

See AO 2005-124(S-1A)

Submitted by:

Prepared by:

For reading

Chair of the Assembly at
the request of the Mayor
Planning Department
September 13, 2005

ANCHORAGE, ALASKA

No. AO 2005- 124

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 21.35, 21.40, 21.45 AND 21.50 REGARDING ADMINISTRATIVE PROCEDURES, DEFINITIONS FOR VARIOUS CARE, SERVICE AND LIVING FACILITIES, AMENDING ZONING DISTRICTS, AMENDING SUPPLEMENTARY DISTRICT STANDARDS, CONDITIONAL USES AND SITE PLANS, AND AMENDING SECTION 14.60.030 TO ADD CARE FACILITIES VIOLATIONS.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 21.10.025 is hereby amended to read as follows (*the remainder of the section is not affected and therefore is not set out.*):

21.10.025 Zoning board of examiners and appeals.

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B. Hear and decide appeals from enforcement orders, [AND] denials of permit or certificate applications, and decisions to approve or deny section 21.15.013 administrative variance applications, under sections 21.30.110 through 21.30.170, and 21.55.040.

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(GAAB 21.30.250, 21.30.350; AO No. 77-355; AO No. 85-23; AO No. 99-131, § 2, 10-26-99; AO No. 2001-117, § 1, 7-10-01)

Cross references: Appointment of boards and commissions, Ch. 4.05; zoning board of examiners and appeals, section 4.40.130.

Section 2. Anchorage Municipal Code chapter 21.15 is hereby amended by adding a new section to read as follows:

21.15.013 Administrative variance from occupancy limits for residential care facilities.

A. *Intent.* It is the intent of this section to provide reasonable accommodation to residential care facilities to locate in specific buildings or neighborhoods for justifiable reasons, but without allowing occupancy limits to exceed the average building in the neighborhood.

B. *Application.* An application for an administrative variance from occupancy limits

shall be made on a form provided by the municipality, shall be executed by the owner of the real property, or the lessee with proof of the owner's consent, and shall be complete in all respects prior to review under subsection C.

C. *Time for approval.* The Planning Department shall make a determination on an application within 60 days of submittal. Notification of approval or denial shall be made in writing to the applicant by mail or delivered by electronic means.

D. *Standards.* In deciding to approve or deny an application, the Planning Department shall make reasonable accommodations, considering relevant factors including, but not limited to, the following:

1. Quantifiable risks to the health, safety, and quality of life of area residents and users;
2. Economic hardship to the applicant, if the variance is denied;
3. Economic hardship on the intended occupants, if the variance is denied, including the availability of other housing alternatives;
4. Administrative and economic burden on the municipality, if the variance is granted; and
5. External characteristics and impacts of the proposed facility, including appearance and projected contribution to traffic volumes within the neighborhood.

E. *Conditions.* In approving a variance, the Planning Department may impose reasonable conditions designed to mitigate impacts created by the variance.

F. *Appeal.* Appeals of the decision to approve or deny a variance under this section shall be to the zoning board of examiners and appeals, pursuant to the provisions of sections 21.30.110 - .170, and may be brought by any person adversely affected by the action.

(GAAB 21.05.060, 21.05.080; AO No. 77-355; AO No. 78-231; AO No. 79-34; AO No. 79-214; AO No. 82-22(S); AO No. 82-49; AO No. 84-70; AO No. 85-21; AO No. 85-72; AO No. 85-91, 10-1-85; AO No. 86-19; AO No. 86-155; AO No. 87-121, 11-27-87; AO No. 88-5(S); AO No. 94-62, § 1, 4-12-94; AO No. 95-129, § 5, 3-12-96; AO No. 2004-6, § 1, 10-1-03; AO No. 2004-108(S), § 1, 10-26-04)

Section 3. Anchorage Municipal Code section 21.30.110 is hereby amended to add a new subsection as follows (*the remainder of the section is not affected and therefore is not set out.*):

21.30.110 **Jurisdiction of board.**

The zoning board of examiners and appeals shall hear appeals from decisions of the municipal staff regarding:

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H. Approval of or denial of an application for an administrative variance under section 21.15.013.

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(GAAB 21.05.080, 21.30.350; AO No. 85-23; AO No. 88-59(S); AO No. 99-131, § 5, 10-26-99; AO No. 2001-117, § 2, 7-10-01)

Section 4. Anchorage Municipal Code section 21.35.020 is amended to revise, add or repeal, as indicated, the following definitions (*the remainder of the section is not affected and therefore is not set out.*):

21.35.020 Definitions and rules of construction.

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B. The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*** **

Adult care facility is a facility that provides assistance with activities of daily living as described in Alaska Statutes 47.33.010 on a non residential basis to 3 or more adults or a combination of 3 or more adults and adolescents.

*** **

Assisted living has the same meaning as set forth in Alaska Statutes chapter 47.33.

*** **

Disability or handicap has the same meaning as “disability”, pursuant to the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. Chapter 126.

*** **

Habilitative care facility [QUASI-INSTITUTIONAL HOUSE] means a residential facility, other than a correctional center or transitional living facility, [LOCATED IN A STRUCTURE OR RESIDENCE OR ANY LIVING UNIT THEREOF DESIGNED] the principal use or goal of which is to serve as a place for persons seeking rehabilitation or recovery from any physical, mental, or emotional infirmity, or any combination thereof, that does not qualify as a disability as defined above, in a family setting as part of a group rehabilitation and/or recovery program utilizing counseling, self-help or other treatment or assistance, including, but not limited to, substance abuse rehabilitation. The term “habilitative care facility” replaces the “quasi-institutional house” previously used in this title.

*** **

Health care facility means a facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human

disease, pain, injury, deformity or physical condition, including but not limited to a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, or maternity hospital, [OUTPATIENT CLINIC, DISPENSARY, HOME HEALTH CARE AGENCY, AND BIOANALYTICAL LABORATORY OR CENTRAL SERVICES FACILITY SERVING ONE OR MORE SUCH INSTITUTIONS,] but excluding habilitative care facilities [QUASI-INSTITUTIONAL HOUSES] and residential care facilities. Training, rehabilitation services, and health services may be permitted as accessory uses, if integral to the facility's function. Central services facilities, such as kitchens and laboratories, which serve the health care facility are permitted accessory uses to a health care facility.

Health services means establishments primarily engaged in furnishing, on an outpatient basis, chiropractic, dental, medical, surgical or other services to individuals, including the offices of chiropractors, physicians, osteopaths, dentists and other health practitioners, medical and dental laboratories, outpatient care and outpatient care facilities, dispensaries, home health care agencies, blood banks and pharmacies.

*** *** ***

Hospital has the same meaning as set forth in Alaska Statutes chapter 18.20 [MEANS AN INSTITUTION PROVIDING PRIMARY HEALTH SERVICES AND MEDICAL OR SURGICAL CARE TO PERSONS, PRIMARILY INPATIENTS, SUFFERING FROM ILLNESS, DISEASE, INJURY, DEFORMITY AND OTHER ABNORMAL PHYSICAL OR MENTAL CONDITIONS, AND INCLUDING, AS AN INTEGRAL PART OF THE INSTITUTION, RELATED FACILITIES SUCH AS LABORATORIES, OUTPATIENT FACILITIES OR TRAINING FACILITIES].

*** *** ***

Nursing facility has the same meaning as set forth in Alaska Statutes chapter 18.20.

*** *** ***

Residential care facility is a facility that provides assisted living to 3 or more adults, and adolescents in appropriate cases as allowed by exception on a residential basis. A large residential care facility has 9 or more residents; a small residential care facility has 8 or fewer residents. Residential care provided to two or fewer clients is permitted in any zoning district where a residential dwelling is allowed, and is not subject to this definition.

*** *** ***

Transitional living facility means temporary housing with services to assist homeless persons and families to prepare for and obtain permanent housing within 24 months. The facility provides 24-hour a day, seven days a week programmatic assistance, or services, for self sufficiency skills to its residents, and may provide services such as, but not limited to, on-site assistance to its tenants in learning independent living skills (shopping, cooking, financial budgeting, preparing for job interviews, preparing resumes, and similar skills) and referral to off-site education and employment resources (GED completion, job

training computer training, employment services, and the like) to assist the tenants in becoming financially self sustaining.

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(GAAB 21.05.020; AO No. 77-355; AO No. 78-16; AO No. 78-28; AO No. 78-171; AO No. 78-231; AO No. 79-214; AO No. 80-42; AO No. 81-67(S); AO No. 81-97; AO No. 81-180; AO No. 82-54; AO No. 82-167; AO No. 83-91(S); AO No. 84-14; AO No. 84-52; AO No. 85-58; AO No. 85-159; AO No. 85-91, 10-1-85; AO No. 85-216; AO No. 86-19; AO No. 86-78; AO No. 86-90; AO No. 86-171; AO No. 88-172; AO No. 88-171(S-1), 12-31-88; AO No. 89-35, 4-7-89; AO No. 88-147(S-2); AO No. 90-50(S); AO No. 91-35; AO No. 90-152(S); AO No. 91-90(S); AO No. 91-184; AO No. 92-7(S-2); AO No. 92-26; AO No. 92-93; AO No. 92-128(S); AO No. 92-129(S); AO No. 93-58; AO No. 93-148, § 1, 11-16-93; AO No. 94-62, § 2, 4-12-94; AO No. 95-68(S-1), §§ 2, 3, 8-8-95; AO No. 95-173, § 1, 11-14-95; AO No. 96-41, § 1, 3-5-96; AO No. 96-131(S), § 1, 10-22-96; AO No. 98-106, § 1, 7-21-98; AO No. 98-160, § 3, 12-8-98; AO No. 99-62, § 2, 5-11-99; AO No. 2000-119(S), § 8, 2-20-01; AO No. 2001-79(S), § 1, 5-8-01; AO No. 2001-80, § 1, 5-8-01; AO No. 2002-101(S), § 2, 4-9-02; AO No. 2002-109, § 2, 9-10-02; AO No. 2002-117, § 4, 1-28-03; AO No. 2003-62(S-1), § 3, 10-1-03; AO No. 2003-97, § 1, 9-30-03; AO No. 2003-132, § 1, 10-7-03; AO No. 2003-124(S), § 1, 1-20-04; AO No. 2004-108(S), § 2, 10-26-04)

Editor's note: The definition of fallout shelters contained in this section was formerly codified in the 1977 Code as the first sentence of subsection 21.45.060A.

Cross references: Definitions and rules of construction generally, section 1.05.020.

Section 5. Anchorage Municipal Code section 21.40.020 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out.):

21.40.020 PLI public lands and institutions district.

*** *** ***

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

*** *** ***

19. Adult care facilities with 16 or more persons.

*** *** ***

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

*** *** ***

6. Habilitative care facilities [QUASI-INSTITUTIONAL USES].

*** *** ***

16. Health care facilities with 16 or more persons and health services.

*** *** ***

18[19]. Correctional community residential centers [HOSPITALS].

19. Large residential care facilities.

*** *** ***

(GAAB 21.05.050.A; AO No. 77-355; AO No. 79-25; AO No. 81-67(S); AO No. 81-178(S); AO No. 82-24; AO No. 83-78; AO No. 84-34; AO No. 85-18; AO No. 85-28; AO No. 85-78; AO No. 85-23; AO No. 85-91, 10-1-85; AO No. 86-19; AO No. 86-90; AO No. 88-7(S), 7-4-88; AO No. 90-152(S); AO No. 92-93; AO No. 93-148, § 3, 11-16-93; AO No. 95-68(S-1), § 4, 8-8-95; AO No. 96-131(S), § 3, 10-22-96; AO No. 99-62, § 3, 5-11-99; AO No. 99-131, § 6, 10-26-99; AO No. 99-149, § 1, 12-14-99; AO No. 2002-109, § 3, 9-12-02; AO No. 2003-132, § 2, 10-7-03)

Cross references: Zoning map; districts designated, section 21.40.010A.1.

Section 6. Anchorage Municipal Code section 21.40.030 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out.):

21.40.030 R-1 and R-1A single-family residential districts.

*** *** ***

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

*** *** ***

7. Small residential care facilities.

8. Adult care facilities with 1 through 8 persons.

9 [7]. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions, but excluding day care uses, which shall be permitted only if they are otherwise allowed in accordance with this title. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.

10 [8]. With a permitted non-residential use as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.

*** *** ***

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

*** *** ***

9. Habilitative care facilities [QUASI-INSTITUTIONAL USES].

*** *** ***

11. Adult care facilities with 9 or more person.

12. Large residential care facilities.

13[11]. Bed and breakfast with five guestrooms.

14[12]. Roof mounted satellite dishes greater than 1 meter in diameter on residential structures or structures accessory to a residential use (except satellite dishes up to two meters in diameter may be used until December 31, 2002.)

15[13]. Snow disposal site.

16[14]. Community interest and local interest towers that do not meet the supplementary district regulations.

*** *** ***

(GAAB 21.05.050.B; AO No. 77-355; AO No. 80-27; AO No. 81-67(S); AO No. 82-54; AO No. 83-216; AO No. 85-21; AO No. 85-28; AO No. 85-78; AO No. 85-23; AO No. 86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 98-53(S), § 1, 6-9-98; AO No. 99-49, § 1, 3-23-99; AO No. 99-62, § 4, 5-11-99; AO No 2002-109, § 3, 9-10-02)

Section 7. Anchorage Municipal Code section 21.40.040 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out.):

21.40.040 R-2A two-family residential district (large lot); R-2D two-family residential district.

*** *** ***

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

*** *** ***

8. Adult care facilities with 1 through 8 persons.

9. Small residential care facilities.

10[8]. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions, but excluding day care uses, which shall be permitted only if they are otherwise allowed in accordance with this title. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.

11[9]. With a permitted non-residential use as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.

*** *** ***

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

*** *** ***

4. Hospitals and nursing facilities with 1 through 16 clients [NURSING HOMES, CONVALESCENT HOMES AND SIMILAR INSTITUTIONAL

USES].

*** ***

9. Habilitative care facilities [QUASI-INSTITUTIONAL HOUSES].

*** ***

11. Adult care facilities with 9 or more persons.

12. Large residential care facilities.

13[11]. Bed and breakfast with five guestrooms.

14[12]. Roof mounted satellite dishes greater than 1 meter in diameter on residential structures or structures accessory to a residential use (except satellite dishes up to two meters in diameter may be used until December 31, 2002.)

15[13]. Snow disposal sites.

16[14]. Community interest and local interest towers that do not meet the supplementary district regulations.

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(GAAB 21.05.050.C; AO No. 77-355; AO No. 79-13; AO No. 80-27; AO No. 80-42; AO No. 81-67(S); AO No. 82-54; AO No. 83-217; AO No. 84-52; AO No. 85-18; AO No. 85-21; AO No. 85-23; AO No. 85-28; AO No. 85-78; AO No. 85-91, 10-1-85; AO No. 85-163; AO No. 86-19; AO No. 86-78; AO No. 86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 98-53(S), § 2, 6-9-98; AO No. 99-49, § 2, 3-23-99; AO No. 99-62, § 5, 5-11-99)

Section 8. Anchorage Municipal Code section 21.40.045 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.40.045 **R-2M multiple-family residential district.**

*** ***

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

*** ***

9. Adult care facilities with 1 through 8 persons [DAY CARE, ON A LOT OF AT LEAST 14,000 SQUARE FEET].

10. Large and small residential care facilities.

11[10]. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions, but excluding day care uses, which shall be permitted only if they are otherwise allowed in accordance with this title. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title

12[11]. With a permitted non-residential use as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.

*** **

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

*** **

4. Hospitals and nursing facilities with 1 through 16 persons [NURSING HOMES, CONVALESCENT HOMES AND SIMILAR INSTITUTIONAL USES].

*** **

10. Habilitative care facilities [QUASI-INSTITUTIONAL HOUSES].

*** **

17. Adult care facilities with nine (9) or more persons.

*** **

(GAAB 21.05.050.C; AO No. 77-355; AO No. 79-13; AO No. 80-27; AO No. 80-42; AO No. 81-67(S); AO No. 82-54; AO No. 83-217; AO No. 84-52; AO No. 85-18; AO No. 85-21; AO No. 85-28; AO No. 85-78; AO No. 85-23; AO No. 85-91, 10-1-85; AO No. 85-163; AO No. 86-19; AO No. 86-78; AO No. 86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 98-53(S), § 3, 6-9-98; AO No. 99-49, § 3, 3-23-99; AO No. 99-62, § 6, 5-11-99)

Section 9. Anchorage Municipal Code section 21.40.050 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.40.050 R-3 multiple-family residential district.

*** **

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

*** **

9. Adult care facilities with one (1) through eight (8) persons.

10. Large and small residential care facilities.

11. Transitional living facilities.

12[9]. Roominghouses.

13[10]. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions, but excluding day care uses, which shall be permitted only if they are otherwise allowed in accordance with this title. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.

14[11]. With a permitted non-residential use or residential use of six (6) dwelling units or more as a secondary and subordinate use and as specified in the

supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.

*** *** ***

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

1. Hospitals and nursing facilities [NURSING HOMES, CONVALESCENT HOMES AND SIMILAR INSTITUTIONAL USES].

*** *** ***

13. Habilitative care facilities [QUASI-INSTITUTIONAL HOUSES].

*** *** ***

20. Adult care facilities with nine (9) or more persons.

*** *** ***

(GAAB 21.05.050.D; AO No. 77-355; AO No. 80-27; AO No. 80-42; AO No. 81-67(S); AO No. 82-54; AO No. 83-218; AO No. 84-52; AO No. 85-18; AO No. 85-21; AO No. 85-23; AO No. 85-28; AO No. 85-78; AO No. 85-91, 10-1-85; AO No. 85-163; AO No. 86-19; AO No. 86-78; AO No. 86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 96-131(S), § 2, 10-22-96; AO No. 99-62, § 7, 5-11-99)

Section 10. Anchorage Municipal Code section 21.40.060 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.40.060 R-4 multiple-family residential district.

*** *** ***

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

*** *** ***

10. Adult care facilities with 1 through 8 persons.

11. Large and small residential care facilities.

12. Transitional living facilities.

13[10]. Roominghouses.

14[11]. Private clubs and lodges. Any use involving sale or dispensing or service of alcoholic beverages may be permitted by conditional use only.

15[12]. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions, but excluding day care uses, which shall be permitted only if they are otherwise allowed in accordance with this title. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.

16[13]. With a permitted non-residential use or residential use of 6 dwelling units or more as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.

*** *** ***

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

*** *** ***

2. Hospitals and nursing facilities [NURSING HOMES, CONVALESCENT HOMES AND SIMILAR INSTITUTIONAL USES].

*** *** ***

12. Habilitative care facilities [QUASI-INSTITUTIONAL HOUSES].

*** *** ***

19. Adult care facilities with 9 or more persons.

*** *** ***

(GAAB 21.05.050.E; AO No. 77-355; AO No. 80-27; AO No. 81-67(S); AO No. 82-54; AO No. 85-18; AO No. 85-21; AO No. 85-23; AO No. 85-28; AO No. 85-78; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 96-131(S), § 2, 10-22-96; AO No. 99-62, § 8, 5-11-99; AO No. 2003-124(S), § 2, 1-20-04)

Section 11. Anchorage Municipal Code section 21.40.070 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.40.070 R-5 rural residential district; R-5A, rural residential district (large lot).

*** *** ***

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

*** *** ***

11. Adult care facilities with 1 through 8 persons.

12. Large and small residential care facilities.

*** *** ***

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

*** *** ***

8. Habilitative care facilities [QUASI-INSTITUTIONAL HOUSES].

*** *** ***

16. Adult care facilities with 9 or more persons.

*** **

(GAAB 21.05.050.F; AO No. 77-355; AO No. 80-27; AO No. 81-67(S); AO No. 82-54; AO No. 83-52; AO No. 85-21; AO No. 85-28; AO No. 85-78; AO No. 85-23; AO No. 86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 99-62, § 9, 5-11-99; AO No. 2002-63(S), § 1, 5-21-02

Section 12. Anchorage Municipal Code section 21.40.080 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.40.080 R-6 suburban residential district (large lot).

*** **

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

*** **

6. Adult care facilities with 1 through 8 persons.

7. Small residential care facilities.

8 [6]. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions, but excluding day care uses, which shall be permitted only if they are otherwise allowed in accordance with this title. Use of church building other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.

9 [7]. With a permitted non-residential use as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.

*** **

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

*** **

6. Habilitative care facilities [QUASI-INSTITUTIONAL HOUSES].

*** **

14. Large residential care facilities.

*** **

(GAAB 21.05.050.G; AO No. 77-355; AO No. 80-27; AO No. 81-67(S); AO No. 82-54; AO No. 85-18; AO No. 85-21; AO No. 85-23; AO No. 85-28; AO No. 85-78; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 99-27, § 1, 2-23-99; AO No. 99-62, § 10, 5-11-99)

Section 13. Anchorage Municipal Code section 21.40.090 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.40.090 **R-7 intermediate rural residential district.**

*** *** ***

B. *Permitted principal uses and structures.* Permitted principal uses and structures are
as follows:

*** *** ***

6. Adult care facilities with 1 through 8 persons.

7. Small residential care facilities.

8 [6]. Churches, to include any place of religious worship, along with their
accessory uses, including, without limitation, parsonages, meeting rooms
and child care provided for persons while they are attending religious
functions, but excluding day care uses, which shall be permitted only if they
are otherwise allowed in accordance with this title. Use of church buildings
other than the parsonage for the purpose of housing or providing shelter to
persons is not permitted except as otherwise allowed in this title.

9 [7]. With a permitted non-residential use as a secondary and subordinate use and
as specified in the supplementary district regulations, antennas without
tower structures, type 1, 3, local interest towers and type 4 tower structures
and antennas.

*** *** ***

D. *Conditional uses.* Subject to the requirements of the conditional use standards and
procedures of this title, the following uses may be permitted:

*** *** ***

7. Habilitative care facilities [QUASI-INSTITUTIONAL HOUSES].

*** *** ***

15. Large residential care facilities.

(GAAB 21.05.050.H; AO No. 77-355; AO No. 80-27; AO No. 81-67(S); AO No. 82-54;
AO No. 83-219; AO No. 85-21; AO No. 85-28; AO No. 85-78; AO No. 85-23; AO No. 86-
90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 99-62, §
11, 5-11-99)

Section 14. Anchorage Municipal Code section 21.40.100 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.40.100 **R-8 rural residential district (large lot).**

*** *** ***

B. *Permitted principal uses and structures.* Permitted principal uses and structures are
as follows:

*** **

3. Adult care facilities with 1 through 8 persons.

4. Small residential care facilities.

5 [3]. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions, but excluding day care uses, which shall be permitted only if they are otherwise allowed in accordance with this title. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.

6 [4]. With a permitted non-residential use as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.

*** **

(GAAB 21.05.050.U; AO No. 77-355; AO No. 80-27; AO No. 81-67(S); AO No. 82-54; AO No. 85-21; AO No. 85-23; AO No. 85-28; AO No. 85-78; AO No. 86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 98-53(S), § 4, 6-9-98; AO No. 99-62, § 12, 5-11-99)

Section 15. Anchorage Municipal Code section 21.40.110 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.40.110 R-9 rural residential district.

*** **

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

*** **

3. Adult care facilities with 1 through 8 persons.

4. Small residential care facilities.

5 [3]. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions, but excluding day care uses, which shall be permitted only if they are otherwise allowed in accordance with this title. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.

6 [4]. With a permitted non-residential use as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.

*** **

(GAAB 21.05.050.V; AO No. 77-355; AO No. 80-27; AO No. 81-67(S); AO No. 82-54; AO No. 85-21; AO No. 85-23; AO No. 85-28; AO No. 85-78; AO No. 86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 98-53(S), § 5, 6-9-98; AO No. 99-62, § 13, 5-11-99)

Section 16. Anchorage Municipal Code section 21.40.115 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.40.115 R-10 residential alpine/slope district.

*** **

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows

*** **

7. Adult care facilities with 1 through 8 persons.
8. Small residential care facilities.

*** **

(AO No. 81-97; AO No. 81-217; AO No. 85-23; AO No. 85-28; AO No. 85-78; AO No. 86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 98-53(S), § 6, 6-9-98; AO No. 99-49, § 1, 3-23-99; AO No. 99-62, § 14, 5-11-99)

Section 17. Anchorage Municipal Code section 21.40.117 is hereby amended to add new subsections to read as follows (the remainder of the section is not affected and therefore is not set out):

21.40.117 R-11 Turnagain Arm district.

*** **

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

*** **

6. Adult care facilities with 1 through 8 persons.
7. Small residential care facilities.

*** **

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

*** **

19. Adult care facilities with 9 or more persons.
20. Health care facilities.
21. Large residential care facilities.

*** **

(AO No. 82-162; AO No. 84-34; AO No. 85-28; AO No. 85-78; AO No. 85-91, 10-1-85; AO No. 86-122; AO No. 86-182; AO No. 88-143; AO No. 88-144, 11-26-88; AO No. 88-171(S-1), 12-31-88; AO No. 94-120, § 1, 8-23-94; AO No. 94-238(S), § 3, 2-28-94; AO No. 94-239, § 1, 2-14-95; AO No. 96-118, § 1, 8-22-96; AO No. 96-118, § 1, 8-13-96; AO No. 99-62, § 15, 5-11-99; AO No. 2001-88, § 1, 6-5-01)

Section 18. Anchorage Municipal Code section 21.40.130 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.40.130 R-O residential-office district.

*** **

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

*** **

9. Hospitals and nursing facilities [HOSPITALS, NURSING HOMES, CONVALESCENT HOMES, HOMES FOR THE AGED, MEDICAL CLINICS, MEDICAL AND DENTAL LABORATORIES, RESEARCH CENTERS, PHARMACIES AND THE LIKE].

10. Residential care facilities, any size.

11. Transitional living.

***Code Revisor is instructed to renumber remaining subsections.**

*** **

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

*** **

6. Habilitative care facilities [QUASI-INSTITUTIONAL HOUSES].

*** **

(GAAB 21.05.050.I; AO No. 77-219; AO No. 77-355; AO No. 78-199; AO No. 80-57; AO No. 81-67(S); AO No. 83-226; AO No. 85-18; AO No. 85-23; AO No. 85-69; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 86-171; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 91-97; AO No. 92-114; AO No. 96-131(S), § 3, 10-22-96; AO No. 99-62, § 16, 5-11-99; AO No. 2003-124(S), § 3, 1-20-04)

Section 19. Anchorage Municipal Code section 21.40.140 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.40.140 B-1A local and neighborhood business district.

*** **

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

*** **

3. Office uses:

a. Health services [OFFICES OF PHYSICIANS, SURGEONS, DENTISTS, OSTEOPATHS, CHIROPRACTORS AND OTHER PRACTITIONERS OF THE HEALING SCIENCES].

*** **

6. Other uses:

*** **

g. Adult care facilities.

h. Small residential care facilities.

*** **

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

*** **

13. Hospitals and nursing facilities with 1 through 16 persons.

*** **

(GAAB 21.05.050.J; AO No. 77-355; AO No. 78-28; AO No. 78-169; AO No. 81-67(S); AO No. 81-143; AO No. 83-210; AO No. 85-18; AO No. 85-23; AO No. 85-91, 10-1-85; AO No. 85-173, 3-17-86; AO No. 86-90; AO No. 87-62; AO No. 88-49(S); AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 96-131(S), § 2, 10-22-96; AO No. 99-62, § 17, 5-11-99)

Section 20. Anchorage Municipal Code section 21.40.145 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.40.145 B-1B community business district.

*** **

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

*** **

5. Other uses:

*** **

j. Adult care facilities.

k. Hospitals and nursing facilities with 1 through 16 persons.

l. Small residential care facilities.

m. Transitional living facilities.

*** **

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

*** **

12. Habilitative care facilities [QUASI-INSTITUTIONAL HOUSES].

*** **

15. Hospitals and nursing facilities with 17 or more persons.

16. Large residential care facilities.

*** **

(GAAB 21.05.050.J; AO No. 77-355; AO No. 78-28; AO No. 78-169; AO No. 81-67(S); AO No. 81-143; AO No. 83-210; AO No. 85-18; AO No. 85-23; AO No. 85-173, 3-17-86; AO No. 86-90; AO No. 87-62; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 95-68(S-1), § 5, 8-8-95; AO No. 96-131(S), § 3, 10-22-96; AO No. 98-173, § 1, 11-3-98; AO No. 99-62, § 18, 5-11-99; AO No. 2001-80, § 2, 5-8-01)

Section 21. Anchorage Municipal Code section 21.40.150 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.40.150 B-2A central business district core.

*** **

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

*** **

4. Other uses:

*** **

k. Adult care facilities.

l. Large residential care facilities.

*** **

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, and to the use's conformity to the CBD comprehensive development plan, the following uses may be permitted:

*** **

9. Habilitative care facilities [QUASI-INSTITUTIONAL USES].

*** **

(GAAB 21.05.050.W; AO No. 77-20; AO No. 77-355; AO No. 80-57; AO No. 81-67(S); AO No. 81-72; AO No. 82-49; AO No. 85-173, 3-17-86; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 87-62; AO No. 87-148; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-

2); AO No. 90-124; AO No. 91-1; AO No. 91-39; AO No. 91-144; AO No. 92-57; AO No. 95-68(S-1), § 6, 8-8-95; AO No. 98-160, § 4, 12-8-98; AO No. 98-188, §§ 1--3, 1-12-99; AO No. 99-62, § 19, 5-11-99; AO No. 99-131, § 7, 10-26-99; AO No. 2001-80, § 3, 5-8-01)

Section 22. Anchorage Municipal Code section 21.40.160 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.40.160 **B-2B central business district, intermediate.**

*** *** ***

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

*** *** ***

3. Other uses:

*** *** ***

o. Adult care facilities.

p. Large residential care facilities.

*** *** ***

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, and to the use's conformity to the CBD comprehensive development plan, the following uses may be permitted:

*** *** ***

11. Habilitative care facilities [QUASI-INSTITUTIONAL HOUSES].

*** *** ***

(GAAB 21.05.050.Y; AO No. 77-20; AO No. 77-355; AO No. 80-57; AO No. 81-67(S); AO No. 81-72; AO No. 82-49; AO No. 85-173, 3-17-86; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 87-62; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 90-124; AO No. 91-1; AO No. 91-39; AO No. 91-144; AO No. 92-57; AO No. 95-68(S-1), § 7, 8-8-95; AO No. 96-131(S), § 3, 10-22-96; AO No. 98-160, § 5, 12-8-98; AO No. 98-188, §§ 4--6, 1-12-99; AO No. 99-62, § 20, 5-11-99; AO No. 99-131, § 8, 10-26-99; AO No. 99-149, § 2, 12-14-99; AO No. 2001-80, § 4, 5-8-01)

Section 23. Anchorage Municipal Code section 21.40.170 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.40.170 **B-2C central business district, periphery.**

*** *** ***

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

*** **

3. Other uses:

*** **

r. Adult care facilities.

s. Large residential care facilities.

*** **

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, and to the use's conformity to the CBD comprehensive development plan, the following uses may be permitted:

*** **

11. Habilitative care facilities [QUASI-INSTITUTIONAL HOUSES].

*** **

(GAAB 21.05.050.X; AO No. 77-20; AO No. 77-355; AO No. 80-57; AO No. 81-67(S); AO No. 82-49; AO No. 85-173, 3-17-86; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 87-62; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 90-124; AO No. 91-1; AO No. 91-39; AO No. 91-144; AO No. 92-57; AO No. 95-68(S-1), § 8, 8-8-95; AO No. 96-131(S), § 3, 10-22-96; AO No. 98-160, § 6, 12-8-98; AO No. 98-173, § 4, 11-3-98; AO No. 98-188, §§ 7--9, 1-12-99; AO No. 99-62, § 21, 5-11-99; AO No. 99-131, § 9, 10-26-99; AO No. 99-149, § 3, 12-14-99; AO No. 2001-80, § 5, 5-8-01)

Section 24. Anchorage Municipal Code section 21.40.180 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.40.180 **B-3 general business district.**

*** **

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

*** **

3. Other uses:

*** **

l. Adult care facilities.

m. Hospitals and nursing facilities.

n. Transitional living facilities.

o. Large residential care facilities.

*** **

D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

*** **

7. Habilitative care facilities [QUASI-INSTITUTIONAL HOUSES].

*** **

(GAAB 21.05.050.M; AO No. 77-355; AO No. 78-28; AO No. 80-57; AO No. 80-132; AO No. 81-67(S); AO No. 83-209; AO No. 85-18; AO No. 85-91, 10-1-85; AO No. 85-173, 3-17-86; AO No. 86-90; AO No. 86-182; AO No. 87-32; AO No. 87-62; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-26; AO No. 92-114; AO No. 95-68(S-1), § 9, 8-8-95; AO No. 96-107, § 1, 7-30-96; AO No. 96-131(S), § 3, 10-22-96; AO No. 98-160, § 7, 12-8-98; AO No. 99-62, § 22, 5-11-99; AO No. 2001-80, § 6, 5-8-01; AO. No. 2004-108(S), § 3, 10-26-04)

Section 25. Anchorage Municipal Code section 21.40.190 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.40.190 **B-4 rural business district.**

*** **

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

*** **

2. Commercial-retail uses:

*** **

vv. Hospitals and nursing facilities [NURSING HOMES, CONVALESCENT HOMES AND SIMILAR INSTITUTIONAL USES; PROVIDED, HOWEVER, THAT REHABILITATION CENTERS, CORRECTIONAL INSTITUTIONS AND PSYCHIATRIC INSTITUTIONS MAY BE PERMITTED ONLY UPON A GRANT OF A CONDITIONAL USE BY THE PLANNING AND ZONING COMMISSION].

*** **

hhh. Adult care facilities.

iii. Large residential care facilities.

*** **

(GAAB 21.05.050.N; AO No. 77-355; AO No. 81-67(S); AO No. 84-41; AO No. 85-18; AO No. 85-23; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 87-32; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 97-78, § 1, 6-3-97; AO No. 98-149(S), § 1, 11-17-98; AO No. 98-160, § 8, 12-8-98; AO No. 99-62, § 23, 5-11-99; AO No. 2001-80, § 7, 5-8-01; AO. No. 2004-108(S), § 4, 10-26-04)

Section 26. Anchorage Municipal Code section 21.40.210 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.40.210 **I-2 heavy industrial district.**

*** *** ***

E. *Prohibited uses and structures.* The following uses and structures are prohibited:

*** *** ***

5. Hospitals and nursing facilities.
6. Adult care facilities.
7. Residential care facilities of any size.

*** *** ***

(GAAB 21.05.050.P; AO No. 77-355; AO No. 85-91, 10-1-85; AO No. 87-32; AO No. 91-184; AO No. 93-148, § 4, 11-16-93; AO No. 96-60, § 1, 8-6-96; AO No. 96-125, § 1, 11-12-96; AO No. 97-78, § 2, 6-3-97; AO No. 99-62, § 25, 5-11-99; AO No. 2001-80, § 9, 5-8-01)

Section 27. Anchorage Municipal Code section 21.40.220 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.40.220 I-3 rural industrial district.

*** *** ***

E. *Prohibited uses and structures.* Prohibited principal uses and structures are as follows:

*** *** ***

6. Hospitals and nursing facilities.
7. Adult care facilities.
8. Residential care facilities of any size.

*** *** ***

(GAAB 21.05.050.Q; AO No. 77-355; AO No. 85-91, 10-1-85; AO No. 87-32; AO No. 93-148, § 2, 11-16-93; AO No. 99-62, § 26, 5-11-99; AO No. 2001-80, § 10, 5-8-01)

Section 28. Anchorage Municipal Code section 21.40.240 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.40.240 Transition district.

*** *** ***

E. *Prohibited uses and structures.* Prohibited principal uses and structures are as follows:

*** *** ***

3. Hospitals and nursing facilities.
4. Adult care facilities.
5. Residential care facilities of any size.

*** *** ***

(GAAB 21.05.050.S; AO No. 77-355; AO No. 79-25; AO No. 85-23; AO No. 85-91, 10-1-85; AO No. 88-59(S); AO No. 88-171(S-1), 12-31-88; AO No. 98-160, § 10, 12-8-98; AO No. 99-62, § 28, 5-11-99)

Section 29. Anchorage Municipal Code section 21.45.080 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.45.080 Off-street parking.

*** *** ***

G. *Health care facilities, hospitals and health services.*

*** *** ***

5. Residential care and adult care facilities. For adult care facilities, one space is required for every 400 square feet of gross building area and one additional space, reserved for pickup and delivery of clients, for every 800 square feet of gross building area. The pickup and delivery area(s) shall be marked. Large residential care facilities shall meet the requirements of G.3, above. If located in a dwelling, the requirements of subsections 21.45.080B. and .080W.6. shall also apply to adult care facilities and large residential care facilities. The provisions of this paragraph do not apply to small residential care facilities. For small residential care facilities, the requirements of the dwelling unit shall apply.

*** *** ***

(GAAB 21.05.060.G; AO No. 77-355; AO No. 78-118; AO No. 81-106; AO No. 81-178(S); AO No. 82-69; AO No. 84-90; AO No. 84-117(S); AO No. 85-91, 10-1-85; AO No. 87-31, 7-18-87; AO No. 89-30; AO No. 90-152(S); AO No. 93-172, § 1, 11-16-93; AO No. 96-68, § 1, 5-28-96; AO No. 99-131, § 12, 10-26-99; AO No. 2004-108(S), § 6, 10-26-04)

Editor's note: The last sentence of subsection A of this section was formerly codified in the 1977 Code as the last sentence of subsection 21.35.020B.69.

Cross references: Business licenses and regulations, title 10.

Section 30. Anchorage Municipal Code section 21.45.200 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.45. 200 Transition and buffering standards.

A. *Purpose.* The purpose of this section is to mitigate the impacts of nonresidential land uses upon residential uses, and of more intense residential land uses upon less intense residential uses, including but not limited to visual, noise, traffic and environmental impacts. This section shall not apply to small residential care facilities.

*** *** ***

(AO No. 85-20; AO No. 85-173, 3-17-86)

Section 31. Anchorage Municipal Code chapter 21.45, Supplementary District Regulations, is hereby amended by adding 3 new sections to read as follows (*the remainder of the chapter is not affected and therefore is not set out*):

21.45.300 Adult care facilities with one through 8 persons.

- A. *Intent.* Adult care facilities with occupancy of eight (8) persons or less are intended to be minor commercial activities and are allowed pursuant to chapter 21.40. An adult care facility shall not detract from the principal allowed use in the district and shall not place an undue burden on any private or public infrastructure greater than anticipated from a permitted development.
- B. *Location.* Adult care facilities shall be located only in a single-family dwelling, excluding detached condominium units and duplex or multi-family structures, when located in any R-1 through R-O, B-1A, or B-1B zoning district. These uses shall be prohibited if the only direct street access is from a private street.
- C. This section shall not apply to any use continuing as a lawful conditional use at the time of adoption of this section.

21.45.310 Hospitals and nursing facilities, large residential care facilities, adult care facilities with 9 or more persons.

- A. *Intent.* The standards in this section shall apply to health care facilities and related institutions, large residential care facilities, and adult care facilities where the facility serves, or is designed or proposed to serve, nine (9) or more persons.
- B. *Traffic access.* The site shall provide for direct access from a street constructed to urban standards.
- C. *Minimum lot size.*
1. Minimum lot size for a hospital or psychiatric institution. Unless otherwise authorized by the planning and zoning commission, the minimum lot size for a hospital or psychiatric institution shall be as follows:
 - a. Six to ten beds: One-half acre (21,780 square feet).
 - b. Eleven to 20 beds: One acre (43,560 square feet).
 - c. For each additional ten beds or fraction thereof: One-half acre.

2. Minimum lot size for nursing home, convalescent center, rest home, rehabilitation center or sanitarium. Unless otherwise authorized by the planning and zoning commission, the minimum lot size for a nursing home, convalescent center, rest home, rehabilitation center or sanitarium shall be as follows:
 - a. Six to ten beds: 15,000 square feet.
 - b. 11 or more beds: 20,000 square feet.
 3. Minimum lot size for adult care facility or large residential care facility:
 - a. Seventeen (17) or more persons in care at any give time: 20,000 square feet.
- D. *Maximum lot coverage.* The maximum lot coverage by all structures shall be in accordance with the zoning district in which the institution is established. However, regardless of the maximum underlying lot coverage, a minimum of fifteen percent (15%) of the lot shall remain as a planted open area, landscaped area, natural vegetation area or useable yard, to exclude buildings, driveways, parking areas, sidewalks, etc., unless the Planning Director determines that retention of less than fifteen percent (15%) of the lot as open area, etc., allows for sufficient buffering of adjacent uses.
- E. *Maximum height of structures.* The maximum height of structures shall be the same as permitted in the district in which the site is located.
- F. *Yard requirements.* The minimum yard requirements shall be those permitted in the district in which the site is located or as otherwise authorized by the planning and zoning commission so long as a use within a nonresidential district adjacent to a residential use or district shall provide a 15-foot yard between the two, planted with buffer landscaping as described in section 21.45.125, or as prescribed in section 21.45.200.
- G. *Illumination.* Illumination shall be provided in the manner prescribed in section 21.45.080W.4.e. Fixtures and lighting levels shall avoid trespass light, skyglow, or glare. Lighting fixtures with a mounting height greater than fifteen feet (15') shall incorporate full cut-off fixtures as defined by the Illumination Engineering Society of North America (IESNA), with flat lens fixtures. Exterior building lighting shall be designed and located to direct the light toward the ground.
- H. *Landscaping.* Landscaping shall be provided as follows:
 1. All areas not occupied by buildings, structures, storage yards, drives, walks, off-street parking installations, or other authorized installations shall be

- planted with visual enhancement landscaping, as described in section 21.45.125;
 2. Buffer landscaping, as described in section 21.45.125C.2., shall be planted along the length of each lot line which abuts a lot within a residential district;
 3. Arterial landscaping, as described in section 21.45.125C.4., shall be planted along the length of each lot line which abuts a collector or arterial street, as designated in the official streets and highways plan; and
 4. The property owner shall maintain all landscaping in good condition.
- I. *Screening or buffering.* The planning and zoning commission may require:
1. Screening or buffering landscaping as described in section 21.45.125C.2. or C.3. along the length of a lot line.
 2. A bond for the installation of landscaping at the time of implementation of the Commission approval. This landscape bond, payable to the Municipality of Anchorage, shall be in the amount of a 120% itemized cost estimate prepared by a professional landscape architect of the planting material, topsoil, plus labor for installation. Further, the bond shall remain in effect for a two (2) year growing period to assure survivability of all trees and shrubs and replacement of dead or stunted landscape materials.
- J. *Loading areas.* Loading and unloading areas shall be provided on the site in accordance with section 21.45.090. Ambulance and delivery areas shall be screened from adjacent residential areas by a buffer landscaping, or a fence no less than six feet high.
- K. *Drainage facilities.* A site drainage plan and storm drainage facilities shall be constructed in accordance with the requirements of section 21.45.230.
- L. *Refuse collection.* Refuse containers and facilities shall be provided within the primary structure or within a free-standing enclosure on the site. Refuse containers and facilities located outside the primary structure must be enclosed by a fence on three sides in the manner provided by section 21.45.080W.4. Enclosures shall be durably constructed and use architectural design and screening materials to be consistent with the primary structure(s) on the property. The placement of refuse storage areas in the front yard setback is prohibited.
- M. *Parking.* Parking shall be provided on the lot in accordance with the requirements of section 21.45.080.
- N. *On-site systems.* Every health care facility, large residential care facility, or adult care facility with nine (9) or more clients, supported by on-site well and wastewater disposal systems, shall conform to the requirements of chapter 15.65, pertaining to wastewater disposal regulations, and shall provide a one-time only health authority certificate. Large residential care facilities shall have an annual field inspection and

verification of on-site septic.

O. *Snow management.* Snow storage space adjacent to surface parking lots and pathways must be identified on the site plan. To facilitate snow removal, in residential districts snow storage areas equal to at least fifteen percent (15%) of the total area of the site used for parking, access drives, walkways and other surfaces that need to be kept clear of snow, shall be designated on the site plan. Such areas designated for snow storage shall be landscaped only with grasses and flowers and shall have flat or concave ground surface with positive drainage away from structures and pavements. Storage of snow is not allowed in front setbacks. Storage of snow may be allowed in fifty percent (50%) of the side and rear setbacks, if trees and other vegetation designated for preservation will not be damaged. If snow is to be hauled off-site, it shall be to an approved snow storage site, and temporary snow storage areas shall be shown on the site plan.

P. *Pedestrian circulation.* Paved walkways for residents must be provided from parking areas, and from abutting public street and trail frontages, to individual units or to common building entries.

Q. This section shall not apply to any use continuing as a lawful conditional use at the time of adoption of this section.

R. The use shall meet the requirements of title 23 for construction and life safety issues.

21.45.320 Small residential care facilities.

A. The use shall meet the requirements of title 23 for construction and life safety issues.

Section 32. Anchorage Municipal Code section 21.50.030 is hereby amended to read as follows
(the remainder of the section is not affected and therefore is not set out):

21.50.030 Conditional use standards - Health care facilities and related institutions, large residential care facilities, adult care facilities, [HOSPITALS, REHABILITATION CENTERS] correctional facilities and similar institutions.

The following standards shall apply to health care facilities and related institutions, large residential care facilities, adult care facilities, correctional facilities [HOSPITALS, SANITARIUMS, CONVALESCENT CENTERS, NURSING OR REST HOMES, REHABILITATION CENTERS, CORRECTIONAL FACILITIES, PSYCHIATRIC INSTITUTIONS] and similar institutions:

A. Any use shall meet the standards of the supplementary district regulations, in addition to any requirements imposed by the conditional use. Additional restrictions

as to the size of the use, hours of operation or other use restrictions may be required to meet the conditional use standards to ensure compatibility with the neighborhood. [TRAFFIC ACCESS. A SITE MORE THAN ONE-HALF ACRE IN SIZE SHALL PROVIDE FOR DIRECT ACCESS FROM A STREET OF COLLECTOR OR GREATER CAPACITY, AS DEFINED IN THE OFFICIAL STREETS AND HIGHWAYS PLAN.]

B. Maximum lot coverage. The maximum lot coverage by all structures shall be in accordance with the zoning district in which the institution is established, except a minimum of twenty five percent (25%) of the lot shall remain as open area, to include landscaping, natural vegetation, or useable yard. The open area calculation shall not include buildings, driveways, parking areas, sidewalks, or similar structures, unless the planning and zoning commission determines retention of less than twenty five percent (25%) of the lot as open area allows for sufficient buffering of adjacent uses.

[MINIMUM LOT SIZE FOR HOSPITAL, CORRECTIONAL FACILITY OR PSYCHIATRIC INSTITUTION. UNLESS OTHERWISE AUTHORIZED BY THE PLANNING AND ZONING COMMISSION, THE MINIMUM LOT SIZE FOR A HOSPITAL, CORRECTIONAL FACILITY OR PSYCHIATRIC INSTITUTION SHALL BE AS FOLLOWS:

ONE TO TEN BEDS: ONE-HALF ACRE (21,780 SQUARE FEET).

ELEVEN TO 20 BEDS: ONE ACRE (43,560 SQUARE FEET).

FOR EACH ADDITIONAL TEN BEDS OR FRACTION THEREOF:
ONE-HALF ACRE.]

C. Yard requirements. The planning and zoning commission may alter the minimum yards required by the underlying zoning district, except a use within a nonresidential district adjacent to a residential use or district shall provide a fifteen (15) foot yard between the two, planted with buffer landscaping meeting the standards in section 21.45.125.

[MINIMUM LOT SIZE FOR NURSING HOME, CONVALESCENT CENTER, REST HOME, REHABILITATION CENTER OR SANITARIUM. UNLESS OTHERWISE AUTHORIZED BY THE PLANNING AND ZONING COMMISSION, THE MINIMUM LOT SIZE FOR A NURSING HOME, CONVALESCENT CENTER, REST HOME, REHABILITATION CENTER OR SANITARIUM SHALL BE AS FOLLOWS:

LESS THAN FIVE BEDS: 6,000 SQUARE FEET.

FIVE TO TEN BEDS: 15,000 SQUARE FEET.

MORE THAN 11 BEDS: 20,000 SQUARE FEET.]

D. Authority to impose different conditions. Except as specifically limited in this section, different conditions may be imposed by the planning and zoning

commission, if necessary, to properly develop the site and mitigate impacts.

[*MAXIMUM LOT COVERAGE.* THE MAXIMUM LOT COVERAGE SHALL BE IN ACCORDANCE WITH THE ZONING DISTRICT IN WHICH THE INSTITUTION IS ESTABLISHED.]

E. Required submittals. The following shall be provided with an application:

1. A copy of the application submitted for State licensing.
2. Building elevations.
3. Landscaping.
4. Floor plans.
5. Site plan and/or as-built survey.
6. Description of the program, including the services offered and the professional certification or licenses required to operate.
7. Submittals as required under section 21.15.030C. may also be required.

[*MAXIMUM HEIGHT OF STRUCTURES.* THE MAXIMUM HEIGHT OF STRUCTURES SHALL BE THAT WHICH IS PERMITTED IN THE DISTRICT IN WHICH THE SITE IS LOCATED.]

[F. YARD REQUIREMENTS. THE MINIMUM YARD REQUIREMENTS SHALL BE THOSE WHICH ARE PERMITTED IN THE DISTRICT IN WHICH THE SITE IS LOCATED OR AS OTHERWISE AUTHORIZED BY THE PLANNING AND ZONING COMMISSION SO LONG AS A USE WITHIN A NONRESIDENTIAL DISTRICT WHICH IS ADJACENT TO A RESIDENTIAL USE OR DISTRICT SHALL PROVIDE A 15-FOOT YARD BETWEEN THE TWO AND PLANT IT WITH BUFFER LANDSCAPING AS DESCRIBED IN SECTION 21.45.125.

G. ILLUMINATION. ILLUMINATION SHALL BE PROVIDED IN THE MANNER PRESCRIBED IN SECTION 21.45.080W.4.

H. LANDSCAPING. LANDSCAPING SHALL BE PROVIDED AS FOLLOWS:

1. ALL AREAS NOT OCCUPIED BY BUILDINGS, STRUCTURES, STORAGE YARDS, DRIVES, WALKS, OFF-STREET PARKING INSTALLATIONS OR OTHER AUTHORIZED INSTALLATIONS SHALL BE PLANTED WITH VISUAL ENHANCEMENT LANDSCAPING, AS DESCRIBED IN SECTION 21.45.125;
2. BUFFER LANDSCAPING, AS DESCRIBED IN SECTION 21.45.125C.2., SHALL BE PLANTED ALONG THE LENGTH OF EACH LOT LINE WHICH ABUTS A LOT WITHIN A RESIDENTIAL DISTRICT;
3. ARTERIAL LANDSCAPING, AS DESCRIBED IN SECTION 21.45.125C.4., SHALL BE PLANTED ALONG THE LENGTH OF EACH LOT LINE WHICH ABUTS A COLLECTOR OR ARTERIAL STREET, AS DESIGNATED IN THE OFFICIAL STREETS AND HIGHWAYS PLAN; AND
4. THE PROPERTY OWNER SHALL MAINTAIN ALL LANDSCAPING

IN GOOD CONDITION.

- I. SCREENING OR BUFFERING. THE PLANNING AND ZONING COMMISSION MAY REQUIRE:
1. ENCLOSURE OF THE ENTIRE SITE BY A FENCE, OR SCREENING LANDSCAPING AS DESCRIBED IN SECTION 21.45.125C.3., OR BOTH, IN ORDER TO PREVENT CASUAL ACCESS TO AND FROM THE SITE.
 2. SCREENING OR BUFFERING LANDSCAPING AS DESCRIBED IN SECTION 21.45.125C.3. ALONG THE LENGTH OF A LOT LINE.
- J. LOADING AREAS. LOADING AND UNLOADING AREAS SHALL BE PROVIDED ON THE SITE IN ACCORDANCE WITH SECTION 21.45.090. AMBULANCE AND DELIVERY AREAS SHALL BE SCREENED FROM ADJACENT RESIDENTIAL AREAS BY A FENCE OR BUFFER LANDSCAPING NO LESS THAN SIX FEET HIGH.
- K. DRAINAGE FACILITIES. A SITE DRAINAGE PLAN AND STORM DRAINAGE FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 21.45.230.
- L. REFUSE COLLECTION. REFUSE CONTAINERS AND FACILITIES SHALL BE ENCLOSED BY A FENCE ON AT LEAST THREE SIDES IN THE MANNER PROVIDED BY SECTION 21.45.080W.4.
- M. PARKING. PARKING SHALL BE PROVIDED ON THE LOT IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 21.45.080.
- N. ADDITIONAL REQUIREMENTS. A QUASI-INSTITUTIONAL USE SHALL CONFORM TO THE REQUIREMENTS OF CHAPTER 16.80.
- O. AUTHORITY TO IMPOSE DIFFERENT CONDITIONS. DIFFERENT CONDITIONS MAY BE IMPOSED BY THE PLANNING AND ZONING COMMISSION, IF NECESSARY, TO PROPERLY DEVELOP THE SITE AND MITIGATE IMPACTS.]

(GAAB 21.05.060.M; AO No. 85-91, 10-1-85; AO No. 88-6)

Section 33. Anchorage Municipal Code section 14.60.030 is hereby amended by adding the following (*the remainder of the section is not affected and therefore is not set out*):

14.60.030 **Fine schedule.**

The fine schedule under this chapter is as follows:

<u>Code Section</u>	<u>Offense</u>	<u>Penalty/Fine</u>
*** *** ***		
<u>21.45.300 or 21.45.310</u>	<u>Adult care facilities</u> <u>and large residential care facilities</u> <u>violation (identify specific violation)</u>	<u>\$350.00</u>

*** *** ***

(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-

26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1),
1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-
126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No.
97-107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-
97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-
99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-
127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-
01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1),
§ 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No.
2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04;
AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-
1-05)

Section 34. This ordinance shall be effective immediately upon its passage and approval by the
Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of
_____, 2005.

Chair

ATTEST:

Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2005- 124

Title: Planning and Zoning Commission Case 2003-143;
recommendation of approval for an ordinance regarding health
care facilities and residential care facilities.

Sponsor:

Preparing Agency:

Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:

(In Thousands of Dollars)

	<u>FY05</u>	<u>FY06</u>	<u>FY07</u>	<u>FY08</u>
Operating Expenditures				
1000 Personal Services				
2000 Non-Labor				
3900 Contributions				
4000 Debt Service				
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -
Add: 6000 Charges from Others				
Less: 7000 Charges to Others				
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -

REVENUES:

CAPITAL:

POSITIONS: FT/PT and Temp

PUBLIC SECTOR ECONOMIC EFFECTS:

Approval of this ordinance should have no significant impact on the public sector. It addresses the appropriate locations and requirements for health care and related facilities in relation to the Federal Fair Housing Act.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of this ordinance should have no significant economic impact on the private sector. It addresses the appropriate locations and requirements for health care and related facilities in relation to the Federal Fair Housing Act and provides reasonable accommodation for these types of facilities.

Prepared by: Jerry T. Weaver Jr., Zoning Administrator

Telephone: 343-7939

Validated by OMB: _____

Date: _____

Approved by: _____
(Director, Preparing Agency)

Date: _____

Concurred by: _____
(Director, Impacted Agency)

Date: _____

Approved by: _____
(Municipal Manager)

Date: _____



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 658 -2005

Meeting Date: September 13, 2005

From: MAYOR

Subject: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 21.35, 21.40, 21.45 AND 21.50 REGARDING ADMINISTRATIVE PROCEDURES, DEFINITIONS FOR VARIOUS CARE, SERVICE AND LIVING FACILITIES, AMENDING ZONING DISTRICTS, AMENDING SUPPLEMENTARY DISTRICT STANDARDS, CONDITIONAL USES AND SITE PLANS, AND AMENDING SECTION 14.60.030 TO ADD CARE FACILITIES VIOLATIONS.

Over the past four years, there has been an increased interest in developing new, and predominately smaller residential care facilities due to demand and various State programs. Residential care facilities are commonly referred to as "assisted living" facilities, which generally provide a home and assistance with living to persons with physical or mental disabilities who need additional daily assistance. The Planning Department has identified over 200 such facilities in the Municipality. These facilities are generally located in single-family residences throughout the community. There has been a rise in the number of complaints regarding some of these facilities in residential areas. This draft ordinance recognizes these smaller facilities, and brings the land use code up to date with changes in State and Federal regulations for fair housing and other residentially-based health care facilities.

In 2001, a task force was appointed by the Municipality to respond to the land use issues surrounding residential care (assisted living) facilities. Staff from the Departments of Planning, Development Services, Health and Human Services, the Municipal Attorney's Office, representatives from the State Department of Health and Social Services met with to review areas of current concern. The objective was and to work toward a consensus on changes to Municipal Code regarding this land use. The departments and the assisted living providers worked together to produce this draft ordinance. The Planning Department has consulted with DHHS, the Fire Department, Building Safety, the Department of Law, State officials, assisted living providers and other interested parties regarding both this ordinance and assisted living issues in general.

There was considerable concern regarding residential care and whether or not the proposed ordinance impacted groups currently considered "families" such as Oxford House, and other families as defined by the Fair Housing Act. There was extensive discussion concerning related code definitions, the number of beds in a residential care facility that would be allowed as a by-

right and conditional uses in residential districts, and the requirement for biennial permits and related fire/building inspections for by-right uses.

The main objections raised by user groups in relation to federal law are that the current definition of “quasi-institutional house” does not adequately describe the many different facilities existing in the Municipality; the provisions regarding locations for group homes are too restrictive; the conditional use process creates unnecessary hurdles; and there is no procedure for reasonable accommodation.

The Fair Housing Act, 42 U.S.C. 3601 *et seq.*, prohibits discrimination by direct providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks or other lending institutions and homeowner’s insurance companies whose discriminatory practices make housing unavailable to persons because of race or color, religion, sex national origin, familial status, or disability. Under the Fair Housing Act, individuals who believe they are victims of an illegal housing practice may file a lawsuit in federal or state court.

The Fair Housing Act prohibits discrimination on the basis of disability. The terms “handicap” and “disability” have the same legal meaning under federal law. The law defines persons with a disability as those individuals with mental or physical impairments that substantially limit one or more major life activities. The term “mental or physical impairment” may include conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. The term “major life activity” may include seeing, hearing, walking, breathing, performing manual tasks, caring for one’s self, learning, speaking, or working. The Fair Housing Act also protects persons with a record of an impairment, or persons regarded as having an impairment.

The draft ordinance directly incorporates the federal definition of disability, by referencing the Americans with Disabilities Act, the statute where this definition originated.

Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders are not considered disabled under the Fair Housing Act, by virtue of that status. Also, the Fair Housing Act affords no protection to individuals presenting a direct threat to the person or property of others, even if they have a disabling mental or physical condition. Determining whether someone poses a direct threat is made on an individualized basis, however, not based on general assumptions or speculation about the nature of a disability.

Some individuals with disabilities may live together in congregate living arrangements, often referred to as “group homes.” The Fair Housing Act prohibits municipalities and other local government entities from zoning or land use decisions or implementation of land use policies excluding or otherwise discriminating against persons with disabilities. This applies to group homes for disabled persons, as well as individuals.

Under the Fair Housing Act, it is unlawful:

- To utilize land use policies treating groups of persons with disabilities less favorably than groups of non-disabled persons. An ordinance may be struck down if it has a discriminatory effect, even if there is no language in the ordinance suggesting an intent to discriminate against disabled persons.
- To take action against, or deny a permit, for a home due to the disability of individuals living or wanting to live there. An example is denying a building permit for a home because it provides housing for persons with mental retardation.
- To refuse to make reasonable accommodations in land use and zoning policies and procedures, where accommodations may be necessary to afford persons or groups of persons with disabilities and equal opportunity to use and enjoy housing. Determination of reasonable accommodation is made on a case-by-case basis. Not all modifications of rules or policies are reasonable. If a proposed modification imposes an undue financial or administrative burden on a local government, or if a modification creates a fundamental alteration in a local government's land use and zoning scheme, it is not a "reasonable" accommodation.

Section 21.15.013 in the draft ordinance creates a procedure for "reasonable accommodation," by allowing administrative variances from occupancy limits.

Also, the entire process of drafting the ordinance was a reasonable accommodation. That is, the ordinance was developed by conferring with persons operating group homes, and discussing whether adopted changes are acceptable. By seeking input and comment for the ordinance from the various user groups, the Municipality addressed concerns and reduced the likelihood of a lawsuit over some objection to the proposed code amendments.

The ordinance has undergone intensive scrutiny and collaboration, and is now structured to ensure the Municipality will be able to effectively meet the needs of the various providers and also be in compliance with the Fair Housing Act, while providing protections for residents of the facilities and for neighborhoods where facilities may be located. Other changes to the ordinance include amended definitions, and new definitions which will help clarify existing conflicts in the code and provide new definitions where needed to bring the code up to date.

Additionally, in response to the transitional living facilities providers, which are very similar to purely residential uses, the ordinance has been amended to allow these facilities in the R-3, R-4, R-O, B-2A, B-2B, B-2C and B-3 zoning districts by-right.

The Planning and Zoning Commission supported the ordinance, and suggested some amendments which are included in this draft ordinance. These amendments were requested by the Planning Department regarding: parking requirements; an amendment to remove the minimum lot size for residential care facilities with 9-16 persons; to require an annual field inspection and verification of on-site septic for large residential care facilities; and to allow large residential care facilities as a conditional use in the R-6 and R-7 zoning districts.

The Planning and Zoning Commission reviewed this ordinance as a larger ordinance, including amendments to child care and satellite dish standards. The larger ordinance has been divided into three ordinances, in order to address each issue separately to avoid confusion. This ordinance only makes changes for residential care facilities and related health care facilities.

THE ADMINISTRATION RECOMMENDS APPROVAL OF THE PROPOSED ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 21.35, 21.40, 21.45 AND 21.50, AS APPROVED BY THE PLANNING AND ZONING COMMISSION.

Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department

Concur: Tom Nelson, Director, Planning Department

Concur: Mary Jane Michaels, Executive Director,
Office of Economic and Community Development

Concur: Denis C. LeBlanc, Municipal Manager

Respectfully submitted, Mark Begich, Mayor

Content Information

Content ID : 003102

Type: Ordinance - AO

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
CHAPTERS 21.35, 21.40, 21.45 AND 21.50 OF THE ANCHORAGETitle: MUNICIPAL CODE RREGARDING AND CLARIFYING BY ADDING
AND CLARIFYING AADMINISTRATIVE VARIANCE PROCEDURES,
AND PROVIDING DEFINITIONS FOR ; ADDING DEFINITIAuthor: curtiscr2

Initiating Dept: Planning

Review Depts: HHS, HLB, InternalAudit, HLB, HHS, Finance, HHS

Description: Assisted Living Ordinance

Date Prepared: 7/25/05 9:07 AM

Director Name: Tom Nelson

Assembly

Meeting Date 9/13/05

MM/DD/YY:

Public Hearing

Date ~~10/11/05~~

MM/DD/YY:

11/8/05

M.O.A.
2005 SEP - 6 PM 3:32
CLERKS OFFICE

Workflow History

Workflow Name	Action Date	Action	User	Security Group	Content ID
AllOrdinanceWorkflow	7/25/05 9:27 AM	Checkin	weaverjt	Public	003102
Planning_SubWorkflow	7/29/05 5:55 PM	Approve	nelsontp	Public	003102
ECD_SubWorkflow	8/1/05 8:04 AM	Approve	villareallm	Public	003102
HHS_SubWorkflow	8/2/05 1:37 PM	Approve	wooleybk	Public	003102
HLB_SubWorkflow	8/2/05 3:18 PM	Approve	wardre	Public	003102
InternalAudit_SubWorkflow	8/3/05 11:14 AM	Approve	raiskumspw	Public	003102
Finance_SubWorkflow	8/12/05 10:26 AM	Approve	sinzje	Public	003102
OMB_SubWorkflow	8/15/05 3:34 PM	Approve	mitsonjl	Public	003102
Legal_SubWorkflow	8/15/05 6:03 PM	Approve	fehlenrl	Public	003102
MuniManager_SubWorkflow	8/16/05 9:26 AM	Checkin	curtiscr2	Public	003102
MuniManager_SubWorkflow	9/3/05 11:38 AM	Approve	leblancdc	Public	003102
MuniMgrCoord_SubWorkflow	9/4/05 8:48 PM	Approve	abbottmk	Public	003102

CONSENT AGENDA - INTRODUCTION