

**TABLE OF CONTENTS**

1			
2			
3	<b>CHAPTER 21.01: GENERAL PROVISIONS</b>		<b>7</b>
4	<b>21.01.010</b>	<b>Title and Effective Date</b>	<b>7</b>
5	<b>21.01.020</b>	<b>Authority</b>	<b>7</b>
6	<b>21.01.030</b>	<b>Purpose of this Title</b>	<b>7</b>
7	<b>21.01.040</b>	<b>Applicability and Jurisdiction</b>	<b>8</b>
8		A. General	8
9		B. Application to Governmental Units	9
10		C. Compliance Required	9
11	<b>21.01.050</b>	<b>Official Zoning Map</b>	<b>9</b>
12		A. Incorporation Into this Ordinance	9
13		B. Changes to Official Zoning Map	9
14		C. Interpretation of District Boundaries	9
15	<del>D.</del>	<del>Transition to New Zoning Districts</del>	<del>21.01.060</del>
16		<del>Conflicting Provisions</del>	<del>10</del>
17		<del>21.01.060</del>	<del>Transitional Regulations</del>
18		<del>.....A.</del>	<del>.....</del>
19		<del>..... Conflict with Other Public Laws, Ordinances, Regulations, or Permits</del>	<del>.....</del>
20		<del>.....</del>	<del>13</del>
21		<del>A. Violations Continue</del>	<del>.....B.</del>
22		<del>.....</del>	<del>..... Conflict with Comprehensive Plan</del>
23		<del>.....</del>	<del>13</del>
24		<del>B. Uses, Structures, and Lots Rendered Conforming</del>	<del>.....C.</del>
25		<del>.....</del>	<del>..... Conflict with Private Agreements</del>
26		<del>.....</del>	<del>13</del>
27	<del>C.</del>	<del>Uses, Structures, and Lots Rendered Nonconforming</del>	<del>21.01.070</del>
28		<del>Severability</del>	<del>13</del>
29	<del>D.</del>	<del>Processing of Applications Commenced or Approved Under Previous Ordinances</del>	<del>.....</del>
30		<del>21.01.080 Comprehensive</del>	<del>Plan</del>
31		<del>14</del>	<del>.....</del>
32		<del>21.01.070</del>	<del>Conflicting Provisions</del>
33		<del>.....A.</del>	<del>.....</del>
34		<del>.....</del>	<del>..... Purpose</del>
35		<del>.....</del>	<del>14</del>
36		<del>A. Conflict with Other Public Laws, Ordinances, Regulations, or Permits</del>	<del>.....B.</del>
37		<del>.....</del>	<del>..... Elements</del>
38		<del>.....</del>	<del>14</del>
39		<del>B. Conflict with Private Agreements</del>	<del>.....C.</del>
40		<del>.....</del>	<del>..... Periodic Review</del>
41		<del>.....</del>	<del>18</del>
42	<del>21.01.080</del>	<del>Severability</del>	<del>21.01.090</del>
43		<del>Transitional Provisions</del>	<del>18</del>
44		<del>21.01.090</del>	<del>Comprehensive Plan</del>
45		<del>.....A.</del>	<del>.....</del>
46		<del>.....</del>	<del>..... Violations Continue</del>
47		<del>.....</del>	<del>21</del>
48		<del>A. Purpose; Scope of Section</del>	<del>.....B.</del>
49		<del>.....</del>	<del>..... Uses, Characteristics of Use, Structures, and Lots Rendered Conforming</del>
50		<del>.....</del>	<del>22</del>
51		<del>B. Elements</del>	<del>.....C.</del>
52		<del>.....</del>	<del>..... Uses, Characteristics of Use, Structures, and Lots Rendered Nonconforming</del>
53		<del>.....</del>	<del>22</del>

1  
2  
3  
4  
5  
6  
7

~~C. Periodic Review~~.....~~D.~~  
..... Processing of Applications Commenced or Approved Under Previous Ordinances  
..... 22  
~~D. Implementation~~.....18

# CHAPTER 21.01: GENERAL PROVISIONS

## 21.01.010 TITLE AND EFFECTIVE DATE

This ~~Title~~ shall be officially known as "Title 21, Land Use Planning, of the Anchorage Municipal Code of Ordinances." It also may be called "Title 21," the "Zoning Ordinance," or "the Land Use Ordinance," and is referred to throughout this document as "this ~~Title~~." This ~~Title~~ shall become effective on ~~---~~[insert effective date].

## 21.01.020 AUTHORITY

This ~~Title~~ is adopted pursuant to authority granted generally by the Alaska Constitution, the Alaska Statutes (A.S.), and the ~~City~~Municipal Charter, and specifically by:

- A. Alaska Constitution, Article X, Sect. 11 (Home rule powers);
- B. Municipal Charter, ~~Section~~section 10.02(7) (Requires ordinances for land use controls);
- C. Municipal Charter, ~~Section~~section 12.02 (Requires a planning commission); and
- D. A.S. 29.35.180(b) (Requires a home rule borough to provide for planning, platting, and land use regulation).

## 21.01.030 PURPOSE OF THIS TITLE<sup>4</sup>

~~The provisions~~purpose of this ~~Title~~are enacted ~~title is~~ to protect the public health, safety, and general welfare, and to implement the ~~policies of the~~ Anchorage ~~comprehensive plan~~. ~~The provisions are specifically intended to:~~

- ~~A. Foster convenient, compatible, and efficient relationships among land uses;~~
- ~~Promote a healthful and convenient distribution of population~~Comprehensive Plan, by ~~regulating and limiting the density of development;~~;
- ~~B. Ensure greater public safety, convenience, and accessibility through the physical design and location of land use activities;~~
- A. ~~Encourage~~Encouraging the efficient use of the available land supply in the Municipality, including redevelopment of underutilized land ~~in central areas~~;
- B. ~~Promote~~Promoting a balanced, diverse supply of affordable, quality housing located in safe and livable neighborhoods;
- C. ~~Promoting~~ a balanced supply of ~~commercial, industrial, institutional, and transportation non-residential~~ land uses that ~~is~~are compatible with adjacent land uses and ~~has~~have good access to transportation networks;
- ~~E. Preserve the character and quality of residential neighborhoods;~~
- ~~F. Promote a balanced, diverse supply of affordable, quality housing located in safe and livable neighborhoods;~~

<sup>4</sup> ~~NOTE: This section is based loosely on the existing 21.35.010, "Purpose of Title." However, that section has been heavily supplemented with purpose statements gleaned from Anchorage 2020 and feedback from our interviews.~~

- 1 D. ~~Promote~~Promoting well-planned development based on a design aesthetic that  
2 creates a sense of place and ~~incorporates~~reflects Anchorage's unique northern  
3 setting;
- 4 ~~H. — Ensure that the appearance, visual scale, and orientation of new developments are~~  
5 ~~compatible with that of comprehensive plan goals and objectives for surrounding~~  
6 ~~neighborhoods;~~
- 7 E. ~~Promote the vitality and~~Providing appropriate development incentives to achieve an  
8 economically balanced and diverse community and to promote further economic  
9 development of Anchorage's major employment centers, town centers, and its other  
10 commercial and mixed-use districts; in Anchorage;
- 11 ~~J. — Manage congestion in the streets;~~
- 12 ~~K. — Ensure the provision of adequate open space for light, air, and fire safety;~~
- 13 F. ~~Conserve~~Conserving the value of buildings and land;
- 14 ~~M. — Protect the wide diversity of fish, protecting existing trees and vegetation, floodplains,~~  
15 ~~river and stream corridors, wildlife, and habitats throughout the Municipality that thrive~~  
16 ~~and flourish in harmony with the community;~~
- 17 G. ~~Preserve and protect existing trees and vegetation, floodplains, river and stream~~  
18 ~~corridors, habitat, scenic views, and other areas of scenic and environmental and~~  
19 ~~cultural significance from by minimizing the~~ adverse impacts of land development;
- 20 H. ~~Protect~~Protecting development and residents of Anchorage from flooding, wildfires,  
21 seismic risks, and other hazards;
- 22 I. ~~Encourage~~Encouraging development of a sustainable and accessible system of  
23 recreational facilities, parks, trails, and natural open space that meets year-round  
24 neighborhood and community-wide needs; and
- 25 Q. ~~Facilitate~~Facilitating the adequate and safe provision of transportation, water, sewage,  
26 drainage, schools, parks, and other public facilities;
- 27 R. ~~Provide appropriate development incentives to achieve an economically balanced and~~  
28 ~~diverse community;~~
- 29 S. ~~Ensure that service demands of new development will not exceed the capabilities of~~  
30 ~~existing streets, utilities, or other public facilities and services; and~~
- 31 J. ~~Encourage and enhance pedestrian and vehicular connections between new and~~  
32 ~~existing residential development and adjacent neighborhoods; between commercial~~  
33 ~~developments; and between new and existing residential development and nearby~~  
34 ~~employment centers, shopping, and community services such as parks and schools.~~

#### 21.01.040 APPLICABILITY AND JURISDICTION

##### A. General

The provisions of this Title shall apply to all land, buildings, structures, and uses thereof located within the Municipality of Anchorage, unless an exemption is provided by the terms of this Title.

1           **B.       Application to Governmental Units<sup>22</sup>**

2           To the extent allowed by law, the provisions of this ~~Title~~ shall apply to all land,  
3           buildings, structures, and uses owned by government agencies, including all  
4           municipal, state,<sup>3</sup> and federal lands, within the corporate limits of the Municipality of  
5           Anchorage. Where the provisions of this ~~Title~~ do not apply to such land, buildings,  
6           structures, and uses, such agencies are encouraged to meet the provisions of this  
7           ~~Title~~.

8           **C.       Compliance Required**

9           No building or structure shall be erected, converted, enlarged, reconstructed, or  
10          altered for use, nor shall any land, building, or structure be used or changed, except in  
11          accordance with all of the applicable regulations established by this ~~Title~~. No lot of  
12          record that did not exist on the effective date of this ~~Title~~ shall be created, by  
13          subdivision or otherwise, that does not conform to the applicable requirements of this  
14          ~~Title~~, unless allowed by ~~Section~~ 21.01.060090, *Transitional*  
15          ~~Regulations~~.

16   **21.01.050 OFFICIAL ZONING MAP**

17           **A.       Incorporation Into this Ordinance**

18          The official zoning map designates the location and boundaries of the various zone  
19          districts established in this ~~Title~~. It consists of a series of map pages adopted by  
20          ordinance and any subsequent amendments in accordance with this ~~Title~~. The  
21          official zoning map is incorporated herein by reference and referred to as the “zoning  
22          map” in this ~~Title~~. The zoning map shall be kept on file in the office of the  
23          Department<sup>43</sup> and is available for public inspection during normal business hours.  
24          The map shall be the final authority as to the current zoning status of lands, water  
25          areas, buildings, and other structures in the ~~municipality~~.

26           **B.       Changes to Official Zoning Map**

27          Changes made in zone district boundaries or other matters portrayed on the official  
28          zoning map shall be made only in accordance with the provisions of ~~Section~~  
29          21.03.050, *Rezoning (Zoning Map Amendments)*.

30           **C.       Interpretation of District Boundaries<sup>54</sup>**

31          In the case of any dispute regarding the zoning classification of property subject to  
32          this ~~Title~~, the official zoning map contained in the Department shall control, or  
33          other official records as provided below. The Director shall use the rules set forth  
34          below to interpret the map. Appeals shall be made to the Zoning Board of Examiners  
35          and Appeals, pursuant to ~~Section~~ 21.03.240200, *Appeals*.

<sup>2</sup> ~~NOTE: This section is written very broadly to cover all levels of government, and encourages compliance by any governmental agencies not subject to MOA laws. Thus, for example, a new federal building would be encouraged to comply with MOA land use laws, even though federal properties are exempt from local land use controls.~~

<sup>3</sup> ~~NOTE: Additional research needed on the status and statutory basis for municipal regulation of state-owned airports.~~

<sup>4</sup> ~~NOTE: Unless otherwise specified, the term “Department” will be defined in the code as the Planning Department.~~

<sup>5</sup> ~~NOTE: These are suggested new interpretation rules; there is nothing on this topic in the current Title 21.~~

- 1            2.        Where the zoning map shows a zoning district boundary line located within or  
2            following a street or alley right-of-way, ~~railroad~~ or utility line right-of-way,  
3            easement, or waterway, the district boundary shall be considered to be in the  
4            center of the right-of-way, easement, or waterway. If the actual location of  
5            such right-of-way, easement, or waterway, as indicated in a recorded legal  
6            description of such, varies slightly from the location shown on the Zoning  
7            Map, then the actual location shall control.
  
- 8            2.        Where the zoning map shows a boundary line as being located a specific  
9            distance from a street line or other physical feature, this distance shall control.
  
- 10           3.        Where the zoning map shows a district boundary to coincide with a property  
11           line or municipal border, the legal property line or municipal border shall be  
12           considered to be the district boundary, unless otherwise indicated on the map.
  
- 13           4.        Where the zoning map shows a district boundary to not coincide or  
14           approximately coincide with any street, alley, ~~railroad~~, waterway, or property  
15           line, and no dimensions are shown, the location of the boundary shall be  
16           determined by use of the scale appearing on the zoning map.
  
- 17           5.        Where the zoning map shows a district boundary dividing a lot, each part of  
18           the lot shall be used in conformity with the standards established by this  
19           ~~Title~~ title for the zoning district in which that part is located.
  
- 20           6.        Where the case record conflicts with the zoning map, the case record shall  
21           control. For example, if the zoning map shows a property to be zoned ~~B-3R-~~  
22           1, yet the case record shows that the property was actually zoned I-1, the  
23           case record would control and the map would be changed to reflect the case  
24           record. Any permits issued in reliance on the erroneous designation shall be  
25           considered valid under this ~~Title~~. title.<sup>5</sup>

26           D.        **Transition to New Zoning Districts**<sup>7</sup>

27           Upon the effective date of this Title, land that is presently zoned within an existing  
28           zoning classification shall be classified within one of the zoning classifications set forth  
29           in Chapter 21.04, Zoning Districts. The following Table 21.01-1 summarizes the  
30           transition from old districts to the new districts set forth in this Title. The boundaries of  
31           each zoning district will remain the same unless amended in the future in accordance  
32           with the provisions of this Title.

<sup>6</sup> NOTE: This is a suggested new policy to deal with any permits that might have been issued in reliance on an incorrect designation.

<sup>7</sup> NOTE: This section will continue to be revised throughout the drafting process, especially following drafting and discussion of the zoning districts chapter. Further discussion is needed as to what happens to properties currently zoned in districts that are proposed for elimination in the new code. Many communities typically rezone such properties to a new district as part of a comprehensive citywide rezoning (e.g., the R-7 properties could be rezoned to R-6 or R-9). Another option would be to keep the old districts on the books, but treat them as obsolete districts and not allow any new rezonings to those districts; sunseting of the districts also could be required after a certain period (e.g., five years).

1

<b>TABLE 21.01-1: TRANSITION TO NEW ZONING DISTRICTS</b>	
<u>Old Title 21</u>	<u>New Title 21 (This Document)</u>
PLI	PLI
R-1	R-1
R-1A	R-1
R-2A	R-2
R-2D	R-2
R-2M	R-3
R-3	R-4
R-4	R-4
R-5	[Eliminated – Annotated Outline, p. 29]
R-5A	R-5
R-6	R-6
R-7	[Eliminated – Annotated Outline, p. 29]
R-8	[Eliminated – Annotated Outline, p. 29]
R-9	R-9
R-10	R-10
R-11	TA ?
D-2	[Eliminated – Annotated Outline, p. 29]
D-3	[Eliminated – Annotated Outline, p. 29]
R-O	[Eliminated – Annotated Outline, p. 29]
B-1A	C-1A
B-1B	C-1B
B-2A	C-2A
B-2B	C-2B
B-2C	C-2C
B-3	?
B-4	[Eliminated – Annotated Outline, p. 29]
I-1	I-1
I-2	I-2
I-3	[Eliminated – Annotated Outline, p. 29]
W	W
T	[Eliminated – Annotated Outline, p. 29]
PC	PC (or NMU, CMU, RMU)
AF	AF
MC	MC
MI	MI

2

3 **21.01.060 TRANSITIONAL REGULATIONS**

4 The purpose of transitional regulations is to resolve the status of properties with pending  
 5 applications or recent approvals, and properties with outstanding violations, at the time of the  
 6 adoption of this Title.

7 **A. Violations Continue**

8 Any violation of the previous Title 21 ordinance shall continue to be a violation under  
 9 this Title and shall be subject to the penalties and enforcement set forth in Chapter  
 10 21.10, *Enforcement*, unless the use, development, construction, or other activity  
 11 complies with the provisions of this Title. Payment shall be required for any civil  
 12 penalty assessed under the previous Title 21, even if the original violation is no longer  
 13 considered a violation under this Title.

1           **B.       Uses, Structures, and Lots Rendered Conforming**

2                   A use, structure, or lot not lawfully existing at the time of the adoption of this Title is  
3                   deemed lawful as of the effective date of this Title, provided it conforms to all of the  
4                   requirements of this Title.

5           **C.       Uses, Structures, and Lots Rendered Nonconforming**

6                   1.       When a lot is used for a purpose that was a lawful use before the effective  
7                   date of this Title, and this Title no longer classifies such use as an allowed  
8                   use in the zoning district in which it is located, such use shall be considered  
9                   nonconforming and shall be controlled by Chapter 21.09, *Nonconformities*.

10                  2.       Where any building, structure, or lot that legally existed on the effective date  
11                  of this Title does not meet all standards set forth in this Title, such building,  
12                  structure, or lot shall be considered nonconforming and shall be controlled by  
13                  Chapter 21.09, *Nonconformities*.

14           **D.       Processing of Applications Commenced or Approved Under Previous**  
15           **Ordinances**

16                  1.       **Pending Applications**

17                   a.       Any complete application that has been submitted for approval, but  
18                   upon which no final action has been taken by the appropriate  
19                   decision-making body prior to the effective date of this Title, shall,  
20                   within six months<sup>8</sup> of the date of acceptance for completeness, be  
21                   reviewed in accordance with the provisions of the ordinance in effect  
22                   on the date the application was deemed complete. If the applicant  
23                   fails to comply with any applicable required period for submittal or  
24                   other procedural requirements, the application shall expire and  
25                   subsequent applications shall be subject to the requirements of this  
26                   Title. Any re-application for an expired project approval shall meet  
27                   the standards in effect at the time of re-application.

28                   b.       An applicant with an approved pending application may waive review  
29                   available under prior ordinances through a written letter to the  
30                   Director and request for review under this Title.

31                  2.       **Preliminary Approvals**

32                   An application for which preliminary approval of a plat, right-of-way vacation,  
33                   or variance, or concept approval or a conditional use, was granted prior to the  
34                   effective date of this Title may be processed for a final decision in accordance  
35                   with the preliminary approval, applicable terms of the ordinance in place at the  
36                   time of preliminary approval, and any other approved permits and conditions,  
37                   even if the application does not comply with one or more requirements set  
38                   forth in this Title. Preliminary approvals granted under the previous Title 21  
39                   may be extended no more than once, and for no longer than 12 months,  
40                   pursuant to the extension procedures applicable under the previous  
41                   ordinance.

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<sup>8</sup> NOTE: The six-month provision puts a cap on the time available for the old code to continue, but it also puts a burden on staff to  
review the applications within a certain period. The six-month period is provided for discussion purposes; a longer period could be  
used, or the time limit period could be removed altogether.

3. **Approved Projects**

- a. Conditional use permits, subdivision plats, site plan approvals, grading permits, building permits, sign permits, and variances, any of which are valid on [--- insert effective date] shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out with the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed.
- b. Any building or development for which a building permit was granted prior to the effective date of this Title shall be permitted to proceed to construction even if such building or development does not conform to the provisions of this Title.
- c. If the development for which the building permit is issued prior to the effective date of this Title fails to comply with the time frames for development established for the building permit, the building permit shall expire and future development shall be subject to the requirements of this Title.

**21.01.070 CONFLICTING PROVISIONS**

**A. Conflict with Other Public Laws, Ordinances, Regulations, or Permits**

This Title is intended to complement other municipal, state, and federal regulations that affect land use. This Title is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Title are either more restrictive or less restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements shall govern.

**B. Conflict with Comprehensive Plan<sup>6</sup>**

Where conditions, standards, or requirements imposed by any provision of this title are either more restrictive or less restrictive than any provision found in the Comprehensive Plan, the provision of this title shall govern.

**C. Conflict with Private Agreements**

This Title is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this Title are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this Title shall govern. Nothing in this Title shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Title. In no case shall the Municipality be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

**21.01.080 SEVERABILITY**

- A. If any court of competent jurisdiction invalidates any provision of this Title, then such judgment shall not affect the validity and continued enforcement of any other provision of this Title.

- 1 B. If any court of competent jurisdiction invalidates the application of any provision of this  
 2 ~~Title~~title, then such judgment shall not affect the application of that provision to any  
 3 other building, structure, or use not specifically included in that judgment.
- 4 C. If any court of competent jurisdiction judges invalid any condition attached to the  
 5 approval of an application for development approval, then such judgment shall not  
 6 affect any other conditions or requirements attached to the same approval that are not  
 7 specifically included in that judgment.

8 **21.01.090 COMPREHENSIVE PLAN<sup>9Z</sup>**

9 A. **Purpose; ~~Scope of Section~~**

10 The purpose of the ~~comprehensive plan~~Comprehensive Plan is to set forth the goals,  
 11 objectives, strategies, and policies governing ~~the future~~ land use development of the  
 12 ~~municipality that guide the assembly in taking legislative action to implement the~~  
 13 ~~plan~~Municipality. As adopted, this ~~Section~~section and the documents incorporated in  
 14 this ~~Section~~section constitute the ~~comprehensive plan~~Comprehensive Plan of the  
 15 Municipality of Anchorage.

16 B. **Elements<sup>10</sup>**

17 1. **Adopted Elements**

18 The ~~comprehensive plan~~Comprehensive Plan consists of the adopted  
 19 elements identified in the following table, and which are incorporated in this  
 20 ~~Chapter~~chapter by reference. Plans or other elements that are not listed  
 21 below ~~or incorporated into the comprehensive plan elsewhere in this Title~~ are  
 22 not official elements of the ~~comprehensive plan~~Comprehensive Plan, though  
 23 they may be valid planning tools. If elements of the ~~comprehensive~~  
 24 ~~plan~~Comprehensive Plan conflict, the element most recently adopted shall  
 25 govern.

**TABLE 21.01-21: COMPREHENSIVE PLAN ELEMENTS**

Area/Topic	Plan	Adoption Date	Title-21 Section Reference (if applicable)
Anchorage Bowl	Anchorage 2020, Anchorage Bowl Comprehensive Plan	February 20, 2001 (AO 82-85; AO 2000-119(S)) <sup>11</sup>	
	Anchorage Central Business District Comprehensive Development Plan	Fall 1983 (GAAB Resolution 73-46; AR 83-194(S))	

<sup>9</sup> NOTE: The Comprehensive Plan section is largely carried forward from existing AMC chapter 21.05. The Comprehensive Plan provisions in the current code are more extensive than typically found in a zoning code. With staff's guidance, we have removed references to obsolete plans and difficult to administer provisions. For example, Land Use Classifications (current AMC 21.05.050) and Residential Densities (current AMC 21.05.060) are not carried forward.

<sup>10</sup> NOTE: These elements are listed in a table to make them easier to read. The source text in former AMC 21.05.030 contained numerous footnotes. Those footnotes are omitted here where they provided historical background but had no regulatory function. A small number of the original footnotes having a regulatory function have been moved into the body of the code, as noted below.

<sup>11</sup> NOTE: Enacting ordinances for comprehensive plan elements are included here as a continuation of the listing scheme in the original code, but will be deleted once staff confirms that the titles of these documents will provide enough information to incorporate the referenced provisions. (As written, some Ordinance and Resolution numbers do not correspond to the dates listed for the completion or adoption of the referenced comprehensive plan element. Are some of the listed Ordinance and Resolution numbers obsolete?)

**TABLE 21.01-21: COMPREHENSIVE PLAN ELEMENTS**

Area/Topic	Plan	Adoption Date	Title 21 Section Reference (if applicable)
	Spenard Commercial District Development Strategy	June 1986 (AR 86-121; AO 87-145)	[x-ref to Chapter 21.07, Development and Design Standards]
	Section 36 Land Use Study (recommending Alternative 2)	March 1991 (AO 92-125)	
	The Ship Creek/Waterfront Land Use Plan (May 1991), including the Transportation Element	June 3, 1991 (AO 91-88, as amended by attachment of Assembly Information Memorandum (AIM) 178-91)	
	Potter Valley Land Use Analysis	(AO 99-144)	
	Goose Lake Plan	August 1983 (AR 83-195)	
	Tudor Road Public Lands and Institutions Plan	April 1986 (AR 86-162)	
	Utility Corridor Plan	February 27, 1990 (AO 90-13(S))	
<b>Turnagain Arm</b>	Turnagain Arm Comprehensive Plan	June 6, 1987 (AO 79-208; AO 85-16; AO 87-22)	
	Girdwood Area Plan	February 1995 (AO 94-238(S), as amended November 24, 1998 by AO 98-176 § 1)	
	Glacier-Winner Creek Access Corridor Study Final Routing Report	December 1996 (AO 97-11)	
	Girdwood-Iditarod Trail Route Study	May 1997 (AR 97-84)	
	Girdwood-Commercial Areas and Transportation Master Plan	February 20, 2001 (AO 2000-124(S), as amended)	
<b>Chugiak; Eagle River; Eklutna</b>	Chugiak-Eagle River Comprehensive Plan	January 1993 (AO 79-136; AO 92-133), amended by Alternative 1 of HLB Parcel 1-085 Land Use Study March 1996 (AO 96-86 § 1 (June 25, 1996))	
	Chugiak-Eagle River Transportation Plan	May 1996 (AO 96-104 § 2 (August 13, 1996))	
	Eagle River Greenbelt Plan	April 1985 (AR 85-88)	
<b>Environmental Quality</b>	Anchorage Coastal Zone Management Plan	July 1979 (AR 79-153; AO 81-3)	[x-ref to Chapter 21.07, Development and Design Standards]
	Anchorage Wetlands Management Plan	April 1995 (AO 82-33(S); AO 84-16(SA); AO 84-130(S); AO 84-163; AO 95-129 § 2 (March 12, 1996))	[x-ref to Chapter 21.07, Development and Design Standards]
	208-Areawide Water Quality Management Plan	August 1979 (AR 79-151, executive summary contained in AIM 147-79; AO 82-33(S)). Refer to AMCR Chapter 21.67 for certain permitting requirements.	

**TABLE 21.01-21: COMPREHENSIVE PLAN ELEMENTS**

Area/Topic	Plan	Adoption Date	Title 21 Section Reference (if applicable)
	1992 Air Quality Attainment Plan for Anchorage, Alaska	December 1992 (AR 82-170; AR 92-279)	
	Eagle River PM-10 Control Plan	September 1991 (AR 90-30; AR 91-197)	
<b>Transportation</b>	Areawide Trails Plan	January 1996 (AO 78-203; AO 85-16; AO 96-140 § 2 (April 8, 1997)); (Reference to GAAB Resolution RE 73-100 (the Borough Bikeways plan) is omitted according to the instruction of a footnote in the original code.)	
	Official Streets and Highways Plan	August 1996 (AO 79-70; AO 83-200; AO 84-255; AO 86-132; AO 96-97(S) § 1 (August 13, 1996); AO 97-85 § 1 (June 3, 1997); AO 2000-122 § 1 (August 15, 2000).	
	Street and Highway Landscape Plan	November 1981 (AO 81-180)	
	AMATS 1997 Anchorage Bowl Long Range Transportation Plan	(AR 98-25)	
<b>Parks, Greenbelts, and Recreational Facilities</b>	Anchorage Park, Greenbelt, and Recreation Facility Plan	December 17, 1985 (AO 85-188; AO 87-4)	
	Areawide Library Facilities Plan	April 1984 (AR 82-170)	
	Updated Far North Bicentennial Park Plan	[No date listed in original code text] (GAAB Resolution RE 74-128; AR 85-87)	
	Campbell Creek Park System Acquisition and Development Plan	[No date listed in original code text] (GAAB Resolution R86-72).	
	Chester Creek Greenbelt	[No date listed in original code text] (AR 11-75)	
	Rabbit Creek Greenbelt Plan	October 1986 (AIM 882-79 <sup>12</sup> (a); AIM 882-79A; AR 87-16)	

Area/Topic	Plan	Adoption Date
<b>Anchorage Bowl</b>	Anchorage 2020, Anchorage Bowl Comprehensive Plan	February 20, 2001
	Spenard Commercial District Development Strategy	June 1986
	Tudor Road Public Lands and Institutions Plan	April 1986
	Anchorage Central Business District Comprehensive Development Plan	Fall 1983
	Utility Corridor Plan	February 27, 1990
	Section 36 Land Use Study (recommending Alternative 2)	March 1991

<sup>12</sup>NOTE: Cited as "AM \_\_\_" in original text. Verify that this is equivalent to "AIM" (Assembly Information Memorandum), as above.

**TABLE 21.01-21: COMPREHENSIVE PLAN ELEMENTS**

<b>Area/Topic</b>	<b>Plan</b>	<b>Adoption Date</b>	<b>Title 21 Section Reference (if applicable)</b>
	<u>The Ship Creek/Waterfront Land Use Plan (May 1991), including the Transportation Element</u>	<u>June 3, 1991</u>	
	<u>Potter Valley Land Use Analysis</u>	<u>1999</u>	
	<u>University-Medical District Plan<sup>8</sup></u>	<u>October 21, 2003</u>	
	<u>2006 Anchorage Bowl Land Use Plan Map</u>	<u>Proposed 2006</u>	
<b><u>Turnagain Arm</u></b>	<u>Turnagain Arm Comprehensive Plan</u>	<u>June 6, 1987</u>	
	<u>Girdwood Area Plan</u>	<u>February 1995</u>	
	<u>Glacier-Winner Creek Access Corridor Study Final Routing Report</u>	<u>December 1996</u>	
	<u>Girdwood-Iditarod Trail Route Study</u>	<u>May 1997</u>	
	<u>Girdwood Commercial Areas and Transportation Master Plan</u>	<u>February 20, 2001</u>	
<b><u>Chugiak; Eagle River; Eklutna</u></b>	<u>Chugiak-Eagle River Comprehensive Plan</u>	<u>January 1993 (amended by Alternative 1 of HLB Parcel 1-085 Land Use Study March 1996)</u>	
	<u>Eagle River Greenbelt Plan</u>	<u>April 1985</u>	
	<u>Chugiak-Eagle River Transportation Plan</u>	<u>May 1996</u>	
	<u>Eagle River Central Business District Revitalization Plan</u>	<u>October 2003</u>	
<b><u>Environmental Quality</u></b>	<u>Anchorage Coastal Zone Management Plan</u>	<u>July 1979</u>	
	<u>208 Areawide Water Quality Management Plan</u>	<u>August 1979</u>	
	<u>Eagle River PM-10 Control Plan</u>	<u>September 1991</u>	
	<u>1992 Air Quality Attainment Plan for Anchorage, Alaska</u>	<u>December 1992</u>	
	<u>Anchorage Wetlands Management Plan</u>	<u>April 1995</u>	
<b><u>Transportation</u></b>	<u>Street and Highway Landscape Plan</u>	<u>November 1981</u>	
	<u>Areawide Trails Plan</u>	<u>January 1996</u>	
	<u>Official Streets and Highways Plan</u>	<u>August 1996; June 3, 1997; August 15, 2000</u>	
	<u>AMATS 1997 Anchorage Bowl Long-Range Transportation Plan</u>	<u>1998</u>	
<b><u>Parks, Greenbelts, and Recreational Facilities</u></b>	<u>Anchorage Park, Greenbelt, and Recreation Facility Plan</u>	<u>December 17, 1985</u>	
	<u>Areawide Library Facilities Plan</u>	<u>April 1984</u>	
	<u>Updated Far North Bicentennial Park Plan</u>	<u>1985</u>	
	<u>Campbell Creek Park System Acquisition and Development Plan</u>	<u>1986</u>	
	<u>Rabbit Creek Greenbelt Plan</u>	<u>October 1986</u>	
	<u>Chester Creek Greenbelt</u>	<u>[No date listed in original code text]</u>	

2. **New Elements**<sup>139</sup>

Procedures for amending the ~~comprehensive plan~~ Comprehensive Plan are set forth in ~~Section~~ section 21.03.030, *Comprehensive Plan Amendments*. That process may be used to amend existing elements of the plan or to adopt new plan elements, including, but not limited to:

- a. Plan elements that address new topic areas, such as, but not limited to, housing or public utilities;
- b. Neighborhood plans;
- c. Town center, district, or small-area plans; and
- d. Land use maps or residential intensity maps.

C. **Periodic Review**

The ~~comprehensive plan~~ Comprehensive Plan shall be subject to periodic review in accordance with the procedure described in ~~Section~~ section 21.03.030, *Comprehensive Plan Amendments*.

~~D.~~ **Implementation**

~~1.~~ **Conformity to Plans**<sup>14</sup>

~~The elements of the comprehensive plan shall be implemented as provided in this Section and as provided in the remainder of this Title. Zoning map amendments, land use approvals, and subdivisions shall conform to the goals, recommendations, policies, and maps of the comprehensive plan elements listed in this Section, except where comprehensive plan elements are partially implemented or implemented with specific exceptions as indicated below.~~

~~2.~~ **Anchorage 2020 Anchorage Bowl Comprehensive Plan**<sup>15</sup>

~~a.~~ **Implementation of Current Plan**

~~The goals, policies, and objectives of the Anchorage 2020 Anchorage Bowl Comprehensive Plan will be implemented through a series of land use plans and functional plans. In addition, the Anchorage 2020 Anchorage Bowl Comprehensive Plan will be implemented by amendments to this Title.~~

~~b.~~ **Applicability of Former Plan**

~~The Generalized Land Use Plan and the Residential Intensity Plan in the 1982 Anchorage Bowl Comprehensive Development Plan shall remain elements of the comprehensive plan for the Anchorage Bowl,~~

<sup>13</sup> NOTE: This new section provides broad enabling authority for new plan elements, such as new land use plan maps. The section authorizes the adoption of neighborhood plans as amendments to the comprehensive plan, but it doesn't codify the neighborhood planning process, which is still being developed in Anchorage as a separate project.

<sup>14</sup> NOTE: Detailed provisions regarding Land Use Classifications and Residential Densities have been eliminated as suggested in the Diagnosis.

<sup>15</sup> NOTE: This existing section has been revised to include only Anchorage 2020. We have moved provisions dealing with other plan elements that have specific code requirements to the new development and design standards chapter, and they will be cross-referenced in the table in subsection (B).

1 but only to the extent not in conflict with the *Anchorage 2020*  
2 *Anchorage Bowl Comprehensive Plan* or until repealed or  
3 superseded by subsequent ordinances, including adoption of future  
4 plans.

5 **c. ~~Transition~~**

6 Until more specific implementation strategies or plans for the  
7 *Anchorage 2020 Anchorage Bowl Comprehensive Plan* are adopted,  
8 the approving authority shall review an application for an entitlement  
9 for conformity to the plan in accordance with the following hierarchy  
10 and procedure:

11 i. ~~The approving authority may approve an application for an~~  
12 ~~entitlement only if it does not conflict with the goals, policies,~~  
13 ~~and objectives of the *Anchorage 2020 Anchorage Bowl*~~  
14 ~~*Comprehensive Plan*.~~

15 ii. ~~If in conformance with the plan goals, policies, and objectives,~~  
16 ~~the approving authority must then determine if the application~~  
17 ~~is in conformance with the *Land Use Concept Plan* of the~~  
18 ~~*Anchorage 2020 Anchorage Bowl Comprehensive Plan*,~~  
19 ~~where applicable.~~

20 iii. ~~Where the *Land Use Concept Plan* is not applicable, the~~  
21 ~~approving authority may approve an entitlement only if the~~  
22 ~~approving authority also finds that the application is~~  
23 ~~consistent with the other applicable elements of the~~  
24 ~~comprehensive plan listed in this Section.~~

25 iv. ~~Where not governed by the *Land Use Concept Plan* or the~~  
26 ~~comprehensive plan elements listed in subsection B. above,~~  
27 ~~the approving authority may approve an entitlement only~~  
28 ~~upon finding that the application is consistent with the *1982*~~  
29 ~~*Generalized Land Use Plan* and the *Residential Intensity*~~  
30 ~~*Plan*, except as set forth below.~~

31 **(A) ~~Generalized Land Use Plan~~**

32 Entitlements shall conform to the *Generalized Land*  
33 *Use Plan*, except where the approving authority finds  
34 one of the following:

35 **(1)** ~~Existing uses that do not conform to the~~  
36 ~~*Generalized Land Use Plan* are integrated~~  
37 ~~compatibly into the area;~~

38 **(2)** ~~The proposed use may be made compatible~~  
39 ~~with conforming uses by [special limitations~~  
40 ~~or]<sup>16</sup> ~~conditions of approval concerning such~~  
41 ~~matters as access, landscaping, screening,~~  
42 ~~design standards and site planning; or~~~~

<sup>16</sup> ~~NOTE: Removing findings related to special limitations could discourage the use of this process.~~

1 ~~(3) The proposed use does not conflict with the~~  
2 ~~Anchorage 2020 Anchorage Bowl~~  
3 ~~Comprehensive Plan goals and policies~~  
4 ~~pertaining to the surrounding neighborhood~~  
5 ~~or the general area. Entitlements at a~~  
6 ~~boundary between land use categories shall~~  
7 ~~be subject to design standards that will make~~  
8 ~~the entitlement compatible with land uses in~~  
9 ~~the adjacent land use category.~~

10 ~~(B) Generalized Residential Intensity Map~~

11 ~~(1) The densities on the Generalized Residential~~  
12 ~~Intensity Plan refer to the range of dwelling~~  
13 ~~units per gross acre within a large contiguous~~  
14 ~~area. Residential density within smaller~~  
15 ~~areas under common ownership, particularly~~  
16 ~~those with wetlands or marginal soils or~~  
17 ~~requiring transitional space, may exceed the~~  
18 ~~density designated on the generalized~~  
19 ~~residential intensity map. However,~~  
20 ~~adequate internal circulation, open space,~~  
21 ~~and transitional space or buffering shall be~~  
22 ~~provided. The average density of the small~~  
23 ~~areas, including the areas devoted to open~~  
24 ~~space and buffering, shall not exceed the~~  
25 ~~density designated on the generalized~~  
26 ~~residential intensity map.~~

27 ~~(2) Entitlements shall conform to the generalized~~  
28 ~~residential intensity maps, interpreted in~~  
29 ~~accordance with the above subsection of this~~  
30 ~~Section, except where the approving~~  
31 ~~authority finds that:~~

32 ~~(3) A greater residential intensity does not alter~~  
33 ~~the plan for the surrounding neighborhood or~~  
34 ~~general area because of one of the following:~~

- 35 ~~•Development is governed by cluster~~  
36 ~~housing, planned unit development, or a~~  
37 ~~planned unit development site plan;~~
- 38 ~~•The area is near an existing high density~~  
39 ~~node, and, through approval of a zoning~~  
40 ~~map amendment, has been determined~~  
41 ~~to be appropriate for development at a~~  
42 ~~greater intensity to concentrate housing~~  
43 ~~at a focal location; or~~
- 44 ~~•The area is adjacent to a neighborhood,~~  
45 ~~community, or regional shopping center,~~  
46 ~~or to a principal transit corridor.~~

1 ~~(4) A lesser residential intensity would provide a~~  
2 ~~clear and overriding benefit to the~~  
3 ~~surrounding neighborhood.~~

4 ~~(5) The proposed residential density does not~~  
5 ~~conflict with the Anchorage 2020 Anchorage~~  
6 ~~Bowl Comprehensive Plan goals and policies~~  
7 ~~pertaining to the surrounding neighborhood~~  
8 ~~or the general area.~~

9 ~~(C) Parcels Near Boundaries~~

10 ~~Because the comprehensive plan is necessarily~~  
11 ~~generalized, entitlements at or within 500 feet of~~  
12 ~~boundaries in the Generalized Land Use Plan and~~  
13 ~~Generalized Residential Intensity Plan shall be~~  
14 ~~treated as follows: Areas clearly within a particular~~  
15 ~~classification shall follow the standards of that~~  
16 ~~classification. The classification of areas at or near~~  
17 ~~boundaries on the Generalized Land Use Plan and~~  
18 ~~Generalized Residential Intensity Plan shall be~~  
19 ~~interpreted in accordance with the goals, policies,~~  
20 ~~and objectives of the Anchorage 2020 Anchorage~~  
21 ~~Bowl Comprehensive Plan, provided that~~  
22 ~~interpretation shall not be a basis for cumulative~~  
23 ~~encroachment.<sup>47</sup>~~

24 ~~v. The decision of the approving authority shall include findings~~  
25 ~~applying the above hierarchy as necessary to determine~~  
26 ~~whether to approve, approve with conditions, or disapprove~~  
27 ~~an application for an entitlement under the procedure in this~~  
28 ~~subsection.~~

29 **21.01.100 TRANSITIONAL PROVISIONS**

30 The purpose of transitional provisions is to resolve the status of properties with pending  
31 applications or recent approvals, and properties with outstanding violations, at the time of the  
32 adoption of this title.

33 **A. Violations Continue**

34 Any violation of the previous title 21 ordinance shall continue to be a violation under  
35 this title and shall be subject to the penalties and enforcement set forth in chapter  
36 21.12, Enforcement, unless the use, development, construction, or other activity  
37 complies with the provisions of this title. Payment shall be required for any civil  
38 penalty assessed under the previous title 21, even if the original violation is no longer  
39 considered a violation under this title.

<sup>47</sup>NOTE: "Cumulative encroachment" should be clarified if this section is retained.

1           **B.       Uses, Characteristics of Use, Structures, and Lots Rendered Conforming**

2                   A use, characteristic of use, structure, or lot not lawfully existing at the time of the  
3                   adoption of this title is deemed lawful as of the effective date of this title, provided it  
4                   conforms to all of the requirements of this title.

5           **C.       Uses, Characteristics of Use, Structures, and Lots Rendered Nonconforming**

6                   1.       When a lot is used for a purpose that was a lawful use before the effective  
7                   date of this title, and this title no longer classifies such use as an allowed use  
8                   in the zoning district in which it is located, such use shall be considered  
9                   nonconforming and shall be controlled by chapter 21.11, *Nonconformities*.

10                  2.       Where any characteristic of use, building, structure, or lot that legally existed  
11                  on the effective date of this title does not meet all standards set forth in this  
12                  title, such building, structure, or lot shall be considered nonconforming and  
13                  shall be controlled by chapter 21.11, *Nonconformities*.

14           **D.       Processing of Applications Commenced or Approved Under Previous**  
15           **Ordinances**

16                  1.       **Pending Applications**

17                   a.       Any complete application that has been submitted for approval, but  
18                   upon which no final action has been taken by the appropriate  
19                   decision-making body prior to the effective date of this title, shall,  
20                   within six months<sup>10</sup> of the date of acceptance for completeness, be  
21                   reviewed in accordance with the provisions of the ordinance in effect  
22                   on the date the application was deemed complete. However, in such  
23                   cases, if the applicant fails to comply with any applicable required  
24                   period for submittal or other procedural requirements, the application  
25                   shall expire and subsequent applications shall be subject to the  
26                   requirements of this title. Any re-application for an expired project  
27                   approval shall meet the standards in effect at the time of re-  
28                   application.

29                   b.       For multi-phase projects, this subsection shall apply only to those  
30                   phases for which complete applications have been submitted for  
31                   approval but upon which no final action has been taken by the  
32                   appropriate decision-making body prior to the effective date of this  
33                   title.<sup>11</sup>

34                   c.       An applicant with an approved pending application may waive review  
35                   available under prior ordinances through a written letter to the  
36                   Director and request for review under this title.

37                  2.       **Preliminary Plats<sup>12</sup>**

38                   a.       Any complete preliminary plat application that has been submitted for  
39                   approval, but upon which no final action has been taken by the  
40                   appropriate decision-making body prior to the effective date of this  
41                   title, shall, within six months of the date of acceptance for  
42                   completeness, be reviewed in accordance with the provisions of the  
43                   ordinance in effect on the date the application was deemed complete.  
44                   Subsequently, the final plat for such subdivision applications also  
45                   shall be processed and reviewed according to the provisions of the

1 ordinance applicable at the time of submission of the complete  
2 application for preliminary plat.<sup>13</sup>

3 b. An application for which preliminary approval of a plat was granted  
4 prior to the effective date of this title may be processed for a final  
5 decision in accordance with the preliminary approval, applicable  
6 terms of the ordinance in place at the time of preliminary approval,  
7 and any other approved permits and conditions, even if the  
8 application does not comply with one or more requirements set forth  
9 in this title. Preliminary approvals granted under the previous title 21  
10 may be extended no more than once, and for no longer than 18  
11 months, pursuant to the extension procedures applicable under the  
12 previous ordinance.<sup>14</sup>

13 3. **Approved Projects**

14 a. Conditional use permits, subdivision plats, site plan approvals,  
15 grading permits, building permits, land use permits, sign permits, and  
16 variances, any of which are valid on [--- insert effective date] shall  
17 remain valid until their expiration date. Projects with valid approvals  
18 or permits may be carried out with the development standards in  
19 effect at the time of approval, provided that the permit or approval is  
20 valid and has not lapsed.

21 b. Any building or development for which a building permit or land use  
22 permit was granted prior to the effective date of this title shall be  
23 permitted to proceed to construction even if such building or  
24 development does not conform to the provisions of this title.

25 c. If the development for which the building permit or land use permit is  
26 issued prior to the effective date of this title fails to comply with the  
27 time frames for development established for the permit, the building  
28 or land use permit shall expire and future development shall be  
29 subject to the requirements of this title.

30 4. **Remanded Cases**

31 If the Board of Adjustment remands a case to another decision-making body,  
32 that body shall process the case under the rules applicable at the time the  
33 original complete application was submitted for approval, unless the applicant  
34 has waived review under previous ordinances pursuant to subsection D.1.c.  
35 above.<sup>15</sup>

<sup>1</sup> 2005 NOTE: This section has been streamlined based on numerous comments. We've tried to remove all redundancies while at the same time keeping enough purpose statements to convey the wide range of issues addressed in title 21.

<sup>2</sup> NOTE: This section is written very broadly to cover all levels of government, and encourages compliance by any governmental agencies not subject to MOA laws. Thus, for example, a new federal building would be encouraged to comply with MOA land use laws, even though federal properties are exempt from local land use controls.

<sup>3</sup> NOTE: Unless otherwise specified, the term "Department" is defined in the code as the Planning Department.

<sup>4</sup> NOTE: These are suggested new interpretation rules; there is nothing on this topic in the current title 21.

<sup>5</sup> NOTE: This is a suggested new policy to deal with any permits that might have been issued in reliance on an incorrect designation.

<sup>6</sup> 2005 NOTE: This is a new provision, based on questions from staff and ZBEA.

<sup>7</sup> 2005 NOTE: This 2005 version is much simpler than the previous draft. Detailed "implementation" and "transition" provisions have been removed. With the creation of a new Land Use Plan Map, such provisions are expected to be obsolete. This is based on the existing AMC chapter 21.05.

<sup>8</sup> 2005 NOTE: Table reorganized so that the key plan for each topic area is listed first, followed by others in chronological order. U-Med plan is new in this draft.

<sup>9</sup> NOTE: This new section provides broad enabling authority for new plan elements, such as new land use plan maps. The section authorizes the adoption of neighborhood plans as amendments to the comprehensive plan, but it doesn't codify the neighborhood planning process, which is still being developed in Anchorage as a separate project.

<sup>10</sup> 2005 NOTE: Comments on the first draft of this provision questioned what happens if staff fails to meet the deadline – automatic approval, denial, or extension? Further discussion necessary to determine the appropriate policy in Anchorage. (Elsewhere in the 2005 draft code, the provision stating that inaction equals denial has been removed.) OLD NOTE: The six-month provision puts a cap on the time available for the old code to continue, but it also puts a burden on staff to review the applications within a certain period. The six-month period is provided for discussion purposes; a longer period could be used, or the time limit period could be removed altogether.

<sup>11</sup> 2005 NOTE: Proposed new provision.

<sup>12</sup> 2005 NOTE: We have removed right-of-way vacation, variance, and conditional uses from this section, since none of those procedures involve a preliminary approval step as drafted in this title.

<sup>13</sup> 2005 NOTE: Proposed new provision.

<sup>14</sup> 2005 NOTE: The general contractors association strongly suggests that this extension period be extended to 36 months or longer. They believe that that original 12-month period may not be adequate in Anchorage. This draft extends the 12-month provision to 18 months.

<sup>15</sup> 2005 NOTE: Proposed new provision.