



CITY OF WASILLA

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Code Ordinance

Requested By: Councilman Palin
Prepared By: Clerk's Office

ORDINANCE SERIAL NO. 96-41

AN ORDINANCE OF THE CITY OF WASILLA, ALASKA, AMENDING CHAPTER 16.43 (WASILLA DEVELOPMENT CODE) OF THE WASILLA MUNICIPAL CODE

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 amend sections of Title 16.43.

SECTION III. Amendment. Chapter 16.43, (Wasilla Revised Development Code) of the Wasilla Municipal Code is amended as follows:

16.43.204 Definitions. The definitions in this section are intended to be specific to this Title. Any word or term not defined shall be used with the meaning of common or standard usage as determined by a current edition of Webster's Unabridged Dictionary. In this Title, the following definitions shall apply:

39. Family means one person, or two or more persons related by blood, marriage, or adoption. The term includes a group of ~~eight~~ **four** 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~~ **four** people or less who seek rehabilitation or recovery from any long-term illness, physical, mental, or other infirmity or disability.

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~~ **four** 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.

Not Introduced

16.43.320 Appeals to the Commission. Any aggrieved person, including the developer, may appeal any decision of the Planner by serving written notice of appeal to the planning clerk and the developer within ~~three (3)~~ **seven (7)** days of the decision. Notice of an appeal is considered served when actually received or when properly mailed. Approved uses may proceed during the appeal process unless specifically ordered by the Planner to cease.

16.43.322 Appeals to the Council. An appeal to the Council of a Commission decision shall be by serving written notice of appeal on the City Clerk within ~~three (3)~~ **five (5)** days of the decision. Notice of an appeal is considered served when actually received or when properly mailed. Approved uses may proceed during the appeal process unless specifically ordered by the Planner to cease.

G. An aggrieved party may seek an appeal before the appropriate State of Alaska court only after final exhaustion of all administrative remedies and appeals. All such judicial appeals are appeals on the record, ~~and no new evidence or issues may be presented.~~ Both parties are limited to the record on appeal, except to the extent that the Alaska Rules of Civil Procedure require otherwise.

16.43.402 Administrative Approval and Use Permits. An Administrative Approval ("AA") or a Use Permit ("UP"), as defined in section 16.43.204 or listed on the district use chart in section 16.43.602 are within the authority of the Planner to approve. Developers must file an application with the Planner and receive a permit or approval prior to commencement of the use.

C. Use Permit. If the accepted application is for a use permit, the Planner shall, within three (3) days of acceptance of the application, issue a draft use permit for review and comment based upon the General Approval Criteria in section 16.43.508.

1. Public Notice. The Planner shall mail or electronically transmit the draft use permit to the applicant, reviewing parties, Commission members, and to the owners of property, as listed on the Matanuska Susitna Borough property tax rolls, located within a minimum of ~~600~~ **1,600** feet of the lot lines of the development. The draft use permit shall be posted in City hall and on the site.

16.43.506 Procedure for Commission Approvals. The following procedures apply to approvals by the Commission including conditional uses, rezonings and variances.

B. Public Notice. If the application is accepted the Planner shall;

6. The Planner will post the notice on the site at least ~~five~~ **fourteen (14)** days prior to the hearing. The notice shall be posted so that it may be easily seen from the public right-of-way. The applicant is responsible for maintaining the notice.

16.43.508 General Approval Criteria. An administrative approval, use permit, elevated administrative approval, elevated use permit or conditional use may be granted if the following general approval criteria and any applicable specific approval criteria of section 16.43.510 are complied with. The burden of proof is on the applicant to show that the proposed use meets these criteria and applicable specific criteria for approval. An approval shall include a written finding that the proposed use can occur consistent with the Comprehensive Plan, harmoniously with other activities allowed in the district and will not disrupt the character of the neighborhood. Such findings and conditions of approval shall be in writing and become part of the record and the case

file.

DA. Neighborhoods. Due deference has been given to the neighborhood plan or comments and recommendations from a neighborhood with an approved neighborhood plan.

AB. Plans. The proposal is substantially consistent with the City comprehensive plan and other City adopted plans.

BC. Special Uses. The proposal is substantially consistent with the Specific Approval Criteria of section 16.43.510.

CD. Reviewing Parties. Due deference has been given to the comments and recommendations of reviewing parties.

N. Landscaping. A reclamation or landscaping plan may be required by the Planner or Commission as a condition of approval of any multi-family, commercial or industrial use. The purpose of the reclamation or landscaping plan includes the control of dust, soil erosion, storm water runoff and siltation which otherwise would be generated on the lot and affect the surrounding area. The Commission may adopt City landscaping standards that establishes the type of vegetation and acceptable methods to be used for compliance. The owner(s) of the property shall be responsible for maintenance of the landscaping ~~for a minimum of one year~~ to allow the establishment of the planted materials and stability of other physical improvements such as earthen berms. The Planner or Commission may require a bond and/or a maintenance guarantee pursuant to sections 16.43.614 and 16.43.616. The Planner or Commission shall not impose requirements inconsistent with the requirements of any other governmental entity, but may impose more stringent requirements and may work with the applicant to reach a satisfactory compromise with any other governmental entity. If a suitable plan is already in existence, the Planner may find that plan fulfills the requirements of this Section. The plan shall contain elements as may be required by the landscaping standards adopted by the Commission and may in any event include any or all of the following:

16.43.510 Specific Approval Criteria. The following uses are subject to the preceding general criteria and these additional approval standards:

B. Day Care. In the RR, R1, R2 and C districts the following apply:

~~1. Only one day care facility is allowed per block or 600 feet radius, whichever is less.~~

H. Adult Business. An adult business may be allowed in the commercial district, subject to conditions, if separated from any residential zoned (RR, R1, R2, RM) lot line, public or private school, pre-school, educational institution, church or other religious facility, public or private park, and from a youth oriented facility or business by a buffer distance of at least ~~600~~ **1,200** feet.

J. Correctional Facility or Transitional Home for Criminals. Correctional facilities or transitional homes for criminals may be allowed if separated from 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~~ **1,200** feet. 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 ~~42~~ **6** beds. Each additional ~~42~~ **6** 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~~ **\$75,000.00** 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.

L. Planned Unit Development. The intent of the Planned Unit Development (PUD) is to allow flexibility in regulation, design, placement of buildings and use of open spaces. The modifications may include requirements for lot frontage, building setbacks, and design of circulation facilities to best use site potentials afforded by special features of location, topography, size, or shape. A PUD must demonstrate creative approaches that will result in a more efficient, aesthetic and harmonious development with uses in the surrounding area, while at the same time providing higher population density or increased intensity or mix of uses than is permitted in the zone(s) in which the project is located. Any mobile home park must receive approval as a PUD.

5. A PUD will require Council approval after review and recommendation by the Planning Commission.

56. An application for a PUD must include ten copies of accurate site plans drawn to an appropriate scale and topographic maps showing present and proposed contours at intervals of not more than two feet unless the Planner requests plans at a different scale or maps with different contour intervals. The maps and plans must be of standard size format as required under the Matanuska-Susitna Borough Platting code and show or contain:

16.43.512 Rezoning. Rezoning is changes to zoning district boundaries as shown on the official zoning map. Application must be made on a form supplied by the City to the Planner. Prior to submission of an application, the applicant is encouraged to contact the Planner for the purpose of discussing the site, the proposed use and the approval procedure.

A. Initiation. A rezoning may be initiated by the developer, the Planner, any member of the Commission, a City council member; the Mayor or by a petition bearing the signatures of the owners of at least ~~fifty-one percent (51%)~~ **twenty-five percent (25%)** of the owners of property within the area proposed to be rezoned.

E. Criteria. The Commission shall make a recommendation to the council based on written findings that the appropriate following criteria have been addressed:

41. Due deference has been given to the neighborhood plan or comments and recommendations from a neighborhood with an approved neighborhood plan.

42. The proposed rezoning substantially complies with section 16.43.508, General Approval Criteria.

23. The proposed rezoning is in an area with adequate services, including

as appropriate; roads, parking, sidewalks, water, sewer, ~~garbage collection~~, gas, electricity, drainage, police and fire protection, or the developer has agreed to provide all the necessary improvements or services for the area.

34. The comments from reviewing parties (section 16.43.308) on the proposed rezoning have been adequately addressed.

16.43.600 ZONING DISTRICTS. The City is hereby divided into the following zoning districts. These districts are depicted on the official City zoning map.

B. R1 - Single-Family Residential District. The intent of the R1 district is to provide areas for development of individual family home sites. The primary purpose of this district is to protect and provide for low density, quiet residential areas on large lots. This district provides ~~an~~ a zone for single-family homes on large lots that provide ample storage area for vehicles, boats and other recreational equipment. All development in this zone should maintain and enhance the single-family residential character of the neighborhood.

16.43.602 District Use Chart. The following chart summarizes the uses allowed and the standard of review for each use. In the commercial and industrial districts, more than one building housing a permissible principal use may be erected on a single lot, provided that each building and use shall comply with all applicable requirements of this chapter and other borough, state or federal regulations.

AA = Administrative Approval

UP = Use Permit

CU = Conditional Use

EX = Excluded

Blank = No City approval necessary

Districts è	RR Rural	R1 Single Family	R2 Reside ntial	RM Multi- Famil y	C Commer cial	I Indust rial	P Pub lic
USES							
Group Home	UP	UPEX	UP	UP	UP	EX	UP
Institutional Home	CU	EX	CUEX	CU	CU	EX	CU

16.43.808 Maintenance Guarantee. The developer may be required to warrant and guarantee that landscaping or improvements constructed and every part thereof will remain in good condition for ~~a period of one year~~ after the date of preliminary acceptance of the improvements by the City. The maintenance guarantee must be in an amount equal to ten percent of the cost of improvements. The maintenance guarantee repair is to provide funds for the repair or replacement of any part of the improvements that is determined to be faulty within one year of the preliminary acceptance of the improvements. The developer shall make all repairs to and maintain the landscaping or improvements in good condition ~~during the one year period~~ at no cost to the City.

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

Introduction: _____

Public Hearing: _____

ADOPTED by the Council of the City of Wasilla on this _____ day of _____, 1996.

JOHN C. STEIN, Mayor

ATTEST:

MARJORIE D. HARRIS, CMC
City Clerk