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Modest proposal: New zoning options could help downtown

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After years of discussion about how to revive the downtown area, a modest zoning proposal finally has come before the Fairbanks North Star Borough Assembly. Members should approve this proposal Thursday so the community has the options it offers.

The ordinance would establish two new zoning categories. If the assembly later applied these zones to an area, the property within it would become subject to specific development rules designed to encourage an attractive retail environment.

The question before the assembly Thursday is simply whether to create the zoning categories as options in borough code. Later debates would decide if such zones should be established downtown or elsewhere.

As with any zone, the rules would apply only to new development. Existing properties would have grandfather rights, even when sold. As a result, the rules would usher in gradual change.

Under state law, zoning is a mandatory power for boroughs such as ours. It has been with us since the Fairbanks North Star Borough was created Jan. 1, 1964.

Nevertheless, zoning authority still strikes some people as illegitimate because it lets local government restrict the use of a person's private property without compensating that person. That view, though, sees only one side of the coin. Zoning also is a governmental method of protecting property — it can prevent one person's property from being degraded by the actions of a neighbor. Different uses on adjacent or nearby properties create inevitable tensions in the community, and zoning is one way to deal with the conflicts in a civil fashion.

The proposed new categories before the Borough Assembly might aggravate zoning skeptics more than usual because they contain rules that are specific. The "downtown supporting commercial district" zone allows only 71 business types, and the "retail hot spot district" zone would halve that list for ground-floor levels. In addition, the ordinance would create standards for these zones that require building fronts to be built up to sidewalks and to feature certain percentages of glass with specific transparencies.

Many business owners see these rules as a way to encourage a retail-friendly environment and thus protect their properties from development that detracts from downtown. The measures are much less intrusive than some had advocated. Still, others see the rules as nuisances that won't work and actually will discourage investment.

The extensive public process that guided creation of the ordinance, though, gathered much evidence that such rules do work, that they do attract investment and help build successful commercial districts. The downtown community generally has rallied behind the ordinance. The assembly should follow that lead and adopt these moderate measures.