



## CITY OF WASILLA

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### COUNCIL MEMORANDUM NO. 96-79

From: Duane Dvorak, City Planner *DD*

Date: August 7, 1996

Subject: Suggested language for amendments to the Wasilla Revised Development Code, based on Council Comments after the public hearing on July 22, 1996.

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Planning Consultant, Gordon Lewis, submitted the attached language in response to the comments of Council at the last regular meeting. New text is underlined and deleted text is shown as strike-through.

Mr. Lewis cannot attend the next Council meeting on August 12, 1996, where this item will be considered as an unfinished business item. He will be available by telephone, however, and can teleconference if necessary.

Any questions that the Council has prior to the meeting can be directed to the City Planner who can research answers or pass on the comments to Mr. Lewis, if appropriate.

The following are possible changes in response to the testimony given at the two public hearings on the new development code. There is interest in lowering the number of unrelated people that qualifies as a group home. The ordinance must be amended to also adjust the family definition in order to be consistent in the way you treat all residential uses.

These are the existing definitions that divide what looks like a dwelling into different uses that get different treatment in the ordinance.

39. Family means one person, or two or more persons related by blood, marriage, or adoption. The term includes a group of **eight persons or less** who are unrelated by blood, marriage, or adoption, any of which are living together as an independent housekeeping unit.

43. Group Home means a use of a residential dwelling(s) or any living unit or accessory buildings thereof, designed, used or intended for use as long term human habitation in a home-like family setting. The principal use of which is to serve as a dwelling for assisted living for **eight people or less** who seek rehabilitation or recovery from any long-term illness, physical, mental, or other infirmity or disability.

Related to these is the definition of an Institutional Home and Transitional Home.

52. Institutional Home means a use of a residential dwelling(s) or any living unit or accessory buildings thereof, designed, used or intended for use as relatively permanent human habitation in a home-like family setting. The principal use of which is to serve as a dwelling for assisted living for **more than eight people** who seek rehabilitation or recovery from any long-term illness, physical, mental, legal or other infirmity or disability. The term includes limited care facilities for the elderly, homes for children, sanitariums, nursing homes, living quarters for people with long term illness and transitional homes for criminals.

87. Transitional Home for Criminals means a use which serves as a place of residence for criminals who are in transition between a correctional facility and living in the community.

In most cases the city can not strictly regulate different residential land uses based upon **who** occupies the building. A Group Home is a land use that looks and functions like any other single family residential building. Wasilla must provide a reasonable accommodation for all residential uses. The initial level of review should be administrative, not at the Planning Commission level. It is permissible to have Planning Commission review of an "Institutional Home" or a "Transitional Home." The city could ratchet down the number of people that qualify as a family to six unrelated people. This

would change the magic number used as a trigger in the ordinance from eight to six. The definitions would then look like this:

39. Family means one person, or two or more persons related by blood, marriage, or adoption. The term includes a group of six persons or less who are unrelated by blood, marriage, or adoption, any of which are living together as an independent housekeeping unit.

43. Group Home means a use of a single family residential dwelling~~(s)~~ or any living unit or accessory buildings thereof, designed, used or intended for use as long term human habitation in a home-like family setting. The principal use of which is to serve as a dwelling for assisted living for six people or less who seek rehabilitation or recovery from any long-term illness, physical, mental, or other infirmity or disability.

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Special approval criteria should be added into the draft ordinance. Establishing a separation distance in the residential zones would prevent Group Homes, Institutional Homes and Transitional Homes from clustering together, but it would also spread them out over a larger area and possibly into more neighborhoods. The lack of a separation criteria in the Commercial zone should help encourage these uses to locate in or near the Commercial zone within walking distance to needed facilities such as grocery stores. The approval criteria would be inserted as a new "J" and "K" in section 16.43.510 on page 26. The existing "J" would be renumbered to "L" and modified as shown.

J. Group Home. Group homes are encouraged to locate in the commercial zone. A group home in any residential zone must be separated from any other group home by 600 feet or one per subdivision block. Whichever standard results in the lesser density shall be applied. There is no separation requirement for group homes located in a commercial district.

K. Institutional home. Institutional homes are required to be separated from each other and group homes. An institutional home must be

separated from any other institutional home or group home by 600 feet or one per subdivision block. Whichever standard results in the lesser density shall be applied. The maximum occupancy for any institutional home shall be two people per bedroom.

L. ~~Correctional Facility or Transitional Home for Criminals.~~ Correctional facilities or transitional homes for criminals may be allowed if separated by a buffer distance of at least 600 feet from all of the following: any business licensed to serve alcohol beverages or package store, public or private school, pre-school, educational institution, church or other religious facility, or youth oriented facility or business by a buffer distance of at least 600 feet.

1. any business licensed to serve alcohol beverages;
2. package liquor store;
3. public or private school;
4. pre-school;
5. day care;
6. public park;
7. church or similar religious facility;
8. group home; or
9. institutional home.

Suitable buffering must be constructed and building(s) containing the principal use must be set back from any adjoining residential district lot line by a minimum of 50 feet. Lighting must be provided at all developed pedestrian and vehicular access points. Additional lighting may be required by the Commission. The minimum lot area for these uses is 40,000 square feet for up to 12 beds. Each additional 12 beds or less requires an additional 20,000 square feet of lot area.

The bond requirements set forth herein are based upon, ~~in part on~~ past incidents of harm to the general public involving injury to and criminal acts perpetrated upon residents of south-central Alaska by clients/inmates of transitional criminal facilities; and further based upon the desirable precautions that are more likely to be taken to avoid such harm to the public when financial security is at risk in the event of harm to the public caused by clients/inmates of transitional criminal facilities. Prior to initiation of operation of a transitional home or correctional facility, the developer shall post a bond in the amount of no less than \$50,000.00 per client inmate bed that the facility is licensed to maintain. The bond shall be payable upon the event of damage to property or injury to persons caused by or perpetrated by a client/inmate while a resident of the facility and be written by a corporate surety of veritable financial accountability or other comparable form that assures the fiscal responsibility of the entity or person(s) underwriting the bond. The bond requirement set forth herein shall not apply to facilities owned and operated by the State of Alaska and/or a municipal subdivision of the State of Alaska.

Transitional Homes should be added to use chart.

District	RR	R1	R2	RM	C	I	P
Approval	CU	EX	EX	CU	UP	EX	CU

There was a question about a "convenience store" selling liquor. The Alcohol Beverage Commission (ABC) has control over liquor licenses but you may regulate them as a land use. The following change in the definition makes sure that liquor stores are not a convenience store.

26. Convenience store is a commercial use not involving the sale of automotive fuels or liquor which is conducted only on the first floor of a building, occupies 1,000 square feet or less of the building, retails merchandise or services primarily to the neighborhood and is located on a lot with frontage on a street designated as a collector street in the City Comprehensive Plan.

Needed editorial changes are as follows:

page 9 line 31 delete for Criminals

page 17 line 7 section 16.43.400-408

page 26 line 12 delete two or more

page 26 line 37 change numbering of Kennel and Planned Unit Development to match changes.