



## CITY OF WASILLA

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CODE ORDINANCE

REQUESTED BY: PLANNING COMMISSION

PREPARED BY: PLANNING

### ORDINANCE SERIAL NO. 95-14

AN ORDINANCE OF THE CITY OF WASILLA, ALASKA, ADOPTING A DEFINITION OF CRIMINAL TRANSITION FACILITIES INTO SECTION 16.43.202 (DEFINITIONS); AND AMENDING SECTIONS 16.43.332, 16.43.342, 16.43.352, 16.43.372 (CONDITIONAL USES), AND SECTION 16.43.361 (USES-BY-RIGHT); TO PROVIDE FOR THE REGULATION OF CRIMINAL TRANSITION FACILITIES UNDER TITLE 16, THE WASILLA MUNICIPAL CODE.

WHEREAS; the Wasilla community was recently targeted for the development of a proposed correctional halfway house; and,

WHEREAS, a tentative location for this facility was identified within the heart of a residential subdivision; and,

WHEREAS, planning staff for the City of Wasilla and the Mat-Su Borough determined that there was very little that the Planning Commission, City Council and interested residents could do to regulate this land use given the circumstances of the proposal at that time; and,

WHEREAS, the Wasilla Planning Commission has reviewed the issue of correctional halfway house facilities and developed specific language, through the course of several public meetings, in order to provide for the regulation of this land use; and,

WHEREAS, the Wasilla Planning Commission held a public hearing on this ordinance before making a recommendation to the Wasilla City Council;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY OF WASILLA, ALASKA AS FOLLOWS:

SECTION I. Classification. This ordinance is of a general and permanent nature and shall become part of the Wasilla Municipal Code.

SECTION II. Purpose. To adopt a definition of Criminal Transition Facility (Halfway House) and provide appropriate amendments to specific zoning districts in Title 16, (Wasilla Development Code) of the Wasilla Municipal Code, in order to regulate Criminal Transition Facilities in the City of Wasilla.

SECTION III. Enactment. If approved by the City Council of Wasilla, the language contained in Section 16.43.202 (Definitions) will be amended and reordered as appropriate to include the addition of new definitions and amended definitions, adopted as follows:

16.43.202 Definitions. Unless the context clearly indicates a different meaning is intended, the following words and phrases used in this chapter have the meanings set out herein.

Criminal transition facility means a facility providing short term transitional living accommodations and twenty-four (24) hour supervision in order to facilitate independent re-entry into society for three (3) or more residents who have been released from a correctional institution. The maximum number of residents shall be set by conditional use permit.

Y. Density means the square feet of lot area per dwelling unit in any residential development except for a group dwelling unit home or rooming house.

AF. Dwelling unit means a residential unit consisting of a building or portion thereof providing independent and complete cooking, living, sleeping and toilet facilities for one family, and accessory uses.

Dwelling unit, group: "Group dwelling unit" means a dwelling unit occupied by more than eight (8) persons unrelated by blood, marriage, or adoption, and living together as an independent housekeeping unit whether operated as a business or not, but excluding institutional arrangements involving forced residence, such as criminal transition facilities.

AH. Family means one person, or two (2) or more persons related by blood, marriage, or adoption. The term shall also include a group of eight (8) persons or less who are:

1. Placed in a foster home or child care home by an authorized agency.
2. Devoting full time to a religious or ethical discipline, unrelated by blood, marriage, or adoption, any of which are living together as an independent housekeeping unit together with incidental domestic servants and temporary nonpaying guests.
3. Mentally or physically handicapped or elderly, occupying a physically secure premises and living as a single housekeeping unit, as distinguished from a group occupying a group home.

AS. Group home means a residential use which is a home for the elderly, or which serves as a dwelling for persons seeking care, rehabilitation or recovery from any physical, mental or emotional infirmity, for rehabilitation of criminals, or any combination thereof, in a family setting.

CF. Residential use means single-family dwellings, duplexes, multi-family dwellings, boarding-houses, group dwelling units homes, mobile homes, home occupations, public and noncommercial moorage. Criminal transition facilities are specifically excluded from this definition.

SECTION IV. Enactment. If approved by the City Council of Wasilla, the language contained in Sections 16.43.332, 16.43.342, 16.43.352, and 16.43.372 (Conditional Uses) will be amended as follows:

#### WC Waterfront Core District

16.43.332 Conditional Uses. The following uses are conditional uses: Subdivisions, garden-style public/institutional uses; group dwelling units homes, boarding houses, noncommercial moorage, multifamily housing, resorts (except on Lake Lucille), commercial moorage (except on Lake Lucille), campgrounds and garden-style restaurants and office buildings. (Ord. 94-41 Attachment "A")

## Core Area District

16.43.342 Conditional Uses. The following uses are conditional uses: any uses which are not uses-by-right or prohibited uses; subdivisions, criminal transition facilities. (Ord. 94-41 Attachment "A")

## Intermediate District

16.43.352 Conditional Uses. The following uses are conditional uses: subdivisions; mobile home parks, mobile homes on individual lots; garden-style public/institutional uses, commercial uses, and light industrial uses, and criminal transition facilities. (Ord. 94-41 Attachment "A")

## IPL INSTITUTION AND PUBLIC LANDS DISTRICT

16.43.372 Conditional Uses. The following uses are conditional uses: heliports, hospitals, mental health facilities, sanitariums, residential care facilities, nursing homes, convalescent homes, homes for the aged and group home facilities; convention facilities; public buildings, public safety facilities, fire halls, correctional facilities, animal shelter facilities; museums, historic and cultural exhibits; cemeteries; utility substations and towers; municipal parking lots; and residential uses except mobile homes. (Ord. 94-41 Attachment "A")

The following uses are conditional uses:

- A. Heliports
- B. Hospitals
- C. Mental health facilities
- D. Sanitariums
- E. Residential care facilities
- F. Nursing homes
- G. Convalescent homes
- H. Homes for the aged
- I. Group dwelling units ~~home facilities~~
- J. Convention facilities
- K. Public buildings
- L. Public safety facilities
- M. Fire halls
- N. Correctional facilities
- O. Animal shelter facilities
- P. Museums
- Q. Historic and cultural exhibits
- R. Cemeteries
- S. Utility substations and towers
- T. Municipal parking lots
- U. Residential uses except mobile homes
- V. Criminal transition facilities

SECTION V. Enactment. If approved by the City Council of Wasilla, the language contained in Section 16.43.361 (Uses-By-Right) will be amended as follows:

IND Industrial District

16.43.361 Uses-By-Right. The following are uses-by-right in the IND district: retail, office, public/institutional (except public residential or institutional residential uses) ~~and~~ light industrial uses, and accessory uses and structures normally appurtenant to uses-by-right and conditional uses, including, but not limited to signs, garages and required parking areas; except any use-by-right that would otherwise be a major development must obtain a major development permit. (Ord. 94-41 Attachment "A")

SECTION VI. Effective Date. This ordinance becomes effective upon adoption.

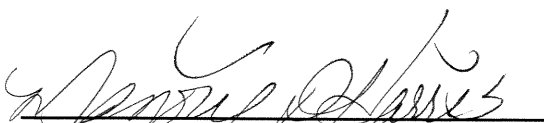
Introduction: 02/27/95

Public Hearing: 03/13/95

ADOPTED by the Council of the City of Wasilla on this 13th day of March, 1995.

  
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JOHN C. STEIN, Mayor

ATTEST:

  
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MARJORIE D. HARRIS, CMC  
City Clerk

(SEAL)