



CITY OF WASILLA

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Code Ordinance

Requested By: Councilman Palin
Prepared By: Clerk's Office
Introduction: 09/09/96
Public Hearing: 09/23/96

ORDINANCE SERIAL NO. 96-47

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:

16.43.508 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. The lot on which the facility is located may not border on a lot line of a residential area. 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:


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

ADOPTED by the Council of the City of Wasilla on this 14th day of October, 1996.



SARAH H. PALIN, Mayor

ATTEST:



MARJORIE D. HARRIS, CMC
City Clerk