

Submitted by: DAN COFFEY, Vice
Chair of the Assembly
Prepared by: Assembly Counsel
For reading: February 28, 2006

See AO 2005-124(S-1A)

ANCHORAGE, ALASKA

No. AO 2005-124 (S)

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.**

*** *** ***

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.

*** *** ***

(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 for residential care facilities.**

A. ***Intent.*** The intent of this section is to provide a procedure to allow persons with disabilities and assisted living providers to request reasonable accommodation from the Planning Department when access to decent safe, accessible and affordable housing with assisted living would not be available absent a reasonable accommodation. This administrative variance procedure is available to address application for minor variance in dimensional and setback requirements to accommodate special needs of persons with disabilities and to

1 **address application for variance in occupancy limits of no more than two**
2 **persons.**

3
4 **B. *Application.*** Application for minor variance in dimensional and setback
5 requirements to accommodate special needs of persons with disabilities and
6 application for variance in occupancy limits of no more than two persons shall
7 be made to the Director of the Planning Department on a form provided by the
8 municipality, shall be executed by or on behalf of the person with disabilities
9 seeking the reasonable accommodation, or the owner of the real property, or
10 the lessee with proof of the owner's consent, and shall be complete in all
11 respects prior to review under this section.

12
13 **C. *Notice of application for variance in occupancy limits.*** On an application for
14 variance in occupancy limits, the Planning Department shall provide public
15 notice and a period for written comment of no less than 21 days, as described
16 in this subsection. The public notice will include a description of the
17 application, a legal description of the land, and if available, a street address for
18 the property subject to the application, with a map of the vicinity. Notice,
19 specifying that written comment appropriate to the application for reasonable
20 accommodation in occupancy limits may be submitted, will be posted
21 electronically on the Planning Department's municipal website, and mailed in
22 hard copy to the following,:

- 23
24 1. Any officially recognized community council whose boundaries contain
25 land described in subsection 2 of this subsection;
26
27 2. All persons listed on the records of the municipal assessor as owners of
28 land subject to the application or as owners of (a) the parcels within 500
29 feet of the outer boundary of the land subject to the application or (b)
30 the 50 parcels nearest to the outer boundary of the land subject to the
31 application, whichever is the greater number of parcels, at the mailing
32 addresses of such persons in the records of the municipal assessor;
33
34 3. Such additional persons or geographic areas as the Planning
35 Department may designate.

36
37 **D. *Time for approval.*** The Planning Department shall make a determination on an
38 application within 60 days of submittal. Notification of approval or denial shall be
39 **posted electronically on the Planning Department's municipal website and**
40 furnished in writing to the applicant by mail or delivered by electronic means.

41
42 **E. *Standards.*** In deciding to approve or deny an application, the Planning Department
43 shall **review the application and written comments addressing factors relevant**
44 **to the request for** reasonable accommodation, including but not limited to, **the**
45 **extent to which the application demonstrates the following, as related to the**
46 **particular request of the applicant:**

- 1
2 **1. For administrative variance applications to increase occupancy limits in**
3 **R-1, R-1A, R-2A and R-2D districts, the extent to which the**
4 **accommodation and the assisted living provider seek to protect and**
5 **preserve the primarily residential character of the district. Factors may**
6 **include traffic patterns, on-street parking patterns, the control**
7 **exercised by the assisted living provider to mitigate environmental**
8 **disturbance associated with ingress and egress of facility staff workers**
9 **at shift change, and any other measures taken by the assisted living**
10 **provider to ensure that commercial aspects of the facility do not detract**
11 **from its residential purpose and the primarily residential character of**
12 **the district. An example of a commercial aspect would be if residential**
13 **trash containers were standard in the neighborhood and the assisted**
14 **living provider used one or more dumpsters due to volume. An**
15 **example of a measure which could be taken by the assisted living**
16 **provider would be to screen the dumpster to mitigate this aspect.**
17
- 18 **2. For administrative variance applications to increase occupancy limits,**
19 **economic hardship on the intended occupants if the variance is denied.**
20 **Cost and availability of other housing alternatives may be addressed in**
21 **preparation and review of the application.**
22
- 23 **3. That the requested accommodation and the assisted living provider will**
24 **be implementing accident prevention and safety measures specific to the**
25 **needs of the residents.**
26
- 27 **4. That the accommodation requested will be advancing housing**
28 **opportunities in a residential community without jeopardizing**
29 **residential aspects of the neighborhood with commercial aspects of**
30 **operation.**
31
- 32 **5. For administrative variance applications to increase occupancy limits,**
33 **that the proposed size of the facility would be necessary for the facility's**
34 **financial viability.**
35
- 36 **6. External characteristics and impacts of the proposed facility, including**
37 **without limitation appearance, projected contribution to traffic volumes and**
38 **on-street parking within the neighborhood, available street lighting and**
39 **sidewalks.**
40
- 41 **7. Quantifiable risks to the health, safety, and quality of life of area residents**
42 **and users.**
43
- 44 **8. Administrative and economic burden on the municipality, in either**
45 **approval or denial of the variance.**
46

9. Other factors deemed relevant to the applicant or the Planning Department in review of the application.

F. *Conditions.* In approving a variance, the Planning Department may impose reasonable conditions designed to address the standards in subsection E or mitigate impacts created by the variance.

G. *Application of Building and Fire Codes.* The Planning Department does not have the authority to waive or alter the requirements of Title 23 Building Codes, including application of fire code requirements, and nothing in this section will relieve the property owner or assisted living provider of applicable building code requirements.

H. *Appeal.* All decisions of the Planning Department under this section shall be final unless an appeal is filed timely. 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, except that an appeal may be brought by any person with standing to request reasonable accommodation under the Fair Housing Act, 42 U.S.C. § 3604(f).

(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:

*** ***

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

*** ***

(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.

*** **

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 non-residential facility that provides assistance with activities of daily living as described in Alaska Statute 47.33.990(1) for 3 or more adults or a combination of 3 or more adults and adolescents.

*** **

Assisted living refers to the housing and ancillary care services offered on a residential basis as set forth for an assisted living home in Alaska Statutes 47.33.010 and 47.33.990(6).

*** **

Assisted living provider means a person or entity that offers housing and ancillary care services to persons with disabilities for compensation.

*** **

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. **For purposes of 21.40.030 and 21.40.040, a small residential facility that provides housing and ancillary care services for compensation to a group of six or fewer residents will be deemed a single housekeeping unit. A large residential care facility has 9 or more residents; a small residential care facility has 8 or fewer residents, except that in the residential districts under 21.40.030 and 21.40.040, a small residential facility will not exceed 6 residents without an administrative variance to provide reasonable accommodation.** 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.

*** **

Roominghouse means any dwelling in which four or more guestrooms are available for compensation which is paid on a daily, weekly or monthly basis. A roominghouse may offer dining services only to its tenants and their guests. **A small residential care facility that provides housing and ancillary care services for compensation to a group of six or fewer residents, habilitative care facility [QUASI-INSTITUTIONAL FACILITY], hotel, bed and breakfast and any other facility which is licensed or regulated by this title is not a roominghouse. A boardinghouse, single-room occupancy facility which is not in a residential zone, tourist home or any other facility that falls**

within this definition is a roominghouse.

*** **

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 with up to 6 residents and small residential care facilities with up to 8 residents if approved as a reasonable accommodation under 21.15.013.

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 with up to 6 residents and small residential care facilities with up to 8 residents if approved as a reasonable accommodation under 21.15.013.

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.

*** **

(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 Reviser 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, residential care and adult care facilities.*

*** *** ***

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 **unless additional off-street parking is a condition associated with reasonable accommodation.**

*** *** ***

(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 unless made a condition associated with reasonable accommodation.

*** *** ***

(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. In reviewing conditional use applications for residential care facilities when reasonable accommodation is requested in support of the application, the planning and zoning commission shall consider factors relevant to the request for reasonable accommodation, including but not limited to, the following:

1. For conditional use to increase small residential care facility occupancy limits in R-1, R-1A, R-2A and R-2D districts, and for conditional use for large residential care facilities, the extent to which the accommodation and the assisted living provider seek to protect and preserve the primarily residential character of the district. Factors may include traffic patterns, on-street parking patterns, the control exercised by the assisted living provider to mitigate environmental disturbance associated with ingress and egress of facility staff workers at shift change, and any other measures taken by the assisted living provider to ensure that commercial aspects of the large residential care facility do not detract from its residential purpose and the primarily residential character of the district. An example of a commercial aspect would be if residential trash containers were standard in the neighborhood and the assisted living provider used one or more dumpsters due to volume. An example of a measure which could be taken by the assisted living provider would be to screen the dumpster to mitigate this aspect.
2. Economic hardship on the intended occupants if the conditional use is denied. Cost and availability of other housing alternatives, including whether there exists a shortage of residential care facilities, may be addressed in preparation and review of the application.
3. The extent to which the conditional use would advance housing opportunities in a residential community without jeopardizing residential aspects of the neighborhood with commercial aspects of operation.

4. **The extent to which the applicant has demonstrated that the proposed size of the facility would be necessary for the financial viability of a residential care facility.**
5. **External characteristics and impacts of the proposed facility, including without limitation appearance, projected contribution to traffic volumes and on-street parking within the neighborhood, available street lighting and sidewalks.**
6. **Quantifiable risks to the health, safety, and quality of life of area residents and users.**
7. **Administrative and economic burden on the municipality, in either approval or denial of the conditional use.**
8. **Other factors deemed relevant to the applicant or the planning and zoning commission in review of the application.**

E. *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.]

F. *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. **If the conditional use application presents a request for reasonable accommodation in the provision of housing to persons with disabilities, the application shall include support for the accommodation, addressing factors relevant to such a request including, without limitation, the factors listed in subsection D of this section.**
8. 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.]

- 1
2 [F. YARD REQUIREMENTS. THE MINIMUM YARD REQUIREMENTS SHALL
3 BE THOSE WHICH ARE PERMITTED IN THE DISTRICT IN WHICH THE
4 SITE IS LOCATED OR AS OTHERWISE AUTHORIZED BY THE PLANNING
5 AND ZONING COMMISSION SO LONG AS A USE WITHIN A
6 NONRESIDENTIAL DISTRICT WHICH IS ADJACENT TO A RESIDENTIAL
7 USE OR DISTRICT SHALL PROVIDE A 15-FOOT YARD BETWEEN THE
8 TWO AND PLANT IT WITH BUFFER LANDSCAPING AS DESCRIBED IN
9 SECTION 21.45.125.
- 10 G. ILLUMINATION. ILLUMINATION SHALL BE PROVIDED IN THE MANNER
11 PRESCRIBED IN SECTION 21.45.080W.4.
- 12 H. LANDSCAPING. LANDSCAPING SHALL BE PROVIDED AS FOLLOWS:
13 1. ALL AREAS NOT OCCUPIED BY BUILDINGS, STRUCTURES,
14 STORAGE YARDS, DRIVES, WALKS, OFF-STREET PARKING
15 INSTALLATIONS OR OTHER AUTHORIZED INSTALLATIONS
16 SHALL BE PLANTED WITH VISUAL ENHANCEMENT
17 LANDSCAPING, AS DESCRIBED IN SECTION 21.45.125;
18 2. BUFFER LANDSCAPING, AS DESCRIBED IN SECTION 21.45.125C.2.,
19 SHALL BE PLANTED ALONG THE LENGTH OF EACH LOT LINE
20 WHICH ABUTS A LOT WITHIN A RESIDENTIAL DISTRICT;
21 3. ARTERIAL LANDSCAPING, AS DESCRIBED IN SECTION
22 21.45.125C.4., SHALL BE PLANTED ALONG THE LENGTH OF EACH
23 LOT LINE WHICH ABUTS A COLLECTOR OR ARTERIAL STREET,
24 AS DESIGNATED IN THE OFFICIAL STREETS AND HIGHWAYS
25 PLAN; AND
26 4. THE PROPERTY OWNER SHALL MAINTAIN ALL LANDSCAPING
27 IN GOOD CONDITION.
- 28 I. SCREENING OR BUFFERING. THE PLANNING AND ZONING
29 COMMISSION MAY REQUIRE:
30 1. ENCLOSURE OF THE ENTIRE SITE BY A FENCE, OR SCREENING
31 LANDSCAPING AS DESCRIBED IN SECTION 21.45.125C.3., OR
32 BOTH, IN ORDER TO PREVENT CASUAL ACCESS TO AND FROM
33 THE SITE.
34 2. SCREENING OR BUFFERING LANDSCAPING AS DESCRIBED IN
35 SECTION 21.45.125C.3. ALONG THE LENGTH OF A LOT LINE.
- 36 J. LOADING AREAS. LOADING AND UNLOADING AREAS SHALL BE
37 PROVIDED ON THE SITE IN ACCORDANCE WITH SECTION 21.45.090.
38 AMBULANCE AND DELIVERY AREAS SHALL BE SCREENED FROM
39 ADJACENT RESIDENTIAL AREAS BY A FENCE OR BUFFER
40 LANDSCAPING NO LESS THAN SIX FEET HIGH.
- 41 K. DRAINAGE FACILITIES. A SITE DRAINAGE PLAN AND STORM
42 DRAINAGE FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE
43 WITH THE REQUIREMENTS OF SECTION 21.45.230.
- 44 L. REFUSE COLLECTION. REFUSE CONTAINERS AND FACILITIES SHALL
45 BE ENCLOSED BY A FENCE ON AT LEAST THREE SIDES IN THE
46 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 _____, 2006.

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ATTEST:

Chair

Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 72-2006

Meeting Date: February 28, 2006

From: Vice Chair Dan Coffey
Subject: **AO 2005-124(S) — Various Care, Service and Living Facilities**
(Reasonable Accommodation regarding Assisted
Living for Persons with Disabilities)

The Fair Housing Act Amendments of 1988 prohibit a broad range of practices that discriminate against individuals with disabilities. The Fair Housing Act Amendments require a municipality to make reasonable accommodation in land use and zoning policies and procedures, to persons with disabilities. What constitutes a reasonable accommodation is a case-by-case determination under federal law.

As outlined in AM 658-2005 dated September 13, 2005, Anchorage has experienced an increased interest in "assisted living" facilities. Assisted living facilities generally provide housing and ancillary care services to persons with physical or mental disabilities, for compensation on a monthly or other periodic basis. Often, but not always, the provider is paid under the Medicaid program (for qualified low income or indigent beneficiaries) or the Medicare program (for elderly beneficiaries). Depending on the level of care and qualification of the beneficiary for federally assisted programs, compensation to the provider may range generally between \$2,000 and \$5,000 per month, per resident. Double occupancy in rooms is permitted, dependent upon meeting minimum square footage requirements. There is no requirement that the provider be a non-profit entity. Unless exempt under state regulation, assisted living homes serving three or more adults who are not related to the owner by blood or marriage must be licensed by the State (AS 47.32.020); homes with less than three residents are required to be licensed by the State to qualify for state or federal payment for services (e.g. payments under Medicaid and Medicare).

Anchorage zoning and land use laws recognize persons living as a single housekeeping unit to be a "family", as distinguished from groups of persons sharing a dwelling where rooms are available for compensation on a monthly or other periodic basis and meal service is available only to tenants and their guests. The definitions of "family" and "roominghouse" in AMC 21.35.020 illustrate this historical distinction, dating back to pre- and post-World War II eras when rooming houses were a viable alternative for longer term, working, single occupants. *Vis-à-vis* historical Anchorage land use, rooming houses are not a "by right" use in R-1, R-1A, R-2A and R-2D districts.

1 AO 2005-124(S) is intended to add clarity in the formal recognition of residential care
2 facilities within the context of Anchorage zoning and land use law. Changes reflected in
3 AO 2005-124(S) include rewording to clarify 1) that the intent is to provide reasonable
4 accommodation to persons with disabilities when access to decent, safe, accessible, and
5 affordable housing with assisted living would not be available absent a reasonable
6 accommodation; and 2) that the municipality is implementing reasonable accommodation in
7 three ways: (i) by clarifying the definitions of "residential care facility" and "rooming house",
8 so that in R-1 and R-1A single-family residential districts, and in R-2A and R-2D two-family
9 residential districts, small residential care facilities with up to 6 assisted living clients will be
10 deemed a single housekeeping unit and a permitted use; in other districts, small residential
11 facilities with up to 8 assisted living residents will be a permitted use; (ii) by creating an
12 administrative process with standards, notice and opportunity to provide written comment to
13 allow for the addition of up to two more residents, and to allow minor variance (without
14 notice and comment) in dimensional and setback requirements; (iii) by providing conditional
15 use standards when reasonable accommodation is requested in a conditional use
16 application.

17
18 The expanded administrative variance process, with notice, opportunity for written
19 comment, and standards is set out in Section 2 of the ordinance, beginning at the bottom of
20 page 1 and continuing through page 4. Conditional use standards for residential care
21 facilities when reasonable accommodation is requested are included under Section 32 of
22 the ordinance, at page 31—32, and referenced under required submittals in subsection 7.
23 The standards reflect federal case law and comments received during public hearing.

24
25 Additional differences in AO 2005-124(S) include adding a definition for *assisted*
26 *living provider*; clarifying the definitions for *adult care facility*, and *assisted living* to better
27 reflect the applicable state law references; adding a provision to clarify that an
28 administrative waiver for reasonable accommodation does not waive application of fire code
29 requirements; and limiting appeal of the administrative variance to those with standing
30 under the Fair Housing Act. A list of the numbered sections of the ordinance with changes
31 reflected in AO 2005-124(S) is attached.

32
33 Respectfully submitted:

Prepared by:

34
35
36 Dan Coffey, Assembly Vice Chair

Julia Tucker, Assembly Counsel

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

AO 2005-124(S)

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT AO 2005-124(S) - AMENDING AMC CHAPTERS 21.35,		DATE PREPARED 2/28/06
	21.40, 21.45 AND 21.50 - CARE, SERVICE AND LIVING FACILITIES		
			Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM
2	DEPARTMENT NAME Assembly		DIRECTOR'S NAME Anna Fairclough, Chair
	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Julia Tucker - Assembly Counsel		HIS/HER PHONE NUMBER 343-4419
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE
	Mayor		
	Municipal Clerk		
	Municipal Attorney		
	Employee Relations		
	Municipal Manager		
	Cultural & Recreational Services		
	Fire		
	Health & Human Services		
	Merrill Field Airport		
	Municipal Light & Power		
	Office of Management and Budget		
	Police		
	Port of Anchorage		
	Public Works		
	Solid Waste Services		
	Transit		
	Water & Wastewater Utility		
	Executive Manager		
	Community Planning & Development		
	Finance, Chief Fiscal Officer		
	Heritage Land Bank		
	Management Information Services		
	Property & Facility Management		
	Purchasing		
	Other		
5	Special Instructions/Comments		
	OLD BUSINESS, ITEM 11.F.2.		
6	ASSEMBLY HEARING DATE REQUESTED 2/28/06	7	PUBLIC HEARING DATE REQUESTED N/A

2006 FEB 28 AM 10:57
 MOA
 CLERK'S OFFICE



MUNICIPALITY OF ANCHORAGE

ASSEMBLY INFORMATION MEMORANDUM

No. AIM 40-2006

Meeting Date: April 18, 2006

From: Assembly Vice Chair Coffey

Subject: Summary of Economic Effects for AO 2005-124(S)

Attached to this memo is the Summary of Economic Effects for AO 2005-124(S), regarding an ordinance amending AMC 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.

Prepared By: Steven B. King, Utility Budget Analyst

Reviewed By: Barbara E. Gruenstein and Guadalupe Marroquin

Submitted By: Assembly Vice Chair Coffey

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

An ordinance amending AMC 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.

AO Number: 2005-124(S) Title:

Sponsor: Assembly Vice Chair Coffey
Preparing Agency: Assembly
Others Impacted: Planning and Zoning

CHANGES IN EXPENDITURES AND REVENUES:

(In Thousands of Dollars)

	<u>FY06</u>	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>	<u>FY10</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:

This ordinance reflects no significant economic impacts (i.e. in excess of \$30,000 in a single year) to the public sector as it simply addresses facility requirements in relation to the Federal Fair Housing Act.

PRIVATE SECTOR ECONOMIC EFFECTS:

In addition, this ordinance reflects no significant private sector economic impacts (i.e. in excess of \$30,000 in a single year).

Prepared by: Steven B. King, Utility Budget Analyst
Reviewed by: Barbara Gruenstein and Guadalupe Marroquin

Telephone: 343-4714
Telephone: 343-4311 and 343-4376

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

AIM 40-2006

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT SEE FOR AO 2005-124(S)	DATE PREPARED 3/28/06
		Indicate Documents Attached <input type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input checked="" type="checkbox"/> AIM
2	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Anna Fairclough, Chair
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Steven B. King, Utility Budget Analyst	HIS/HER PHONE NUMBER 343-4714
4	COORDINATED WITH AND REVIEWED BY	INITIALS
	Mayor	
	Municipal Clerk	
	Municipal Attorney	
	Employee Relations	
	Municipal Manager	
	Cultural & Recreational Services	
	Fire	
	Health & Human Services	
	Merrill Field Airport	
	Municipal Light & Power	
	Office of Management and Budget	
	Police	
	Port of Anchorage	
	Public Works	
	Solid Waste Services	
	Transit	
	Water & Wastewater Utility	
	Executive Manager	
	Community Planning & Development	
	Finance, Chief Fiscal Officer	
	Heritage Land Bank	
	Management Information Services	
	Property & Facility Management	
	Purchasing	
	Other	
5	Special Instructions/Comments	
	OLD BUSINESS <i>ref. Ao 2005-124(S)</i>	
6	ASSEMBLY HEARING DATE REQUESTED 4/18/06	PUBLIC HEARING DATE REQUESTED 4/18/06

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