are in a compact urban form, planned as a unified complementary whole, and functionally integrated to facilitate the use of shared vehicular and pedestrian access and parking areas."

Common examples of mixed-use are buildings that line traditional "main streets" where there are shops on the ground floor and offices or apartments on upper floors. Mixed-use districts provide for the development of a mix of residential, retail commercial, office, and civic uses in close proximity to each other, in areas designated in the comprehensive plan. They also make possible more efficient use of land, which increases the development potential of properties.

Developing a mix of uses is allowed and encouraged, but not required in these districts. Mixed-use development that includes a residential component potentially allows people to live closer to where they work and shop, which reduces commute time and road congestion and increases convenient access to nearby amenities.

Is there a map of the proposed new zoning districts? Will there be areawide rezones when the new Title 21 is adopted?

A draft update to the Anchorage Bowl land use plan map has been available for review since 2005. A land use plan map is not a zoning map. It shows generalized land use classifications and intensities and indicates the range of zoning districts that should be applied to any particular area. The land use plan map, last updated in 1982, is an element of the comprehensive plan. When finally adopted by the Assembly, the updated plan map, and will guide future rezoning decisions in a manner consistent with Anchorage's goals for future growth.

The Planning Department will not undertake areawide rezones for the whole municipality as was done in the 1970s and 1980s. Instead, incentives will be provided for property owners to rezone their property to a zoning district that complies with the land use plan map, where there are conflicts. The vast majority of residentially zoned land will remain as it is today and be unaffected by the land use plan map. As neighborhood or district plans are completed, it is possible that, due to recommendations and implementation actions in the plan, there may be limited areawide rezones within the neighborhood or district plan boundaries. In such cases, there would be a full public process for plan adoption and for any subsequent rezoning.

How and when will the new Title 21 be implemented?

The goal for the Title 21 Rewrite is to be completed by the end of 2010. The schedule is ultimately set by the Assembly and the public process. Any completed applications for land use entitlements that are filed with the department before the effective date of the new code will be processed under the rules and standards of the old code.

How will the new code affect property values?

The new code will align regulations with the desired character of a neighborhood and create greater certainty in what can be built. In areas of stability, such as in the majority of Anchorage's residential neighborhoods, this added predictability helps maintain and enhance property values. Likewise, in industrial districts, regulations help avoid encroachment by incompatible uses such as retail and protect the investment and operations of existing industrial businesses.

In areas of change and potential growth—including Anchorage's commercial districts, corridors, and high-density residential multifamily neighborhoods—new zoning districts will be available that increase development capacity to accommodate growth and promote investment that adds value.

The Title 21 Rewrite Economic Impact Analysis (EIA) considered the potential impacts of the new code on land value in commercial, industrial, and high-density multifamily residential districts. Overall, the EIA found a neutral potential impact on land values, except for some industrially-zoned properties.

-Will it impact what uses are allowed, or the maximum development potential of my lot?

The EIA report showed that the new code's regulations for allowed and prohibited uses will have a neutral impact to property value in commercial and residential zones. This is because the proposed commercial and mixed-use districts will continue to allow a similar range of commercial uses common in the B-3 today, especially the more typical and/or valuable commercial uses. The exception is that certain particular uses (e.g., industrial cold storage, crematoriums, horse barns) will no longer be allowed in some zones because

they are inconsistent with the intent of the zoning district. The EIA found that the relatively few disallowed uses in the B-3 exhibit significantly lower land values than the other permitted uses.

The EIA report did find that the value of some properties in the industrial districts may be negatively impacted by proposed restrictions against non-industrial uses. The I-1 and I-2 zoning districts are intended for industrial uses. But they currently allow a wide range of non-industrial uses, including some of the highest valued uses in the Bowl such as retail shopping centers. In the future, to prevent encroachment into industrial areas by retail uses, a property owner in the I-2 would no longer be able to aspire to a shopping center. Thus the property's future economic potential could be reduced. This is not universal for all current I-1 and I-2 properties. Some areas zoned I-1 and I-2 are better positioned or already functioning as primarily industrial areas. Other areas currently zoned industrial may be appropriate to rezone to a commercial or mixed-use district.

The EIA report found that the same size or larger buildings will be possible in most districts with the proposed code. The mixed-use districts (CMU, RMU) and high density multifamily districts (R-4, R-4A) would enable buildings with more floor area than under today's code. This is partly because parking requirements would become more efficient relative to actual demand for parking, leaving more space on each lot for leasable floor area. B-3 would see a moderate decrease in floor area capacity. Two factors remedy this. First, most areas currently zoned B-3 will be eligible to change to a mixed-use district. Second, the maximum possible building size (floor area) allowed by the proposed B-3 and all districts will remain far greater than prevailing building sizes in the Anchorage Bowl. Most commercial buildings in Anchorage were constructed far smaller than could be achieved under either the existing or proposed zoning.

-Will it ensure that new projects in my area will be consistent with the neighborhood character and protect the value of my property?

The Title 21 Economic Impact Analysis examined only the immediate and direct impacts of compliance on an individual property. It is more difficult to quantify long-term benefits to the property over the lifetime of the development, to its neighbors, and to the economic value of the city as a whole. However, these benefits are considered real, due to site investments that contribute to long-term property value, quality of life, and desirability of the community.

Why do the proposed mixed-use districts appear to allow fewer uses than does the proposed B-3? Are fewer uses actually allowed?

The proposed commercial and mixed-use districts will continue to allow a similar range of commercial uses as is common in the B-3 today, especially the more typical and/or valuable commercial uses, with a few exceptions in the NMU district.

A cursory count of the number of allowed use types listed for the mixed-use districts is misleading. It suggests that the three mixed-use districts allow substantially fewer kinds of commercial establishments than under the proposed B-3. Such a tally is meaningless because of the way the proposed code categorizes use types. For example, the proposed code groups a vast array of allowed retail stores into just one use type, called “general retail”. “General retail” may appear as just one allowed use type on the list of allowed uses, but it covers a wide range of uses to be allowed in the mixed-used districts—from clothing stores, to flower shops to general merchandise retailers. The new code streamlines the current code’s complex, inconsistent listings of nearly 800 uses (most of which are not defined) to about 170 use types, all of which are defined and used in a consistent manner throughout the new code. Other common, highly valuable commercial uses are grouped in similar ways. For example, all kinds of professional, business and real estate office uses are categorized into one use. Most personal service uses are likewise consolidated into just one category.

The exception is that the new code specifies certain particular establishments, and proposes use-specific standards or even limitations to these in some zones, because they are unique in character and inconsistent with the intent of the zoning district. Most of the disallowed uses are rarer types of facilities and sometimes industrial in character. They include for example crematoriums, horse barns, go-cart tracks, auction houses, and recreational campgrounds.

In addition, some large-scale facilities intended to serve the entire city would not be allowed in the NMU (neighborhood mixed-use) district. The NMU is intended to be applied to outlying parts of town where the function and scale of the existing district already serves the surrounding neighborhood. Museums, major entertainment facilities, and cineplexes are not permitted because they are more appropriate to the scale of the other proposed mixed-use districts.

It does not make sense to say that a mixed-use district that allows “general retail” and “restaurants” but not “crematoriums” or “recreational campgrounds” allows 50 percent fewer uses than a commercial district that allows all four. There is a broad array of establishments under the use type of “general retail”, while only one type of very rare establishment can be categorized as “crematorium”. General retail, offices, personal services, restaurants, grocery stores and nearly all other common commercial uses are allowed in the mixed-use districts.

The [Title 21 Rewrite Economic Impact Analysis](#) found that the disallowed uses are few in number and exhibit significantly lower land values than the permitted uses that remain. Most commercial uses, including the more common and higher value commercial uses will continue to be permitted in the mixed use districts.

How will the Title 21 Rewrite affect Anchorage's Downtown (Central Business District)?

Guidance for revising Downtown's regulations will come from the Downtown Comprehensive Plan. Such regulations—including any changes to the land use, parking, landscaping, height, or building development standards that apply Downtown—will be prepared through the separate public planning process to revise the Downtown districts. The Downtown code revision project will be a follow-up to the [Downtown Comprehensive Plan](#), and is anticipated to be completed after the adoption of the Title 21 Rewrite.

The Title 21 Rewrite table of allowed uses leaves the Downtown districts blank because the Downtown code revision process will determine what uses will be allowed in the central business district. Likewise, other areas of the rewrite leave blank or exempt the CBD because they will be determined through the Downtown code revision process. Until that time, the current code's regulations for uses, setbacks and height in the Downtown under the current code will continue to comply.

That said, the procedural provisions in chapters 1, 2, 3, 12, 13 and 14 of the Title 21 Rewrite are intended to be generally applicable, even Downtown, just as they do today in current code—things like conditional use permits, nonconformities, the glossary, rules for interpreting words, rules for rounding fractions up or down, enforcement rules, etc.

Organizationally, the revised Downtown zoning districts and their development standards will, once completed, be inserted into their placeholder in Title 21 Rewrite Chapter 21.04. Chapter 21.04 is designed to accommodate most district-specific regulations, and in fact already does so for some of the other districts in the Bowl. The regulatory organization will therefore be mostly similar to current code—where the B-2A, B-2B and B-2C district regulations are located in the zoning districts chapter of current Title 21.

For general background information on how the Downtown code revision project relates to the Title 21 Rewrite, and some of the policy guidance for the Downtown regulations, one can refer the [Downtown Comprehensive Plan](#), including its Title 21 discussion on page 5, and the regulatory approach for the Downtown code on page 98.