

Prepared by: Deputy Clerk
 Requested by: Council Member Patrick
 Introduced: September 23, 2002
 Public Hearing: October 14, 2002
 Postponed on 10/14/02 to November 25, 2002
 Substituted: November 25, 2002
 Adopted: November 25, 2002
 Vote: Unanimous

**CITY OF WASILLA
 ORDINANCE SERIAL NO. 02-60(SUB)**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING 16.20.020 DISTRICT USE CHART, TO ADD COALBED METHANE GAS EXTRACTION TO THE USE CHART, AND AMENDING WMC 16.04.070, DEFINITIONS TO PERMIT COALBED METHANE GAS EXTRACTION WITH A USE PERMIT IN RR - RURAL RESIDENTIAL, C - COMMERCIAL, I - INDUSTRIAL, AND P – PUBLIC DISTRICTS.

BE IT ENACTED:

* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

* **Section 2. Amendment of section.** WMC 16.20.020, District use chart, is amended to add coalbed methane gas extraction:

AA = Administrative approval UP = Use permit CU = Conditional use
 EX = Excluded Blank = No city approval necessary

Districts	RR Rural	R1 Single Family	R2 Residential	RM Multi- Family	C Commercial	I Industrial	P Public
Uses							
Accessory Uses	AA	AA	AA	AA	AA	UP	AA
Adult Business	EX	EX	EX	EX	CU	EX	EX
Agriculture	UP	EX	EX	EX	EX	EX	EX
Animal Husbandry	UP	EX	UP	EX	EX	EX	EX
Animal Shelter	EX	EX	EX	EX	CU	UP	UP
Assisted Living Home	AA	AA	AA	AA	UP	EX	EX
Automotive Sales	UP	EX	EX	EX	AA	AA	EX

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

Districts	RR Rural	R1 Single Family	R2 Residential	RM Multi- Family	C Commercial	I Industrial	P Public
Bed and Breakfast		UP	AA	AA		EX	EX
Campground	UP	EX	EX	EX	UP	EX	AA
Cemetery	UP	EX	EX	EX	UP	UP	UP
Church	UP	EX	UP	UP	UP	EX	EX
<u>Coalbed Methane Extraction</u>	<u>UP</u>	<u>EX</u>	<u>EX</u>	<u>EX</u>	<u>UP</u>	<u>UP</u>	<u>UP</u>
Commercial 10,000 GFA or less	AA	EX	EX	CU	AA	UP	UP
Commercial more than 10,000 GFA	EX	EX	EX	EX	CU	UP	EX
Communication Equipment	AA	UP	AA	AA	AA	AA	AA
Convenience store	AA	EX	UP	EX	UP	EX	EX
Correctional Facility	EX	EX	EX	EX	EX	CU	CU
Day Care	AA	UP	UP	UP	UP	EX	EX
Duplex	AA	EX	AA	AA	UP	EX	EX
Farm Animals	AA	UP	UP	EX	EX	AA	EX
Group Home	EX	EX	EX	UP	UP	EX	UP
Heavy Equipment	AA	EX	EX	EX	UP	AA	AA
Helipad	EX	EX	EX	EX	UP	AA	UP
Heliport	EX	EX	EX	EX	CU	AA	CU
Home Occupation		AA	AA	AA		EX	EX
Hotel	EX	EX	EX	EX	UP	EX	EX
Institutional Home	EX	EX	EX	CU	CU	EX	CU
Junkyard	EX	EX	EX	EX	EX	UP	EX
Kennel	UP	EX	CU	EX	UP	EX	EX
Mobile Home	EX	EX	CU	EX	EX	EX	EX
Motel	EX	EX	EX	EX	UP	EX	EX
Multi-Family	EX	EX	UP	AA	UP	EX	EX
Planned Unit Development	CU	CU	CU	CU	CU	CU	CU

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

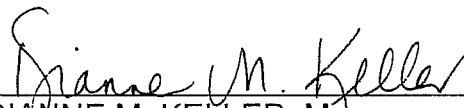
Districts	RR Rural	R1 Single Family	R2 Residential	RM Multi- Family	C Commercial	I Industrial	P Public
Play Field	UP	UP	UP	UP	UP	EX	UP
Public Facility	UP	CU	UP	UP	UP	AA	AA
Resource Extraction	CU	EX	EX	EX	CU	UP	UP
Single-Family Dwelling	AA	AA	AA	AA	UP	EX	EX
Subdivision	AA	AA	AA	AA	AA	AA	AA
Utility Facility	AA	UP	UP	UP	AA	AA	AA
Waterfront Use	AA	AA	AA	AA	UP	UP	UP
Zoo	UP	EX	EX	EX	CU	EX	CU

* **Section 3. Amendment of section.** WMC 16.04.070, Definitions, is amended to add a definition for Coalbed Methane Extraction:

“Coalbed Methane Extraction” is the extraction of coalbed methane involving drilling, clearing, or grading or the removal for commercial purposes of native vegetation for the purpose of extracting coalbed methane.

* **Section 4. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

ADOPTED by the Wasilla City Council, Alaska, on November 25, 2002.


 DIANNE M. KELLER, Mayor

ATTEST:


 KRISTIE SMITHERS, CMC
 City Clerk

[SEAL]

Bold and underline added. [CAPS AND BRACKETS, DELETED.]



CITY OF WASILLA

**290 E. HERNING AVE.
WASILLA, AK 99654-7091
PHONE: (907) 373-9090
FAX: (907) 373-9092**

TO: Wasilla City Council

THRU: Mayor Dianne M. Keller *DMK*

FROM: Tim Krug, City Planner *G*
Jill Carricaburu, Planning Clerk

DATE: October 31, 2002

SUBJECT: Proposed Ordinance 02-60 (Sub)

SUMMARY:

At their October 22, 2002 meeting the Planning Commission discussed the attached Ordinance requesting an amendment to WMC16.20.020, District Use Chart, to make Adult Business an excluded use in Commercial Districts, to amend WMC 16.04.070, Definitions, to include Coalbed Methane Gas Extraction and to permit Coalbed Methane Gas extraction with a Use Permit in RR – Rural Residential, C - Commercial, I – Industrial, and P – Public Districts.

The PC discussed Coalbed Methane Gas Extraction (CMG) and understood that any CMG development would require a Use Permit which includes a mailout and the City Planner and/or Commissioners have the ability to elevate the decision to the Planning Commission should the need arise.

The PC moved to accept the addition of Coalbed Methane Gas Extraction to the District Use Chart, WMC 16.20.020, also adding it to Definitions, WMC 16.04.070. However, they recommended deleting the proposed amendment to Adult Business as the current definition restricts any Adult Business by requiring a buffer of a minimum of 1200 feet from all residential zones (RR, R1, R2, RM), public or private schools, pre-schools, educational institutions, churches or other religious facilities, public or private parks, youth oriented facilities or businesses.

FISCAL IMPACT: N/A
Account No.: N/A

RECOMMENDED ACTION:

Approve only the amendment adding Coalbed Methane Gas Extraction.

ATTACHMENTS:

PCM 02-13; Draft Ordinance 02-60

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	Approved	Denied
Action taken		
Other: <i>Approl Methane Coaled Extraction Portion only</i>		
Date of Commission Action: <i>10/22/02</i>		
Verified by: <i>gsc</i>		

WASILLA CITY PLANNING COMMISSION

PCM No. 02-13

TITLE: **Ordinance 02-60**

MEETING DATE: October 22, 2002

PREPARED BY: Tim Krug, City Planner
Jill Carricaburu, Planning Clerk

DATE PREPARED: 10/22/02

SUMMARY STATEMENT:

At the October 14, 2002 City Council meeting the Council asked that the attached draft ordinance be referred to the Planning Commission for review and action.

The current definition for adult businesses is as follows:

"Adult businesses" means a use which is the retail or wholesale display, sale, rental or provision of adult oriented entertainment, goods, merchandise or activities. Any commercial use where at least twenty-five (25) percent of its interior floor area, or at least twenty-five (25) percent of the showing time, or where at least twenty-five (25) percent of its merchandise, is devoted to the display, sale, viewing or rental of adult-oriented entertainment, goods, merchandise or activities is an adult business. Adult-oriented entertainment, goods, merchandise or activities refers to books, magazines, films, videos, photographs, or other such similar materials whose dominant content or theme is the actual or simulated depiction of sexual activities, display or exhibition of specified anatomical areas, or total nudity. Adult-oriented entertainment, goods, merchandise or activities is intended to include goods, merchandise or activities depicting, describing or pertaining to human sex acts or that include an emphasis on the display or depiction of male or female genitals, male or female buttocks, or female breasts. Typical examples of such adult businesses would include, but not be limited to, adult motion picture theaters, adult mini-motion picture theaters, adult motion picture arcades, adult video rental stores, adult bookstores, and nude or partially nude dancing establishments commonly referred to as exotic dancing or strip tease dancing businesses, and otherwise including dancing performed to emphasize the display of nude or partially nude aspects of the human anatomy referred to herein. Adult business includes hotel, motels or similar establishment which offers a sleeping room for a period of time less than ten (10) hours or allows a tenant or occupant to sub-rent the room for a period of time that is less than ten (10) hours. For purposes

of the definition of adult businesses, establishments found not to be subject to or regulated by Chapter 9.04 but otherwise within the definition of adult businesses, as provided for herein, are to be included as within the meaning of adult businesses.

WMC 16.16.060 (G) specifies:

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 one thousand two hundred (1,200) feet.

There is currently no definition in 16.04.070 for, "Coalbed Methane Extraction," proposed ordinance would add it. Coalbed Methane Extraction appears minimal environmental impacts.

STAFF RECOMMENDED ACTION:

Approve, modify, or deny and forward on to the City Council. Since adult businesses are required to be located 1200 feet from numerous other uses, Planning Staff suggests that *Adult Businesses* be stricken from the proposed ordinance and that only Coalbed Methane Extraction be approved.


ATTACHMENTS:

Draft Ordinance 02-60



CITY OF WASILLA

290 E. HERNING AVE.
WASILLA, AK 99654-7091
PHONE: (907) 373-9090
FAX: (907) 373-9092

TO: Wasilla City Council
THRU: Mayor Sarah Palin 
FROM: Council Member Patrick
DATE: September 18, 2002
SUBJECT: Ordinance Serial No. 02-60

SUMMARY:

I have requested the attached ordinance to be brought forward to the council to amend the District Use Chart to allow coal bed methane extraction in all districts through the Use Permit process, except in the R1 – Single family, R2 – Residential, and RM – Multi-family districts where coal bed methane extraction would be excluded.

In addition, this ordinance also Excludes (EX) Adult Businesses within the C – Commercial district, which is currently the only district that allows the use.

FISCAL IMPACT: If yes, amount requested: -0-
Account No.:

RECOMMENDED ACTION: Introduce ordinance and set for public hearing.

ATTACHMENTS: None

**CITY OF WASILLA
 ORDINANCE SERIAL NO. 02-60**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING 16.20.020 DISTRICT USE CHART, TO MAKE ADULT BUSINESS AN EXCLUDED USE IN THE COMMERCIAL ZONING DISTRICT, AND TO AMEND WMC 16.04.070, DEFINITIONS TO INCLUDE COALBED METHANE EXTRACTION AND TO PERMIT COALBED METHANE GAS EXTRACTION WITH A USE PERMIT IN RR - RURAL RESIDENTIAL, C - COMMERCIAL, I - INDUSTRIAL, AND P - PUBLIC DISTRICTS.

BE IT ENACTED:

* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

* **Section 2. Amendment of section.** WMC 16.20.020, District use chart, is amended to exclude Adult Business from the C - Commercial District:

AA = Administrative approval UP = Use permit CU = Conditional use
 EX = Excluded Blank = No city approval necessary

Districts	RR Rural	R1 Single Family	R2 Residential	RM Multi- Family	C Commercial	I Industrial	P Public
Uses							
Accessory Uses	AA	AA	AA	AA	AA	UP	AA
Adult Business	EX	EX	EX	EX	EX[CU]	EX	EX
Agriculture	UP	EX	EX	EX	EX	EX	EX
Animal Husbandry	UP	EX	UP	EX	EX	EX	EX
Animal Shelter	EX	EX	EX	EX	CU	UP	UP
Assisted Living Home	AA	AA	AA	AA	UP	EX	EX
Automotive Sales	UP	EX	EX	EX	AA	AA	EX

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

Districts	RR Rural	R1 Single Family	R2 Residential	RM Multi- Family	C Commercial	I Industrial	P Public
Play Field	UP	UP	UP	UP	UP	EX	UP
Public Facility	UP	CU	UP	UP	UP	AA	AA
Resource Extraction	CU	EX	EX	EX	CU	UP	UP
Single-Family Dwelling	AA	AA	AA	AA	UP	EX	EX
Subdivision	AA	AA	AA	AA	AA	AA	AA
Utility Facility	AA	UP	UP	UP	AA	AA	AA
Waterfront Use	AA	AA	AA	AA	UP	UP	UP
Zoo	UP	EX	EX	EX	CU	EX	CU

* **Section 3. Amendment of section.** WMC 16.04.070, Definitions, is amended to add a definition for Coalbed Methane Extraction:

“Coalbed Methane Extraction” is the extraction of coalbed methane involving drilling, clearing, or grading or the removal for commercial purposes of native vegetation for the purpose of extracting coalbed methane.

* **Section 4. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

ADOPTED by the Wasilla City Council, Alaska, on , 2002.

SARAH PALIN, Mayor

ATTEST:

KRISTIE SMITHERS, CMC
City Clerk

[SEAL]

Bold and underline added. [CAPS AND BRACKETS, DELETED.]