

Submitted by:

Chair of the Assembly at  
the request of the Mayor

Prepared by:

Planning Department

For reading

December 13, 2005

See AO 2005-185(s)

ANCHORAGE, ALASKA

AO 2005-185

AN ORDINANCE AMENDING CHAPTERS 21.35, 21.40, 21.45 AND 21.50 OF THE ANCHORAGE MUNICIPAL CODE REGARDING ZONING DISTRICTS, SUPPLEMENTARY DISTRICT STANDARDS, AND STANDARDS FOR CONDITIONAL USES AND SITE PLANS FOR CHILD CARE FACILITIES, AND AMENDING ANCHORAGE MUNICIPAL CODE SECTION 14.60.030 TO ADD CHILD CARE FACILITY VIOLATIONS TO THE FINE SCHEDULE.

[Planning & Zoning Commission Case 2003-143]

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** Anchorage Municipal Code section 21.35.020 is amended to revise the following definition (*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:

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*Child care facility* has the same meaning as set forth in chapter 16.55. Child care is not a home occupation. [SERVICES MEANS ALL TYPES OF SERVICES INCLUDED IN THE FOLLOWING SUBCATEGORIES:

- A. *CHILD CARE FACILITY*, 24-HOUR MEANS A SERVICE PROVIDING FOR THE SUPERVISION, EDUCATION OR COUNSELING OF CHILDREN WITHOUT RESTRICTION ON THE TIME OF SERVICE. SUCH SERVICE MAY INCLUDE BABYSITTING OR RESIDENTIAL CARE, AND ACADEMIC, MEDICAL AND SOCIAL PROGRAMS.
- B. *DAY CARE* MEANS A SERVICE PROVIDING FOR THE SUPERVISION, EDUCATION OR COUNSELING OF ANY NUMBER OF CHILDREN FOR A PERIOD NOT TO EXCEED 18 HOURS PER DAY. SUCH SERVICES MAY INCLUDE BABYSITTING AND ACADEMIC, MEDICAL AND SOCIAL PROGRAMS.
- C. *FAMILY CARE* MEANS CARE PROVIDED IN A SINGLE DWELLING UNIT, AS A HOME OCCUPATION, TO FIVE CHILDREN OR LESS FOR A PERIOD NOT TO EXCEED 18 HOURS PER DAY. THE SERVICE IS PRIMARILY BABYSITTING BUT MAY INCLUDE EDUCATIONAL PROGRAMS.
- D. *FAMILY RESIDENTIAL CARE* MEANS CARE PROVIDED IN A SINGLE

DWELLING UNIT, IN A FAMILY SETTING, FOR TEN CHILDREN OR LESS,  
WITHOUT RESTRICTION ON THE TIME THAT SERVICES ARE  
PROVIDED].

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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 2.** 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.**

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

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11. 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. Child care facilities. [DAY CARE AND 24-HOUR CHILD CARE  
FACILITIES.]

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(GAAB 21.05.050A.; 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 3.** 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.**

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

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6[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 [FAMILY RESIDENTIAL CARE].

7[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.

8. Child care facilities with 1 through 8 children.

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C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

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5[6]. Private storage in yards of noncommercial equipment, including noncommercial trucks, boats, aircraft, campers or travel trailers, in a safe and orderly manner and separated by at least five feet from any property line [FAMILY CARE].

6[7]. Keeping honey bees, *Apis mellifera*, in a manner consistent with the

requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:

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7[8]. Bed and breakfast with three or less guestrooms.

8[9]. Bed and breakfast with four guestrooms only by administrative site plan review.

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

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10. Child care facilities with 9 or more children [DAY CARE].

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(GAAB 21.05.050B.; 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 4.** 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.**

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

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7. Child care facilities with 1 through 8 children [FAMILY RESIDENTIAL CARE].

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.



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C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

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5[6]. Private storage in yards of noncommercial equipment, including noncommercial trucks, boats, aircraft, campers or trailers, in a safe and orderly manner and separated by at least five feet from any property line [FAMILY CARE].

6[7]. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:

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7[8]. Bed and breakfast with three or less guestrooms.

8[9]. Bed and breakfast with four guestrooms only by administrative site plan review.

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

\*\*\* \*\*

10. Child care facilities with 9 or more children [DAY CARE].

\*\*\* \*\*

(GAAB 21.05.050C.; 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 5.** 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.**

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

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8. Child Care facilities with 1 through 8 children [FAMILY RESIDENTIAL CARE].

9[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 [DAY CARE, ON A LOT OF AT LEAST 14,000 SQUARE FEET].

10[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.

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C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

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5[6]. Private storage in yards of noncommercial equipment, including noncommercial trucks, boats, aircraft, campers or trailers, in a safe and orderly manner and separated by at least five feet from any property line [FAMILY CARE].

6[7]. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:

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7[8]. Bed and breakfast with three or less guestrooms.

8[9]. Bed and breakfast with four guestrooms only by administrative site plan review.

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

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11. Child care facilities with nine (9) or more children [TWENTY-FOUR-HOUR CHILD CARE FACILITIES].

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(GAAB 21.05.050C.; 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 6.** 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.**

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

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8. Child care facilities with one (1) through eight (8) children [DAY CARE AND FAMILY RESIDENTIAL CARE].

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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[, 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.

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C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

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5[6]. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:

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[FAMILY CARE.]

6[7]. Bed and breakfast with three (3) or less guestrooms.

7[8]. Bed and breakfast with four (4) guestrooms only by administrative site plan review.

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

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14. Child care facilities with nine (9) or more children [TWENTY-FOUR-HOUR CHILD CARE FACILITY].

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(GAAB 21.05.050D.; 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 7.** 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.**

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

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9. Child care facilities with 1 through 8 children [FAMILY RESIDENTIAL CARE AND DAY CARE].

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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.

\*\*\* \*\*

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

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6[7]. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:

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[FAMILY CARE.]

7[8]. Bed and breakfast with three or less guestrooms.

8[9]. Bed and breakfast with four guestrooms only by administrative site plan review.

\*\*\* \*\*

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

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13. Child care facilities with 9 or more children [TWENTY-FOUR-HOUR CHILD CARE FACILITY].

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(GAAB 21.05.050E.; 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 8.** 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).**

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

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8. Child care facilities with 1 through 8 children [FAMILY RESIDENTIAL CARE].

9. 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

1                    ACCORDANCE WITH THIS TITLE]. Use of church buildings other than  
2                    the parsonage for the purpose of housing or providing shelter to persons is  
3                    not permitted except as otherwise allowed in this title.

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5                    \*\*\*                    \*\*\*                    \*\*\*

6                    C.        *Permitted accessory uses and structures.* Permitted accessory uses and structures  
7                    are as follows:

8                    \*\*\*                    \*\*\*                    \*\*\*

9                    6[7].    Keeping honey bees, *Apis mellifera*, in a manner consistent with the  
10                    requirements of all titles of this Code. Colonies shall be managed in such a  
11                    manner that their flight path to and from the hive will not bring them into  
12                    contact with people on adjacent property. To accomplish this, colonies shall  
13                    be:

14                    \*\*\*                    \*\*\*                    \*\*\*

15                    [FAMILY CARE.]

16  
17                    7[8].    Bed and breakfast with three or less guestrooms.

18                    8[9].    Bed and breakfast with four guestrooms only by administrative site plan  
19                    review.

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21                    \*\*\*                    \*\*\*                    \*\*\*

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

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25                    \*\*\*                    \*\*\*                    \*\*\*

26                    9.        Child care facilities with 9 or more children [DAY CARE FOR 30  
27                    CHILDREN OR LESS].

28  
29                    \*\*\*                    \*\*\*                    \*\*\*

30                    (GAAB 21.05.050F.; AO No. 77-355; AO No. 80-27; AO No. 81-67(S); AO No. 82-54;  
31                    AO No. 83-52; AO No. 85-21; AO No. 85-28; AO No. 85-78; AO No. 85-23; AO No. 86-  
32                    90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 99-62,  
33                    §9, 5-11-99; AO No. 2002-63(S), §1, 5-21-02

34  
35                    **Section 9.**        Anchorage Municipal Code section 21.40.080 is hereby amended to read as follows  
36                    *(the remainder of the section is not affected and therefore is not set out):*

37  
38                    **21.40.080**                    **R-6 suburban residential district (large lot).**

39  
40                    \*\*\*                    \*\*\*                    \*\*\*

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

43  
44                    \*\*\*                    \*\*\*                    \*\*\*

45                    5.        Child care facilities with 1 through 8 children [FAMILY RESIDENTIAL

CARE].

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.

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C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

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- 6[7]. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:

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[FAMILY CARE.]

- 7[8]. Bed and breakfast with three or less guestrooms.

- 8[9]. Bed and breakfast with four guestrooms only by administrative site plan review.

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

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7. Child care facilities with 9 or more children [TWENTY-FOUR-HOUR CHILD CARE AND DAY CARE FACILITIES].

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(GAAB 21.05.050G.; 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 10.** 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.**

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

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5. Child care facilities with 1 through 8 children [FAMILY RESIDENTIAL CARE].

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.

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C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

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5[6]. Private storage in yards of equipment including trucks, boats, aircraft, campers or travel trailers, in a safe and orderly manner and separated by at least 25 feet from any property line [FAMILY CARE].

6[7]. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:

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7[8]. Bed and breakfast with three or less guestrooms.

8[9]. Bed and breakfast with four guestrooms only by administrative site plan review.

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

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8. Child care facilities with 9 or more children [DAY CARE FOR 30 CHILDREN OR LESS].

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(GAAB 21.05.050H.; 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 11.** 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).**

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

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2. Child care facilities with 1 through 8 children [FAMILY RESIDENTIAL CARE].

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.

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C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

\*\*\*      \*\*\*      \*\*\*

6[7]. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:

\*\*\*      \*\*\*      \*\*\*

[FAMILY CARE.]

7[8]. Bed and breakfast with three or less guestrooms.

8[9]. Bed and breakfast with four guestrooms only by administrative site plan review.

\*\*\*      \*\*\*      \*\*\*

D. *Conditional uses.* Subject to the requirements of the conditional use standards and

procedures of this title, the following uses may be permitted:

\*\*\* \*\*

6. Child care facilities with 9 or more children [TWENTY-FOUR HOUR CHILD CARE AND DAY CARE FACILITIES].

\*\*\* \*\*

(GAAB 21.05.050U.; 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 12.** 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:

\*\*\* \*\*

2. Child care facilities with 1 through 8 children [FAMILY RESIDENTIAL CARE].

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.

\*\*\* \*\*

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

\*\*\* \*\*

6[7]. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:

\*\*\* \*\*

[FAMILY CARE.]

7[8]. Bed and breakfast with three or less guestrooms.

8[9]. Bed and breakfast with four guestrooms only by administrative site plan review.

\*\*\* \*\*

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

\*\*\* \*\*

6. Child care facilities with 9 or more children [TWENTY-FOUR HOUR CHILD CARE AND DAY CARE FACILITIES].

\*\*\* \*\*

(GAAB 21.05.050V.; 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 13.** 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

\*\*\* \*\*

4. 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. Child care facilities with 1 through 8 children.

\*\*\* \*\*

(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 14.** Anchorage Municipal Code section 21.40.117 is hereby amended 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:

\*\*\*      \*\*\*      \*\*\*

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 shelter is not permitted, except  
as allowed by this title.

\*\*\*      \*\*\*      \*\*\*

6.      Child care facilities with 1 through 8 children.

\*\*\*      \*\*\*      \*\*\*

C.      *Permitted accessory uses and structures.* Permitted accessory uses and structures  
are as follows:

\*\*\*      \*\*\*      \*\*\*

4[5].      Bed and breakfast with three or less guestrooms [FAMILY CARE AND  
FAMILY RESIDENTIAL CARE].  
5[6].      Bed and breakfast with four guestrooms only by administrative site plan  
review.

\*\*\*      \*\*\*      \*\*\*

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

\*\*\*      \*\*\*      \*\*\*

15.      Child care facilities with 9 or more children [DAY CARE AND 24-HOUR  
CHILD 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 15.** 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:

\*\*\*      \*\*\*      \*\*\*

7. Child care facilities [FAMILY RESIDENTIAL CARE, AND 24-HOUR  
CHILD CARE AND DAY CARE FACILITIES].

\*\*\*      \*\*\*      \*\*\*

23. 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.

\*\*\*      \*\*\*      \*\*\*

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures  
are as follows:

\*\*\*      \*\*\*      \*\*\*

3[4]. Bed and breakfast with three or less guestrooms [FAMILY CARE].

4[5]. Bed and breakfast with four guestrooms only by administrative site plan  
review.

5[6]. Antennas without tower structures, type 1, 3, local interest towers and type 4  
tower structures and antennas as accessory uses to other than residential  
structures of 6 dwelling units or less as specified in the supplementary  
district regulations.

(GAAB 21.05.050L; 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 16.** 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:

\*\*\*      \*\*\*      \*\*\*

6.      Other uses:

\*\*\*      \*\*\*      \*\*\*

c.      Child care facilities [FAMILY RESIDENTIAL CARE, DAY CARE AND 24-HOUR CHILD CARE FACILITIES].

d.      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.

\*\*\*      \*\*\*      \*\*\*

(GAAB 21.05.050J.; 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 17.**      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:

\*\*\*      \*\*\*      \*\*\*

c.      Child care facilities [FAMILY RESIDENTIAL CARE, DAY CARE AND 24-HOUR CHILD CARE FACILITIES].

\*\*\*      \*\*\*      \*\*\*

e.      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.

\*\*\* \*\*

(GAAB 21.05.050J.; 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 18.** 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:**

\*\*\* \*\*

g. 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.

\*\*\* \*\*

k. **Child 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[12].      Libraries and museums with a gross floor area greater than 30,000 square feet [FAMILY CARE, FAMILY RESIDENTIAL CARE, DAY CARE AND 24-HOUR CHILD CARE FACILITIES].

12[13].      Liquor stores, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with section 21.50.160.

13[14].      Auditoriums.

14[15].      Type 1, 2, 3, or 4 community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.

15[16].      Correctional community residential centers.

\*\*\*      \*\*\*      \*\*\*

(GAAB 21.05.050W.; 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 19.**      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:

\*\*\*      \*\*\*      \*\*\*

h.      Child care facilities [FAMILY CARE, FAMILY RESIDENTIAL CARE, DAY CARE AND 24-HOUR CHILD CARE FACILITIES].

\*\*\*      \*\*\*      \*\*\*

k.      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.

\*\*\*      \*\*\*      \*\*\*

(GAAB 21.05.050Y.; 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 20.** 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:

\*\*\*      \*\*\*      \*\*\*

e. Child care facilities [FAMILY RESIDENTIAL CARE, DAY CARE AND 24-HOUR CHILD CARE FACILITIES].

\*\*\*      \*\*\*      \*\*\*

n. 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.

\*\*\*      \*\*\*      \*\*\*

(GAAB 21.05.050X.; 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 21.** 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:

\*\*\*      \*\*\*      \*\*\*

f.      Child care facilities [FAMILY RESIDENTIAL CARE, DAY CARE AND 24-HOUR CHILD CARE FACILITIES].

g.      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.

\*\*\*      \*\*\*      \*\*\*

(GAAB 21.05.050M.; 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 22.** 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:

\*\*\* \*\*

zz. Child care facilities. [FAMILY RESIDENTIAL CARE, DAY CARE AND 24-HOUR CHILD CARE FACILITIES].

aaa. 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

\*\*\* \*\*

(GAAB 21.05.050N.; 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 23.** Anchorage Municipal Code section 21.40.200 is hereby amended to read as follows  
(the remainder of the section is not affected and therefore is not set out):

**21.40.200 I-1 light industrial district.**

\*\*\* \*\*

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

1. Commercial uses:

\*\*\* \*\*

vv[WW]. Private clubs and lodges. Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted by conditional use only [DAY CARE AND 24-HOUR CHILD CARE FACILITIES (EXCEPT RESIDENTIAL)].

ww[XX]. Veterinarian clinics and boarding kennels, provided that such activity shall be conducted within a completely enclosed

building, except that outdoor exercise yards accessory to such uses may be permitted.

xx[YY]. Motion picture theaters.

yy[ZZ]. 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.

zz[AAA]. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.

aaa[BBB]. Snow disposal sites subject to the conditional use standards for snow disposal sites and an annual administrative permit.

bbb[CCC]. Radio and television studios.

ccc[DDD]. Unlicensed nightclub, provided such nightclub conforms to the requirements of Section 21.45.245.

ddd[EEE]. Large retail establishment, subject to public hearing site plan review.

\*\*\* \*\*

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

\*\*\* \*\*

14. Child care facilities.

\*\*\* \*\*

(GAAB 21.05.050O.; AO No. 77-355; AO No. 79-95; AO No. 81-67(S); AO No. 82-105; AO No. 84-57; AO No. 85-91, 10-1-85; AO No. 85-95; AO No. 86-50; AO No. 86-90; AO No. 87-32; AO No. 88-147(S-2); AO No. 90-50(S); AO No. 92-114; AO No. 95-68(S-1), § 11, 8-8-95; AO No. 95-76, § 1, 4-4-95; AO No. 95-194, § 1, 1-2-96; AO No. 98-160, § 9, 12-8-98; AO No. 98-173, § 5, 11-3-98; AO No. 99-62, § 24, 5-11-99; AO No. 2001-80, § 8, 5-8-01; AO No. 2004-5, § 1, 1-20-04; AO. No. 2004-108(S), § 5, 10-26-04)

**Section 24.** 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.      Child care facilities.

\*\*\*      \*\*\*      \*\*\*

(GAAB 21.05.050P.; 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 25.** 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.      Child care facilities.

\*\*\*      \*\*\*      \*\*\*

(GAAB 21.05.050Q; 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 26.** 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.      Child care facilities.

\*\*\*      \*\*\*      \*\*\*

(GAAB 21.05.050S.; 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 27.** Anchorage Municipal Code section 21.45.035 is amended to read as follows (the remainder of the section is not affected and therefore is not set out.):

**21.45.035**      **Accessory dwelling units (ADU's).**

\*\*\*      \*\*\*      \*\*\*

C.      Requirements. All ADUs shall meet the following requirements:

\*\*\*      \*\*\*      \*\*\*

2.      Requirements for developing an ADU.

\*\*\*      \*\*\*      \*\*\*

d.      Uses.

1.      An ADU shall not be permitted on any lot with a bed and breakfast or child care facility[, day care, or family residential care].

\*\*\*      \*\*\*      \*\*\*

(AO No. 2003-97, § 2, 9-30-03)

**Section 28.**      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.**

\*\*\*      \*\*\*      \*\*\*

U.      Child care facilities.

1.      Child care facilities with one through eight children [FAMILY CARE]. No additional parking is required above the dwelling requirement.
2.      Child care facilities with nine through fifteen children [FAMILY RESIDENTIAL CARE]. One space above the dwelling requirement is required for establishments with [MORE THAN] 9 through 15 children.
3.      [PRESCHOOL, DAY CARE OR] Child care facility with more than 15 children [24-HOUR]. One space is required per 400 square feet gross building area, and one additional space, reserved for pickup and delivery of children, per 800 square feet of gross building area.

\*\*\*      \*\*\*      \*\*\*

(GAAB 21.05.060G.; 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 29.** Anchorage Municipal Code section 21.45.180, including the inset tables, is hereby repealed in its entirety:

**21.45.180 [CHILD CARE SERVICES.]**

[DAY CARE AND 24-HOUR CHILD CARE FACILITIES SHALL COMPLY WITH THE FOLLOWING STANDARDS:

- A. YARD AREA. THERE SHALL BE A CONTIGUOUS USABLE YARD PROVIDED, WHICH SHALL BE AT LEAST 20 FEET WIDE AT ALL POINTS. AT LEAST 75 SQUARE FEET PER CHILD SHALL BE PROVIDED FOR FACILITIES SERVING 30 CHILDREN OR LESS; ALL OTHER DAY CARE SERVICES AND 24-HOUR CHILD CARE FACILITIES SHALL PROVIDE SIMILAR USABLE YARD AREA AS MAY BE REQUIRED FOR APPROVAL BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.
- B. CHILD CARE MATRIX. CHILD CARE FACILITIES SHALL CONFORM TO THE FOLLOWING REQUIREMENTS:

TABLE INSET:

	Family Care	Family Residential Care	Day Care	Day Care	Child Care Facility, 24-hour
Maximum number of children		10	30	No limit	No limit
Maximum number of hours of operation		24	18	18	24
Babysitting	No	Yes	Yes	Yes	
Educational	Yes	Yes	Yes	Yes	
Social program	Yes	Yes	Yes	Yes	
Zoning districts:					
R-1/R-1A single- family	P	P	CU	CU	NP
R-2A/R-2D duplex	P	P	CU	CU	NP
R-2M multiple-family	P	P	*	*	CU
R-3 multiple-family	P	P	P	P	CU
R-4 multiple-family	P	P	P	P	CU
R-5/R-5A rural residential	P	P	CU	NP	NP
R-6 suburban residential	P	P	CU	CU	CU
R-7 intermediate residential	P	P	CU	NP	NP
R-8 rural residential	P	P	CU	CU	CU
R-9 rural residential	P	P	CU	CU	CU
R-O residential office	P	P	P	P	P
B-1A neighborhood business	P	P	P	P	P
B-2A, B, C central business district	P	P	P	P	P
B-3 general business	P	P	P	P	P
B-4 rural business	P	P	P	P	P
I-1 light industrial	NP	NP	P	P	P

I-2 heavy industrial	NP	NP	P	P	P
T transition	P	P	P	P	P
MC marine commercial	NP	NP	NP	NP	NP
MI marine industrial	NP	NP	NP	NP	NP

TABLE INSET:

P	=	Permitted principal use.
CU	=	Conditional use; requires public hearing.
NP	=	Not permitted. The use is prohibited in this zone.
*R-2M	=	If the lot is greater than 14,000 square feet it is a permitted use.

NOTWITHSTANDING SECTION 21.15.010, NO PART OF THE CHILD CARE MATRIX STATED IN THIS SECTION MAY BE THE SUBJECT OF A VARIANCE.]

(AO No. 81-67(S); AO No. 83-52; AO No. 85-8; AO No. 85-18; AO No. 85-23; AO No. 85-187; AO No. 91-90(S))

**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 child care facilities with eight (8) or fewer children.

\*\*\*      \*\*\*      \*\*\*

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

**Section 31.** Anchorage Municipal Code section 21.45.240 is hereby amended to read as follows  
(the remainder of the section is not affected and therefore is not set out):

**21.45. 240**      **Location of premises where children are not allowed.**

\*\*\*      \*\*\*      \*\*\*

- B. Minimum distance from certain uses. Except as provided in subsection C of this section, permitted principal uses, accessory uses or conditional uses that are prohibited by law from having minors or unaccompanied minors on the premises for reasons other than sale of liquor shall be located so that all portions of the lot on which the use is located shall be 1,000 feet or more from the property line of:

\*\*\*      \*\*\*      \*\*\*

8. Child care facilities [TWENTY-FOUR-HOUR CHILD CARE FACILITIES



OR DAY CARE]; or

\*\*\* \*\*

(AO No. 88-37(S); AO No. 89-131)

*Cross references:* Adult entertainment establishments, license required, restrictions, § 10.40.050; alcoholic beverages, Ch. 10.50.

**Section 32.** Anchorage Municipal Code section 21.45.265 is hereby amended to read as follows  
(the remainder of the section is not affected and therefore is not set out):

**21.45.265 Community and local interest towers.**

A. General provisions:

\*\*\* \*\*

16. Minimum separation distance from protected land uses.

a. A protected land use is defined as follows:

\*\*\* \*\*

3. Child care facilities [STATE LICENSED DAYCARE FACILITIES]; and

\*\*\* \*\*

(AO No. 88-147(S-2); AO No. 99-62, § 33, 5-11-99; AO No. 2000-71(S-3), § 2, 6-27-00)

*Editor's note:* It should be noted §4 of AO No. 2000-71(S-3), provides "The planning and zoning commission shall review the terms of AO No. 2000-71(S-3) and advise the municipal assembly on any revisions required to maintain the effectiveness and intent of the ordinance as the result of changes and technology prior to January 1, 2003. This provision amends Section 38 of AO 99-62."

**Section 33.** Anchorage Municipal Code chapter 21.45 is hereby amended by adding 2 new sections to read as follows (the remainder of the chapter is not affected and therefore is not set out):

**21.45.300 Child care facilities with one through 8 children.**

A. *Intent.* Child care facilities with occupancy of eight (8) children or less are intended to be minor commercial activities and are allowed pursuant to chapter 21.40. A child 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.* A child care facility in the R-3 or R-4 district located in a mobile home park or multi-family structure shall have an occupancy of up to eight (8) children if licensed by DHHS, and no greater than four (4) children if not licensed by DHHS, but may have up to eight (8) children if located in a single family home or duplex in

any R-1 through R-O, B-1A, or B-1B zoning district.

- C. This section shall not apply to any use continuing as a lawful conditional use at the time of adoption of this section.
- D. Yard requirements for licensed child care facilities will be determined by the Department of Health and Human Services. Exempt child care facilities, as per chapter 16.55, are not required to meet the yard requirements.

**21.45.310**      **Child care facilities with 9 or more children.**

- A. *Intent.* The standards in this section shall apply to child care facilities where the facility serves, or is designed or proposed to serve, nine (9) or more children.
- B. A child care facility in the R-3 or R-4 district located in a mobile home park or multi-family structure shall have an occupancy of up to eight (8) children if licensed by DHHS, and no greater than four (4) children if not licensed by DHHS, but may have up to eight (8) children if located in a single family home or duplex in any R-1 through R-O, B-1A, or B-1B zoning district.
- C. *Traffic access.* The site shall provide for direct access from a street constructed to urban standards.
- 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. If the method described in section 21.45.200 is applied, the play yard surfacing for a child care facility, as prescribed by Department of Health and Human Services, may be located within this area.
- 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, play yards required for child care, 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 one hundred twenty percent (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. Delivery areas shall be screened from adjacent residential areas by a buffer landscaping, or a fence no less than six feet (6') 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 child care facility with nine (9) or more children, 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.

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

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

**Section 34.** Anchorage Municipal Code section 21.50.150 is hereby amended by adding a new section to read as follows (*the remainder of the section is not affected and therefore is not set out*):

**21.50.150      Conditional use standards - Child care facilities [SERVICES].**

The following requirements shall apply to [DAY CARE AND 24-HOUR] child care facilities, when such facilities are permitted by conditional use:

A. Child care facilities 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 [THE MINIMUM LOT SIZE SHALL BE AT LEAST 10,000 SQUARE FEET].

- 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 [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 AND ENSURE COMPATIBILITY WITH THE NEIGHBORHOOD].
- 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 [PARTICULAR CONSIDERATION SHALL BE GIVEN TO ENSURE THAT A CHILD CARE SERVICES USE DOES NOT CREATE AN UNDUE BURDEN TO LOCAL STREETS, OR WATER OR SEWER FACILITIES, WHERE SUCH FACILITIES ARE MAINTAINED PRIVATELY].
- 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.
- E. Required submittals. The following shall be provided with an application:
1. A copy of the application submitted for Municipal or State licensing, as applicable.
  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.

(AO No. 81-67(S); AO No. 85-187)

Cross references: Child care centers, Ch. 16.55.

**Section 35.** 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>Child 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 36.**    This ordinance shall be effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Municipal Clerk

**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2005- 185

Title: AN ORDINANCE AMENDING CHAPTERS 21.35, 21.40, 21.45 AND 21.50 OF THE ANCHORAGE MUNICIPAL CODE REGARDING ZONING DISTRICTS, SUPPLEMENTARY DISTRICT STANDARDS, AND STANDARDS FOR CONDITIONAL USES AND SITE PLANS FOR CHILD CARE FACILITIES, AND AMENDING ANCHORAGE MUNICIPAL CODE SECTION 14.60.030 TO ADD CHILD CARE FACILITY VIOLATIONS TO THE FINE SCHEDULE.  
[Planning and Zoning Commission Case 2003-143, recommendation of approval regarding child care facilities.]

Sponsor: Planning & Zoning Commission  
Preparing Agency: Planning Department  
Others Impacted: Health & Human Services Department

<b>CHANGES IN EXPENDITURES AND REVENUES:</b>		<b>(In Thousands of Dollars)</b>			
	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	
<b>Operating Expenditures</b>					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
<b>TOTAL DIRECT COSTS:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
<b>FUNCTION COST:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
<b>REVENUES:</b>					
<b>CAPITAL:</b>					
<b>POSITIONS: FT/PT and Temp</b>					

**PUBLIC SECTOR ECONOMIC EFFECTS:**

Approval of this ordinance should have no significant impact on the public sector. It clarifies the locations and requirements for child care facilities in relation to Titles 16 and 21.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

Approval of this ordinance should have no significant economic impact on the private sector. It clarifies the locations and requirements for child care facilities in relation to Titles 16 and 21.

Prepared by: Jerry T. Weaver Jr., Zoning Administrator Telephone: 343-7939



## MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 882 -2005

**Meeting Date:** December 13, 2005

**From:** MAYOR

**Subject:** AN ORDINANCE AMENDING CHAPTERS 21.35, 21.40, 21.45 AND 21.50 OF THE ANCHORAGE MUNICIPAL CODE REGARDING ZONING DISTRICTS, SUPPLEMENTARY DISTRICT STANDARDS, AND STANDARDS FOR CONDITIONAL USES AND SITE PLANS FOR CHILD CARE FACILITIES, AND AMENDING ANCHORAGE MUNICIPAL CODE SECTION 14.60.030 TO ADD CHILD CARE FACILITY VIOLATIONS TO THE FINE SCHEDULE.

In 2001, a task force was appointed by the Municipality to respond to the land use issues surrounding residential care (assisted living) facilities, which included a review of related adult care, child care, and health care 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 to review areas of concern. The objective was to work toward a consensus on changes to the Municipal Code regarding these related land uses.

The Planning and Zoning Commission reviewed this ordinance amendment as part of a larger ordinance which included amendments to residential care and health care facilities, child care facilities and roof-mounted satellite dishes. As child care is included in many zoning districts, this one issue was separated from the larger original ordinance to avoid confusion. This ordinance only makes changes for child care facilities.

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. The major issue regarding child care was to ensure that Title 21 correlates with the recent changes to Title 16 requirements which DHHS administers. Previously, there had been conflicts between the many types of child care uses in Title 21 versus Title 16, as well as conflicts in requirements for outdoor play area between the two codes. 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 meshes with Title 16 requirements. The changes included simplifying definitions, and permitting child care in all residential, commercial, and light industrial zoning districts to bring the code up to date.



1 In a final technical review of the ordinance, it was noted that minor references to types of child  
2 care facilities needed to also be amended. It has been determined that these changes were clearly  
3 intended by the Commission, and have no impact on the affect of the ordinance. These changes,  
4 including references to day care in churches, types of child care in accessory uses, and use name  
5 changes for child care references in transmission towers and unlicensed night clubs for  
6 separation distances have been included in the ordinance. The Planning and Zoning Commission  
7 recommend approval of the ordinance changes.

8  
9 THE ADMINISTRATION RECOMMENDS APPROVAL OF THE PROPOSED ORDINANCE  
10 AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 21.35, 21.40, 21.45 AND 21.50,  
11 AS APPROVED BY THE PLANNING AND ZONING COMMISSION.  
12

13 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department  
14 Concur: Tom Nelson, Director, Planning Department  
15 Concur: Mary Jane Michaels, Executive Director,  
16 Office of Economic and Community Development  
17 Concur: Denis C. LeBlanc, Municipal Manager  
18 Respectfully submitted, Mark Begich, Mayor  
19

# Content Information

**Content ID :** 003472

**Type:** Ordinance - AO

AN ORDINANCE AMENDING CHAPTERS 21.35, 21.40, 21.45 AND 21.50 OF THE ANCHORAGE MUNICIPAL CODE REGARDING

**Title:** ZONING DISTRICTS, SUPPLEMENTARY DISTRICT STANDARDS, AND STANDARDS FOR CONDITIONAL USES AND SITE PLANS FOR CHILD CARE FACILITIES, AND AMENDING ANCHORAGE

**Author:** curtiscr2

**Initiating Dept:** Planning

**Review Depts:** HHS

AN ORDINANCE AMENDING CHAPTERS 21.35, 21.40, 21.45 AND 21.50 OF THE ANCHORAGE MUNICIPAL CODE REGARDING

**Description:** ZONING DISTRICTS, SUPPLEMENTARY DISTRICT STANDARDS, AND STANDARDS FOR CONDITIONAL USES AND SITE PLANS FOR CHILD CARE FACILITIES

**Keywords:**

**Date Prepared:** 11/4/05 1:19 PM

**Director Name:** Tom Nelson

**Assembly**

**Meeting Date** 12/13/05

**MM/DD/YY:**

**Public Hearing**

**Date** 1/10/06

**MM/DD/YY:**

## Workflow History

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOrdinanceWorkflow	11/4/05 1:26 PM	Checkin	weaverjt	Public	003472
Planning_SubWorkflow	11/4/05 4:03 PM	Approve	nelsontp	Public	003472
ECD_SubWorkflow	11/7/05 12:07 PM	Approve	thomasm	Public	003472
AllOrdinanceWorkflow	11/15/05 8:34 AM	Reject	wooleybk	Public	003472
AllOrdinanceWorkflow	11/15/05 10:54 AM	Checkin	weaverjt	Public	003472
Planning_SubWorkflow	11/16/05 5:26 PM	Approve	nelsontp	Public	003472
ECD_SubWorkflow	11/17/05 10:41 AM	Approve	thomasm	Public	003472
HHS_SubWorkflow	11/21/05 3:49 PM	Approve	wooleybk	Public	003472
OMB_SubWorkflow	11/23/05 12:33 PM	Approve	mitsonjl	Public	003472
Legal_SubWorkflow	11/29/05 11:28 AM	Approve	fehlenrl	Public	003472
MuniManager_SubWorkflow	12/1/05 5:17 PM	Approve	leblancdc	Public	003472
MuniMgrCoord_SubWorkflow	12/1/05 5:28 PM	Checkin	curtiscr2	Public	003472
MuniMgrCoord_SubWorkflow	12/2/05 12:05 PM	Approve	abbottmk	Public	003472

**MUNICIPALITY OF ANCHORAGE**  
**PLANNING AND ZONING COMMISSION RESOLUTION NO. 2005-016**

A RESOLUTION RECOMMENDING APPROVAL TO THE ASSEMBLY OF AN ORDINANCE AMENDING CHAPTERS 21.35, 21.40, 21.45 AND 21.50 OF THE ANCHORAGE MUNICIPAL CODE REGARDING AND CLARIFYING ADMINISTRATIVE PROCEDURES AND PROVIDING DEFINITIONS FOR ADULT CARE FACILITIES, RESIDENTIAL CARE FACILITIES, ASSISTED LIVING FOR DISABILITY OR HANDICAP, HOSPITALS, NURSING FACILITIES, NURSING HOMES, TRANSITIONAL LIVING, HEALTH CARE FACILITIES, HEALTH SERVICES, CHILD CARE FACILITIES, QUASI-INSTITUTIONAL USES, LARGE AND SMALL RESIDENTIAL CARE FACILITIES, TRANSITIONAL LIVING FACILITIES, AMENDING ZONING DISTRICTS, SUPPLEMENTARY DISTRICT STANDARDS, AND STANDARDS FOR CONDITIONAL USES AND SITE PLANS, DELETING ZONING AND CONDITIONAL USE PROVISIONS RELATED TO ROOF-MOUNTED SATELLITE DISHES, AMENDING ANCHORAGE MUNICIPAL CODE SECTION 14.60.030 TO ADD VARIOUS CARE FACILITIES VIOLATIONS TO THE FINE SCHEDULE, AND OTHER RELATED MATTERS.

(Case 2003-143)

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WHEREAS, a request has been received from the Municipality to address residential care facilities, and related housing, health services and facilities, and

WHEREAS, a public hearing was held on April 4, 2005.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Planning and Zoning Commission that:

A. The Commission makes the following findings of fact:

1. Over the past four years, there has been an increased interest in developing new, smaller residential care facilities due to demand and various State programs. The Department has identified approximately 200 such facilities. Maps of identified sites are attached in the staff packet. These facilities are generally located in single-family residences throughout the community. There has also been a rise in the number of complaints regarding some of these facilities in residential areas. This revised ordinance recognizes these smaller facilities, and brings the land use code up to date with changes in State and Federal regulations for Fair Housing, child care, and other residentially-based health care facilities.
2. In 2001, a task force was appointed by the Municipality to respond to the land use issues surrounding adult residential care (assisted living) facilities. Staff from the Departments of Planning, Development Services, Health and Human Services, and the Municipal Attorney's Office, met with representatives from the State Department of Health and Social Services to review areas of concern and to work towards a consensus on changes to Municipal Code regarding this land use. The Departments of Planning, Health and Human Services, the Municipal Attorney's Office and the assisted living providers have since worked together to produce this draft ordinance.

3. The original draft ordinance was heard by the Commission on February 2, 2004. In response to testimony by the public, most of which was in regard to changes to the child care regulations, the Commission closed the hearing at the end of testimony and requested staff to arrange for a work session prior to bringing the ordinance back to them under old business. The Commission directed staff to also identify and outline the major concerns presented during the hearing for that work session. Since that time, the Planning Department has worked with DHHS and the Fire Department, and has met with assisted living providers and other interested parties regarding both this ordinance and assisted living issues in general. The major issues presented, regarding child care amendments were: uses in mobile homes, lot size requirements, landscaping, and the number of children allowed in residential districts in a child-care facility as a by-right use. All of the child care issues have been resolved with DHHS.
4. In response to the child care concerns, the Department has taken the following action:
  - Collaboration with DHHS Child and Adult Care Division to ensure that the ordinance dovetails with Title 16 and State requirements, and current licensing regulations.
5. The major issue regarding residential care is whether or not the proposed ordinance impacted groups currently considered "families." Other issues were facilities such as Oxford House, families as defined by the Fair Housing Act, 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.
6. In response to these concerns expressed by the assisted living providers and regulators, the ordinance has been revised with input from the following:
  - Review by the Municipal Attorney's Office regarding the ordinance, and especially definitions and use requirements, to ensure compliance with the Fair Housing Act and other Federal and State regulations and interpretations.
  - Meetings with assisted living care providers, emergency personnel, and community members, who provided input with their concerns in relation to the Fair Housing Act.
  - In the original meetings with care providers, the Fire Department and Building Safety suggested the requirement for biennial permits. The users objected to the original language for biennial permits as being overly intrusive. These smaller facilities are not proposed to be regulated by this ordinance, other than the requirement to comply with Fire codes. All structures must comply with fire regulations, regardless of occupancy type. These smaller facilities are permitted as a by-right use in residential zoning districts with an occupancy of up to 8 residents.

7. The ordinance has been restructured to allow "small residential care facilities," with occupancy of 8 and under, as a permitted use in all residential districts, with allowance for use in multi-family settings, as well. Larger facilities will be permitted as a conditional uses in the lower density districts, where health care facilities and similar uses are allowed, and as permitted uses in the higher density zoning districts.
8. This final draft AO has undergone intensive scrutiny and collaboration and is now structured to ensure the draft ordinance will be able to effectively meet the needs of the various providers and be in compliance with the Fair Housing Act, while providing protections for residents of the facilities and for neighborhoods where facilities may operate.
9. 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 and not considered true quasi-institutional uses, the ordinance has been amended to allow these facilities in the R-3 and R-4 zoning districts as conditional uses and as by-right uses in the R-O, B-2A, B-2B, B-2C and B-3 zoning districts.
10. Over the last year it was noted that the roof-mounted satellite dish provisions were contrary to federal law and currently unenforceable. This provision requires conditional use approval of roof mounted satellite dishes greater than one meter in diameter on residential structures or structures accessory to a residential use. As this ordinance is addressing all zoning districts, the Legal Department recommended the zoning and conditional use provisions for these dishes be deleted at this time.
11. During the public hearing, several amendments were requested to the ordinance, three by the Planning Department, and two from the public. The Department noted that DHHS Childcare has offered comments that have been provided to the Commission this evening to amend the definition of child care to ensure that providers realize this cannot be considered a home occupation under the zoning regulations; and to include a requirement for outdoor yard area for small childcare facilities. The Department also noted that the parking standards contained in Section 30, which are the regulations for large residential care facilities, would result in a very high number of parking spaces. Staff is recommending changing this section to that similar for elderly and disabled, which would currently be used for these facilities.
12. Amendments recommended by the public, who were members of the subcommittee, were to Sections 12 and 13 to include large residential care facilities as conditional uses in the R-6 and R-7 districts. Many members of the subcommittee would like these to be conditional uses in the R-6 and R-7 zoning districts and allow the Commission to review proposals on a case-by-case basis. The second request was to amend Section 33, 21.45.310 to eliminate D3a, the 15,000 square foot minimum lot size for adult care facility or large residential care facility with populations of 9-16 persons. It was felt by some subcommittee members that it was an arbitrary number, and that

other requirements of the code for site improvements will determine the size of the lot.

13. Testimony was received from a Community Council representative primarily regarding concerns that the number of residents allowed as a permitted use in residential districts was too high and not based on average neighborhood household density, and voiced concerns regarding on-site systems, especially septic systems, with the allowance for up to 8 residents as a permitted use.
14. The Commission, after closing the public hearing, entertained several motions, along with the main motion for approval of the ordinance. Several amendments were proposed, which failed. These were to require waste containment either in inside secure indoor storage or in a dumpster; to change the definition of "small residential care" from the current "8 or fewer" to "5 or fewer total residents and staff" in those residential zones where there was a primary concern with on-site systems and the terrain and the ability, therefore, of those sites to accommodate the larger wastewater generated; and to require an annual field inspection verification of on-site septic to ensure capacity based on the maximum number of residents and caregivers and factoring in the 24-hour use as a healthcare facility. Another failed amendment was to allow residential care facilities only on sites served by on-site sewer and water and publicly maintained roads, but that amendment died due to lack of a second. The purpose of these amendments were to ensure that waste does not become an attractive nuisance for wildlife, and regarding the number of residents and on-site reviews, the finding was that the capacity of 8 residents is arbitrary and not based on the health concern of septic systems, and that this is a concern for those who depend on groundwater due to potential contamination without follow-up on-site inspections of the systems.
15. The Commission found, regarding the failed amendments, that the author of the code was not trying to reach a statistical average in terms of the number of beds, they were trying to meet the requirements to not discriminate and to arrive at a number that did not, on its surface, impact neighborhoods, and found that the figure of 8 was a consensus as opposed to a statistical average. The Commission further found that on-site systems is a programmatic issue. There may be administrative regulations necessary to enforce 15.65, but this body is charged with dealing with land use issues. The Commission also found that hazardous trash can result from any number of residential or non-residential uses, and that it is a programmatic issue dealt with by the licensing agency, and is inappropriately addressed through land use provisions.
16. The Commission entertained further motions for amendments, which were approved. These were regarding those requested by DHHS regarding childcare for the definition and regarding outdoor play area, those requested by the 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.

17. The Commission finds that the DHHS amendments are self-explanatory and referenced staff's explanation of the parking requirement as appropriate.
18. The Commission's findings incorporated the comments made during the hearing that the other requirements in the code, such as those for parking, lot coverage, setbacks, etc. will determine the size of the lot, and that the 15,000 square foot figure for residential care facilities of 9-16 persons is relatively arbitrary.
19. The Commission finds that on-site systems are a programmatic issue, and that there may be administrative regulations necessary to enforce 15.65, but this body is charged with dealing with land use issues.
20. The Commission finds that there is a recognition of the concern behind the earlier motion for annual on-site inspections of septic systems for all residential care facilities, and thought there were areas in the ordinance where a compromise could be reached to address these concerns. The Commission noted that there are no requirements in Title 21 dealing with annual septic system inspections. The Commission finds that if there is a problem with on-site systems, it should be addressed more globally, but finds that for the larger facilities permitted by conditional use should have an annual inspection if they have on-site septic.
21. The Commission finds that this ordinance is about people living in houses, not institutions. The Commission noted there are less than 300 assisted living homes in the municipality at this time, and did not see that there would be a large concentration in any one area or that there would be a greater number of these facilities built if this ordinance is adopted. The Commission further finds with regard to water usage, which could be substantial usage by a typical family, and finds that ADEC should be allowed to do their job with on-site system reviews. The Commission further finds that the protection that exists with respect to assisted living homes is the programmatic oversight, which does not exist for typical residential uses.
22. The Commission finds that it has a strong concern with the Municipality running afoul of the Fair Housing Act by imposing additional requirements on assisted living facilities that would not be imposed on other single-family homes.
23. The Commission finds that the shift from 5 residents in the previous ordinance that came to the Commission to 8 residents that is recommended now had a legal basis in terms of the Federal Fair Housing Act requirements. The Commission finds that comments about running afoul of the Act is being seriously considered by the Commission. The Commission further finds that this ordinance addresses planning issues as well as legal and societal requirements that impose the principal duty not to discriminate against people based upon their needs.

24. The Commission finds that the issue of septic overburdening or well water contamination does not have to be a broad problem to be an issue, and that the issue of septic overburdening does not need to be widespread to be a concern of the Commission. In regards to requiring on-site system reviews for larger facilities, the Commission finds that if wells in the area are affected or an assisted living facility with 8 people has to be shut down because there are no alternative septic sites, which is a human impact for which the Commission is responsible. Secondly, with regard to the Federal Fair Housing Act, Staff did not say there is a fixed number the Act falls back on in terms of facility size. Staff indicated that cities across the country either have no average density or that it is varied, but that Municipal staff believes 8 is legally defensible; some members of the committee have indicated the number is 12 set and there is a Supreme Court case regarding that. The municipal Department of Law feels there is some flexibility, so the number has been set at 8.
25. The Commission findings included comments that one Commissioner was raised in a house with 7 children and 2 adults in a location where parking was scarce and traffic is high, and that a family member still lives in that home and has medical issues that require an ambulance to come to that house approximately monthly. The Commission noted it could imagine that neighbors on that street might have objected to a family of that size and composition living in that house with the strain it put on the street, and that, on a human level, putting the issue in this perspective might help provide an example of the Commission's findings regarding capacity for a residential care home.
26. The Commission finds that it has concerns about water quality throughout the community, not just in large lot zoning districts. The Commission further finds that there were adequate mechanisms and agencies in place to monitor on-site related issues.
27. The Commission finds that any concern about septic and wells would be considered on a case-by-case basis and on a land use basis, which makes more sense given the unique balancing of land use issues with the rights of persons with disabilities. The Commission finds that concerns that might arise by the lack of specific requirements with respect to on-site systems should be allayed by the fact there will be a reviewing body, as the requirements recommended by the Commission is for annual on-site system reviews for large facilities, which require a conditional use approval in most single-family oriented residential districts.
28. The Commission further finds that a conditional use is not a by-right use. Each application will need to stand on its own merits and prove it will not pose harm to the community. The Commission has great power in terms of what it can require the petitioner provide to demonstrate that.
29. The Commission finds that the Commission often talks about balancing impacts and "impacts" often becomes code for the word "nuisance." The Commission finds that people who live in assisted living homes are simply people living in homes. The Commission supported the opportunity to



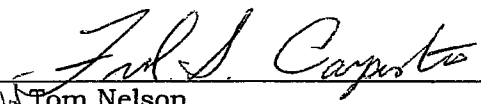
embrace this ordinance and was glad to hear that Anchorage is considered progressive in this effort.

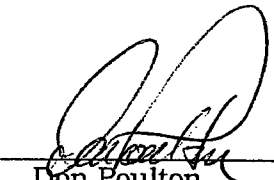
30. The Commission finds that the modifications made to the ordinance have clarified intent and support the rights of persons with disabilities.
31. The Commission finds that the ordinance would bring the Municipality in compliance with the Federal Fair Housing Act and it has the support of Policies #61 and #62 of Anchorage 2020, which are requirements to promote the availability of supportive housing opportunities for the homeless and for persons with special needs, as well as distributing throughout the Municipality residential facilities that are supported by government agencies and operated for health, social services, and correctional purposes.
32. The Commission finds that this ordinance becomes a framework to protect many interests. The Commission sometimes sees certain groups exploit absences in ordinances and others use words in the ordinances as weapons; the subtext is sometimes left unsaid. The Commission incorporates in its findings a statement said during public testimony about people raising what appear to be land use issues when in fact the issue has more to do with who they want to be their neighbors. The Commission finds that this ordinance protects people's right to live where they want to live as a family.
33. The Commission thanked those who testified on this ordinance and the subcommittee that has been working for 1.5 years to develop a reasonable and well-rounded ordinance.
34. The Commission finds that the ordinance is well thought out, it has enjoyed the participation of the relevant parties, and all parties have expressed their issues and concerns, which were embodied in the final document before the Commission. The Commission noted that, although the Commission is charged with addressing land use issues, it is sometimes difficult to separate land use issues from programmatic issues. The Commission further finds that the ordinance also supports the programmatic efforts that are necessary to ensure that assisted living homes operate properly for their residents.
35. Opposition finds that it was not indicating there are undesirable impacts other than septic overflow and well water contamination. Opposition clarified that it was not characterizing assisted living or healthcare facilities as a nuisance use, and finds it was wonderful that people have the ability to live with families and to choose from a variety of neighborhoods. Opposition finds, however, that the Commission has the responsibility to ensure sustainable, efficient, long-term land uses that do not create a negative environmental impact, particularly one that affects human health or property value.
36. Opposition finds that the Staff analysis states that if a use is institutional or commercial in nature, as with childcare and healthcare facilities, the capacity rates are calculated much differently and require more capacity. State licensing has indicated that the State uses a per bedroom figure, and had not heard from Staff that the concern with higher septic generated has been adequately addressed. Opposition finds that it was unlikely that most septic

systems in traditional residential uses support 8 full-time 24-hour residents, and finds that was not intuitive. Opposition noted that Staff has acknowledged that traffic patterns are different in a standard residential home with teenagers coming and going, so they are not at the residence all the time using the septic in the same way as full-time residents who have less mobility and may be at the residence more often.

37. Opposition finds that the language, as proposed would create a loophole that makes vulnerable neighborhoods where septic systems are used and where groundwater is drawn from lower strata than the septic systems. Opposition further finds that there is a pattern of septic system failure across the Hillside, and that there is also a pattern of higher nitrate levels in well water across the Hillside. Opposition noted that some areas will eventually have public water and sewer and, at that time, they could quite easily accommodate higher density residential care facilities, and finds that the Commission has the responsibility to ensure the land use does not adversely impact adjoining land uses, property value, and health.
38. The Planning and Zoning Commission recommends approval to the Assembly of the above referenced ordinance, with a vote of 7 in favor, 1 against.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission this 4<sup>th</sup> day of April, 2005.

  
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Tom Nelson  
Director

  
\_\_\_\_\_  
Don Foulton  
Chair

(Case 2003-143)

ac

**MUNICIPALITY OF ANCHORAGE**  
**MEMORANDUM**  
**Planning Department**

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DATE: April 4, 2005  
 TO: Planning and Zoning Commission  
 THRU: *TN* Tom Nelson, Director  
 THRU: Jerry T. Weaver, Jr., Zoning Division Administrator *Muston for J. Weaver*  
 FROM: *AC* Angela C. Chambers, AICP, Senior Planner  
 SUBJECT: Health Care Ordinance Update (PZC Case 2003-143)

Over the past four years, there has been an increased interest in developing new, smaller residential care facilities due to demand and various State programs. The Department has identified approximately 200 such facilities. Maps of identified sites are attached in the staff packet. These facilities are generally located in single-family residences throughout the community. There has also been a rise in the number of complaints regarding some of these facilities in residential areas. This revised ordinance recognizes these smaller facilities, and brings the land use code up to date with changes in State and Federal regulations for Fair Housing, child care, 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 adult residential care (assisted living) facilities. Staff from the Departments of Planning, Development Services, Health and Human Services, and the Municipal Attorney's Office, met with representatives from the State Department of Health and Social Services to review areas of concern and to work towards a consensus on changes to Municipal Code regarding this land use. The Departments of Planning, Health and Human Services, the Municipal Attorney's Office and the assisted living providers have since worked together to produce this draft ordinance.

The original draft ordinance was heard by the Commission on February 2, 2004. In response to testimony by the public, most of which was in regard to changes to the child care regulations, the Commission closed the hearing at the end of testimony and requested staff to arrange for a work session prior to bringing the ordinance back to them under old business. The Commission directed staff to also identify and outline the major concerns presented during the hearing for that work session. Since that time, the Planning Department has worked with DHHS and the Fire Department, and has met with assisted living providers and other interested parties regarding both this ordinance and assisted living issues in general. The major issues presented, regarding child care amendments were: uses in mobile homes, lot size requirements, landscaping, and the

number of children allowed in residential districts in a child-care facility as a by-right use. All of the child care issues have been resolved with DHHS.

In response to the child care concerns, the Department has taken the following action:

- Collaboration with DHHS Child and Adult Care Division to ensure that the ordinance dovetails with Title 16 and State requirements, and current licensing regulations.

The major issue regarding residential care is whether or not the proposed ordinance impacted groups currently considered "families." Other issues were facilities such as Oxford House, families as defined by the Fair Housing Act, 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.

In response to these concerns expressed by the assisted living providers and regulators, the ordinance has been revised with input from the following:

- Review by the Municipal Attorney's Office regarding the ordinance, and especially definitions and use requirements, to ensure compliance with the Fair Housing Act and other Federal and State regulations and interpretations.
- Meetings with assisted living care providers, emergency personnel, and community members, who provided input with their concerns in relation to the Fair Housing Act.
- In the original meetings with care providers, the Fire Department and Building Safety suggested the requirement for biennial permits. The users objected to the original language for biennial permits as being overly intrusive. These smaller facilities are not proposed to be regulated by this ordinance, other than the requirement to comply with Fire codes. All structures must comply with fire regulations, regardless of occupancy type. These smaller facilities are permitted as a by-right use in residential zoning districts with an occupancy of up to 8 residents.

The ordinance has been restructured to allow "small residential care facilities," with occupancy of 8 and under, as a permitted use in all residential districts, with allowance for use in multi-family settings, as well. Larger facilities will be permitted as a conditional uses in the lower density districts, where health care facilities and similar uses are allowed, and as permitted uses in the higher density zoning districts.

This final draft AO has undergone intensive scrutiny and collaboration and is now structured to ensure the draft ordinance will be able to effectively meet the needs of the various providers and be in compliance with the Fair Housing Act, while providing protections for residents of the facilities and for neighborhoods where facilities may operate.

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 and not considered true quasi-institutional uses, the ordinance has been amended to allow these facilities in the R-3 and R-4 zoning districts as conditional uses and as by-right uses in the R-O, B-2A, B-2B, B-2C and B-3 zoning districts. Over the last year it was noted that the roof-mounted satellite dish provisions were contrary to federal law and currently unenforceable. This provision requires conditional use approval of roof mounted satellite dishes greater than one meter in diameter on residential structures or structures accessory to a residential use. As this ordinance is addressing all zoning districts, the Legal Department recommended the zoning and conditional use provisions for these dishes be deleted at this time.

3. **Site/Landscape Plan Approval**
4. **Time Extensions/Expedited Public Hearings; Minor Conditional Use Amendments**
5. **Other**

COMMISSIONER T. JONES moved for approval of the Consent Agenda.

COMMISSIONER G. JONES seconded.

AYE: Pease, T. Jones, Isham, Gibbons, Poulton, G. Jones, Simonian,  
Lottsfeldt

NAY: None

PASSED

COMMISSIONERS G. JONES and LOTTSFELDT abstained in Resolution 2005-008.

**E. UNFINISHED BUSINESS AND ACTIONS ON PUBLIC HEARINGS –**  
None

**F. REGULAR AGENDA -** None

**G. PUBLIC HEARINGS**

1. **2003-143** Municipality of Anchorage. An ordinance amending Title 21 of the Anchorage Municipal Code by adding and clarifying administrative variance procedures; adding definitions pertaining to adult care facilities, residential care facilities, assisted living, disability or handicap, hospital, nursing facilities, nursing homes and transitional living to Section 21.35.020b, Definitions and Rules of Construction; amending the definitions of Health Care Facilities, Health Services and Child Care Facilities in section 21.35.020b; amending the use name of Quasi-Institutional Use in Chapters 21.35, General Provisions and 21.40, Zoning Districts; adding Large and Small Residential Care Facilities and Transitional Living Facilities to Chapter 21.40, Zoning Districts; amending Child Care

Facilities and Health Care Facilities in Chapter 21.40, Zoning Districts; amending Chapters 21.45, Supplementary District Standards and 21.50, Standards for Conditional Uses and Site Plans, pertaining to Adult Care Facilities, Large and Small Residential Care Facilities, Child Care Facilities, and Health Care Facilities; and amending Anchorage Municipal Code of Regulations Section 14.60.030, Fine Schedule, by adding Child and Adult Care and Large Large and Small Residential Care Facilities and Transitional Living Facilities

Staff member ANGELA CHAMBERS stated this ordinance began in response to assisted living issues and developed into an ordinance that also deals with incongruities in the code and with regulations in Title 16, the Health and Human Services code, regarding childcare. Over the past four years there has been an increased interest in developing new small residential care assisted living facilities. The Department has identified approximately 200 such facilities. The facilities are generally located in single family residences throughout town; most have a capacity of 3-5 residents. There has also been a rise in complaints regarding facilities in residential areas. The revised ordinance recognizes these smaller facilities and brings the code up-to-date with changes in state and federal regulations for Fair Housing, childcare, and other residentially-based healthcare facilities. The ordinance began in 2001 with a task force appointed by the Municipality to respond to land use issues surrounding adult assisted living facilities. Staff from the departments of Planning, Development Services, Health and Human Services, and the municipal Attorney's Office met with representatives of the State Health and Social Services to review the areas of concern. To work toward a consensus on changes to municipal code regarding this use, the ordinance was brought before the Commission in February 2004. In response to testimony from the public, most of which was in regard to changes to the childcare regulations, at the end of the hearing, the Commission asked that Staff arrange a worksession and that Staff do additional work regarding the major concerns with the ordinance. Since that time, Staff has met with Health and Human Services, Fire Department, the State, assisted living providers, and others regarding both this ordinance and assisted living issues in general. The ordinance has been restructured to permit small residential care facilities with occupancy of 8 and under as a permitted use in all residential districts. There are allowances for the use in multi-family settings as well and larger facilities will be permitted as conditional use in the lower density districts where healthcare facilities and similar uses have been permitted in the past. The final draft of the ordinance has

undergone intensive and extensive scrutiny and collaboration and is now structured to ensure it will be able to effectively meet the needs of the various providers and be in compliance with the Fair Housing Act, as well as provide protection for residents and other facilities in the neighborhoods where these facilities may be located. The other changes in the ordinance are structural and are intended to ensure it dovetails with recent changes to Title 16. There is consensus on virtually the entire ordinance, except some particular issues. DHHS Childcare has offered comments that have been provided to the Commission this evening to amend the definition of child care to ensure that providers realize this cannot be considered a home occupation under the zoning regulations; and to include a requirement for outdoor yard area for small childcare facilities. There were also suggested amendments to Sections 12 and 13 to include large residential care facilities as conditional uses in the R-6 and R-7 districts. This is in response to concerns with on-site systems and potential issues with respect to emergency access. Many members of the subcommittee would like these to be conditional uses in the R-6 and R-7 zoning districts and allow the Commission to review proposals on a case-by-case basis. MS. CHAMBERS noted that it was brought to her attention that the parking standards contained in Section 30, which are the regulations for facilities for elderly and disabled, would result in a very high number of parking spaces. Staff is recommending changing this section, as will be offered during public testimony.

COMMISSIONER GIBBONS asked for discussion of the Fair Housing Act requirements that are complied with through this ordinance. MS. CHAMBERS responded that the Law Department has thoroughly reviewed this ordinance. The ordinance has been changed to reflect the fact that the residents of assisted living homes live in a home situation and that their treatment and/or assistance needs does not negate their right to live in a single-family neighborhood as a family. There are no demographic data for Anchorage with respect to the number of residents in a dwelling unit in a neighborhood. The city no longer has a demographer and the Census occurs every 10 years. The issue is what constitutes a family. In order to be enforceable, there was consideration of how many individuals could live in a dwelling unit, some of whom may receive services that come to the home, and when a use becomes an institution and has a significant impact on a neighborhood. The number of residents that do not result in a significant impact is 8 or fewer. The Law Department arrived at this number through significant research and working with the subcommittee.

COMMISSIONER PEASE noted the Staff analysis refers to a statistic of 8.25 vehicle trips per dwelling per day, which she assumed is based on some average family unit size. She asked if there is a basis for school



projections as well. MS. CHAMBERS replied that trip generators are used for certain calculations and those do not change frequently, but they do change over time; these are based on a national average. There are different situations that trigger different requirements, but none are based on the same demographic rationale. In a review of this ordinance, the Department believes these facilities operate at this size similarly to a single family home. She indicated that nearly every city she contacted that has a zoning code related to this type of use used a different figure. COMMISSIONER PEASE asked what is the range or average that other cities use for a by-right use of this type. MS. CHAMBERS replied that some are lower than 8 residents, some are higher, and some do not regulate based on numbers; there is no average number. She added that municipal regulations can not conflict Fair Housing Act requirements.

The public hearing was opened.

BARBARA KRAFT, representing her client, Hope Community Resources, asked that the ordinance be approved with four minor changes. She stated she has been working extensively with the subcommittee to develop an ordinance that addresses the needs of the varied assisted living providers. Hope provides homes for the developmentally disabled, all of which are licensed as assisted living homes under the state licensing regime. They typically have an occupancy of two to three developmentally disabled persons and a caregiver. The intent of Hope is to provide a normal family lifestyle for the residents of these homes. MS. KRAFT noted that the ordinance originally came before the Commission in the Fall of 2003 and she became aware of it shortly thereafter. In the 2003 version of the ordinance the needs of the handicapped, as defined by federal law, were not addressed. In the original version violated the Federal Fair Housing Act by relegating homes for the handicapped to business districts. The Federal Fair Housing Act makes it illegal to discriminate against any person on the basis of handicap, and other categories, in the sale or rental of housing. Moreover, a reasonable accommodation in policies as necessary to allow protected classes to use a dwelling is prohibited. This is why the ordinance has a provision for variance application. Case law has extended violations of the Federal Fair Housing Act to include adoption of zoning ordinances that violate the act. Federal law mandates that the rights of these classes of protected persons include their right to choose where they want to live. This is the same right as that held by a non-handicapped person to choose a dwelling and a neighborhood in which to reside. The focus is not on who owns the building, but rather on who is residing in the building. When this ordinance was brought to the attention of the many entities who provide services to this protected classes of persons, a work group was formed with the intent of bringing the issue to the attention of the Planning Staff and the Administration and help create an ordinance that would comply with the law. Over the past years various providers of services to groups protected by the Federal Fair Housing Act have worked

closely with the Staff at the Planning Department to develop the ordinance. There has been broad participation, but not every provider in town has been involved. With four exceptions arising in Sections 12, 13, 30 and 33, this ordinance meets the needs and desires of the providers in town. Under the current law, the Planning Department had little or no guidance on how to deal with assisted living homes. The revised ordinance provides that guidance. Generally, it enhances the quality of life for Anchorage residents by allowing life in assisted living homes with 8 or fewer residents in zoning districts where single-family homes are allowed; case law under the Federal Fair Housing Act would take that number as high as 12. This allows integration of neighborhoods. A person with a family member who is handicapped, elderly, or otherwise needs care can place that person in a facility that is close to their home, allowing for frequent contact between family members. Further, the revised ordinance restricts licensed assisted living homes with 9 or more residents to locations where similarly dense residences are allowed. A facility of this size may begin to look more like an apartment building or duplex and thus is allowed in those zoning districts. In addition, the revised ordinance promotes family values of safety not only for the other residents in the neighborhood because assisted living homes serve as a kind of Neighborhood Watch, but also for the residents because unlicensed homes are not allowed.

COMMISSIONER SIMONIAN asked if the four exceptions mentioned by Ms. Kraft are encompassed in the amendments produced by Staff. MS. KRAFT indicated the first issue respects parking and she had crafted some language to address that, which she distributed. The next issue addresses Section 12 to include large residential facilities in R-6 neighborhoods as a conditional use. The thought is that an impact on an R-6 neighborhood is very similar to habilitative care facility, which is a conditional use in the R-6 district. The change to Section 13 is the same issue. Section 30 now includes a sentence that states, "Large residential facilities shall meet the requirements of G.3, above" which is the requirement of one parking space for every four beds. She also added a lead-in phrase of "For adult care facilities," to Section 30 and inserted the language of the third sentence of Section 30 to clarify that 080B and 080W.6 apply to both large residential and adult care facilities. The fourth change is to delete the language in to Section 33 that requires large residential care facilities with 9-16 residents to have 15,000 square feet. There are homes operating with this number of residents and the operators, who will testify, can be asked about necessary square footage.

MS. KRAFT indicated a map had been displayed showing the approximately 270 assisted living homes operating in Anchorage.

MS. CHAMBERS stated the Department recommends adopting the changes proposed by DHHS and the change to Section 30. Regarding the changes to Sections 12 and 13 she understood the Department still had concerns with

respect to on-site systems. She indicated that the lot sizes shown in Section 33 are taken from the existing standards for nursing homes. She thought there would be some homes that would not want to go through the administrative variance process. She thought that a slight reduction in the 15,000 square foot requirement would be agreeable to the Department, but she did not believe the Department would agree to eliminate it entirely. She noted that lot coverage and height limitations might address this issue in any case. The intent is to have a larger than 6,000 square foot lot size.

COMMISSIONER PEASE asked the citation number for Section 33. MS. CHAMBERS indicated that Section 33 is an amendment to 21.45.310.D3a.

COMMISSIONER SIMONIAN asked if the administrative variance process would satisfy Ms. Kraft's concern. MS. KRAFT felt that there could be agreement to a lesser size requirement, such as 10,000 square feet. The problem with the variance process is that it creates an opportunity for people not to complain about a particular issue, but to protest the concept of someone living near them that is old, handicapped, or has some other care issue. In the past some requests were denied perhaps based on that sentiments expressed by people who are not open to the concept of having someone different living next door. COMMISSIONER SIMONIAN noted that the variance process has definite standards and, if a request is denied, an appeal process is available. MS. KRAFT indicated she would leave it to the operators of a 9-16 bed facility to address this issue.

COMMISSIONER ISHAM felt that people should have an opportunity to express their concerns about who is living next to them. MS. KRAFT stated that logic only follows to a certain point; the Federal Fair Housing Act protects certain categories of persons. COMMISSIONER ISHAM noted that people should have the right to express other concerns, if they have them. MS. KRAFT indicated this could be done as a part of the conditional use process.

ALLEN WARD, local realtor, stated he is currently a landlord and a neighbor and he has bought and sold properties in the same neighborhood as assisted living homes. He has lived in the same area for nearly 15 years, purchasing his first single family home and then buying a larger home down the street. He turned the previous home into a rental property and one of his best tenants was Hope Community Resources. He found them to be professional and had no greater impact on the area than any other tenant. He then bought a duplex near the facility he rented to Hope and rented that to people with an extended family and then later to an assisted living home operator. Last summer he sold the rental house with no negative ramifications with respect to marketability or any other concerns he might have as a realtor. He stated there is less traffic with an assisted living home than with a large family with teenagers. As a landlord he has no more or less problems than with other tenants, as a neighbor he has had

no more or less concerns than with other neighbors, and as a realtor he has had no problems marketing a property adjacent to an assisted living home.

RICHARD SEVILLE, acting Assisted Living Home Licensing Manager for the State of Alaska, stated that 277 assisted living homes are within the Municipality of Anchorage. Those homes represent 1,490 resident beds. The age of residents varies from 18 to 100 or older. In 1995, AS 47.33 became effective. The State program promotes the establishment of homes that assist adults in becoming integral parts of their community and reaching their highest level of functioning. In addition, the program identifies the services that meet the residents' reasonable wants and needs and provides them with the opportunity to participate, to the fullest extent possible, in the design and implementation of these services. His office is responsible for the monitoring of all licensed homes for compliance with all applicable state regulations and statutes. An annual visit is required to ensure compliance with health and safety standards, including but not limited to currently inspected fire extinguishers, functioning smoke alarms, an appropriate disaster plan including evacuation plans and fire drills, hot water temperature and minimum size requirements for bedrooms, and egress windows. Homes licensed for 6 or more residents must also undergo DEC and fire inspections annually and these inspections can be required for any other home, if found necessary. Homes are required to keep documentation on all employees, which must include a current background check from the State Troopers, current State and FBI fingerprint results, and a current TB test. Homes must also document that their staff have had orientation to the home's policies and emergency procedures, fire safety, residents' rights, universal precautions, biohazards, state regulations and statutes, sanitation, staff duties and responsibilities, medication management and security, physical plant layout, reporting responsibilities, as well as any other policies and procedures of the home. His office is responsible for investigating complaints as well. If a complaint is substantiated, AS 47 allows the home to be sanctioned. Sanctions range from a letter requiring correction to administrative fine up to \$5,000 per violation or revocation of the assisted living home license. He stated that, as a licensing agency, his office consistently sees the assisted living home industry as being good for the community. They provide a safe, home-like environment that fosters independence and individuality. They offer a choice of care and lifestyle often in the community where they have always lived, which allows them easier access to their families.

COMMISSIONER PEASE asked what is DEC's role in inspecting the capacity of on-site water and sewer systems. MR. SEVILLE stated that the statutes require if the home is not on city water or sewer, the septic system must be inspected by an engineer to ensure it meets municipal standards and annual water tests are required if the home uses a well. COMMISSIONER PEASE asked if the statutes require the septic system inspection only if a facility is newly constructed or at the time that a residence is converted to an assisted living use and is that a one-time

or an annual inspection of septic capacity. MR. SEVILLE replied that a one-time engineer's inspection of the septic system is required for all facilities when they are licensed. COMMISSIONER PEASE asked if the septic capacity is calculated any differently for a 24-hour residential use as opposed to the use of a typical group of people who come and go a lot. MR. SEVILLE replied that the septic capacity standards are based on bedroom size.

COMMISSIONER T. JONES asked if part of the staff training is proper procedures for disposing of biomedical waste or is there a requirement for a policy or a plan for that. MR. SEVILLE replied that staff is required to be trained in biohazard disposal and safety. COMMISSIONER PEASE asked if this includes specific requirements for biohazard storage in a secure location within or outside of the building. MR. SEVILLE replied that requirements are based on each individual home's needs. COMMISSIONER PEASE noted that in some areas of the community there are problems with animals disturbing trash stored outside buildings, so she posed this question because biohazard waste is likely to be at these facilities. She asked if there is a requirement to ensure the outside facility is secure. MR. SEVILLE replied that if a home has biomedical waste, there is a requirement that it be disposed of properly.

COMMISSIONER SIMONIAN understood that Ms. Chambers had indicated during this evening's worksession that the licensing entity would send an applicant to Building Safety in order to ensure that municipal policies are being fulfilled. MR. SEVILLE stated that, to his knowledge, his office does not send people to Building Safety.

MS. CHAMBERS explained that people who want to open a new assisted living facility are referred to her and have told her they went through state licensing and were advised to go to the Municipality to ensure they are in conformance. They have also mentioned fire code, so she sends them to Building Safety.

BONNIE MCGREW, client of Hope Community Resources, stated she loves living in her home and in the community. She has a cat and a roommate of whom she is quite fond. She lives with another individual, her caregiver, and her caregiver's husband. She stated that children in the neighborhood are nice to her, they do things for her and she does things for them. She loves living in her home because it is like a real family. Her caregivers always advise her on her safety. There are fire drills and the water temperature is checked when she takes a shower. She is a diabetic and has to give herself shots and her caregivers take her "sharp containers" to a special place for disposal. She stated that without Hope it would be very hard and sad for her. She stated she speaks for herself and she knows other individuals who live in their homes and like them.

CATHERINE CHALINGOK (sp), a native of North Carolina who came to Alaska in 1985, stated that since about 1994 she has received services through Hope

Community Resources. She has now moved into an assisted living home that is a positive situation. She explained to the Commission that if there were no more homes built for disabled individuals that would be a blatant denial of their constitutional rights. Moreover, she wanted all the members of the Commission to consider themselves in the position of someone such as she or others who utilize assisted living facilities. She stated that despite her neurophysical challenges, she is just like anyone else; she enjoys shopping, going to the movies, etc. She stated she received her GED in 1982 and graduated valedictorian of her class.

BRENDON HOPPI stated that he and his wife Mary live in an assisted living home together with caregivers. They help the caregivers with yard work and keeping the house clean and the caregivers help them to ensure their living area is clean. He stated that he and his wife sometimes get involved in arts and crafts and there are other stepping stones, such as employment. He stated his job is very close to where he lives, as are many of the programs used by his wife and him.

MARY HOPPI felt that disabled persons should be able to have jobs just like anybody else. She thought they should be helped to obtain employment. She also felt more arts and crafts should be available. She believes that her husband and she should have their own home, just like everyone else. She and her husband spoke with the caregivers who said that it would be unwise for them to live alone because of medical safety concerns. She felt she was being punished by not being able to have her own home and live on her own.

AMY ONY, owner of Momma's Assisted Living Homes, stated she operates four homes in South Anchorage, three of which overlook Campbell Lake and one in a new subdivision nearby. She stated these homes are a vital, important resource in the city. She stated she employs over 20 people in her four homes. The gross budget for all four homes is \$1.3 million, 90% of which is spent in Anchorage. She is licensed under the Division of Senior Disabilities. Residents of her homes range in age from 36 to 94. Three of her homes are in a quiet, well-established residential neighborhood. She has the support of her neighbors; in fact, three of her residents are a direct result of neighbors wanting to keep their family members in their neighborhoods. She stated there is a need for quality homes. The first three homes were multi-level, but the fourth is a ranch-style. However, just over one year ago she had to seek a variance for 8 beds because, although the home is fully to code according to the state, the lot size is 260 square feet shy of 15,000 square feet. At her hearing, she showed how the cul-de-sac affected the property and that the lot would have been nearly 1000 feet larger if the cul-de-sac had not been developed. The variance request was less than 2%. The neighbors testified against the existence of assisted living homes; they did not want the disabled in their neighborhood. She chose to not pursue the matter, knowing the assisted living ordinance process was occurring. She chose to be a

part of that process and work with the Municipality to eliminate the discrepancies and the discrimination.

COMMISSIONER ISHAM asked if the fourth home was built for eight residents. MS. ONY replied that she was denied a variance, so the license is for five. COMMISSIONER ISHAM asked if Ms. Ony agreed with the language in the proposed ordinance requiring 15,000 square feet for homes for 9-16 persons. MS. ONY replied that she would not agree with this language because the size of her lot is sufficiently large to accommodate parking and other needs if a second story was built to accommodate more residents. COMMISSIONER ISHAM asked what Ms. Ony would recommend. MS. ONY replied that the code already includes parking requirements, buffering and landscaping standards, and lot coverage requirements that should apply, which she felt was sufficient.

COMMISSIONER PEASE asked what are the staffing requirements in the homes operated by Ms. Ony. MS. ONY replied that she is required to have one person on at all times for five residents. She does have two staff on during daytime hours at two of her homes. MR. SEVILLE indicated that the State requires a staffing level that is adequate to meet the needs of the residents, based upon what their planning teams and important people in their lives feel is necessary; this is contained in an assisted living plan.

MS. CHAMBERS stated the issue with respect to Ms. Ony's variance request was lot size and noted that the use for which the variance was requested would be permitted under the proposed ordinance. She asked what are the ranges in existing assisted living homes that would still be illegal due to lot size issues. MS. ONY replied that there is a representative of two of the larger homes in attendance and she would prefer they respond.

COMMISSIONER SIMONIAN asked if an administrative variance would be required for an 8-bed facility on Ms. Ony's property. MS. CHAMBERS replied in the affirmative, explaining that the administrative variance gives relief from occupancy limits based on lot square footage. She noted that the Zoning Board of Examiners and Appeals is conservative in granting variances. She did not recommend eliminating a square footage requirement for 9-16 residents, but did not object to reducing it.

LESLIE WARBAUGH, owner of two 16-bed facilities, stated she was comfortable speaking for 7 large 16-bed assisted living homes and the smaller homes as past Executive Secretary of the Alaska Caregivers Association. She indicated that one of her homes would not comply with Section 33 that dictates lot size for up to 16 beds of 15,000 square feet. She explained that the clientele of her homes do not spend a lot of time outside. She stated there are four categories of homes and a home can have one or more of those categories, which are developmentally disabled, mentally ill, seniors, and adults with physical

disabilities. Some individuals may have a range of these issues. She stated she could not believe there is a discussion about these people not being able to choose to live where they want to live. She stated that in homes other than Hope Community Resources, there is not sufficient revenue to operate homes with huge amounts of parking and 15,000 square feet of play area. Planting and buffering can be done, but operators must be careful of their budgets. She noted that as the cost of living rises, the revenue of these homes is going down. She noted that the statute requires a 1:16 staff-to-client ratio and beyond that there are requirements for individual homes.

ALISON AFFERTY stated she is a friend of Cathy and her family group. She came to Anchorage and met this family and was very impressed by the fabulous care system in Anchorage. She was very thankful for these homes.

WILL AFFERTY stated he and his wife are new to the Anchorage area and he likes what he has seen Anchorage do with assisted living homes. He stated he and his wife visit Cathy and her family as neighbors. He would like to see the Lower 48 have as progressive a system as that Anchorage. He hoped the Commission would consider the needs of assisted living facilities and residents. The residents need a home where they can feel like a family. He hoped the Commission would adopt an ordinance in their favor.

JIM PARKER with the Office of Public Advocacy stated his office is guardian or conservator for 260-270 people in Anchorage. He thought the majority of these individuals live in assisted living homes and 50% have a guardian or a conservator. He wished to dispel the perception that assisted living homes are unmonitored. He stated his office is obligated, in a majority of cases, to find placement for clients and is charged with ensuring clients are safe, secure, and in an environment where their needs are met and emotional and habilitative needs are advanced. He stated state and federal law requires that clients be placed in situations that are least restrictive, which are primarily assisted living homes. He stated it is essential that no ordinance create a legal or logistical impediment to the proliferation of assisted living homes or to them existing in every neighborhood in the city. He stated his office has frequent contact with assisted living home operators and care coordinators. Many clients are on home and community-based Medicaid waivers that allow them to live in the community, if it is cheaper, even if they need a level of care equal to that provided by a nursing home. Many clients have a caregiver who is required to visit them. Aside from his office, there is Adult Protective Services, care coordinators, and many people have a family member who serves as guardian. Most individuals have a family member; his office is contacted only when a person does not have a family member to serve as guardian. He wanted to ensure that the Commission understands that assisted living homes are monitored and regulated.



CLAUDIA EVES, a care coordinator with Alaska Comprehensive Care, stated she has 23 clients in assisted living homes throughout Anchorage, Eagle River, and Wasilla. She is in the home of each client several times a month to ensure her clients are well groomed, fed properly, live in clean homes, and that their personal area is clean. Her visits are unannounced, often during mealtime so she can see what her clients are eating. She stated her clients are happy; the residents of a home become a family. Her clients participate in the Choice waiver program and, without an assisted living home option, they would be at Mary Conrad or Providence Extended Care. She stated she has a father with Alzheimer's and she would not hesitate to place him in an assisted living home in Anchorage. She stated her clients successfully make the transition to a home setting.

DON VAUGHN, owner/administrator of Anchor House, the largest assisted living home for severely mentally ill adults in the state of Alaska, stated this facility is licensed by the Department of Public Health for 63 adults, employs 25 staff, and has operated in midtown Spenard for 19 years. He noted there has been testimony this evening in support of the ordinance from a broad range of service providers, residents of assisted living homes, neighbors, family members, advocates for senior and disabled citizens, guardians and more. Assisted living homes are a major asset to the community. They provide safe, healthy homes for seniors and for physically and mentally disabled adults. These homes provide a better quality of life than that of a nursing home or institution. Many adults who reside in assisted living homes do not qualify for nursing or institutional care and families are unable to provide the level of care needed to maintain these adults in the family's home or in independent living. Nursing homes and institutions cost taxpayers an average of \$10,000 per month compared to \$2,100 a month for assisted living homes. Assisted living homes integrate seniors and disabled adults into the community, thereby ensuring personal dignity and a feeling of self-worth. Assisted living homes maximize independence by assisting residents with daily living skills rather than performing the tasks for them. Family members are comforted by the fact their loved one is given needed assistance. The Municipality contains 277 assisted living homes licensed by the State, 262 have 8 or fewer residents and 15 have 9 or more residents. There are 1,500 seniors and disabled adults living in assisted living homes; seniors occupy 106 homes and developmentally and mentally disabled adults occupy 171 homes. Anchorage Pioneer Home is the largest assisted living home in the state with more than 200 residents. Assisted living homes employ approximately 1,200 people, have combined annual payrolls of \$42.5 million, and annual budgets of more than \$84 million. Assisted living homes spend more than \$30 million annually with Anchorage businesses. Because assisted living homes have staff working 24 hours a day, crime rates are lower due to the effect of neighborhood watch. MR. VAUGHN asked for a show of support for this ordinance.

MS. CHAMBERS asked for a comment regarding lot size for facilities serving 9-16 individuals. MR. VAUGHN indicated he could not speak to a specific lot size, but thought possibly 10,000 square feet would be reasonable. His home has three levels and a 6,000 square foot base, or 18,000 square foot total. Having more than 16 residents, he has a lot size of 21,000 square feet.

DIANNE HOLMES, representing the Rabbit Creek Community Council, stated the Council discussed this ordinance in fall 2003 and again one year ago. She noted that comments from other councils made in previous hearings were contained in the case packet. The Council's concerns today are the same as previously expressed. These concerns include recognition of the limiting characteristics of some areas for these facilities, maintaining an average residential population, number of clients permitted outright, client safety for emergency response time in all seasons, adequate parking for staff and visitors, and protection of existing on-site utilities, and owner occupancy. While the intent of Section 3A is encouraging "occupation limits will not exceed the average of the neighborhood," the rest of the ordinance does not appear to support it. The Council believes Section 3D2 regarding economic hardship for the applicant is misplaced. This ordinance should be about the clients and existing neighborhoods. This is a loophole that would allow someone to buy a home for use for this venture and then claim financial harm if not granted a variance. These are very needed services in residential areas and the Council believes owner occupancy would best maintain a family atmosphere. The Council believes that 8 outright permitted clients without calculating staff not requiring a conditional use is too much for some neighborhoods and would exceed the average residential density in some zones. The Council advocates that a conditional use be required for facilities with 4 or more clients. Response time for emergency vehicles year-round should be considered; many locations have a 20-minute or greater response time, depending on the season. Medical response statistics are greater for certain types of facilities. There is also concern for wildfire access in some areas of the Municipality. Any facility should be required to be on a road maintained in ARDSA, LRDSA or some other formal, responsible entity. On-site parking for deliveries and visitors should be considered. Before an assisted living license or variance is granted, a facility on a septic and well should be upgraded to handle usage and be shown not to impact surrounding properties. A facility with 8 clients, staff, and the owner's family, is probably not appropriate where there are on-site utilities. The impact could triple the usage per home. The 2003 letter from the Council requested that the assisted living facilities have an evacuation plan approved by the Fire Marshal that would allow for reasonable emergency egress with staff assistance, but she did not see that item in this ordinance. Perhaps it is a State licensing requirement and is not in the ordinance for that reason. She felt the Fire Marshal should have a great deal to say about the use of a home as an assisted living facility. The Council's concerns are not to deny these facilities, but to be realistic

about where they belong, where they can be sited best for the client and for the limited infrastructure in certain areas of the Municipality.

COMMISSIONER PEASE asked if reference to economic hardship related to the variance criteria. MS. HOLMES stated Section 3.D.2 is a clause relating to economic hardship to the applicant. COMMISSIONER PEASE asked for clarification of Ms. Holmes's comments that the criteria of economic hardship could be used as a loophole. MS. HOLMES stated that economic hardship on an applicant if a variance is denied can be considered, per the ordinance. There was an instance in her neighborhood where someone purchased a home without getting a permit first, assuming they could secure a license. COMMISSIONER PEASE asked for clarification of Ms. Holmes's comment regarding a 20-minute response time. MS. HOLMES stated that certain parts of southeast Anchorage and Eagle River have very long response times.

COMMISSIONER SIMONIAN believed that the Council's concerns with respect to fire safety have been addressed in the ordinance. MR. SEVILLE replied that homes with 6 or more residents are required under State regulations to have an inspection every two years, but the Anchorage Fire Department requires an annual inspection, so that is done. COMMISSIONER SIMONIAN asked if this inspection includes an evacuation plan and/or an evaluation of response time. MR. SEVILLE replied that the fire inspector does a fire drill on-site at an unannounced visit. COMMISSIONER PEASE thought Ms. Holmes was concerned with emergency vehicle response time. She asked if that is considered in the decision whether or not a facility is safe in the event of an emergency. MR. SEVILLE replied that the time to get out of the building to a safe place is the focus of the fire evacuation drills.

COMMISSIONER T. JONES stated that many of the issues that have arisen are programmatic in nature, whereas the charge of the Commission is land use. She asked Ms. Kraft for comment on the Federal Fair Housing Act from a land use perspective. MS. KRAFT stated that people who are disabled are allowed to live wherever they want. There cannot be discrimination in the decision of where they can locate, but as part of making the decision, accommodations can be made. With respect to the concerns raised by Ms. Holmes, she noted that Hope is a corporation that has 50 homes, so owner occupancy could not be achieved. It would also be difficult to establish a "average residential population" of a neighborhood because the number of residents in homes varies and there are no restrictions of this sort in general. The ordinance allows assisted living homes with up to 8 persons by right, but those with 9 or more residents are subject to conditional use. The Federal Fair Housing Act states some accommodations can be made because there are some higher impacts, but the case law sets the threshold at 12 residents or greater. MS. KRAFT stated the Fire Marshal assesses whether the home is safe and people can evacuate, but they cannot require that every assisted living home have a certain number of sprinklers. The

issue of emergency vehicle response time is a program issue, not a zoning issue. She noted that the care coordinator is looking at this type of thing when placing an individual.

COMMISSIONER SIMONIAN asked if the standards for a variance under 21.15.13.B3 are derived from case law and the Fair Housing Act. MS. KRAFT stated the Legal Department provided input on that section, but she thought the criteria were designed to comport with the requirements under the Fair Housing Act to ensure there is accommodation. COMMISSIONER SIMONIAN thought that while Ms. Holmes thought Section 3 could be a potential loophole, it could also easily be an accommodation to ensure this ordinance complies with case law. MS. CHAMBERS stated that from her knowledge and understanding this language is based on case law and it addresses the economic hardship of the client more than the owner of the facility. COMMISSIONER SIMONIAN asked if the general requirement that there be accommodation in housing can be met through this ordinance provision. MS. CHAMBERS indicated this was correct.

COMMISSIONER PEASE asked if the issue of capacity of on-site septic is a land use issue as opposed to a programmatic issue. MS. CHAMBERS replied in the affirmative.

COMMISSIONER SIMONIAN asked what is the source of the 15,000 square foot requirement in Section 33 D3a. MS. CHAMBERS replied that the 15,000 square foot lot size is contained in existing hospital standards and nursing home standards. She stated this provision has been in the code for some time. The discussion was that, the larger the facility, the more problems arise with respect to lot coverage and impervious surfaces. She was not sure whether 15,000 square feet is appropriate, so during testimony she researched other zoning districts to see how lot sizes increase as use density increases. From this research, it appears that lot size requirements increase up to 8,400 square feet for similar capacity. She felt that a size of 8,400 to 10,000 square feet would be appropriate in this ordinance. Convalescent centers, nursing homes, universities, and churches have larger square footage requirements. She stated the 9-16 resident figure is a medium range, so the requirement for 15,000 square feet does appear to be high. The lot size in a multi-family district for a use greater than a duplex is 8,400 square feet.

The public hearing was closed.

COMMISSIONER PEASE moved for approval subject to incorporating the amendments proposed by DHSS regarding the definition of childcare and regarding the required outdoor space for non-licensed child care facilities; incorporating the change to 21.45.080 regarding parking requirements as recommended by Staff. Further: 1) to require waste containment either in inside secure indoor storage or in a dumpster; 2) to change the definition of "small

residential care" from the current "8 or fewer" to "5 or fewer total residents and staff" in those residential zones where, according to Staff analysis, there was a primary concern with on-site systems and the terrain and the ability, therefore, of those sites to accommodate the larger wastewater generated; and 3) to require an annual field inspection verification of on-site septic to ensure capacity based on the maximum number of residents and caregivers and factoring in the 24-hour use as a healthcare facility.

COMMISSIONER G. JONES seconded.

COMMISSIONER PEASE felt the DHHS amendments are self-explanatory. Staff explained the parking requirement as appropriate. Testimony has been given that biomedical waste is a concern that is taken into consideration during licensing, but it seemed those procedures are oriented toward handling; once waste is put outside, it becomes an attractive nuisance for wildlife. This is a health and public safety concern to the neighborhood as biomedical waste is more likely to be generated at a healthcare facility than at a private residence, although not in all instances. The Staff in its analysis provided lengthy discussion about the concern with septic capacity in certain districts and said that the primary concern with allowing over five persons in care for residential and adult care in districts R-5, R-8, R-6, R-7 and R-11 is the on-site systems. The analysis states, "With a use is commercial or institutional in nature, as with childcare and healthcare facilities, the capacity rates are calculated much differently, and require higher capacities." She understood that DEC uses a per-bedroom calculation and there is no consideration of 24-hour use versus less than 24-hour use that might be typical in a family home. There is currently no safeguard to ensure that the higher wastewater generated at these facilities can be handled. There was testimony about a one-time inspection when the facility is initially established. This is a concern for those who depend on groundwater because, once it is contaminated, it is hard to clean. She felt it could not be assumed that follow-up inspections would not be needed.

COMMISSIONER G. JONES asked if the provision for 5 or fewer residents would relate to all by right uses or only in certain districts. COMMISSIONER PEASE replied that it would apply in residential districts where lower density and on-site systems are more likely, which are the R-5, R-8, R-6, R-7, R-10 and R-11 districts. She did not understand why Staff changed its recommendation from 5 to 8 in considering what is a safe number in terms of septic capacity. She thought 8 was somewhat arbitrary and not based on the health concern of septic systems. COMMISSIONER G. JONES indicated he had several questions and intended to make motions to amend, which he could present separately, if the Chair desired. CHAIR POULTON indicated that, without knowing the nature of Commissioner Jones's proposals, he could not answer this question. COMMISSIONER SIMONIAN asked that Commissioner Jones address issues separately in order to develop a clear record of these proceedings.

COMMISSIONER G. JONES understood that other state and municipal agencies regulate the handling of biomedical waste. MS. CHAMBERS replied that the State handles the regulation of biomedical waste. COMMISSIONER G. JONES asked with respect to the DHHS amendments regarding childcare facilities not licensed whether it is envisioned that yard area could be used for other things, such as parking. MS. CHAMBERS replied that the yard area is useable yard area. COMMISSIONER G. JONES asked if there was consideration of including these provisions for other assisted living facilities. MS. CHAMBERS replied there has been substantial discussion in this regard. DHHS wanted this provision because it is an existing requirement; there are short-term childcare facilities, such as care provided in a grocery store, that do not need outdoor space. The issue in terms of assisted living facilities is a programmatic one.

COMMISSIONER G. JONES moved to amend Section 33, 21.45.310 to eliminate D3a, the 15,000 square foot minimum lot size for adult care facility or large residential care facility with populations of 9-16 persons. COMMISSIONER T. JONES seconded.

COMMISSIONER G. JONES agreed with comments made during the hearing that the other requirements in the code, such as those for parking, lot coverage, setbacks, etc. will determine the size of the lot. He felt the 15,000 square foot figure is relatively arbitrary.

Amendment

AYE: Pease, T. Jones, Isham, Gibbons, Poulton, G. Jones, Simonian,  
Lottsfeldt

NAY: None

PASSED

COMMISSIONER G. JONES moved to amend to eliminate the reference to 5 or fewer in the definition of small residential care in the R-5, R-6, R-7, R-8, and R-11 zoning districts and restore it to 8 or fewer. COMMISSIONER GIBBONS seconded.

COMMISSIONER G. JONES did not believe the author of the code was trying to reach a statistical average in terms of the number of beds, they were trying to meet the requirements to not discriminate and to arrive at a number that did not, on its surface, impact neighborhoods. He thought the figure of 8 was a consensus as opposed to a statistical average.

COMMISSIONER ISHAM stated the reference to on-site system is in 21.45.310.O, which says 9 or more clients, not 8 or fewer. COMMISSIONER G. JONES explained his intent was to eliminate the limitation to 5 or fewer clients.

COMMISSIONER ISHAM stated subsection O speaks to Chapter 15.65 and he did not know what that code says respecting 9 or more clients. COMMISSIONER G. JONES explained that 15.65 is the DHHS regulations related to on-site systems. MS. CHAMBERS stated there is only one use that specifically requires on-site system review and it is a one-time review required for bed and breakfasts.

COMMISSIONER G. JONES stated that on-site systems is a programmatic issue. There may be administrative regulations necessary to enforce 15.65, but this body is charged with dealing with land use issues.

COMMISSIONER SIMONIAN stated support for the amendment, but she recognized the concern behind the main motion and thought there were areas in the ordinance where a compromise could be reached to address these concerns. She found it interesting that there are no requirements in Title 21 dealing with annual septic system inspections. She understood that the State requires an engineer to sign off on the septic system based on the number of bedrooms, but the process of Building Safety becoming involved does not occur as part of the ordinance. MS. CHAMBERS replied that the ordinance states that all assisted living homes have to comply with Title 23, which is the building and health code. A use must comply with on-site system requirements, regardless of whether or not that requirement is in this ordinance. COMMISSIONER SIMONIAN noted that 21.45.310.S states "the use shall meet the requirements of Title 23 for construction and life safety issues," and asked if there could be a requirement less onerous than the current motion requires and less onerous than an inspection, such as a triennial application or recertification of on-site septic or well. She stated well and septic are land use issues and the ordinance includes the requirement that life safety issues in Title 23 are addressed. She felt this was an issue that is not beyond the purview of the Commission. She thought that there could be more involvement from the City than might happen otherwise if there is not language in the ordinance. MS. CHAMBERS suggested amending 21.45.310.O to delete "one-time only," and insert the frequency desired.

COMMISSIONER T. JONES called for a point of order and it was explained that Commissioner Simonian was intending to propose an amendment to the amendment on the floor.

COMMISSIONER SIMONIAN moved to amend the amendment to include deleting the language in the main motion "to require an annual field inspection verification of on-site septic to ensure capacity based on the maximum number of residents and caregivers and factoring in the 24-hour use as a healthcare facility" and to add to 21.45.310.O to require an annual field inspection and verification of on-site septic. This was accepted as a friendly amendment.

MS. CHAMBERS noted that section O relates to facilities of 9 beds or more.

COMMISSIONER LOTTSFELDT supported the amendment, understanding the concern about septic systems, but indicating he did not hear evidence that assisted living homes are more likely to cause problems with on-site systems than any other land use. He felt that, if there is a problem with on-site systems, it should be addressed more globally.

COMMISSIONER PEASE noted that the Staff analysis states that if a use is institutional or commercial in nature, as with childcare and healthcare facilities, the capacity rates are calculated much differently and require more capacity. Mr. Seville has indicated that the State uses a per bedroom figure. She had not heard from Staff that the concern with higher septic generated has been adequately addressed. She thought it was unlikely that most septic systems in traditional residential uses support 8 full-time 24-hour residents. She felt that was not intuitive. She noted that Staff has acknowledged that traffic patterns are different in a standard residential home with teenagers coming and going, so they are not at the residence all the time using the septic in the same way as full-time residents who have less mobility and may be at the residence more often. She thought the language, as proposed would create a loophole that makes vulnerable neighborhoods where septic systems are used and where groundwater is drawn from lower strata than the septic systems. She stated there is a pattern of septic system failure across the Hillside. There is also a pattern of higher nitrate levels in well water across the Hillside. She stated that some areas will eventually have public water and sewer and, at that time, they could quite easily accommodate higher density residential care facilities. The Commission has the responsibility to ensure the land use does not adversely impact adjoining land uses, property value, and health.

COMMISSIONER T. JONES stated this discussion is about people living in houses, not institutions. She noted there are less than 300 assisted living homes in the municipality at this time, so she did not see that there would be a large concentration in any one area or that there would be a greater number of these facilities built if this ordinance is adopted. She stated with regard to water usage, that could be substantial usage by a typical family. She felt ADEC should be allowed to do their job. One protection that exists with respect to assisted living homes is the programmatic oversight, which does not exist for typical residential uses.

COMMISSIONER GIBBONS shared the comments made by his fellow commissioners in support of this amendment and added that he would be troubled with the Municipality running afoul of the Fair Housing Act by imposing additional requirements on assisted living facilities that would not be imposed on other single-family homes.



COMMISSIONER SIMONIAN stated the shift from 5 to 8 residents had a legal basis in terms of the Federal Fair Housing Act requirements. She felt Commissioner Gibbons's comments about running afoul of the Act should be seriously considered by the Commission. This ordinance addresses planning issues as well as legal and societal requirements that impose the principal duty not to discriminate against people based upon their needs.

COMMISSIONER PEASE stated the issue of septic overburdening or well water contamination does not have to be a broad problem to be an issue. The issue of septic overburdening does not need to be widespread to be a concern of the Commission. She stated that if wells in the area are affected or an assisted living facility with 8 people has to be shut down because there are no alternative septic sites, that is a human impact for which the Commission is responsible. Secondly, with regard to the Federal Fair Housing Act, Staff did not say there is a fixed number the Act falls back on in terms of facility size. Staff indicated that cities across the country either have no average density or that it is varied. She believed the number 8 was arbitrary. MS. CHAMBERS stated that Staff believes 8 is legally defensible; some members of the committee have indicated the number is 12 set and there is a Supreme Court case regarding that. The municipal Department of Law feels there is some flexibility, so the number has been set at 8.

COMMISSIONER SIMONIAN stated she was raised in a house with 7 children and 2 adults in a location where parking was scarce and traffic is high. Her mother still lives in that home and has medical issues that require an ambulance to come to that house approximately monthly. She stated she could imagine that neighbors on her street might have objected to a family of her size and composition living in that house with the strain it put on the street. She felt that, on a human level, putting the issue in this perspective might help the Commission in its thinking. She noted that there are strains on land that are not considered by the Commission and are not considered or excluded based on policy. This is important to consider when the Commission makes recommendations about these types of ordinances.

COMMISSIONER PEASE stated she was not indicating there are undesirable impacts other than septic overflow and well water contamination.

Amendment

AYE: T. Jones, Gibbons, Poulton, G. Jones, Simonian, Lottsfeldt, Isham

NAY: Pease

PASSED

COMMISSIONER G. JONES moved to amend to delete the provision requiring waste containment for household waste and biomedical waste ("to require waste

containment either in inside secure indoor storage or in a dumpster" in the main motion). COMMISSIONER LOTTSFELDT seconded.

COMMISSIONER G. JONES felt this was a programmatic issue that is inappropriately addressed through a land use provision. He believed there are regulations in place that govern this.

COMMISSIONER T. JONES supported the amendment noting that if this requirement is imposed on this type of housing, then she thought it should be placed on all those people who have biomedical daily waste. She felt it was not appropriate for the Commission to attempt to regulate this.

COMMISSIONER PEASE agreed this is an issue that is not unique to this type of facility; hazardous trash can result from any number of residential or non-residential uses. Therefore, she did not object to the amendment.

Amendment

AYE: T. Jones, Gibbons, Poulton, G. Jones, Simonian, Lottsfeldt, Isham,  
Pease

NAY: None

PASSED

COMMISSIONER SIMONIAN moved to amend to include the amendments to Section 12 and 13 that would allow large residential care facilities as a conditional use in the R-6 and R-7 zoning districts. COMMISSIONER GIBBONS seconded.

COMMISSIONER PEASE moved to amend the amendment "only on sites served by on-site sewer and water and publicly maintained roads." The amendment *died due to lack of a second*.

COMMISSIONER SIMONIAN stated that any concern about septic and wells would be considered on a case-by-case basis and on a land use basis, which makes more sense given the unique balancing of land use issues with the rights of persons with disabilities. Any concerns that might arise by the lack of specific requirements with respect to on-site systems should be allayed by the fact there will be a reviewing body. MS. CHAMBERS noted that 21.45.310.O for on-site inspections is applicable to these situations.

COMMISSIONER T. JONES stated a conditional use is not a by-right use. Each application will need to stand on its own merits and prove it will not pose harm to the community. The Commission has great power in terms of what it can require the petitioner provide to demonstrate that.

Amendment

AYE: T. Jones, Gibbons, Poulton, G. Jones, Simonian, Lottsfeldt, Ishham

NAY: Pease

PASSED

COMMISSIONER LOTTSFELDT supported the main motion. He noted that the Commission often talks about balancing impacts and "impacts" often becomes code for the word "nuisance." He stated that people who live in assisted living homes are simply people living in homes. He supported the opportunity to embrace this ordinance and he was glad to hear that Anchorage is considered progressive in this effort.

COMMISSIONER ISHAM felt the modifications made to the ordinance have clarified intent and support the rights of persons with disabilities.

COMMISSIONER PEASE wanted to be clear that she would never characterize assisted living or healthcare facilities as a nuisance use. She felt it was wonderful that people have the ability to live with families and to choose from a variety of neighborhoods. She felt the Commission has the responsibility to ensure sustainable, efficient, long-term land uses that do not create a negative environmental impact, particularly one that affects human health or property value. She stated she would not support the main motion.

COMMISSIONER T. JONES supported the motion. She stated she has concerns about water quality throughout the community, not just in large lot zoning districts. She thought there were adequate mechanisms and agencies in place to monitor on-site related issues. She felt the ordinance would bring the Municipality in compliance with the Federal Fair Housing Act and it has the support of Policies #61 and #62 of Anchorage 2020, which are requirements to promote the availability of supportive housing opportunities for the homeless and for persons with special needs, as well as distributing throughout the Municipality residential facilities that are supported by government agencies and operated for health, social services, and correctional purposes.

COMMISSIONER GIBBONS supported the motion, believing the ordinance as amended addresses the issues that were raised throughout the process regarding the Federal Fair Housing Act. He also felt the ordinance encourages Anchorage 2020.

COMMISSIONER SIMONIAN supported the motion, stating she shares Commissioner Pease's concerns about water quality, but felt this ordinance becomes a framework to protect many interests. She stated the Commission sometimes sees certain groups exploit absences in ordinances and others use words in the ordinances as weapons; the subtext is sometimes left unsaid. She

took to heart what Ms. Kraft said about people raising what appear to be land use issues when in fact the issue has more to do with who they want to be their neighbors. She felt this ordinance protects people's right to live where they want to live as a family.

COMMISSIONER G. JONES thanked those who testified on this ordinance and the subcommittee that has been working for 1.5 years to develop a reasonable and well-rounded ordinance.

CHAIR POULTON supported the motion, feeling the ordinance is well thought out, it has enjoyed the participation of the relevant parties, and all parties have expressed their issues and concerns, which were embodied in the final document before the Commission. He noted that, although the Commission is charged with addressing land use issues, it is sometimes difficult to separate land use issues from programmatic issues. He felt that the ordinance also supports the programmatic efforts that are necessary to ensure that assisted living homes operate properly for their residents. He thanked all those members of the public who listened and testified during the proceedings on this ordinance.

Main Motion

AYE: T. Jones, Gibbons, Poulton, G. Jones, Simonian, Lottsfeldt, Isham

NAY: Pease

PASSED

**2. 2005-039**

Municipality of Anchorage. An ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 21 by adding a Section 21.05.055 Procedure for Creating and Adopting a Neighborhood or District Plan and providing for an effective date.

Staff member DAVE TREMONT stated this ordinance provides a process and standards for the creation, review and adoption of neighborhood and district plans. This ordinance would enact a new section to Title 21. One of the implementation strategies of the Anchorage 2020 Comprehensive Plan is the completion and adoption of neighborhood and district plans. Various community councils have expressed interest in initiating a neighborhood or district planning process, however, the existing Title 21 does not contain guidelines or standards for how to proceed or information on what needs to be included in the plans. The draft ordinance addresses these issues and contains several main features: a description of who may sponsor a neighborhood or district plan; the process by which such a plan shall be created, reviewed and adopted;

Submitted by: Chair of the Assembly at  
the request of the Mayor  
Prepared by: Planning Department  
For reading

Original  
Document

ANCHORAGE, ALASKA

AO 2005-

AN ORDINANCE AMENDING CHAPTERS 21.35, 21.40, 21.45 AND 21.50 OF THE ANCHORAGE MUNICIPAL CODE REGARDING AND CLARIFYING ADMINISTRATIVE PROCEDURES AND PROVIDING DEFINITIONS FOR ADULT CARE FACILITIES, RESIDENTIAL CARE FACILITIES, ASSISTED LIVING FOR DISABILITY OR HANDICAP, HOSPITALS, NURSING FACILITIES, NURSING HOMES, TRANSITIONAL LIVING, HEALTH CARE FACILITIES, HEALTH SERVICES, CHILD CARE FACILITIES, QUASI-INSTITUTIONAL USES, LARGE AND SMALL RESIDENTIAL CARE FACILITIES, TRANSITIONAL LIVING FACILITIES, AMENDING ZONING DISTRICTS, SUPPLEMENTARY DISTRICT STANDARDS, AND STANDARDS FOR CONDITIONAL USES AND SITE PLANS, DELETING ZONING AND CONDITIONAL USE PROVISIONS RELATED TO ROOF-MOUNTED SATELLITE DISHES, AMENDING ANCHORAGE MUNICIPAL CODE SECTION 14.60.030 TO ADD VARIOUS CARE FACILITIES VIOLATIONS TO THE FINE SCHEDULE, AND OTHER RELATED MATTERS.

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 from occupancy limits for residential care facilities.**

- 1  
2 A. *Intent.* It is the intent of this section to provide reasonable accommodation to  
3 residential care facilities to locate in specific buildings or neighborhoods for  
4 justifiable reasons, but without allowing occupancy limits to exceed the average  
5 building in the neighborhood.  
6  
7 B. *Application.* An application for an administrative variance from occupancy limits  
8 shall be made on a form provided by the municipality, shall be executed by the  
9 owner of the real property, or the lessee with proof of the owner's consent, and shall  
10 be complete in all respects prior to review under subsection C.  
11  
12 C. *Time for approval.* The Planning Department shall make a determination on an  
13 application within 60 days of submittal. Notification of approval or denial shall be  
14 made in writing to the applicant by mail or delivered by electronic means.  
15  
16 D. *Standards.* In deciding to approve or deny an application, the Planning  
17 Department shall make reasonable accommodations, considering relevant factors  
18 including, but not limited to, the following:  
19  
20 1. Quantifiable risks to the health, safety, and quality of life of area residents  
21 and users;  
22 2. Economic hardship to the applicant, if the variance is denied;  
23 3. Economic hardship on the intended occupants, if the variance is denied,  
24 including the availability of other housing alternatives;  
25 4. Administrative and economic burden on the municipality, if the variance is  
26 granted; and  
27 5. External characteristics and impacts of the proposed facility, including  
28 appearance and projected contribution to traffic volumes within the  
29 neighborhood.  
30  
31 E. *Conditions.* In approving a variance, the Planning Department may impose  
32 reasonable conditions designed to mitigate impacts created by the variance.  
33  
34 F. *Appeal.* Appeals of the decision to approve or deny a variance under this section  
35 shall be to the zoning board of examiners and appeals, pursuant to the provisions of  
36 sections 21.30.110 - .170, and may be brought by any person adversely affected by  
37 the action.  
38

39 (GAAB 21.05.060, 21.05.080; AO No. 77-355; AO No. 78-231; AO No. 79-34; AO No.  
40 79-214; AO No. 82-22(S); AO No. 82-49; AO No. 84-70; AO No. 85-21; AO No. 85-72;  
41 AO No. 85-91, 10-1-85; AO No. 86-19; AO No. 86-155; AO No. 87-121, 11-27-87; AO  
42 No. 88-5(S); AO No. 94-62, § 1, 4-12-94; AO No. 95-129, § 5, 3-12-96; AO No. 2004-6, §  
43 1, 10-1-03; AO No. 2004-108(S), § 1, 10-26-04)  
44

45 **Section 3.** Anchorage Municipal Code section 21.30.110 is hereby amended to add a new  
46 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 facility that provides assisted living to 3 or more persons over the age of 15, and such care is provided on a non-residential basis only.

\*\*\*      \*\*\*      \*\*\*

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

\*\*\*      \*\*\*      \*\*\*

Child care facility has the same meaning as set forth in chapter 16.55. Child care is not a home occupation. [SERVICES MEANS ALL TYPES OF SERVICES INCLUDED IN THE FOLLOWING SUBCATEGORIES:

A.      CHILD CARE FACILITY, 24-HOUR MEANS A SERVICE PROVIDING FOR THE SUPERVISION, EDUCATION OR COUNSELING OF CHILDREN WITHOUT RESTRICTION ON THE TIME OF SERVICE. SUCH SERVICE MAY INCLUDE BABYSITTING OR RESIDENTIAL CARE, AND ACADEMIC, MEDICAL AND SOCIAL PROGRAMS.

B.      DAY CARE MEANS A SERVICE PROVIDING FOR THE SUPERVISION, EDUCATION OR COUNSELING OF ANY NUMBER OF CHILDREN FOR A PERIOD NOT TO EXCEED 18 HOURS PER DAY. SUCH SERVICES MAY INCLUDE BABYSITTING AND ACADEMIC, MEDICAL AND SOCIAL PROGRAMS.

- 1 C FAMILY CARE MEANS CARE PROVIDED IN A SINGLE DWELLING UNIT, AS  
2 A HOME OCCUPATION, TO FIVE CHILDREN OR LESS FOR A PERIOD NOT  
3 TO EXCEED 18 HOURS PER DAY. THE SERVICE IS PRIMARILY  
4 BABYSITTING BUT MAY INCLUDE EDUCATIONAL PROGRAMS.  
5 D. FAMILY RESIDENTIAL CARE MEANS CARE PROVIDED IN A SINGLE  
6 DWELLING UNIT, IN A FAMILY SETTING, FOR TEN CHILDREN OR LESS,  
7 WITHOUT RESTRICTION ON THE TIME THAT SERVICES ARE  
8 PROVIDED].

9 \*\*\* \*\*

10 Disability or handicap has the same meaning as "disability", pursuant to the Americans  
11 with Disabilities Act of 1990, as amended, 42 U.S.C. 126.  
12

13 \*\*\* \*\*

14 Habilitative care facility [QUASI-INSTITUTIONAL HOUSE] means a residential facility,  
15 other than a correctional center or transitional living facility, [LOCATED IN A  
16 STRUCTURE OR RESIDENCE OR ANY LIVING UNIT THEREOF DESIGNED] the  
17 principal use or goal of which is to serve as a place for persons seeking rehabilitation or  
18 recovery from any physical, mental, or emotional infirmity, or any combination thereof, that  
19 does not qualify as a disability as defined above, in a family setting as part of a group  
20 rehabilitation and/or recovery program utilizing counseling, self-help or other treatment or  
21 assistance. The term "habilitative care facility" replaces the "quasi-institutional house"  
22 previously used in this title.  
23

24 \*\*\* \*\*

25 Health care facility means a facility or institution, whether public or private, principally  
26 engaged in providing services for health maintenance, diagnosis or treatment of human  
27 disease, pain, injury, deformity or physical condition, including but not limited to a general  
28 hospital, special hospital, mental hospital, public health center, diagnostic center, treatment  
29 center, rehabilitation center, extended care facility, skilled nursing home, nursing home,  
30 intermediate care facility, tuberculosis hospital, chronic disease hospital, or maternity  
31 hospital, [OUTPATIENT CLINIC, DISPENSARY, HOME HEALTH CARE AGENCY,  
32 AND BIOANALYTICAL LABORATORY OR CENTRAL SERVICES FACILITY  
33 SERVING ONE OR MORE SUCH INSTITUTIONS,] but excluding habilitative care  
34 facilities [QUASI-INSTITUTIONAL HOUSES] and residential care facilities. Training,  
35 rehabilitation services, and health services may be permitted as accessory uses, if integral to  
36 the facility's function. Central services facilities, such as kitchens and laboratories, which  
37 serve the health care facility are permitted accessory uses to a health care facility.  
38

39 Health services means establishments primarily engaged in furnishing, on an outpatient  
40 basis, chiropractic, dental, medical, surgical or other services to individuals, including the  
41 offices of chiropractors, physicians, osteopaths, dentists and other health practitioners,  
42 medical and dental laboratories, outpatient care and outpatient care facilities, dispensaries,  
43 home health care agencies, blood banks and pharmacies.  
44  
45



\*\*\* \*\*

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 persons over the age of 15 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 a supervised residential facility, other than a correctional center or habilitative care facility, for adults and dependent children in transition from rehabilitation, recovery, or homelessness into independent living.

\*\*\* \*\*

(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:

\*\*\*      \*\*\*      \*\*\*

12.      Child care facilities. [DAY CARE AND 24-HOUR CHILD CARE FACILITIES.]

\*\*\*      \*\*\*      \*\*\*

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:

\*\*\* \*\*

6. Small residential care facilities [FAMILY RESIDENTIAL CARE].  
7. Child care facilities with 1 through 8 children.  
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].  
10. Child care facilities with 9 or more children [DAY CARE].  
11. Adult care facilities with 9 or more person.  
12. Large residential care facilities.  
[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.)]  
13[11]. Bed and breakfast with five guestrooms.  
14[13]. Snow disposal site.  
15[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:

\*\*\*     \*\*\*     \*\*\*

7.     Child care facilities with 1 through 8 children [FAMILY RESIDENTIAL CARE].
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].
10.     Child care facilities with 9 or more children [DAY CARE].
11.     Adult care facilities with 9 or more persons.
12.     Large residential care facilities.  
[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).]
- 13[11]. Bed and breakfast with five guestrooms.
- 14[13]. Snow disposal sites.
- 15[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:

\*\*\* \*\*

8. Child Care facilities with 1 through 8 children [FAMILY RESIDENTIAL CARE].

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].

11. Child care facilities with nine (9) or more children [TWENTY-FOUR-HOUR CHILD CARE FACILITIES].

\*\*\* \*\*

14[15]. Snow disposal sites.

[ROOF MOUNTED SATELLITE DISHES GREATER THAN ONE 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[16]. Community interest and local interest towers that do not meet the supplementary district regulations.

16. 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:

\*\*\* \*\*

8. Child care facilities with one (1) through eight (8) children [DAY CARE AND FAMILY RESIDENTIAL CARE].

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.

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures  
are as follows:

\*\*\* \*\*

- 5[6]. Keeping honey bees, *Apis mellifera*, in a manner consistent with the  
requirements of all titles of this Code. Colonies shall be managed in such a  
manner that their flight path to and from the hive will not bring them into  
contact with people on adjacent property. To accomplish this, colonies shall  
be:

\*\*\* \*\*

[FAMILY CARE.]

- 6[7]. Bed and breakfast with three (3) or less guestrooms.

- 7[8]. Bed and breakfast with four (4) guestrooms only by administrative site plan  
review.

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].

14. Child care facilities with nine (9) or more children [TWENTY-FOUR-  
HOUR CHILD CARE FACILITY].

- 15[16]. Snow disposal sites.

[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).]

- 16[17]. Computer aided learning center maximum useable area of 1,000 square feet  
operated or sponsored by a governmental agency for economically  
disadvantaged individuals.

- 17[18]. Family self sufficiency service office maximum usable area of 1,500 square  
feet.

- 18[19]. Community interest and local interest towers that do not meet the  
supplementary district regulations.

19. 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:

\*\*\*      \*\*\*      \*\*\*

9. Child care facilities with 1 through 8 children [FAMILY RESIDENTIAL CARE AND DAY CARE].
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].
13. Child care facilities with 9 or more children [TWENTY-FOUR-HOUR CHILD CARE FACILITY].



14[15]. Snow disposal sites.

[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[16]. Computer aided learning center maximum useable area of 1,000 square feet  
operated or sponsored by a governmental agency for economically  
disadvantaged individuals.

16[17]. Family self sufficiency service office maximum usable area of 1,500 square  
feet.

17[18]. Community interest and local interest towers that do not meet the  
supplementary district regulations.

18. 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:

\*\*\* \*\*

8. Child care facilities with 1 through 8 children [FAMILY RESIDENTIAL  
CARE].

\*\*\* \*\*

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].

9. Child care facilities with 9 or more children [DAY CARE FOR 30  
CHILDREN OR LESS].

\*\*\* \*\*

12[13]. Snow disposal sites

[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)].

13[14]. Community interest and local interest towers that do not meet the  
supplementary district regulations.

14[15]. Off-street parking spaces or structures so long as the property is contiguous  
and abuts a commercially or industrially zoned property and the properties  
are not separated by a right-of-way or constructed street.

15. 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:

\*\*\* \*\*

5. Child care facilities with 1 through 8 children [FAMILY RESIDENTIAL  
CARE].

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.

2 [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.

1 \*\*\* \*\*

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

4 \*\*\* \*\*

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

6 7. Child care facilities with 9 or more children [TWENTY-FOUR-HOUR  
7 CHILD CARE AND DAY CARE FACILITIES].

8 \*\*\* \*\*

9 10[11]. Snow disposal sites

10 [ROOF MOUNTED SATELLITE DISHES GREATER THAN 1 METER  
11 IN DIAMETER ON RESIDENTIAL STRUCTURES OR STRUCTURES  
12 ACCESSORY TO A RESIDENTIAL USE (EXCEPT SATELLITE  
13 DISHES UP TO TWO METERS IN DIAMETER MAY BE USED UNTIL  
14 DECEMBER 31, 2002)].

15 11[12]. Commercial greenhouses.

16 12[13]. Community interest and local interest towers that do not meet the  
17 supplementary district regulations.

18 13. Large residential care facilities.

19 \*\*\* \*\*

20 (GAAB 21.05.050.G; AO No. 77-355; AO No. 80-27; AO No. 81-67(S); AO No. 82-54;  
21 AO No. 85-18; AO No. 85-21; AO No. 85-23; AO No. 85-28; AO No. 85-78; AO No. 85-  
22 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.  
23 92-114; AO No. 99-27, § 1, 2-23-99; AO No. 99-62, § 10, 5-11-99)

24  
25  
26 **Section 13.** Anchorage Municipal Code section 21.40.090 is hereby amended to read as follows  
27 *(the remainder of the section is not affected and therefore is not set out):*

28  
29 **21.40.090 R-7 intermediate rural residential district.**

30 \*\*\* \*\*

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

33 \*\*\* \*\*

34  
35 5. Child care facilities with 1 through 8 children [FAMILY RESIDENTIAL  
36 CARE].

37 6. Adult care facilities with 1 through 8 persons.

38 7. Small residential care facilities.

39 8 [6]. Churches, to include any place of religious worship, along with their  
40 accessory uses, including, without limitation, parsonages, meeting rooms  
41 and child care provided for persons while they are attending religious  
42 functions, but excluding day care uses, which shall be permitted only if they  
43 are otherwise allowed in accordance with this title. Use of church buildings  
44 other than the parsonage for the purpose of housing or providing shelter to  
45 persons is not permitted except as otherwise allowed in this title.  
46

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].
8. Child care facilities with 9 or more children [DAY CARE FOR 30 CHILDREN OR LESS].

\*\*\* \*\*

11[12]. Snow disposal sites.

[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).]

12[13]. Community interest and local interest towers that do not meet the supplementary district regulations.

[14. COMMUNITY INTEREST AND LOCAL INTEREST TOWERS THAT DO NOT MEET THE SUPPLEMENTARY DISTRICT REGULATIONS.]

13. 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:

\*\*\* \*\*

2. Child care facilities with 1 through 8 children [FAMILY RESIDENTIAL CARE].
3. Adult care facilities with 1 through 8 persons.
4. Small residential care facilities.

1           5[3]. Churches, to include any place of religious worship, along with their  
2           accessory uses, including, without limitation, parsonages, meeting rooms  
3           and child care provided for persons while they are attending religious  
4           functions, but excluding day care uses, which shall be permitted only if they  
5           are otherwise allowed in accordance with this title. Use of church buildings  
6           other than the parsonage for the purpose of housing or providing shelter to  
7           persons is not permitted except as otherwise allowed in this title.

8           6 [4]. With a permitted non-residential use as a secondary and subordinate use and  
9           as specified in the supplementary district regulations, antennas without  
10          tower structures, type 1, 3, local interest towers and type 4 tower structures  
11          and antennas.

12           \*\*\*       \*\*\*       \*\*\*

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

15           \*\*\*       \*\*\*       \*\*\*

16           6. Child care facilities with 9 or more children [TWENTY-FOUR HOUR  
17           CHILD CARE AND DAY CARE FACILITIES].

18           \*\*\*       \*\*\*       \*\*\*

19           9 [10]. Community interest and local interest towers that do not meet the  
20           supplementary district regulations  
21           [ROOF MOUNTED SATELLITE DISHES GREATER THAN 1 METER  
22           IN DIAMETER ON RESIDENTIAL STRUCTURES OR STRUCTURES  
23           ACCESSORY TO A RESIDENTIAL USE (EXCEPT SATELLITE  
24           DISHES UP TO TWO METERS IN DIAMETER MAY BE USED UNTIL  
25           DECEMBER 31, 2002)].

26           \*\*\*       \*\*\*       \*\*\*

27           (GAAB 21.05.050.U; AO No. 77-355; AO No. 80-27; AO No. 81-67(S); AO No. 82-54;  
28           AO No. 85-21; AO No. 85-23; AO No. 85-28; AO No. 85-78; AO No. 86-90; AO No. 88-  
29           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, §  
30           12, 5-11-99)

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

33           **21.40.110       R-9 rural residential district.**

34           \*\*\*       \*\*\*       \*\*\*

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

37           \*\*\*       \*\*\*       \*\*\*

38           2. Child care facilities with 1 through 8 children [FAMILY RESIDENTIAL  
39           CARE].

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.

\*\*\*      \*\*\*      \*\*\*

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

\*\*\*      \*\*\*      \*\*\*

6. Child care facilities with 9 or more children [TWENTY-FOUR HOUR CHILD CARE AND DAY CARE FACILITIES].

7. Bed and breakfast with five guestrooms.

8. Roominghouses.

9[10]. Community interest and local interest towers that do not meet the supplementary district regulations.

[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)].

\*\*\*      \*\*\*      \*\*\*

(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

\*\*\* \*\*\* \*\*\*

6. Child care facilities with 1 through 8 children.
7. Adult care facilities with 1 through 8 persons.
8. 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:

\*\*\* \*\*\* \*\*\*

- 5 [6]. Community interest and local interest towers that do not meet the supplementary district regulations.  
[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).]

\*\*\* \*\*\* \*\*\*

(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. Child care facilities with 1 through 8 children.
7. Adult care facilities with 1 through 8 persons.
8. 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:

\*\*\* \*\*\* \*\*\*

11. Type 1, 2 and 3 community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use[; 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)].

\*\*\* \*\*\* \*\*\*

19. Child care facilities with 9 or more children.
20. Adult care facilities with 9 or more persons.
21. Health care facilities.
22. 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:

\*\*\* \*\*\* \*\*\*

7. Child care facilities [FAMILY RESIDENTIAL CARE, AND 24-HOUR  
CHILD CARE AND DAY CARE FACILITIES].

\*\*\* \*\*\* \*\*\*

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].



\*\*\* \*\*

8. Type 1, 2 and 3 local interest towers that do not meet the supplementary district regulations for a permitted or accessory use[; 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)].

\*\*\* \*\*

(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:

\*\*\* \*\*

- c. Child care facilities [FAMILY RESIDENTIAL CARE, DAY CARE AND 24-HOUR CHILD CARE FACILITIES].

\*\*\* \*\*

- 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:

\*\*\* \*\*

c. Child care facilities [FAMILY RESIDENTIAL CARE, DAY CARE  
AND 24-HOUR CHILD CARE FACILITIES].

\*\*\* \*\*

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.      Child care facilities.
- l.      Adult care facilities.
- m.      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].

\*\*\*      \*\*\*      \*\*\*

- 11[12]. Libraries and museums with a gross floor area greater than 30,000 square feet [FAMILY CARE FAMILY RESIDENTIAL CARE, DAY CARE AND 24-HOUR CHILD CARE FACILITIES].
- 12[13]. Liquor stores, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with section 21.50.160.
- 13[14]. Auditoriums.
- 14[15]. Type 1, 2, 3, or 4 community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.
- 15[16]. Correctional community residential centers.

\*\*\*      \*\*\*      \*\*\*

(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:

\*\*\*      \*\*\*      \*\*\*

h.      Child care facilities [FAMILY CARE, FAMILY RESIDENTIAL CARE, DAY CARE AND 24-HOUR CHILD CARE FACILITIES].

\*\*\*      \*\*\*      \*\*\*

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:

\*\*\* \*\*

e. Child care facilities [FAMILY RESIDENTIAL CARE, DAY CARE  
AND 24-HOUR CHILD CARE FACILITIES].

\*\*\* \*\*

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:

\*\*\* \*\*

f. Child care facilities [FAMILY RESIDENTIAL CARE, DAY CARE  
AND 24-HOUR CHILD CARE FACILITIES].

\*\*\* \*\*

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. Child care facilities.  
iii. Adult care facilities.  
jii. 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 21.40.200 is hereby amended to read as follows  
(the remainder of the section is not affected and therefore is not set out):

**21.40.200**      **I-1 light industrial district.**

\*\*\*      \*\*\*      \*\*\*

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

\*\*\*      \*\*\*      \*\*\*

**14.**      **Child care facilities.**

\*\*\*      \*\*\*      \*\*\*

(GAAB 21.05.050.O; AO No. 77-355; AO No. 79-95; AO No. 81-67(S); AO No. 82-105; AO No. 84-57; AO No. 85-91, 10-1-85; AO No. 85-95; AO No. 86-50; AO No. 86-90; AO No. 87-32; AO No. 88-147(S-2); AO No. 90-50(S); AO No. 92-114; AO No. 95-68(S-1), § 11, 8-8-95; AO No. 95-76, § 1, 4-4-95; AO No. 95-194, § 1, 1-2-96; AO No. 98-160, § 9, 12-8-98; AO No. 98-173, § 5, 11-3-98; AO No. 99-62, § 24, 5-11-99; AO No. 2001-80, § 8, 5-8-01; AO No. 2004-5, § 1, 1-20-04; AO. No. 2004-108(S), § 5, 10-26-04)

**Section 27.** 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 and child 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 28.** 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 and child 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 29.** 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 and child 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 30.** 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.

\*\*\* \*\*

U. Child care facilities.

1. Child care facilities with one through eight children [FAMILY CARE]. No additional parking is required above the dwelling requirement.
2. Child care facilities with nine through fifteen children [FAMILY RESIDENTIAL CARE]. One space above the dwelling requirement is required for establishments with [MORE THAN] 9 through 15 children.
3. [PRESCHOOL, DAY CARE OR] Child care facility with more than 15 children [24-HOUR]. One space is required per 400 square feet gross building area, and one additional space, reserved for pickup and delivery of children, per 800 square feet of gross building area.

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(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 31.** Anchorage Municipal Code section 21.45.180, including the inset tables, is hereby repealed in its entirety:

**21.45.180      [CHILD CARE SERVICES.]**

[DAY CARE AND 24-HOUR CHILD CARE FACILITIES SHALL COMPLY WITH THE FOLLOWING STANDARDS:

- A. YARD AREA. THERE SHALL BE A CONTIGUOUS USABLE YARD PROVIDED, WHICH SHALL BE AT LEAST 20 FEET WIDE AT ALL POINTS. AT LEAST 75 SQUARE FEET PER CHILD SHALL BE PROVIDED FOR FACILITIES SERVING 30 CHILDREN OR LESS; ALL OTHER DAY CARE SERVICES AND 24-HOUR CHILD CARE FACILITEIS SHALL PROVIDE SIMILAR USABLE YARD AREA AS MAY BE REQUIRED FOR APPROVAL BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.
- B. CHILD CARE MATRIX. CHILD CARE FACILITIES SHALL CONFORM TO THE FOLLOWING REQUIREMENTS:

TABLE INSET:

	Family Care	Family Residential Care	Day Care	Day Care	Child Care Facility, 24-hour
Maximum number of children		10	30	No limit	No limit
Maximum number of hours of operation		24	18	18	24
Babysitting	No	Yes	Yes	Yes	
Educational	Yes	Yes	Yes	Yes	
Social program	Yes	Yes	Yes	Yes	
Zoning districts:					
R-1/R-1A single- family	P	P	CU	CU	NP
R-2A/R-2D duplex	P	P	CU	CU	NP
R-2M multiple-family	P	P	*	*	CU
R-3 multiple-family	P	P	P	P	CU
R-4 multiple-family	P	P	P	P	CU
R-5/R-5A rural residential	P	P	CU	NP	NP
R-6 suburban residential	P	P	CU	CU	CU
R-7 intermediate residential	P	P	CU	NP	NP
R-8 rural residential	P	P	CU	CU	CU
R-9 rural residential	P	P	CU	CU	CU
R-O residential office	P	P	P	P	P
B-1A neighborhood business	P	P	P	P	P
B-2A, B, C central business district	P	P	P	P	P
B-3 general business	P	P	P	P	P
B-4 rural business	P	P	P	P	P
I-1 light industrial	NP	NP	P	P	P
I-2 heavy industrial	NP	NP	P	P	P
T transition	P	P	P	P	P
MC marine commercial	NP	NP	NP	NP	NP
MI marine industrial	NP	NP	NP	NP	NP

TABLE INSET:

P	=	Permitted principal use.
CU	=	Conditional use; requires public hearing.
NP	=	Not permitted. The use is prohibited in this zone.
*R-2M	=	If the lot is greater than 14,000 square feet it is a permitted use.

NOTWITHSTANDING SECTION 21.15.010, NO PART OF THE CHILD CARE  
MATRIX STATED IN THIS SECTION MAY BE THE SUBJECT OF A VARIANCE.]

(AO No. 81-67(S); AO No. 83-52; AO No. 85-8; AO No. 85-18; AO No. 85-23; AO No.  
85-187; AO No. 91-90(S))

**Section 32.** 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 or to child care with eight (8) or fewer children.

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

**Section 33.** Anchorage Municipal Code chapter 21.45 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 and child care facilities with one through 8 adults or children.**

- A. *Intent.* Adult care facilities and child care facilities with occupancy of eight (8) persons/children or less are intended to be minor commercial activities and are allowed pursuant to chapter 21.40. A child care facility or 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. A child care facility in the R-3 or R-4 district located in a mobile home park or multi-family structure shall have an occupancy of eight (8) children if licensed by DHHS, and no greater than four (4) children if not licensed by DHHS, but may have up to eight (8) children if located in a single family home or duplex in any R-1 through R-O, B-1A, or B-1B zoning district.
- C. This section shall not apply to any use continuing as a lawful conditional use at the time of adoption of this section.
- D. Child care facilities not licensed under AMC 16.55 must provide outdoor yards. The yard shall be a contiguous yard, which shall be at least 20 feet wide at all points, and at least 75 square feet shall be provided per child.

**21.45.310**     **Hospitals and nursing facilities, large residential care facilities, adult care or child care facilities with 9 or more adults or children.**

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- A. *Intent.* The standards in this section shall apply to health care facilities and related institutions, large residential care facilities, adult care facilities, and child care facilities where the facility serves, or is designed or proposed to serve, nine (9) or more persons/children.
- B. A child care facility in the R-3 or R-4 district located in a mobile home park or multi-family structure shall have an occupancy of eight (8) children if licensed by DHHS, and no greater than four (4) children if not licensed by DHHS, but may have up to eight (8) children if located in a single family home or duplex in any R-1 through R-O, B-1A, or B-1B zoning district. For large residential care facilities, this subsection shall only apply to facilities located in residential zoning districts.
- C. *Traffic access.* The site shall provide for direct access from a street constructed to urban standards.
- D. *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.
- E. *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.

F. *Maximum height of structures.* The maximum height of structures shall be the same as permitted in the district in which the site is located.

G. *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. If the method described in section 21.45.200 is applied, the play yard surfacing for a child care facility, as prescribed by Department of Health and Human Services, may be located within this area.

H. *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.

I. *Landscaping.* Landscaping shall be provided as follows:

1. All areas not occupied by buildings, structures, storage yards, drives, walks, off-street parking installations, play yards required for child care, 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.

J. *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.

- K. *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.
- L. *Drainage facilities.* A site drainage plan and storm drainage facilities shall be constructed in accordance with the requirements of section 21.45.230.
- M. *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.
- N. *Parking.* Parking shall be provided on the lot in accordance with the requirements of section 21.45.080.
- O. *On-site systems.* Every health care facility, large residential care facility, child 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.
- P. *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.
- Q. *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.

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

S. 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 34.** 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, child 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, child 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

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

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

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

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

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

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

21                LESS THAN FIVE BEDS:     6,000 SQUARE FEET.

22                FIVE TO TEN BEDS:             15,000 SQUARE FEET.

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

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25        D.     *Authority to impose different conditions. Except as specifically limited in this*  
26        *section, different conditions may be imposed by the planning and zoning*  
27        *commission, if necessary, to properly develop the site and mitigate impacts.*  
28        *[MAXIMUM LOT COVERAGE. THE MAXIMUM LOT COVERAGE SHALL BE*  
29        *IN ACCORDANCE WITH THE ZONING DISTRICT IN WHICH THE*  
30        *INSTITUTION IS ESTABLISHED.]*

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

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34                1.     *A copy of the application submitted for State licensing.*

35                2.     *Building elevations.*

36                3.     *Landscaping.*

37                4.     *Floor plans.*

38                5.     *Site plan and/or as-built survey.*

39                6.     *Description of the program, including the services offered and the*  
40                *professional certification or licenses required to operate.*

41                7.     *Submittals as required under section 21.15.030C. may also be required.*

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

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46        [F.     YARD REQUIREMENTS. THE MINIMUM YARD REQUIREMENTS SHALL



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

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

10 H. LANDSCAPING. LANDSCAPING SHALL BE PROVIDED AS FOLLOWS:

- 11 1. ALL AREAS NOT OCCUPIED BY BUILDINGS, STRUCTURES,  
12 STORAGE YARDS, DRIVES, WALKS, OFF-STREET PARKING  
13 INSTALLATIONS OR OTHER AUTHORIZED INSTALLATIONS  
14 SHALL BE PLANTED WITH VISUAL ENHANCEMENT  
15 LANDSCAPING, AS DESCRIBED IN SECTION 21.45.125;  
16 2. BUFFER LANDSCAPING, AS DESCRIBED IN SECTION 21.45.125C.2.,  
17 SHALL BE PLANTED ALONG THE LENGTH OF EACH LOT LINE  
18 WHICH ABUTS A LOT WITHIN A RESIDENTIAL DISTRICT;  
19 3. ARTERIAL LANDSCAPING, AS DESCRIBED IN SECTION  
20 21.45.125C.4., SHALL BE PLANTED ALONG THE LENGTH OF EACH  
21 LOT LINE WHICH ABUTS A COLLECTOR OR ARTERIAL STREET,  
22 AS DESIGNATED IN THE OFFICIAL STREETS AND HIGHWAYS  
23 PLAN; AND  
24 4. THE PROPERTY OWNER SHALL MAINTAIN ALL LANDSCAPING  
25 IN GOOD CONDITION.

26 I. SCREENING OR BUFFERING. THE PLANNING AND ZONING  
27 COMMISSION MAY REQUIRE:

- 28 1. ENCLOSURE OF THE ENTIRE SITE BY A FENCE, OR SCREENING  
29 LANDSCAPING AS DESCRIBED IN SECTION 21.45.125C.3., OR  
30 BOTH, IN ORDER TO PREVENT CASUAL ACCESS TO AND FROM  
31 THE SITE.  
32 2. SCREENING OR BUFFERING LANDSCAPING AS DESCRIBED IN  
33 SECTION 21.45.125C.3. ALONG THE LENGTH OF A LOT LINE.

34 J. LOADING AREAS. LOADING AND UNLOADING AREAS SHALL BE  
35 PROVIDED ON THE SITE IN ACCORDANCE WITH SECTION 21.45.090.  
36 AMBULANCE AND DELIVERY AREAS SHALL BE SCREENED FROM  
37 ADJACENT RESIDENTIAL AREAS BY A FENCE OR BUFFER  
38 LANDSCAPING NO LESS THAN SIX FEET HIGH.

39 K. DRAINAGE FACILITIES. A SITE DRAINAGE PLAN AND STORM  
40 DRAINAGE FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE  
41 WITH THE REQUIREMENTS OF SECTION 21.45.230.

42 L. REFUSE COLLECTION. REFUSE CONTAINERS AND FACILITIES SHALL  
43 BE ENCLOSED BY A FENCE ON AT LEAST THREE SIDES IN THE  
44 MANNER PROVIDED BY SECTION 21.45.080W.4.

45 M. PARKING. PARKING SHALL BE PROVIDED ON THE LOT IN  
46 ACCORDANCE WITH THE REQUIREMENTS OF SECTION 21.45.080.

- 1 N. ADDITIONAL REQUIREMENTS. A QUASI-INSTITUTIONAL USE SHALL  
2 CONFORM TO THE REQUIREMENTS OF CHAPTER 16.80.  
3 O. AUTHORITY TO IMPOSE DIFFERENT CONDITIONS. DIFFERENT  
4 CONDITIONS MAY BE IMPOSED BY THE PLANNING AND ZONING  
5 COMMISSION, IF NECESSARY, TO PROPERLY DEVELOP THE SITE AND  
6 MITIGATE IMPACTS.]  
7 (GAAB 21.05.060.M; AO No. 85-91, 10-1-85; AO No. 88-6)

**Section 35.** Anchorage Municipal Code section 21.50.285 is hereby deleted in its entirety:

**21.50.285**      **[CONDITIONAL USE STANDARDS--ROOF MOUNT SATELLITE  
DISHES IN RESIDENTIAL DISTRICTS.]**

[A. GENERAL. THE FOLLOWING PROVISIONS SHALL GOVERN THE  
ISSUANCE OF CONDITIONAL USE PERMITS FOR ROOF MOUNTED  
SATELLITE DISHES BY THE PLANNING AND ZONING COMMISSION:

1. APPLICATIONS FOR CONDITIONAL USE PERMITS UNDER THIS  
SECTION SHALL BE SUBJECT TO THE CONDITIONAL USE  
PROCEDURES AND GENERAL STANDARDS, EXCEPT AS  
MODIFIED IN THIS SECTION.
2. IN GRANTING A CONDITIONAL USE PERMIT, THE PLANNING  
AND ZONING COMMISSION MAY IMPOSE CONDITIONS TO THE  
EXTENT THE PLANNING AND ZONING COMMISSION  
CONCLUDES SUCH CONDITIONS ARE NECESSARY TO MINIMIZE  
ANY ADVERSE EFFECT OF THE PROPOSED ANTENNA ON  
ADJOINING PROPERTIES.
3. ANY INFORMATION OF AN ENGINEERING NATURE THAT THE  
APPLICANT SUBMITS, WHETHER CIVIL, MECHANICAL, OR  
ELECTRICAL, SHALL BE CERTIFIED BY A LICENSED  
PROFESSIONAL ENGINEER.
4. AN APPLICANT FOR A CONDITIONAL USE PERMIT SHALL  
SUBMIT THE INFORMATION DESCRIBED IN THIS SECTION AND A  
NON-REFUNDABLE FEE TO REIMBURSE THE MUNICIPALITY FOR  
THE COSTS OF REVIEWING THE APPLICATION.

B. INFORMATION REQUIRED. APPLICANTS FOR A CONDITIONAL USE  
PERMIT FOR A PROPOSED ROOF MOUNTED SATELLITE DISH SHALL  
SUBMIT THE FOLLOWING INFORMATION:

1. A SCALED SITE PLAN CLEARLY INDICATING THE LOCATION,  
TYPE AND HEIGHT OF THE PROPOSED ROOF MOUNTED  
SATELLITE DISH, ON-SITE LAND USES, ADJACENT LAND USES  
AND ZONING, ADJACENT ROADWAYS, SETBACKS FROM  
PROPERTY LINES, ELEVATION DRAWINGS OF THE PROPOSED  
TOWER AND ANY OTHER STRUCTURES, TOPOGRAPHY, AND  
OTHER INFORMATION DEEMED BY THE DIRECTOR OF  
COMMUNITY PLANNING AND DEVELOPMENT TO BE  
NECESSARY TO ASSESS COMPLIANCE WITH THE STANDARDS.
2. RENDERINGS OR PHOTOGRAPHS DEPICTING THE ANTENNA OR  
TOWER STRUCTURE IN PLACE SUFFICIENT TO ASSESS THE  
VISUAL IMPACT ON THE SURROUNDING NEIGHBORHOOD.
3. THE DISTANCE BETWEEN THE PROPOSED SATELLITE DISH AND  
THE NEAREST RESIDENTIAL UNIT.
4. EVIDENCE THE APPLICANT APPEARED BEFORE THE  
COMMUNITY COUNCIL REPRESENTING THE SITE.

C. FACTORS CONSIDERED IN GRANTING A CONDITIONAL USE PERMIT

FOR A ROOF MOUNTED SATELLITE DISH. IN ADDITION TO THE GENERAL STANDARDS FOR A CONDITIONAL USE, THE PLANNING AND ZONING COMMISSION SHALL CONSIDER THE FOLLOWING FACTORS IN DETERMINING WHETHER TO ISSUE A CONDITIONAL USE PERMIT, ALTHOUGH THE PLANNING AND ZONING COMMISSION MAY WAIVE OR REDUCE THE BURDEN ON THE APPLICANT OF ONE OR MORE OF THESE CRITERIA IF THE PLANNING AND ZONING COMMISSION CONCLUDES THAT THE GOALS OF THIS ORDINANCE ARE BETTER SERVED THEREBY:

1. HEIGHT OF THE PROPOSED SATELLITE DISH AND TOWER STRUCTURE;
2. PROXIMITY OF THE TOWER STRUCTURE TO RESIDENTIAL STRUCTURES;
3. NATURE OF USES ON ADJACENT AND NEARBY PROPERTIES;
4. SURROUNDING TOPOGRAPHY;
5. SURROUNDING TREE COVERAGE AND FOLIAGE; AND DESIGN OF THE SATELLITE DISH AND TOWER STRUCTURE, WITH PARTICULAR REFERENCE TO DESIGN CHARACTERISTICS THAT HAVE THE EFFECT OF REDUCING OR ELIMINATING VISUAL OBTRUSIVENESS.]

(AO No. 99-62, § 35, 5-11-99)

**Section 36.** 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>Child and adult care facilities</u> <u>and large residential care facilities</u> <u>violation (identify specific violation)</u>	<u>\$350.00</u>

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(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 36.** 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

	Submitted by:	
	Prepared by:	Planning Department
	For reading:	

Anchorage, Alaska

AO 2004-

AN ORDINANCE AMENDING TITLE 21 OF THE ANCHORAGE MUNICIPAL CODE BY ADDING AND CLARIFYING ADMINISTRATIVE VARIANCE PROCEEDURES; ADDING DEFINITIONS PERTAINING TO RESIDENTIAL CARE FACILITIES; ADULT CARE FACILITIES, AND NURSING HOMES; AMENDING THE DEFINITIONS OF HEALTH CARE FACILITIES AND CHILD CARE FACILITIES; ADDING ADULT CARE AND HEALTH CARE FACILITIES TO CHAPTER 21.40, ZONING DISTRICTS; AMENDING CHILD CARE FACILITIES IN CHAPTER 21.40, ZONING DISTRICTS; AMENDING CHAPTERS 21.45 AND 21.50 PERTAINING TO ADULT CARE FACILITIES, CHILD CARE FACILITIES, RESIDENTIAL CARE FACILITIES AND HEALTH CARE FACILITIES; AMENDING SECTION 14.60.030 BY ADDING CHILD, ADULT, AND RESIDENTIAL CARE FACILITIES VIOLATIONS TO THE FINE SCHEDULE, AND AMENDING ANCHORAGE MUNICIPAL CODE OF REGULATIONS TITLE 21 BY AMENDING THE FEE SCHEDULE IN SECTION 21.20.007 PERTAINING TO RESIDENTIAL CHILD AND ADULT CARE FACILITIES BIENNIAL PERMIT FEES.

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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**Section 2.** Anchorage Municipal Code section 21.30.110 is hereby amended to read 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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**Section 3.** 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 or separation distances for residential care facilities.**

- A. Intent. It is the intent of this section to provide reasonable accommodation to residential care facilities which desire to locate in specific buildings or neighborhoods for justifiable reasons, but without unduly concentrating such facilities or allowing their occupancy limits to grossly exceed those of the average building in the neighborhood.
- B. Application. An application for an administrative variance from occupancy limits or separation distances shall be made on a form provided by the municipality, shall be executed by the owner of the real property, 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 owner 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 any relevant factors, including but not limited to the following:
1. quantifiable risks to the health, safety, and quality of life of, and economic impact on, area residents and users; and
  2. economic hardship on the owner if the variance is denied; and
  3. economic hardship on the intended occupants if the variance is denied, including the availability of other housing alternatives; and
  4. administrative and economic burden on the municipality if the variance is granted; and
  5. external characteristics and impacts of the proposed facility, including its appearance and anticipated 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 21.30.110-21.30.170, and may be brought by any person adversely affected by the action.

**Section 4.** Subsection 21.35.020B., Definitions and rules of construction, is amended to amend, 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:

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Adult means a person 18 years of age or older.

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Adult-care facility means a service providing for the supervision or care of adults who do not reside in the facility and who require assistance due to physical, emotional or cognitive impairments, but who do not require continuous nursing care. These facilities may offer other appropriate social, indoor or outdoor recreational, physical, medical, or psychological services in a protective setting, so long as these uses are clearly accessory to the supervision or care of adults. Hours of operation are not limited, but care is intended to be less than 24 hour care for any one client.

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Child means a person under 18 years of age.

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Child care facility means a service providing for the supervision or care of children.. Such service may include educational and social programs. Services providing supervision or care of one or more adults, along with any number of children shall be treated as adult care



under this title. Hours of operation are not limited, but care is intended to be less than 24 hour care for any one client.

[CHILD CARE SERVICES MEANS ALL TYPES OF SERVICES INCLUDED IN THE FOLLOWING SUBCATEGORIES:]

[A. CHILD CARE FACILITY, 24-HOUR] MEANS A SERVICE PROVIDING FOR THE SUPERVISION, EDUCATION OR COUNSELING OF CHILDREN [WITHOUT RESTRICTION ON THE TIME OF SERVICE. SUCH SERVICE MAY INCLUDE [BABYSITTING OR RESIDENTIAL CARE, AND ACADEMIC, MEDICAL AND SOCIAL PROGRAMS.]

[B. DAY CARE MEANS A SERVICE PROVIDING FOR THE SUPERVISION, EDUCATION OR COUNSELING OF ANY NUMBER OF CHILDREN FOR A PERIOD NOT TO EXCEED 18 HOURS PER DAY. SUCH SERVICES MAY INCLUDE BABYSITTING AND ACADEMIC, MEDICAL AND SOCIAL PROGRAMS.]

[C FAMILY CARE MEANS CARE PROVIDED IN A SINGLE DWELLING UNIT, AS A HOME OCCUPATION, TO FIVE CHILDREN OR LESS FOR A PERIOD NOT TO EXCEED 18 HOURS PER DAY. THE SERVICE IS PRIMARILY BABYSITTING BUT MAY INCLUDE EDUCATIONAL PROGRAMS.]

[D. FAMILY RESIDENTIAL CARE MEANS CARE PROVIDED IN A SINGLE DWELLING UNIT, IN A FAMILY SETTING, FOR TEN CHILDREN OR LESS, WITHOUT RESTRICTION ON THE TIME THAT SERVICES ARE PROVIDED.]

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Disabled, or mental or physical disability means handicapped as defined in 42 U.S.C. 3602(h).

**EDITOR'S NOTE - 42 USC 3602(h) Handicap Definition** - "Handicap" means, with respect to a person -(1) a physical or mental impairment which substantially limits one or more of such person's major life activities,(2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of title 21).

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*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 quasi-institutional houses and residential care facilities. Training and 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.

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*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 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.]

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*Nursing home* means a health care facility that is not an acute care hospital and that provides skilled nursing care, as defined in AS 08.70.180, and related convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for two or more patients not related by blood, adoption or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. It may also include care of mentally incompetent persons. Such facility provides nursing services, and may provide pharmaceutical services, physical or occupational therapy, social work services, therapeutic recreational activities, dietetic, central supply, laundry, housekeeping, laboratory and radiological services. Child care, adult care, residential care, quasi-institutional houses and correctional community residential centers are excluded.

**EDITOR'S NOTE – AS 08.70.180 Nursing Home Definition** - "nursing home" means a facility which is operated in connection with a hospital or in which nursing care, intermediate care, and medical services are prescribed by or performed under the general direction of persons licensed to practice medicine or surgery within the state for the accommodation of convalescents or other persons who are not acutely ill but who do require skilled or intermediate nursing care and related medical services; the term "nursing home" is restricted to those facilities the purpose of which is to provide skilled or intermediate

nursing care and related medical services for a period of not less than 24 hours a day to individuals admitted because of illness, disease or physical or mental infirmity;

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Residential care facility.

A. Residential care facility means a facility that provides services in a supervised residential environment for persons with a mental or physical disability, without regard to age or relationship to the owner, for a duration of at least 30 consecutive days for each person. In order to qualify as a residential care facility, the facility shall have at least the following characteristics:

1. The structure and grounds shall have the exterior appearance of a residence keeping in character with residential structures in the neighborhood.

2. The owner or agent provides:

a. janitorial/housekeeping services;

b. 24 hour on-site staffing; and

c. assistance with the activities of daily living such as bathing, feeding and clothing.

3. The clients, or private or public agencies on their behalf, pay compensation to the owner or agent, in exchange for the services provided and the right of occupancy.

B. Optional accessory services. Residential care facilities may allow for rehabilitation or maintenance services to assist clients with therapy such as physical therapy or speech therapy, but such rehabilitation or maintenance services shall be clearly accessory to the residential care. If otherwise allowed by law, the owner or agent may also provide skilled nursing care and assistance with medication.

C. Other restrictions. No more than 2 staff per 5 clients may reside in the facility. The first 2 resident staff shall not count towards maximum number of clients established under this title.

D. Facilities under this definition include, but are not limited to, assisted living, adult foster care, and family respite care. Facilities under this definition do not include child care, adult care, quasi-institutional houses, community correctional residential centers, housing for the elderly or nursing homes.

E. The definition of residential care facility set forth herein is not intended to and does not include one or more mentally or physically disabled persons living together as a single housekeeping unit and who therefore qualify as a "family" under the above definition of that word. Such groups that qualify as a family are not subject to the

requirements and regulations for residential care facilities set out in this title.  
chapter.

**Section 5.** Anchorage Municipal Code chapter 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:

12. Child care facility with 16 or more children, subject to 21.45.310. [DAY CARE AND 24-HOUR CHILD CARE FACILITIES.]

19. Adult care facility with 11 or more persons, subject to 21.45.310.

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

16. Health care facilities with 11 or more persons, and health services, subject to 21.50.030.

[18. HOSPITALS.]

18.[19.] Correctional community residential centers.

**Section 6.** Anchorage Municipal Code chapter 21.40.030 is hereby amended to read: *(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:

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6. [FAMILY] Residential care facilities with 1 to 5 persons, subject to 21.45.300.

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9. Child care facilities with 1 to 8 children, subject to 21.45.300.

10. Adult care facilities with 1 to 5 persons, subject to 21.45.300.

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

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10. [DAY CARE] Residential care facilities with 6 to 10 persons, subject to 21.45.310.

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15. Child care facilities with 9 to 15 children, subject to 21.45.310.

16. Adult care facilities with 6 to 10 persons, subject to 21.45.310.

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**Section 7.** Anchorage Municipal Code chapter 21.40.040 is hereby amended to read: *(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.

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

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6. [FAMILY] Residential care facilities, with 1 to 5 persons, subject to

21.45.300.

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10. Child care facilities with 1 to 8 children, subject to 21.45.300.

11. Adult care facilities with 1 to 5 persons, subject to 21.45.300.

\*\*\*

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

\*\*\*

4. Health care facilities with 1 to 10 clients, subject to 21.45.310. [NURSING HOMES, CONVALESCENT HOMES AND SIMILAR INSTITUTIONAL USES].

\*\*\*

10. Child care facilities with 9 to 15 children, subject to 21.45.310. [DAY CARE.]

\*\*\*

15. Adult care facilities with 6 to 10 persons, subject to 21.45.310.

16. Residential care facilities with 6 to 10 persons, subject to 21.45.310.

\*\*\*

Section 8. Anchorage Municipal Code section 21.40.045 is hereby amended to read: *(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:

\*\*\*

8. [FAMILY] Residential care facilities, with 1 to 5 persons, subject to

21.45.300.

9. Child care facilities with 1 to 8 children, subject to 21.45.300. [DAY CARE, ON A LOT OF AT LEAST 14,000 SQUARE FEET.]

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12. Adult care facilities with 1 to 5 persons, subject to 21.45.300.

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

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4. Health care facilities with 1 to 10 persons, subject to 21.45.310. [NURSING HOMES, CONVALESCENT HOMES AND SIMILAR INSTITUTIONAL USES.]

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11. Child care with 9 to 15 children, subject to 21.45.310. [TWENTY-FOUR-HOUR CHILD CARE FACILITIES.]

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17. Adult care facilities with 6 to 10 persons, subject to 21.45.310.

18. Residential care facilities with 6 to 10 persons, subject to 21.45.310.

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

21.40.050 R-3 multiple-family residential district.

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

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8. [DAY CARE AND FAMILY] Residential care facilities with 1 to 10

persons, subject to 21.45.300.

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12. Child care facilities with 1 to 8 children, subject to 21.45.300.

13. Adult care facilities with 1 to 5 persons, subject to 21.45.300.

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

[5. FAMILY CARE.]

Code Reviser – 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:

\*\*\*

1. Health care facilities, subject to 21.45.310. [NURSING HOMES, CONVALESCENT HOMES AND SIMILAR INSTITUTIONAL USES.]

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14. [24-HOUR CHILD CARE FACILITY.] Child care facilities with 9 or more children, subject to 21.45.310.

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20. Adult care facilities with 6 or more persons, subject to 21.45.310.

21. Residential care facilities with 11 or more persons, subject to 21.45.310.

\*\*\*

**Section 10.** Anchorage Municipal Code chapter 21.40.060 is hereby amended to read: *(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:

\*\*\*

9. [FAMILY RESIDENTIAL CARE AND DAY CARE] Residential care facilities, with 1 to 10 persons, subject to 21.45.300.

\*\*\*

14. Child care facilities with 1 to 8 children, subject to 21.45.300.

15. Adult care facilities with 1 to 5 persons, subject to 21.45.300.

\*\*\*

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

\*\*\*

2. Health care facilities, subject to 21.45.310. [NURSING HOMES, CONVALESCENT HOMES AND SIMILAR INSTITUTIONAL USES.]

\*\*\*

13. Child care facilities with 9 or more children, subject to 21.45.310. [24-HOUR CHILD CARE FACILITY.]

19. Adult care facilities with 6 or more persons, subject to 21.45.310.

20. Residential care facilities with 11 or more persons, subject to 21.45.310.

\*\*\*

**Section 11.** Anchorage Municipal Code section 21.40.070 is hereby amended to read: *(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).**

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

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5. Residential care facilities, with 1 to 5 persons, subject to 21.45.300.  
[NURSING HOMES AND CONVALESCENT HOMES.]

\*\*\*

8. Child care facilities with 1 to 8 children, subject to 21.45.300. [FAMILY  
RESIDENTIAL CARE.]

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11. Adult care facilities with 1 to 5 persons, subject to 21.45.300.

\*\*\*

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

\*\*\*

9. Child care facilities with 9 to 15 children, subject to 21.45.310. [DAY  
CARE FOR 30 CHILDREN OR LESS.]

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15. Residential care facilities with 6 to 10 persons, subject to 21.45.310.

16. Adult care facilities with 6 to 10 persons, subject to 21.45.310.

\*\*\*

**Section 12.** Anchorage Municipal Code chapter 21.40.080 is hereby amended to read: *(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:

\*\*\*

5. [FAMILY] Residential care facilities with 1 to 5 persons, subject to  
21.45.300.

\*\*\*

8. Child care facilities with 1 to 8 children, subject to 21.45.300.

9. Adult care facilities with 1 to 5 persons, subject to 21.45.300.

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

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7. [TWENTY-FOUR-HOUR CHILD CARE AND DAY-CARE FACILITIES]

Code Reviser – renumber remaining subsections.

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

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

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

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5. [FAMILY] Residential care facilities with 1 to 5 persons, subject to 21.45.300.

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8. Child care facilities with 1 to 8 children, subject to 21.45.300.

9. Adult care facilities with 1 to 5 persons, subject to 21.45.300.

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

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[8. DAY CARE FOR 30 CHILDREN OR LESS.]

Code Reviser – renumber remaining subsections.

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

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

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

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2. [FAMILY] Residential care facilities with 1 to 5 persons, subject to 21.45.300.

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5. Child care facilities with 1 to 8 children, Subject to 21.45.300.

6. Adult care facilities with 1 to 5 persons, subject to 21.45.300.

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

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**[6. TWENTY-FOUR HOUR CHILD CARE AND DAY CARE FACILITIES]**

Code Reviser – renumber remaining subsections.

\*\*\*

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

**21.40.110 R-9 rural residential district.**

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

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2. [FAMILY] Residential care facilities with 1 to 5 persons, subject to 21.45.300.

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5. Child care facilities with 1 to 8 children, Subject to 21.45.300.

6. Adult care facilities with 1 to 5 persons, subject to 21.45.300.

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

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- [6. TWENTY-FOUR HOUR CHILD CARE AND DAY CARE FACILITIES.]

Code Reviser – renumber remaining subsections.

\*\*\*

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

**21.40.115**

**R-10 residential alpine/slope district.**

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

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6. Residential care facilities with 1 to 5 persons, subject to 21.45.300.

7. Child care facilities with 1 to 8 children, subject to 21.45.300.

8. Adult care facilities with 1 to 5 persons, subject to 21.45.300.

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

**21.40.117**      **R-11 Turnagain Arm district.**

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

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\*\*\*  
6. Residential care facilities with 1 to 5 persons, subject to 21.45.300.  
7. Child care facilities with 1 to 8 children, subject to 21.45.300.  
8. Adult care facilities with 1 to 5 persons, subject to 21.45.300.

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

- \*\*\*  
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\*\*\*  
4. Child care facilities with 9 or more children, subject to 21.45.310.  
5. Adult care facilities with 6 or more persons, subject to 21.45.310.  
6. Residential care facilities with 6 or more persons, subject to 21.45.310.  
7. Health care facilities subject to 21.45.310.

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

**21.40.130**      **R-O residential-office district.**

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

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7. Child care facilities subject to 21.45.300 or 21.45.310. [FAMILY RESIDENTIAL CARE, AND 24-HOUR CHILD CARE AND DAY CARE FACILITIES.]

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9. Health care facilities, subject to 21.45.300 or 21.45.310, and health services. [HOSPITALS, NURSING HOMES, CONVALESCENT HOMES, HOMES FOR THE AGED, MEDICAL CLINICS, MEDICAL AND DENTAL LABORATORIES, RESEARCH CENTERS, PHARMACIES AND THE LIKE.]

10. Adult care facilities, subject to 21.45.300 or 21.45.310.

11. Residential care facilities, subject to 21.45.300 or 21.45.310.

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

**21.40.140 B-1A local and neighborhood business district.**

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

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Office uses:

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

6. Other uses:

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- c. Child care facilities, subject to 21.45.300 or 21.45.310. [FAMILY RESIDENTIAL CARE, DAY CARE AND 24-HOUR CHILD CARE FACILITIES.]

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g. Adult care facilities, subject to 21.45.300 or 21.45.310.

h. Residential care facilities with 1 to 5 persons, subject to 21.45.300.

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

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13. Residential care facilities with 6 or more persons, subject to 21.45.310.

14. Health care facilities with 1 to 10 persons, subject to 21.45.310.

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

**21.40.145**

**B-1B community business district.**

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

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3. Offices and services:

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[MEDICAL, HEALTH AND L] Legal offices and services.

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e. Health services.

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5. Other uses:

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- c. Child care facilities, subject to 21.45.300 or 21.45.310. [FAMILY RESIDENTIAL CARE, DAY CARE AND 24-HOUR CHILD CARE FACILITIES.]

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- i. Adult care facilities, subject to 21.45.300 or 21.45.310.

- k. Residential care facilities, with 1 to 10 persons subject to 21.45.300 or 21.45.310.

- l. Health care facilities with 1 to 10 persons, subject to 21.45.300 or 21.45.310.

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

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15. Residential care facilities with 11 or more persons, subject to 21.45.310.

16. Health care facilities with 11 or more persons, subject to 21.45.310.

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

**21.40.150. B-2A central business district core.**

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

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2. Permitted uses permitted when not visible from street level and occupying street-level floorspace:

- a. Business and professional offices, including insurance, real estate, [MEDICAL, ]health, legal, financial and other professional services.

Residential care facilities, subject to 21.45.310.

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4. Other uses:

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- k. Child care facilities, subject to 21.45.300 or 21.45.310.
- l. Adult care facilities, subject to 21.45.300 or 21.45.310.

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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:

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[11. FAMILY CARE FAMILY RESIDENTIAL CARE, DAY CARE  
AND 24-HOUR CHILD CARE FACILITIES]

[12] 11. Libraries and museums with a gross floor area greater than 30,000 square feet.

[13] 12. Liquor stores, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with section 21.50.160.

[14] 13. Auditoriums.

[15] 14. Type 1, 2, 3, or 4 community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.

[16] 15. Correctional community residential centers.

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

21.40.160

B-2B central business district, intermediate.

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

\*\*\*

2. Offices:

d. [MEDICAL, H] Health and legal services.

3. Other uses:

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h. Child care facilities, subject to 21.45.300 or 21.45.310. [FAMILY CARE, FAMILY RESIDENTIAL CARE, DAY CARE AND 24-HOUR CHILD CARE FACILITIES.]

\*\*\*

o. Adult care facilities, subject to 21.45.300 or 21.45.310.

p. Residential care facilities, subject to 21.45.310.

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

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

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

\*\*\*

2. Offices:

d. [MEDICAL, H] Health and legal services.

\*\*\*

3. Other uses:

\*\*\*

- e. Child care facilities, subject to 21.45.300 or 21.45.310. [FAMILY CARE, FAMILY RESIDENTIAL CARE, DAY CARE AND 24-HOUR CHILD CARE FACILITIES.]

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- f. Adult care facilities, subject to 21.45.300 or 21.45.310.

- s. Residential care facilities, subject to 21.45.310.

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**Section 24.** Anchorage Municipal Code chapter 21.40.180 is hereby amended to read: *(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:

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Other uses:

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- f. Child care facilities, subject to 21.45.300 or 21.45.310. [FAMILY CARE, FAMILY RESIDENTIAL CARE, DAY CARE AND 24-HOUR CHILD CARE FACILITIES.]

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- l. Adult care facilities, subject to 21.45.300 or 21.45.310.

- m. Health care facilities, subject to 21.45.300 or 21.45.310.

- n. Health services.

- o. Residential care facilities, subject to 21.45.310.

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[illegible][illegible]

iii. **Adult care facilities, subject to 21.45.300 or 21.45.310.**

[illegible]

**21.40.200 I-1 light industrial district.**

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

\*\*\*

1. Commercial-retail uses:

\*\*\*

s. Business and professional offices, including health services.

\*\*\*

vv. [DAY CARE AND 24-HOUR CHILD CARE FACILITIES  
(EXCEPT RESIDENTIAL)]

\*\*\*

Section 27. Anchorage Municipal Code chapter 21.40.210 is hereby amended to read: *(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. Health care facilities, health services.

6. Adult care and child care facilities.

7. Residential care facilities.

Section 28. Anchorage Municipal Code chapter 21.40.220 is hereby amended to read: *(the remainder of the section is not affected and therefore is not set out.)*

21.40.200 I-3 rural industrial district.

\*\*\*

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

\*\*\*

6. Health care facilities, health services.

7. Adult care and child care facilities.

8. Residential care facilities.

**Section 29.** Anchorage Municipal Code chapter 21.40.240 is hereby amended to read: *(the remainder of the section is not affected and therefore is not set out.)*

**21.40.240 T transition district.**

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

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\*\*\*

3. Health care facilities, health services.

4. Adult care and child care facilities.

5. Residential care facilities.

**Section 30.** Anchorage Municipal Code subsection 21.45.080G. is hereby amended to read: *(the remainder of the section is not affected and therefore is not set out.)*

**21.45.080 Off-street parking.**

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G. *Health care facilities, residential care facilities, adult care facilities*  
*[, HOSPITALS], and health services.*

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4. *Facilities for elderly, disabled and handicapped.* The area set aside for off-street parking shall be in compliance with subsection 3 of this subsection' provided that, if the facility is used exclusively for the housing of the elderly, disabled or handicapped, the zoning board of examiners and appeals may allow a portion of the area reserved for off-street parking to be landscaped if the board finds that the landscaping is suitable and is in the best interests of the residents of the neighborhood. The provisions of this paragraph do not apply to residential care facilities or adult care

facilities.

5. Residential care facilities with 5 or fewer clients. For facilities located in a dwelling, the parking requirements shall be that for the dwelling.
6. Residential care facilities with 6 or more clients. One parking space is required for every four clients, and one parking space for every employee for that work shift having the greatest number of employees. If located in a dwelling, the requirements of 21.45.080B and W.6. shall also apply.
7. Adult care facilities. One space is required for every 400 square feet 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. If located in a dwelling, the requirements of 21.45.080B and W.6. shall also apply.

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U. Child care.

1. Child care with one to five children. ~~[FAMILY CARE.]~~ No additional parking is required above the dwelling requirement.
2. Child care with six to 10 children. ~~[FAMILY RESIDENTIAL CARE].~~ One space above the dwelling requirement is required for establishments with ~~[MORE THAN]~~ five to ten children.
3. Preschool. ~~[DAY CARE]~~ or child care facility with more than 10 children, [24-HOUR]. One space is required per 400 square feet gross building area, and one additional space, reserved for pickup and delivery of children, per 800 square feet of gross building area.

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W. Standards for parking spaces; parking area design. Parking spaces provided in accordance with the requirements of this section shall meet the following standards:

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- ##. Residential care facilities with 5 or fewer clients. For facilities located in a dwelling, the parking requirements shall be that for a dwelling.

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**Section 31.** Anchorage Municipal Code subsection 21.45.200A. is hereby amended to read: *(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 residential care or adult care facilities with a capacity of five or fewer persons, nor to child care with 8 or fewer children.

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**Section 32.** Anchorage Municipal Code chapter 21.45 is hereby amended by repealing the following section:

**[21.45.180 CHILD CARE SERVICES.]**

**[DAY CARE AND 24-HOUR CHILD CARE FACILITIES SHALL COMPLY WITH THE FOLLOWING STANDARDS:**

- [A. **YARD AREA.** THERE SHALL BE A CONTIGUOUS USABLE YARD PROVIDED, WHICH SHALL BE AT LEAST 20 FEET WIDE AT ALL POINTS. AT LEAST 75 SQUARE FEET PER CHILD SHALL BE PROVIDED FOR FACILITIES SERVING 30 CHILDREN OR LESS; ALL OTHER DAY CARE SERVICES AND 24-HOUR CHILD CARE FACILITIES SHALL PROVIDE SIMILAR USABLE YARD AREA AS MAY BE REQUIRED FOR APPROVAL BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.]

- [B. **CHILD CARE MATRIX.** CHILD CARE FACILITIES SHALL CONFORM TO THE FOLLOWING REQUIREMENTS:]

[TABLE INSET:

	Family Care	Family Residential Care	Day Care	Day Care	Child Care Facility, 24-hour
Maximum number of children		10	30	No limit	No limit
Maximum number of hours of operation		24	18	18	24
Babysitting	No	Yes	Yes	Yes	
Educational	Yes	Yes	Yes	Yes	
Social program	Yes	Yes	Yes	Yes	
Zoning districts:					
R-1/R-1A single-family	P	P	CU	CU	NP
R-2A/R-2D duplex	P	P	CU	CU	NP

R-2M multiple-family	P	P	*	*	CU
R-3 multiple-family	P	P	P	P	CU
R-4 multiple-family	P	P	P	P	CU
R-5/R-5A rural residential	P	P	CU	NP	NP
R-6 suburban residential	P	P	CU	CU	CU
R-7 intermediate residential	P	P	CU	NP	NP
R-8 rural residential	P	P	CU	CU	CU
R-9 rural residential	P	P	CU	CU	CU
R-O residential office	P	P	P	P	P
B-1A neighborhood business	P	P	P	P	P
B-2A, B, C central business district	P	P	P	P	P
B-3 general business	P	P	P	P	P
B-4 rural business	P	P	P	P	P
I-1 light industrial	NP	NP	P	P	P
I-2 heavy industrial	NP	NP	P	P	P
T transition	P	P	P	P	P
MC marine commercial	NP	NP	NP	NP	NP
MI marine industrial	NP	NP	NP	NP	NP

[TABLE INSET:

P	=	Permitted principal use.
CU	=	Conditional use; requires public hearing.
NP	=	Not permitted. The use is prohibited in this zone.
*R-2M	=	If the lot is greater than 14,000 square feet it is a permitted use.

NOTWITHSTANDING SECTION 21.15.010, NO PART OF THE CHILD CARE MATRIX STATED IN THIS SECTION MAY BE THE SUBJECT OF A VARIANCE.]

(AO No. 81-67(S); AO No. 83-52; AO No. 85-8; AO No. 85-18; AO No. 85-23; AO No. 85-187; AO No. 91-99(S))

**Section 33.** Anchorage Municipal Code chapter 21.45 is hereby amended by adding a new section to read as follows: *(the remainder of the chapter is not affected and therefore is not set out.)*

**21.45.300 Residential care facility and adult care facility, with up to 5 persons/children, and child care facility with up to 8 children.**

**A.** Intent. Residential care facilities and adult care facilities having an occupancy of 5 persons/children or less and child care facilities having an occupancy of 8 children or less, are intended to be minor commercial activities and are allowed as indicated in chapter 21.40. A residential care facility, child care facility or 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.

1 B. Location. Residential care facilities and adult care facilities shall be located only in  
2 a single-family dwelling, excluding detached condominium units and duplex or  
3 multi-family structures, when located in any R-1 through R-O, B-1A, or B-1B  
4 zoning district. These uses shall be prohibited if the only direct street access is from  
5 a private street. A child care facility in the R-3 or R-4 district which is located in a  
6 mobile home park or multi-family structure shall have an occupancy of no greater  
7 than 4 children, but may have up to 8 children if in a single family home or duplex,  
8 when located in any R-1 through R-O, B-1A, or B-1B zoning district.

9  
10 C. Permit required. Residential care facilities and adult care facilities shall obtain a  
11 biennial administrative permit from the administrative official designated pursuant  
12 to section 21.10.005. The application shall identify the legal description of the site,  
13 zoning, street address, occupancy, copy of the permittee's State and/or Municipal  
14 business license and any required use permits, and list of staff and professional  
15 certifications. If a permit and/or license has not yet been received, then a copy of the  
16 completed applications for said permit and/or license shall be submitted. The  
17 applicant shall certify on the permit that, when granted, the use is in compliance  
18 with this Title. The permit shall remain valid until the use ceases operation, or until  
19 the permit expires or is revoked according to this title. Before the permit is issued:

20  
21 1. The applicant shall obtain from the building official or his designee a  
22 determination of (1) the occupancy classification of the facility under the  
23 building code; and (2) the need for a change of use permit. A copy of this  
24 determination shall be provided to the inspectors noted in subsection 2  
25 below, and a copy shall be submitted with the administrative permit  
26 application.

27  
28 2. A code compliance inspection shall be performed by municipal code  
29 abatement, structural, electrical, and fire inspectors to verify compliance  
30 with minimum life-safety requirements established by the Building Safety  
31 Division. The inspections are not required if a code compliance inspection  
32 has been performed, or a certificate of occupancy has been issued, within the  
33 previous 10 years and the permit applicant certifies that no alterations  
34 requiring a permit have been made since the code compliance inspection or  
35 certificate of occupancy was issued. A copy of all inspection reports shall be  
36 submitted with the administrative permit application.

37  
38 3. If supported by on-site well and wastewater disposal systems, the property  
39 shall conform to the requirements of chapter 15.65, pertaining to wastewater  
40 disposal regulations, and the owner/operator shall provide a one-time only  
41 health authority certificate.

42  
43 D. In addition to any other requirements in this title, residential care or adult care  
44 facility having occupancy of 5 clients or less shall:

1. establish occupancy at the time of licensing/license renewal with the State of Alaska and/or Municipality of Anchorage;
2. offer no more than 5 persons/children for residential care and adult care or 8 children for child care, occupancy at any one time; and
3. meet the off-street parking requirements of in section 21.45.080.

**Section 34.** Anchorage Municipal Code chapter 21.45 is hereby amended by adding a new section to read as follows: *(the remainder of the section is not affected and therefore is not set out.)*

**21.45.310 Residential care facilities, health care facilities or adult care facilities with 6 or more persons/children or child care facilities with 9 or more children.**

**A. Intent.** The standards in this section shall apply to health care facilities, residential care facilities, and adult care facilities where the facility serves, or is designed or proposed to serve, 6 or more persons/children, and child care facilities where the facility serves, or is designed or proposed to serve, 9 or more children. A child care facility in the R-3 or R-4 district which is located in a mobile home park or multi-family structure shall have an occupancy of no greater than 4 children.

**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 residential care facility:
      - a. Six to ten persons in care at any given time: 15,000 square feet.
      - b. 11 or more persons in care at any give time: 20,000 square feet.
    4. Minimum lot size for a child care facility:
      - a. 9 to fifteen children in care at any given time: 15,000 square feet.
      - b. 16 or more children in care at any give time: 20,000 square feet.
  - E. 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 25% 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 25% of the lot as open area, etc., will allow for sufficient buffering of adjacent uses.
  - F. Maximum height of structures. The maximum height of structures shall be that which is permitted in the district in which the site is located.
  - G. 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.
  - H. Illumination. Illumination shall be provided in the manner prescribed in section 21.45.080. W.4.e. Fixtures and lighting levels shall avoid trespass light, skyglow, or glare. Lighting fixtures with a mounting height greater than 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.
  - I. 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 21.45.125.C.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 21.45.125.C.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.

J. Screening or buffering. The planning and zoning commission may require:

1. Enclosure of the entire site by a fence of a minimum of 4 feet in height in order to prevent casual access to and from the site.

2. Screening or buffering landscaping as described in section 21.45.125.C.2 or 3 along the length of a lot line.

3. 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, this bond shall remain in effect for a 2-year growing period to assure survivability of all trees and shrubs and replacement of dead or stunted landscape materials.

K. 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.

L. Drainage facilities. A site drainage plan and storm drainage facilities shall be constructed in accordance with the requirements of section 21.45.230.

M. 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 four sides in the manner provided by section 21.45.080.W.4. Enclosures must 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.

N. Parking. Parking shall be provided on the lot in accordance with the requirements of section 21.45.080. Site plans should reduce the visual impact of parking on residential streetscapes through placement of parking lots to the rear or side of primary structure(s). In residential zoning districts, parking lots shall not be allowed

in the front yard setback of street frontages. However, if development is not otherwise reasonably feasible, the director may approve surface parking in the front yard setback. With such exceptions, front yard coverage by drives and parking shall be no more than fifty percent of the length of the primary street frontage. All surface parking areas are to be screened from adjacent streets and properties through the use of landscaping.

O. On-site systems. Every health care facility, residential care facility, child care facility or adult care facility with 6 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.

P. 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 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, must 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 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 must be shown on the site plan.

Q. 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.

R. Permit required. For residential care facilities, health care facilities and adult care facilities, a biennial administrative permit must be obtained from the administrative official designated pursuant to section 21.10.005, unless a site plan review or conditional use is required. The application shall identify the legal description of the site, zoning, street address, occupancy, copy of the permittee's State and/or Municipal business license and any required use permits, and list of staff and professional certifications. If a permit and/or license has not yet been received, then a copy of the completed applications for said permit and/or license shall be submitted. The applicant shall certify on the permit that, when granted, the use is in compliance with this Title. The permit shall remain valid until the use ceases operation, or until the permit expires or is revoked according to this title. Before the permit is issued:

1. The applicant shall obtain from the building official or his designee a determination of (1) the occupancy classification of the facility under the building code; and (2) the need for a change of use permit. A copy of this

determination shall be provided to the inspectors noted in subsection 2 below, and a copy shall be submitted with the administrative permit application.

2. A code compliance inspection shall be performed by municipal code abatement, structural, electrical, and fire inspectors to verify compliance with minimum life-safety requirements established by the Building Safety Division. The inspections are not required if a code compliance inspection has been performed, or a certificate of occupancy has been issued, within the previous 10 years and the permit applicant certifies that no alterations requiring a permit have been made since the code compliance inspection or certificate of occupancy was issued. A copy of all inspection reports shall be submitted with the administrative permit application.
3. If supported by on-site well and wastewater disposal systems, the property shall conform to the requirements of chapter 15.65, pertaining to wastewater disposal regulations, and the owner/operator shall provide a one-time only health authority certificate.

S. Required submittals. The following shall be provided with an application for review under subsection R of this section, and submittals as required under section 21.15.030.C may also be required.

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.

**Section 35.** 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—[HOSPITALS, REHABILITATION CENTERS] Health care facilities, residential care facilities, child care facilities, adult care facilities, correctional facilities and similar institutions.

The following standards shall apply to [HOSPITALS, SANITARIUMS, CONVALESCENT CENTERS, NURSING OR REST HOMES, REHABILITATION



CENTERS, CORRECTIONAL FACILITIES, PSYCHIATRIC INSTITUTIONS] health care facilities, residential care facilities, child care facilities, adult care facilities, correctional facilities 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.
- 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 that a minimum of 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 that retention of less than 25% of the lot as open area allows for sufficient buffering of adjacent uses.
- C. Yard requirements. The planning and zoning commission may alter the minimum yards required by the underlying zoning district, except that 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 meeting the standards in section 21.45.125.
- 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.
- E. Required submittals. The following shall be provided with an application and submittals as required under section 21.15.030C may also be required:
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.
- [A. 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. 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. 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. MAXIMUM LOT COVERAGE. THE MAXIMUM LOT COVERAGE SHALL BE IN ACCORDANCE WITH THE ZONING DISTRICT IN WHICH THE INSTITUTION IS ESTABLISHED.]

- [E. 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 21.45.080.W.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 21.45.125.C.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 21.45.125.C.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 21.45.125.C.3, OR BOTH, IN ORDER TO PREVENT CASUAL ACCESS TO AND FROM THE SITE
2. SCREENING OR BUFFERING LANDSCAPING AS DESCRIBED IN SECTION 21.45.125.C.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 21.45.080.W.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 36.** Anchorage Municipal Code of Regulations section 21.20.007 is hereby amended by adding a new subsection to read as follows: *(the remainder of the section is not affected and therefore is not set out.)*

**21.20.007**      **Schedule of fees – Miscellaneous fees.**

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##.      Residential care facilities and adult care facilities biennial permit      \$525.

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**Section 37.** Anchorage Municipal Code of Regulations section 21.20.007 is hereby amended by adding a new subsection to read as follows: *(the remainder of the section is not affected and therefore is not set out.)*

**21.20.002**      **Schedule of fees – Zoning.**

A.      The following fees shall be paid for the services described:

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9.      Fees. The fee for application for an administrative variance from occupancy limits or separation distances for residential care facilities shall be \$525.

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**Section 38.** 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>
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21.45.300 or 21.45.310

Child, adult and residential care facilities violation (identify specific violation)      \$350.00

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**Section 39.**      That this ordinance shall be effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Chair

ATTEST:

Municipal Clerk

	Health Care			Health Services	Child Care			Adult Care			Residential Care		
	1-5	6-10	11+		1-8	9-15	16+	1-5	6-10	11+	1-5	6-10	11+
PLI	N	N	P	P	N	N	P	N	N	P	N	N	N
R-1/R-1A single-family	N	N	N	N	P	C	N	P	C	N	P	C	N
R-2A/R-2D duplex	C	C	N	N	P	C	N	P	C	N	P	P	N
R-2M multiple-family	C	C	N	N	P*	C	C	P	C	C	P	P	C
R-3 multiple-family	C	C	C	N	P*	C	C	P	C	C	P	P	C
R-4 multiple-family	C	C	C	N	P	C	N	P	C	N	P	C	N
R-5/R-5A rural residential	N	N	N	N	P	N	N	P	N	N	P	N	N
R-6 suburban residential	N	N	N	N	P	N	N	P	N	N	P	N	N
R-7 intermediate residential	N	N	N	N	P	N	N	P	N	N	P	N	N
R-8 rural residential	N	N	N	N	P	N	N	P	N	N	P	N	N
R-9 rural residential	N	N	N	N	P	N	N	P	N	N	P	N	N
R-10	N	N	N	N	P	N	N	P	N	N	P	N	N
R-11	C	C	C	N	P	C	C	P	C	C	P	C	C
R-O residential office	P	P	P	P	P	P	P	P	P	P	P	P	P
B-1A neighborhood business	C	C	N	P	P	P	P	P	P	P	P	C	C
B-1B	P	P	C	P	P	P	P	P	P	P	P	P	C
B-2A, central business district	N	N	N	P	P	P	P	P	P	P	P	P	P
B-2B, central business district	N	N	N	P	P	P	P	P	P	P	P	P	P
B-2C, central business district	N	N	N	P	P	P	P	P	P	P	P	P	P
B-3 general business	P	P	P	P	P	P	P	P	P	P	P	P	P
B-4 rural business	P	P	P	P	P	P	P	P	P	P	P	P	P
I-1 light industrial	N	N	N	P	N	N	N	N	N	N	N	N	N
I-2 heavy industrial	N	N	N	N	N	N	N	N	N	N	N	N	N
I-3	N	N	N	N	N	N	N	N	N	N	N	N	N
T transition	N	N	N	N	N	N	N	N	N	N	N	N	N
W	N	N	N	N	N	N	N	N	N	N	N	N	N
AF	N	N	N	N	N	N	N	N	N	N	N	N	N
MC marine commercial	N	N	N	N	N	N	N	N	N	N	N	N	N
MI marine industrial	N	N	N	N	N	N	N	N	N	N	N	N	N

P=Permitted principal use

A=Accessory use

N=Prohibited by 21.45.015.B

C=Conditional use

\* = The R-3 and R-4 districts are the only districts in which child care can be in a multi-family dwelling or in a mobile home park, but capacity is limited to an occupancy of 4 children.

# **Overview of Child Care and Child Care Zoning Committee Recommendations**

11/13/03

## **I. Regulation of Child Care:**

Child care is regulated in the State of Alaska by Alaska Statute 14.37, Alaska Administrative Codes 4AAC 62 and 4AAC 65, and in the Municipality of Anchorage by AMC 16.55.300 - .570, which was implemented in 1989 when the MOA assumed full licensing responsibility of child care centers from the State.

Currently the State of Alaska has final licensing responsibility for family child care homes within the MOA; however, the Child and Adult Care Program is in the process of revising AMC 16.55 to include full licensing responsibility for both child care centers and family child care homes.

The following is an overview of the current child care community within the Municipality of Anchorage based on the types of child care permitted by state and local codes and statutes:

## **II. Types of Child Care:**

- Exempt care:
  - Exempt providers are not required to follow any child care regulations (except for Alaska Administrative Code 4 AAC 62 which defines their exempt status). They are not monitored by state staff and are only monitored by municipal staff if there is a allegation of overcapacity.
  - We have no statistics on the numbers of exempt homes or the number of children in care in these facilities.
  - Care takes place in the provider's home.
  - Provider may care for no more than 4 unrelated children **total**. The 4 unrelated children are the facility's total enrollment (Example: 4 unrelated children during the day and 4 different unrelated children at night is not permitted).
  - According to state statutes, these individuals are not limited to the number of related children they may care for (in addition to the 4 unrelated), nor are they restricted to the number of hours or times of the day care may be provided.
- Approved care:
  - Approved care providers must follow Alaska Administrative Code 4 AAC 65 and are monitored and approved by the staff at the State of Alaska Child Care Program office.
  - There are approximately 500 approved providers and applicants within the Municipality of Anchorage.
  - Care generally takes place in the provider's home. Occasionally care will be offered by an approved provider in an alternate site such as the child's own home or a vacant apartment owned by the provider.
  - Care may be provided for no more than 5 children **total**. (Example 5 children during the day and 5 different children at night is not permitted).
  - Provider's own children under the age of 12 count in the ratio.
  - No more than 4 of the 5 children may be unrelated to the provider.
  - No more than 2 children under 30 months of age.

- According to state statutes, these individuals are not restricted to number or hours or time of day care may be provided.
- Licensed Family Child Care:
  - Family Child Care Homes within the MOA are monitored by Municipal staff who currently make recommendations to the State of Alaska to issue, deny or revoke a child care license. Once the 16.55 Municipal Code revision is approved by the Assembly, the MOA will assume full licensing responsibility.
  - There are approximately 300 licensed family child care providers and applicants within the Municipality of Anchorage.
  - Care generally takes place in the provider's home. Occasionally care will be offered by a licensed provider in an alternate site such as a vacant apartment owned by the provider.
  - Proposed MOA code would permit a maximum of eight children to be in care at any one time. (First year providers would be restricted to six children at any one time.)
  - No more than 3 children under the age of 30 months.
  - Provider's own children under the age of 12 count in the ratio.
  - These individuals can provide care in shifts and could therefore have a total enrollment exceeding eight children.
    - State statute does not restrict the number of hours or times of day care may be provided. However, it does restrict nighttime care (between the hours of 10:00pm and 6:00am) to a total of 5 children under the age of 12.
    - Of the providers currently licensed:
      - 50% have been issued a license to include nighttime care
      - 16% state they care for children during nighttime hours on a regular basis
      - 53% have been issued a license to include weekend care
      - 28% state they care for children on the weekends on a regular basis
- Licensed Child Care Centers:
  - Licensed Child Care Centers within the MOA must follow AMC 16.55 and are licensed and monitored by Municipal staff.
  - Currently there are 101 licensed and 11 pending child care centers in the Municipality of Anchorage. Seven additional facilities were licensed for all or part of the summer months only. Of those centers with a current license, the breakdown of capacities is:
    - 18 centers licensed to care for 30 or fewer children
    - 70 centers licensed to care for 31 – 100 children
    - 13 centers licensed to care for 101-200 children

### III. Child Care Needs:

The need for child care in Anchorage, like in many communities across the United States, continues to be a problem for many residents. Care for infants and school age children continues to be in short supply with waiting lists in all categories of facility types from centers to homes.

At the beginning of the 2003-2004 school year, the Municipality's largest before and after school program, Campfire USA, had a waiting list of over 750 children. Anchorage also has a high demand for care during evening, weekend and extended care hours due to the families who work in tourist based businesses and those who work for companies on the North Slope. These individuals often need care 24 hours for up to two weeks at a time. Most center facilities cannot accommodate these children. Therefore there is a continuing demand for more home facilities to be licensed to accommodate these families. Anchorage also has a



higher than average population of families who move from other states and no longer have local family members who can care for their children during these irregular hours, increasing the demand for providers able to care for their children.

In short, we need to have local codes and regulations that support child care businesses and do not create barriers to opening and operating a successful facility. When local regulations make it difficult for individuals to become licensed facilities, they often go underground and operate illegally, resulting in lower quality of care. We feel with "user friendly" zoning regulations we can continue to increase the number of licensed child care facilities within the Municipality of Anchorage without having an adverse impact on the local communities where they are located.

#### IV. Child/Adult Care Zoning Committee:

One of the major issues for family child care homes lies with the conflicting requirements between state and municipal regulations. With increasing state requirements for licensed facilities coupled with additional or conflicting requirements from fire, DEC, planning and zoning, and other agencies, licensed facilities are becoming confused and understandably frustrated. The staff of the Child and Adult Care program, and providers from the child care community, who are working on the 16.55 code revision are attempting to understand these various requirements and how they impact providers and families.

Because zoning concerns are at the heart of neighborhood child care, a committee was formed in early summer, 2003, to discuss and make recommendations. The issues discussed at the zoning committee meeting focused on the following key areas:

- Definitions
- Home Occupations
- Yard Area or Lot Size
- Parking and Traffic

##### A. Definitions:

- Facilities: Current Title 21 terminology including the terms family care, day care and family residential care is often in conflict with state language and requirements. We propose the new land use amendments define child care using terminology similar to current state and local codes as follows:
  - Child Care – The supervision, care, and education of young children.
  - Babysitting – Care provided for children in their own home for generally 4 or fewer hours.
  - Family Child Care Homes:
    - Small Family Child Care Home – Care provided in a residential setting for 5 or fewer children. Care may be provided 24 hours a day and must meet all state and local child care regulations.
    - Large Family Child Care Home – care provided in a residential setting for 8 or fewer children. Care may be provided 24 hours a day and must meet all state and local child care regulations.
  - Child Care Centers
    - Care provided for more than 8 children of any age.
      - Small Child Care Center – Care provided for 8 to 30 children.

- Large Child Care Center - Care provided for more than 30 children.

**B. Home Occupation:**

The current definition of home occupation excludes family child care homes from being able to operate for the following reasons:

- "No more than the lesser of 25 percent or 500 square feet of the floor are of the dwelling is devoted to the home occupation." Most homes use all or most of their facilities in their child care business.
- "There shall be no change in the outside of the building or premises, nor shall there be other visible evidence of the conduct of such home occupation..." You can often detect the presence of a family child care business by the amount of outdoor play equipment for children.
- "No equipment or process shall be used in such home occupation which creates noise, . . ." Children often make noise.
- "The home occupation shall not be conducted between the hours of 10:00 pm and 7:00 am." This would prevent all home providers categorized as a home occupation from caring for children during nighttime hours.

Therefore, we recommend eliminating both small and large family child care homes from the category of home occupations. Or perhaps it could be dealt with it through exceptions in the language.

**C. Yard Area or Lot Size** – Since draft revisions to AMC 16.55 address the outdoor space requirements for both family child care homes and child care centers, we recommend either eliminating it from the Title 21 requirements or using consistent language as addressed in 16.55.

**D. Parking** – We recommend the following requirements for parking:

- Child care centers – No changes
- Family Child Care Homes –
  - Single family dwellings – No changes
  - Multi-family dwellings – No requirement for spaces other than those required for the dwelling itself. We have many licensed providers currently residing in multi-family dwellings who would be unable to meet additional requirements for parking spaces on-site. To our knowledge, parking is not an issue for those homes currently licensed.

## Licensing Survey Statistics

Staff of the Child and Adult Care Program conducted a telephone survey of licensed family child care homes. At the time of the survey (November 2003) there were 242 licensed providers on the Master licensed list and 183 were surveyed. At the time of this report there were 249 licensed providers on the licensed list.

- ✓ 76% of licensed homes surveyed
- ✓ 54% of the providers had children of their own under age 12 living in the facility
- ✓ 11% of the providers had more than 2 related children of their own living in the facility
- ✓ 26% of providers care for related children who reside outside of the facility
- ✓ Providers have an average of 5 unrelated children enrolled in their facility
- ✓ Providers care for an average of 4-5 children Monday-Friday daytime hours (8-5)
- ✓ 22% of the homes are licensed for 6 children.
- ✓ 78% of the homes are licensed for 8 children.
- ✓ There are an average of 3 vehicles that arrive during the week daytime hours
- ✓ Of the 183 providers surveyed there are 234 families with siblings in care at the same facility. Based on these numbers there would be 318 families for our current 249 licensed homes.
- ✓ 44% of the providers have families who live in the immediate neighborhood and therefore do not bring extra traffic in to the facility
- ✓ 23% of all children enrolled live in the immediate neighborhood
- ✓ 37% of providers care for children during the evening hours on a regular basis
- ✓ 16% of providers care for children at night on a regular basis
- ✓ 28% of providers care for children on the weekends on a regular basis
- ✓ 29% of the providers are limited to the number of children they can care for because they have no children of their own under 12 and have no related children who come into the home for care.
- ✓ 22% of the providers are limited to caring for 6 children because they have one door and one window exit
- ✓ Based on the figures given, approximately 50% of the licensed providers could benefit from the proposed change to 8 unrelated children (This figure includes providers who are currently caring for related children who reside outside of the household)

A second survey was conducted using the Municipal Property Appraisal data base to search for properties where facilities are licensed. A total of 248 properties were searched using either the property owners name or the physical address. The following statistics were gathered from this data.

### Own vs Rent:

- ✓ 64% of licensed providers own their own property (154 of 241)
  - 90% of the property owners live in either a single family dwelling, multi-family dwelling or condo (138 of 154)
  - 10% of the property owners live in mobile homes and it is unknown whether they also own the land (16 of 154)
  - We were unable to determine whether 7 providers were home owners or renters
- ✓ 36% of licensed providers live in rental properties where they have no ownership (87 of 241)

### Zones:

- ✓ Of the 248 facilities searched, we were able to locate 226 zoned in the following areas:

Zone	Number of facilities	Proposed Title 21 use restrictions 1-6 children	Proposed Title 21 use restrictions 7-10 children
R-1/R-1A	68	P	C
R-2A/R-2D	31	P	C
R-2M	52	P	C
R-3	51	P	C
R-4	8	P	C
R-5/R-5A	4	P	C
R-6	4	P	N
R-7	1	P	N
I1	4	P	N
RO	1	P	P
B-3	2	P	P
Unknown	22	*	*

Key: P=Permitted, C=Conditional Use, N=Not Permitted

### Lot Size:

- ✓ 81% of facilities have a lot size under 15,000 sq ft (183 of 225)
- ✓ 19% of facilities have a lot size 15,000 sq ft or larger. (42 of 225) Most of these properties are duplex's, multi-family dwellings or mobile home parks in which the provider does not have access to the entire lot for day care use.
- ✓ 24 facilities have an unknown lot size

**type of dwelling:**

- ✓ The types of dwellings are broken down as follows:

Type of dwelling	Percentage of facilities out of 228 known	Number of facilities
Single family	60%	136
Condo	4%	10
Duplex	13%	29
Tri-plex	2%	4
4-plex	1%	3
Apartment	11%	24
Mobile Home	9%	21
Commercial	0%	1
Unknown	*	20

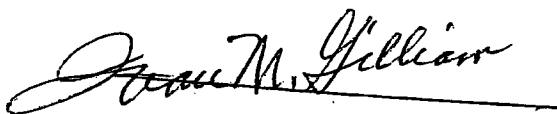
01/18/04

Planning and Zoning Commission  
% Municipal Clerk's Office  
Box 196650  
Anchorage, Alaska 99519 - 6650

Dear Commissioners:

This is to support continuation of assisted living homes/quasi institutions being required to obtain conditional use permits for R - 1/R - 1A zones and not drop this standard as proposed in amendment(s) to Title 21. For the good of ALH/qi residents, neighbors, homeowner associations and the Municipality, it is important to ensure that the original infrastructure and cultural values accepted by home buyers continue to keep their integrity as expected when businesses weren't anticipated. ALH's/qi's need to be considered, but they, the State, and the Muni should not be the only forces to determine a community's future. Neighborhood views should always be highly considered as now called-for under conditional use permitting for all R-1's.

Sincerely yours,

A handwritten signature in cursive script, reading "Ivan M. Gilliam". The signature is written in dark ink and is positioned above a horizontal line.

Ivan M. Gilliam  
9649 Musket Ball Circle, #5  
Anchorage, Alaska 99507

1/20/04

RECEIVED  
JAN 20 2004

Angela -  
What is real intent in draft proposal for Title 21 changes from pp. 26+  
Should be no room for doubt/confusion  
other that will allow fencecraze disagreement  
misunderstanding/controversy. CUP's should  
be required for all ALH's. Task Force  
recommendation re ALH's to be inspected  
for (3) or more residents is fine as  
long as ALH's down to/including one are  
still required to have CUP's. If this were  
absolutely clear in the draft (1/06/04), this Hr  
to P&Z wouldn't be needed unless it could  
help forestall any attempt to obfuscate intent  
and leave door open for ALH's to get  
by (under six) without CUP's. Many  
state licensed will seize on opportunity  
to get by even easier than now as you  
can count on.

Thanks for your own strong (stark) desire  
to keep the bar high but insist on  
enforcement. What is needed is fewer number  
but higher quality and keep rules intact  
enforced. You're appreciated,  
Dana M. McLean



November 20, 2003

Municipality of Anchorage  
Planning Department  
4700 S. Bragaw Street  
Anchorage, AK

RECEIVED  
DEC 08 2003  
MUNICIPALITY OF ANCHORAGE  
PLANNING DEPARTMENT

RE: P&Z Case No. 2003-143, an Ordinance amending Title 21, Assisted Living Facilities

To whom it may concern,

The HOCC wishes to make the following comments regarding the above-mentioned proposed Ordinance. We understand that in majority, this Ordinance is adopting State and Federal Guidelines, which are beyond the scope of our conversation.

When considering standards, whether to approve or deny an application, or what conditions should be placed on such an establishment, please consider the following factors:

- Adequate access by emergency vehicles.
- Adequacy of on-site septic and wells – require on-site water and wastewater systems meet applicable standards and possibly tested on a yearly basis to insure their effectiveness.
- Fire safety and possible evacuation in case of a wildfire, including making sure the home meets AFD's recommendations for defensible space.
- Local control over road conditions in areas served by LRSAs and IRSAs. We strongly support the restriction of Section 30.21.45.310 B, requiring that all assisted living facilities have direct access from a street constructed to urban standards. As you know, a facility of this nature can produce great amounts of traffic. Not only would this have a detrimental affect on the neighbors, but also on the roads themselves. As most of the upper hillside is LRSA and IRSA, if an assisted living facility is to be operated in one of these areas, the facility must contribute more to the road fund than the residents or it would create an inequity.
- Homeowner's Association covenants.
- Limit supply and delivery times to 9am-5pm weekdays.
- If a dumpster is needed, owner must provide for prevention of pilfering by bears.
- Regarding number of clients allowed per establishment, the proposed number is six. This exceeds the state definition of a "minor commercial activity", as evidenced by the additional state licensing requirements for that level of operation.

Thank you for your consideration,

Ryan Stencel, President HOCC



DEC 08 2003

Planning and Zoning Commission  
Municipality of Anchorage  
PO Box 196650  
Anchorage, AK 99519

RE: #2003-143 Assisted Living Facility Ordinance

The Assisted Living Facility Ordinance was discussed at the December HALO, Inc meeting. HALO has concerns about the ordinance as currently written. It is felt that it would be inappropriate for such facilities to operate in all residential zones, and that the out-right number of clients currently proposed is too high. The Board voted unanimously on the following points:

- A. Assisted Living Facilities are a business. Many subdivision covenants do not allow commercial activities. This conflict needs to be resolved. Do covenants supercede city ordinances?
- B. Many neighborhoods in Anchorage are not suitable for such facilities due to remoteness and very poor road conditions, which would mean a significant delay in emergency response time. HALO requests that regulations dealing with Medicare payments to assisted living facilities be reviewed to determine whether they require or expect an acceptable emergency response time, and in all seasons.
- C. In keeping with surrounding residential density, the number of out-right permitted clients should be reduced from six to below four. At four or above, a facility should be required to get a conditional use permit. The *2020 Plan* calls for the protection of neighborhood character and assisted living facilities can sometimes be so large as to be quasi-institutional. It is entirely appropriate to expect that if a commercial operation is going to be forced upon a neighborhood, that it be in keeping with the surrounding density.
- D. Because an assisted living facility is a commercial operation in a residential area, it should be mandatory that it be owner-occupied.
- E. Many neighborhoods do not allow on-street parking by covenant, while others would be severely impacted should cars park on the streets on a regular basis. Therefore, this ordinance must address the need to maintain enough off-street parking for staff, delivery vehicles and visitors.
- F. Adequate emergency egress should be a component of this ordinance. Clients should be able to evacuate with staff assistance in a reasonable time. Consider requiring a plan that must be approved by the Fire Marshall.

Sincerely,

**hambers, Angela C.**

---

**From:** Brenda Riordan [brenda.riordan@alaska.com]  
**Sent:** Monday, November 24, 2003 11:04 PM  
**To:** Chambers, Angela C.  
**Subject:** #2003-143 Assisted Living Facility

Planning and Zoning Commission  
MOA  
PO Box 196650  
Anchorage, AK 99519

RE: #2003-143 Assisted Living Facility Ordinance

This is to express my deep concern regarding the potential erosion of R-6 Single-family residential zoning as a result of the Assisted Living Facility Ordinance. My reasons are as follows:

We purchased a single-family neighborhood because we wanted to raise our family in the vicinity of other families. We have since learned that "single-family" does not necessarily mean one family. The Assisted Living Facility Ordinance would redefine the meaning of a family to include a commercial interest that could house as many people as could be licensed in a building designed for a traditional family.

Last year a home in our neighborhood was nearly converted to a large assisted living facility. A nearby home that was up for sale lost all potential buyers (despite the strong market) as they were scared away until the situation was resolved. Therefore we have first-hand knowledge that Assisted Living Facilities have the potential to negatively affect property values in R-6 neighborhoods.

My neighbors and I are not opposed to Assisted Living Facilities per se but rather their affect on the quality of the neighborhood that would be imposed with increased density. We recognize that we may be called upon to assist our aging parents. Therefore in keeping with the intent of R-6 we feel strongly that the number of Assisted Living Residents living in single-family homes within R-6 be limited to not more than three or possibly four persons (if the density of the surrounding neighborhood allows) to retain the single-family and low density intent.

Furthermore to discourage the potential for business interests from using single-family homes to avoid building in more expensive zones that are more appropriate for multi-family housing, we also feel strongly that they be owner-occupied.

Aside from the quality of life issues that Assisted Living Facilities would affect, the Anchorage Hillside has safety issues that need to be seriously considered.

Many homes on the hillside have one means of access or egress. In the event of a wild fire on the hillside, it is plausible that people will need to take extraordinary measures to escape with

the reaction time. Assisted Living Facilities would likely take longer to react and one egress may pose a life-threatening situation. Therefore two means of egress are important for life-safety.

In summary, we are very concerned about the loss of single-family intent of R-6 with Assisted Living Facilities. The higher density that would result from allowing more than 3 or 4 residents, the likely negative effect on our property values, and the change in character of the neighborhood from single-family to single and non-family and certain safety issues are all strong reasons to prohibit or strictly limit the number of residents allowed in R-6 neighborhoods.

Sincerely,  
Joe Riordan P.E.

6100 Azalea Drive  
Anchorage, AK 99516

Planning and Zoning Commission  
MOA  
PO Box 196650  
Anchorage, AK 99519

NOV 25 2003

RE: #2003-143 Assisted Living Facility Ordinance

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Last year a home in our neighborhood was nearly converted to a large assisted living facility. A nearby home that was up for sale lost all potential buyers (despite the strong market) as they were scared away until the situation was resolved. Therefore we have first-hand knowledge that Assisted Living Facilities have the potential to negatively affect property values in R-6 neighborhoods.

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Furthermore to discourage the potential for business interests from using single-family homes to avoid building in more expensive zones that are more appropriate for multi-family housing, we also feel strongly that they be owner-occupied.

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Many homes on the hillside have one means of access or egress. In the event of a wild fire on the hillside, it is plausible that people will need to take extraordinary measures to escape with little reaction time. Assisted Living Facilities would

likely take longer to react and one egress may pose a life-threatening situation. Therefore two means of egress are important for life-safety.

In summary, we are very concerned about the loss of single-family intent of R-6 with Assisted Living Facilities. The higher density that would result from allowing more than 3 or 4 residents, the likely negative effect on our property values, and the change in character of the neighborhood from single-family to single and non-family are all strong reasons to prohibit or strictly limit the number of residents allowed in R-6 neighborhoods.

Sincerely,  
Joe Riordan P.E.

6100 Azalea Drive  
Anchorage, AK 99516

**PLANNING & ZONING  
COMMISSION  
PUBLIC HEARING  
OCTOBER 6, 2003**

**SUPPLEMENTAL/LATE  
INFORMATION**

**G.4. Case 2003-143  
Ordinance Assisted Living**

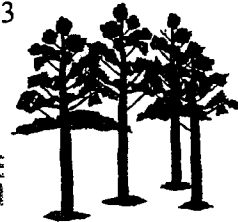
# Rabbit Creek Community Council

P.O. Box 112354, Anchorage, AK 99511-2354

September 26, '03  
**RECEIVED**

SEP 29 2003

MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DIVISION



Planning and Zoning Commission  
MOA  
PO Box 196650  
Anchorage, AK 99519

RE: #2003-143 Assisted Living Facility Ordinance

The Council discussed this proposed ordinance at the September meeting. The Board believes that the ordinance as currently written does not take into consideration the geographical variances of Anchorage nor the lack of or variety of infrastructure (steep slopes, poor soils, substandard roads, severe drainage issues--seasonally, on-site utilities). The Board voted unanimously for the following points to be included in the ordinance:

- 1) The number of outright permitted clients should be reduced from six to below four and should be in keeping with the surrounding residential density. Any facility with four or more clients would come under a conditional use permit. The Council believes a lower number of permitted clients would be in keeping with the demographics of the area based on a similar case last year. In that case it was determined that the neighborhood averaged less than 4 persons per residence while the facility requesting a CU permit would have housed 16 clients plus staff. For Anchorage as a whole, perhaps a ratio could be devised where the number of clients in a facility would not exceed a certain percentage of the average neighborhood density.
- 2) The location of any facility should be on a road maintained by some sort of formal or semi-formal organization such as within ARDSA, LRSA, or a subdivision with a functioning road maintenance group that is at least formalized in their covenants. Emergency vehicles must be able to reach a facility in any season.
- 3) Emergency vehicles must be able to reach the facility within an acceptable response time, year-round, and personnel should be able to get into the facility.
- 4) Where utilities are on-site, both the well and septic must be upgraded and adequate to handle the excess usage and that usage must not impact surrounding areas.
- 5) Off-street parking should be provided for the expected staff, visitors and delivery vehicles.
- 6) All facilities shall have an evacuation plan, approved by the Fire Marshall, that shall allow for reasonable accommodation of emergency egress with staff assistance. It is logical that staff would be allowed and expected to assist clients in emergency situations.

- 7) While the need for assisted living facilities is increasing with our aging population, the Board recognizes that such facilities are a business—often a lucrative business—that are operating in residential areas. It is expected that such facilities be owner-occupied.

Sincerely,

Dianne Holmes, Chair





# MID-HILLSIDE COMMUNITY COUNCIL

## Mid-Hillside Board Members

John Weddleton, President

Tom O'Grady Secretary

## Hillside East Board Members

Tom Newins, President

Bjarne Holm, Vice President

## **Resolution of the Mid-Hillside and Hillside East Community Councils regarding Planning and Zoning Case 20003-143 An ordinance amending Title 21 for an assisted living facility**

September 18, 2003

2003-143

The Mid-Hillside and Hillside East areas are generally limited service areas. Assisted Living Facilities established here will be challenged by conditions that should be overtly presented in this ordinance.

We recommend the following changes to the proposed ordinance to make it more appropriate for a compatible relationship between existing neighborhoods and the commercial enterprise presented by Assisted Living Facilities.

Regarding Section 1. 21.15.013 "Administrative variance from occupancy limits or separation distances for residential care part D. Standards In deciding to approve or deny an application, the Planning Department shall make reasonable accommodations, considering any relevant factors, including but not limited to the following":

Add the following factors:

- ♣ Availability of mass transit
- ♣ Adequate access by emergency vehicles
- ♣ Fire safety in the case of wildfire.
- ♣ Local control over road conditions in areas served by Local Road Service Areas and Independent Road Service Area.
- ♣ Requirements of a homeowners' association.
- ♣ Adequacy of on-site septic and water.

Regarding "Section 1. 21.15.013 E. Conditions. In approving a variance, the Planning Department may impose reasonable conditions designed to mitigate impacts created by the variance."

Add the following conditions:

- ♣ Require on-site water and wastewater systems meet public use standards

- ♣ Require the home meet AFD recommendations for defensible space in the case of wildfire
- ♣ Limit supply delivery times to 9am-5pm weekdays.
- ♣ If dumpster needed, must shield and provide for prevention of pilfering by bears.
- ♣ Honor homeowner association bylaws

### **Regarding the maximum number of clients**

Section 29 21.45.300 A. "Intent" states that these should be minor commercial activities." An operation with 6 clients is greater than a "minor" activity as indicated by the state requirement for licensing at that level.

We recommend that the "permitted" use level be decreased to a maximum of 3 clients to more adequately meet the intent.

Other references referring to "6 clients" should be changed to "3 clients." i.e.

Revise Section 8. 21.40.070 part B recommendations for "permitted" uses parts 5, 8 and 11 to "3 clients"

Revise Section 9. 21.40.080 recommendations for "permitted" uses parts 5, 8 and 9 to "3 clients."

Regarding Section 29 21.45.300 C3. If supported by on-site well and wastewater disposal systems ... A health authority permit should be more than a one time event."

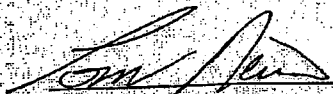
Revise this section to include: The extra load of a commercial operation requires on-site systems meet public use standards and that they be tested more than once.

### **Regarding Section 30 21.45.310 B Traffic Access**

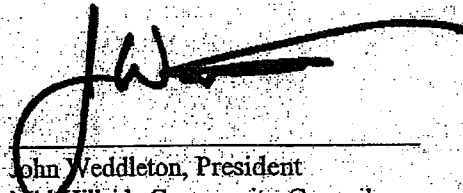
We strongly support the restriction of section B. "*Traffic Access*. The site shall provide for direct access from a street constructed to urban standards."

Reference should also be made to regime for maintaining the road as well as the construction. The size and reliability of a Local Road Service Area and Independent Road Service Areas are important features of a neighborhood.

The regular combined meeting of the Mid-Hillside and Hillside East Community Councils on September 18, 2003 was advertised through the monthly newsletter, in the Anchorage Daily News and through flyers distributed in some neighborhoods.



Tom Newins, President  
Hillside east Community Council



John Weddleton, President  
Mid-Hillside Community Council

Pierce, Eileen A

2003-148

RECEIVED

SEP 29 2003

MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DIVISION

From: Kirk Hastain [carenet@gci.net]  
Sent: Monday, September 29, 2003 9:24 AM  
To: Pierce, Eileen A  
Subject: Proposed asst. living regs

Eileen,

Loren Marshall, RPCC, suggested you may be able to direct these comments to whom it may concern.

We are previous owners and operators of an assisted living home in Anchorage. We were licensed two years ( 2000 and 2001) and now are in our 8th year with CareNet, Inc., our private duty homecare/nursing service. We try to "keep an ear to the ground" on the assisted living experiment in Anchorage. Following are my comments on proposed title 21 regulations:

1. State licensing exempts homes with 2 or less beds. This is very reasonable. Due to regulation, we see the future splitting into these micro-homes and larger 20 + bed institutions. The micro-homes essentially take in a couple of boarders, as it has been for generations.
2. Section 21.45.300 C. Delete "and list of staff and professional certifications". Exactly what do they expect to do with this info? Over ride state licensing? If you must, be explicit to the criteria for acceptable certifications.
3. Section 21.45.300 C. 2. (muni code compliance inspections) Delete entirety. This may sound reasonable to a bureaucrat, but it heads into never-never land. Prove what is broken or inadequate with current DSS inspection and licensing process. This is an open ended way to end the assisted living experiment in Anchorage. There is no "getting-off point" on after-the-fact code inspections.

In general, there appears to be lack of coordination of authority and overlap with state DSS licensing.

Due to Medicare and available healthcare, we are living longer, but living longer more dependently. My 91 yo mother has lived with us for 3 years. I am convinced that she would not be with us without the care obtainable in the last 10 - 20 years. Multiply that by growth in the older population, then add us baby boomers to come.

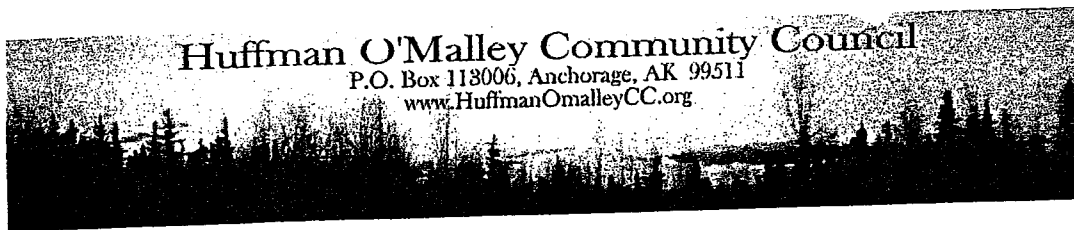
Kirk Hastain  
274-5620

**MUNICIPALITY OF ANCHORAGE  
PLANNING DEPARTMENT**

**MEMORANDUM**

**DATE:** December 8, 2003  
**TO:** Planning and Zoning Commission  
**THRU:** *qw* Jerry T. Weaver, Jr., Zoning Division Administrator  
**FROM:** *AC* Angela C. Chambers, AICP, Senior Planner  
**SUBJECT:** 2003-143: Health Care Draft Ordinance

This memorandum is to advise the Commission that the Department requests a postponement of this case to January 12, 2004 for administrative reasons due to staffing. The Department will readvertise this draft ordinance for the new hearing date.



November 20, 2003

Municipality of Anchorage  
Planning Department  
4700 S. Bragaw Street  
Anchorage, AK

DEC 23 2003

RE: P&Z Case No. 2003-143, an Ordinance amending Title 21, Assisted Living Facilities

To whom it may concern,

The HOCC wishes to make the following comments regarding the above-mentioned proposed Ordinance. We understand that in majority, this Ordinance is adopting State and Federal Guidelines, which are beyond the scope of our conversation.

When considering standards, whether to approve or deny an application, or what conditions should be placed on such an establishment, please consider the following factors:

- Adequate access by emergency vehicles.
- Adequacy of on-site septic and wells – require on-site water and wastewater systems meet applicable standards and possibly tested on a yearly basis to insure their effectiveness.
- Fire safety and possible evacuation in case of a wildfire, including making sure the home meets AFD's recommendations for defensible space.
- Local control over road conditions in areas served by LRSAs and IRSAs. We strongly support the restriction of Section 30.21.45.310 B, requiring that all assisted living facilities have direct access from a street constructed to urban standards. As you know, a facility of this nature can produce great amounts of traffic. Not only would this have a detrimental affect on the neighbors, but also on the roads themselves. As most of the upper hillside is LRSA and IRSA, if an assisted living facility is to be operated in one of these areas, the facility must contribute more to the road fund than the residents or it would create an inequity.
- Homeowner's Association covenants.
- Limit supply and delivery times to 9am-5pm weekdays.
- If a dumpster is needed, owner must provide for prevention of pilfering by bears.
- Regarding number of clients allowed per establishment, the proposed number is six. This exceeds the state definition of a "minor commercial activity", as evidenced by the additional state licensing requirements for that level of operation.

Thank you for your consideration,

  
Ryan Stencel, President, HOCC

**PLANNING & ZONING  
COMMISSION  
PUBLIC HEARING  
FEBRUARY 2, 2004**

**Supplemental/Late Comments**

**G.2. Case 2003-143  
Assisted Living Ordinance**

Double-sided

# Zoning and Platting Cases On-line

## View Case Comments

[Submit a Comment](#)

\*\* These comments were submitted by citizens and are part of the public record for the cases \*\*

**Questions?** If you have questions regarding a case, please contact Zoning at 907-343-7943 or Platting & Variances at 907-343-7942.

1. Select a Case:

[View Comments](#)

2. View Comments:

**Case Num:** 2003-143

An ordinance amending Title 21 for an assisted living facility

**Site Address:** N/A

**Location:** AN ORDINANCE AMENDING TITLE 21 OF THE ANCHORAGE MUNICIPAL CODE BY ADDING DEFINITIONS PERTAINING TO RESIDENTIAL CARE FACILITIES, ADULT CARE SERVICES, AND NURSING HOME; AMENDING THE DEFINITIONS OF HEALTH CARE FACILITIES AND CHILD CARE; ADDING ADULT CARE AND HEALTH CARE FACILITIES TO CHAPTER 21.40, ZONING DISTRICTS; AMENDING CHILD CARE SERVICES IN CHAPTER 21.40, ZONING DISTRICTS; AMENDING CHAPTERS 21.45 AND 21.50 PERTAINING TO ADULT CARE, CHILD CARE, RESIDENTIAL CARE FACILITIES AND HEALTH CARE FACILITIES; AMENDING SECTION 14.60.030 BY ADDING HEALTH CARE FACILITY VIOLATIONS TO THE FINE SCHEDULE, AND AMENDING ANCHORAGE MUNICIPAL CODE OF REGULATIONS TITLE 21 BY AMENDING THE FEE SCHEDULE IN SECTION 21.20.007 PERTAINING TO RESIDENTIAL, CHILD AND ADULT CARE BIENNIAL PERMIT FEE.

[Details](#) | [Staff Report](#) | [submit a comment](#)

## Public Comments

**2/2/04**

Dennis Linnell

6967 Town & Country Pl

Anchorage AK 99502

Childcare for 9-15 and 16+ should be a conditional use in R1 through R-O districts, and not outrightly prohibited. By making them prohibited, it will force parents to transport their children out of their neighborhoods for child care. Particularly affected will be before and after school programs. As funding for community school and Camp Fire programs get cut, more programs outside but near the school will be necessary. Churches and other community centers that are allowable uses in these zoning districts will not be allowed to be used to provide these service. I recommend you reconsider this action.

[Zoning & Platting Cases On-line website](#)



**PLANNING & ZONING  
COMMISSION  
PUBLIC HEARING  
FEBRUARY 2, 2004**

**Supplemental/Late Comments**

**G.2. Case 2003-143  
Ordinance - Assisted Living**

Double-sided

01/17/04

All Community Council Chairs  
Federation of Community Councils  
Municipality of Anchorage

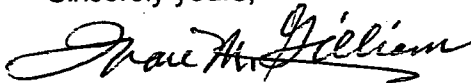
Dear Council Chairs:

Attached are current copies of state approved assisted living homes (ALH's) in Anchorage with the vast majority understood to be without conditional use permits or fire/safety inspections as per municipal code(s), mainly because the Municipality's approval isn't required for state licensing—resulting in ALH's increasingly springing up all over w/out Muni Planning, Code Compliance, or Fire Department knowledge/approval.

Now, proposed amendments to Title 21 exclude R - 1/R - 1A zones from having assisted living homes (ALH's) be required to have conditional use permits as per current code(s). ALH's would be given administrative permits with much lower fees, no public notices/P&Z hearings/Assembly action/other required—encouraging even more ALH's to pop up unannounced in R - 1 areas, especially should there eventually be strict Muni enforcement for other zones, but skipping R - 1's.

Finally, a Planning and Zoning Commission hearing is expected for Feb. 2, '04, and your views there can make a critical difference.

Sincerely yours,



Ivan M. Gilliam

9649 Musket Ball Circle, #5  
Anchorage, Alaska 99507

Copies: Council Chairs (37)

## MOA DHHS CAC Testimony

2-2-04

### Land Use Code 1-19-04 DRAFT Child Care Sections

- I. Greetings to Chair and Commission.
- II. Introductions: Martha Anderson, Program Manager of Child and Adult Care Program in the Department of Health and Human Services.
- III. Appreciation:
- IV. Child Care and Educational Center Data and Impact

There are currently approximately 100 centers licensed within the Municipality, with the number increasing to around 108 during the summer months.

A study has been done regarding the potential impact of the Title 21 amendments upon these centers and therefore upon future applicants, using the current spread as predictors of the make-up of future applications.

Approximately 36 of the 100 centers are located on Anchorage School District property and are not included in the data below. In several other cases, data was not available.

#### Lot Size:

Of the remaining 51 centers, 9 are on lots smaller than 20,000 sq. ft., which is the proposed minimum for these centers. Therefore, nine would be non-conforming. Four of the nine are on lots less than 10,000 sq. ft. In all cases, approvals exist in the Child and Adult Care Program in DHHS from Fire Prevention, Land Use Enforcement, and Building Safety, and in all cases, these programs have enough square footage, both inside and outside in the play yard and parking, for DHHS to have approved the numbers for which they are licensed.

Proposed amendments regarding landscaping, buffering, and special parking will serve to lessen the options within the child care community, where adequate space which meets all the safety requirements for children is already at a premium.

In some cases more than one licensed program exists on one lot (e.g., Gan Yeladim and RuRAL CAP, both in a neighborhood strip mall). There are three licensed programs on one lot in Mt. View in the United Way-owned Success by Six building. Conversely, in other cases, one licensed program exists on more than one lot (e.g., Spenard Kiddie Drop, which has three lots, and Little Red Schoolhouse—Raspberry). How lot size requirements would be determined in such cases is unknown.

#### Zoning Districts:

Under the amendments, 18 centers are in non-permitted zones, including R1/R2, R2M, R6, I1, and PLI. They are in such places as churches, a subdivision club house, and previous warehouse space.

Another 8 would have had to go through the Conditional Use process.

Questions arise regarding the non-permitting of child care from 1 through 15 children in the PLI zone: Why would a center licensed for 16 or more be permitted, while a center for 15 would not? We currently have a small program for 4 licensed in a PLI in the Salvation Army Booth Memorial Home. Another program, the Anchorage Community YMCA on Lake Otis, which is also in a PLI zone, could be negatively impacted if they should decide to close their current before and after school program (licensed for 20) and reopen their nursery (12). The latter would not be allowed, even though the impact on the property and building is less at 12 children than currently at 20.

**Summary:**

Of the 51 programs for which data is available, and which are not located on Anchorage School District property, under the drafted Title 21 amendments, 25 do not appear to meet the requirements for lot size and/or zoning district.

**V. Comments of the Draft Language for Child Care Facilities**

**21.35.020 Definitions and rules of construction.**

- B. [Beginning on page 3, line 43:] Child care facility means a service providing for the supervision or care of children.

Comment B.: Replace the work "service" with "place."

Sentence two: (Still on page 3, line 43:] Such service may include educational and social programs so long as these uses are accessory to the supervision or care of children. The difference between schools for older children and programs for younger children has often been confusing for enforcement agencies, health, building, fire and land use. This proposed language is as ambiguous as the current language that creates many conflicts and much confusion for all agencies. It has now been revised in other codes, and I strongly encourage the adoption of an alternate approach. All schools and child care are now seen as mostly educational. Infants learn more than any other age. Many of the traditional child care centers call themselves "schools." The basis for logic, math, science, physics, language, etc are taught by child care centers. Their Municipal license has required them to be Child Care and Educational Centers with lesson plans that meet the intellectual, language, etc. needs of full development. A solution would be to use the definitions from the DHHS code. This would create a distinction between schools, certified by the Department of Education and Early Development as elementary, secondary or higher institution serving children age 5 years of age and older, from child care facilities.

Sentence 3 [Still on page 3, beginning on line 45]: Services providing supervision or care of one or more adults, along with any number of children shall be treated as adult care under this title. We suggest a different solution for not allowing child care and educational facilities (CCEF) to be adult care institutions also. Once licensed for CCEF, DHHS does not want it to offer other businesses. However, many have an adult living there needing supervision and some bring in adults who need care but can assist with the children. We would not want that to be an adult facility during under those circumstances. A definition clarifying these distinctions would meet both our needs.

Sentence 4: [Page 4, lines 2 and 3.] Hours of operation are not limited, but care is intended to be less than 24 hour care for any one client. Good clarification.

**21.45.300** [Page 29, lines 13 and 14:] Residential care facility and adult care facility, with up to 5 persons/children, and child care facility with up to 8 children.

Comment: Be consistent that it is 1 through 8 children and 9 or more. We recommend replacing "to"

with “through”.

- A. [Page 29, lines 16-19:] Intent. Residential care facilities and adult care facilities having an occupancy of 5 persons/children or less and child care facilities having an occupancy of 8 children or less, are intended to be minor commercial activities and are allowed as indicated in chapter 21.40.

Comment: Good.

- B. [Page 30, beginning on line 3] Location. Residential care facilities and 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. A child care facility in the R-3 or R-4 district which is located in a mobile home park or multi-family structure shall have an occupancy of no greater than 4 children, but may have up to 8 children if in a single family home or duplex, when located in any R-1 through R-O, B-1A, or B-1B zoning district

**21.45.310 Residential care facilities, health care facilities or adult care facilities with 6 or more persons/children or child care facilities with 9 or more children.**

- C. Page 31, Minimum lot size.  
Comments – C.4: [Page 32, beginning on line 7:] This standard will be very difficult for child care facilities. It is very restrictive. Most of the small and mid size facilities do not meet this standard. So there is very little possibility that new facilities could be developed. We urge that the standard be only based on the specific requirements of the activities on the lot. If the lot meets the requirements of the parking, the yard, the buildings, driveways, landscaping, and other specific standards, there should not be any other general lot requirement. There is a great need for child care services in Anchorage and even if this standard is “grandfathered”, new facilities could not develop.

4. Minimum lot size for a child care facility:  
a. 9 to fifteen children in care at any given time: 15,000 square feet.  
b. 16 or more children in care at any give time: 20,000 square feet.

- E. Maximum lot coverage.  
Comments – E. [page 32, beginning on line 13]: The impact is unclear on most child care and educational centers.

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 25% 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 25% of the lot as open area, etc., will allow for sufficient buffering of adjacent uses.

- G. Yard requirements.  
Comments – G.: [page 32, beginning on line 24]: This 15 foot buffer, which has been interpreted to not allow play space, is extremely limiting and detrimental to child care. The activities of child care are very similar to residential use when comparing yards. Both have children playing outside with similar equipment during the mid morning and

afternoons. DHHS is adding the current Land Use child care standards to its code, so there will continue to be the 20 foot width and adjacent to building requirements. The 15 foot standard buffer is not currently applied and a large number of centers abut residential zones.

Many child care facilities are located in or adjacent to residential zones. Child care needs to be where children live. It saves driving for parents, lets children walk to school and back more safely, and traffic is less of a risk.

A 15 foot strip of even 30 feet will eliminate 6 children.

We request eliminating this requirement or making the buffer play space with child appropriate ground cover. DHHS is addressing ground cover for safety in its code. The vegetation is an issue for safety reason, so some agreements need to be made on what can be planted.

(Provide pictures sent to Land Use of center abutting residential property.)

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.

I. [Page 32, beginning on line 37]: 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;

Comments #1: "Visual enhancement landscaping" has been explained by Land Use as trees and shrubs, not grass or the pea gravel under play equipment. If "authorized installations" include the play yard, we request the term be added to this paragraph so that the yard can clearly have grass and pea gravel or some shock absorbing material.

2. [Page 32, line 44]: Buffer landscaping, as described in section 21.45.125.C.2, shall be planted along the length of each lot line which abuts a lot within a residential district;

Comments #2: See the comments in "G. Yard Requirements." Buffer zones are very restrictive for facilities. The value is not clear especially in light of unknown problems for existing facilities.

3. [Page 33, line 1]: Arterial landscaping, as described in section 21.45.125.C.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. [Page 33, line 5]: The property owner shall maintain all landscaping in good condition.

J. [Page 33, line 7]: Screening or buffering. The planning and zoning commission may require:

1. Enclosure of the entire site by a fence of a minimum of 4 feet in height in order to

prevent casual access to and from the site.

Comments #1.: DHHS requires the play yard to be fenced or otherwise safety contained.

2. Screening or buffering landscaping as described in section 21.45.125.C.2 or .3 along the length of a lot line.

Comments #2.: See comments from G. and I.

3. 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, this bond shall remain in effect for a 2-year growing period to assure survivability of all trees and shrubs and replacement of dead or stunted landscape materials.

- K. [Page 33, line 23]: 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.

Comments K.: It is not clear how this applies to child care facilities. There is a requirement that appears to be working in the parking section that requires 1 drop-off and pick-up space per each 800 square feet in the facility. Does K require additional space even for the paramedics who may never be used at the facility? If this requirement is satisfied by the current parking requirements, the standard will work.

- M. [Page 33, line 31]: 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 four sides in the manner provided by section 21.45.080.W.4. Enclosures must 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.

Comments M.: We don not know how this will impact facilities.

- N. [Page 33, line 39]: Parking. Parking shall be provided on the lot in accordance with the requirements of section 21.45.080. Site plans should reduce the visual impact of parking on residential streetscapes through placement of parking lots to the rear or side of primary structure(s). In residential zoning districts, parking lots shall not be allowed in the front yard setback of street frontages. However, if development is not otherwise reasonably feasible, the director may approve surface parking in the front yard setback. With such exceptions, front yard coverage by drives and parking shall be no more than fifty percent of the length of the primary street frontage. All surface parking areas are to be screened from adjacent streets and properties through the use of landscaping.

Comments N.: It is very important for the parking to be at the front of the building closest to the front entry and that it require the least amount of driving on the property. Children will be outside and need a yard that is protected from cars. The requirement that directs parking to be in the back or sides, not in the front, is totally opposite a safe plan for children. Parents must park, get children, clothes, food, etc out of the vehicle and walk to the door often with several children and one may be in arms. It is very dangerous to have to walk around the side of the building and especially walk all the way from the back to the front entry. In addition the yard needs to be in the back where the classrooms are so children can go directly from the classrooms to the yard and not walk through parking areas. If traffic is on three sides of the building, the front driveway, side driveway to a back parking lot, where can a play yard be? Only allowing half of the front for parking can not accommodate the vehicles. This section needs major revision.

- O. [Page 34, line 4]: On-site systems. Every health care facility, residential care facility, child care facility or adult care facility with 6 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.

Comments O.: We don't know of the impact of this requirement.

- P. [Page 34, line 10]: 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 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, must 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 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 must be shown on the site plan.

Comments P.: We don't know of the impact of this requirement.

- Q. [Page 34, line 23]: 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.

Comments Q.: We don't know of the impact of this requirement.

21.45.080 Off-street parking.

- U. [Page 27, line 20]: Child care.

1. Child care with one to five children. [FAMILY CARE.] No additional parking is



required above the dwelling requirement.

Comments #1.: The “one to five” needs to be changed to “one through 8” to be consistent with the standards for the small facilities.

2. Child care with six to 10 children. [FAMILY RESIDENTIAL CARE]. One space above the dwelling requirement is required for establishments with [MORE THAN] five to ten children.

Comments #2.: The “six to 10” needs to be changed to “9 through 20” for the mid sized facility.

3. Preschool, [DAY CARE] or child care facility with more than 10 children, [24-HOUR]. One space is required per 400 square feet gross building area, and one additional space, reserved for pickup and delivery of children, per 800 square feet of gross building area.

Comments #3.: The term “preschool” has not been used in the rest of this document, so it is unclear what these facilities are. How are they different than the child care facilities serving preschool children? Why would the land use impact be different for preschools and child care facilities?

- VI. In addition to the amendments discussed above, we want to be clear that child care facilities should not be considered a “Home Occupation” by Land Use standards. The current land use standards for home occupations include child care which greatly limits the amount of the space that can be used in a home for child care. Children need nearly the entire house, the kitchen, the bedrooms, living, family rooms, dining areas, restrooms and laundry areas. Among other limitations, the home occupations would limit child care to only 25% of the dwelling.

## VII. Fines and Fees

**MOA DHHS CAC Testimony**  
**Land Use 1-19-04 DRAFT Child Care Sections**

Introductions: Coralynn Foreman, Supervisor of Child and Adult Care Program in the Department of Health and Human Services. Wendy Vaughn, Child and Adult Care Specialist also with the Department of Health and Human Services.

Good evening. I would like to thank you for the opportunity to speak tonight. My name is Coralynn Foreman (or Wendy Vaughn) and I work with the Child and Adult Care Program at the Municipality working specifically with family child care homes. I would like to take a moment to thank the staff of the Zoning and Planning Department for their cooperation over the past few months and their willingness to modify their original draft of these amendments to better accommodate the needs of family child care providers. When I speak of family child care facilities I am referring to licensed facilities that are permitted to care for 1 through 8 children in a (residential) setting. Although in most respects this draft works well for our licensed family child care homes, there are still several areas of concern that I would like to address.

1. Under the definition of child care facility, we have several questions or concerns:
  - a. As addressed earlier we would like to remove the distinction between educational facilities and those that provide supervision and care.
  - b. Secondly, sentence number 2 which addresses facilities that care for one or more adults which would now be considered adult facilities. We fear this would adversely affect any family child care home where there is in residence, an adult family member requiring supervision or care. We currently have facilities licensed as family child care homes that have a developmentally disabled adult child or elderly parent in residence that would fit under this category. As an adult facility these providers would now be restricted to caring for four children instead of eight. These facilities are already inspected by child and adult care specialists who are in a position to determine if caring for this adult requires the type of supervision that would warrant a reduction in the number of children they could be licensed for. We would like to see this sentence modified or deleted, to permit licensed homes to remain in the category of a child care facility.
2. With regards to the Child care zoning district matrix: We are very pleased that child care is now outright permitted in most zoning districts for 1 through 8 children. This change reflects the number of children that are currently permitted by state and local child care regulations.
  - a. However, there is concern about the restriction of four children in mobile homes and multi-family dwellings in R-3 and R-4 zones. Although we are sensitive to the concern of the zoning and planning staff regarding the impact on neighborhoods due to noise, overcrowding and traffic, we don't have any statistics to support those fears. The child care program rarely if ever receive complaints of child care homes regarding these issues and even less so of mobile homes and multi-family dwellings in particular. We would like the commission to consider the following before adopting these amendments and we are recommending the elimination of this restriction:
    - i. Many of the facilities licensed in apartments in R-3 and R-4 are already limited to 6 children due to fire department egress requirements.

- ii. Quite often the R-3 and R-4 zones are in areas where local care is desperately needed. Parents, who live in these neighborhoods, often walk their child to the child care home and rely on public transportation to get to and from work. If we remove local child care and parents must have private transportation to get their child to child care, we are no longer supporting the Municipality's policy to encourage the use of public transportation and decrease traffic congestion on our cities streets.
  - iii. Family child care homes are often the only option for parents needing evening and week-end care who again are relying on local care to manage the bus system and their work schedules.
  - iv. Before and after school care is extremely limited in Anchorage and children who are cared for in neighborhoods might be left home alone if care in the neighborhood is reduced.
  - v. Providers must count their own children under the age of 12 in their capacity so if limited to four children, many would not be financially able to stay in business. This would further limit the care available to Anchorage families.
  - vi. The Child Care Program recognizes the zoning and planning departments particular concerns with mobile homes licensed to do child care, however are curious as to why this restriction is in place for R-3 and R-4 zones only. In fact most of our licensed facilities located in mobile homes are in R-2M zones. We would recommend treating each mobile home individually not based on the zoning area where the mobile home is located. Each mobile home is different depending on location, year and make of model, renovations, etc. Parents who live in mobile home parks and use local care would face all the same dilemmas mentioned above if care were to be limited.
3. We have received verbal and email confirmation from zoning and planning line staff that our currently licensed homes will be grandfathered in with regards to the child care zoning matrix. This would mean that any home in the Anchorage bowl, licensed for 6, 7 or 8 children at passage would be permitted to continue at their current location. We are relieved to hear of this decision and request it be added to this ordinance so it is part of the Municipal Code and enforceable. We would like for this agreement to be part of the public record. Although this will provide relief to our currently licensed facilities, if future facilities are limited to four children in the R-3 and R-4 zones, we are concerned about attrition and how accessible and available child care will be in the future to parents residing the these neighborhoods.
4. At a meeting with zoning and planning staff on January 15<sup>th</sup>, the issue of parking requirements for facilities was discussed. It was our understanding that no additional spaces were to be required of facilities caring for 1 through 8 children. The current amendments (January 19, 2004 draft) Title 21.45.080U1 and 2 require an extra parking space for facilities caring for 6-10 children. We would like to see this corrected to read no additional parking for facilities caring for 1 through 8 children.

Thank you again for your time.

**PLANNING & ZONING  
COMMISSION  
PUBLIC HEARING  
FEBRUARY 2, 2004**

**Supplemental/Late Comments**

**G.2. Case 2003-143  
Assisted Living Ordinance**

Double-sided

## Zoning and Platting Cases On-line

### View Case Comments

[Submit a Comment](#)

**\*\* These comments were submitted by citizens and are part of the public record for the cases \*\***

**Questions?** If you have questions regarding a case, please contact Zoning at 907-343-7943 or Platting & Variances at 907-343-7942.

1. Select a Case:  [View Comments](#)

### 2. View Comments:

**Case Num: 2003-143**

An ordinance amending Title 21 for an assisted living facility

**Site Address:** N/A

**Location:** AN ORDINANCE AMENDING TITLE 21 OF THE ANCHORAGE MUNICIPAL CODE BY ADDING DEFINITIONS PERTAINING TO RESIDENTIAL CARE FACILITIES, ADULT CARE SERVICES, AND NURSING HOME; AMENDING THE DEFINITIONS OF HEALTH CARE FACILITIES AND CHILD CARE; ADDING ADULT CARE AND HEALTH CARE FACILITIES TO CHAPTER 21.40, ZONING DISTRICTS; AMENDING CHILD CARE SERVICES IN CHAPTER 21.40, ZONING DISTRICTS; AMENDING CHAPTERS 21.45 AND 21.50 PERTAINING TO ADULT CARE, CHILD CARE, RESIDENTIAL CARE FACILITIES AND HEALTH CARE FACILITIES; AMENDING SECTION 14.60.030 BY ADDING HEALTH CARE FACILITY VIOLATIONS TO THE FINE SCHEDULE, AND AMENDING ANCHORAGE MUNICIPAL CODE OF REGULATIONS TITLE 21 BY AMENDING THE FEE SCHEDULE IN SECTION 21.20.007 PERTAINING TO RESIDENTIAL, CHILD AND ADULT CARE BIENNIAL PERMIT FEE.

[Details](#) | [Staff Report](#) | [submit a comment](#)

### Public Comments

**2/2/04**

Dennis Linnell

6967 Town & Country Pl

Anchorage AK 99502

Childcare for 9-15 and 16+ should be a conditional use in R1 through R-O districts, and not outrightly prohibited. By making them prohibited, it will force parents to transport their children out of their neighborhoods for child care. Particularly affected will be before and after school programs. As funding for community school and Camp Fire programs get cut, more programs outside but near the school will be necessary. Churches and other community centers that are allowable uses in these zoning districts will not be allowed to be used to provide these service. I recommend you reconsider this action.

[Zoning & Platting Cases On-line website](#)

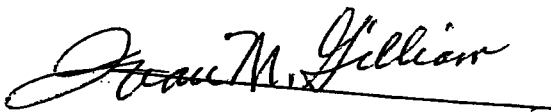
01/18/04

Planning and Zoning Commission  
% Municipal Clerk's Office  
Box 196650  
Anchorage, Alaska 99519 - 6650

Dear Commissioners:

This is to support continuation of assisted living homes/quasi institutions being required to obtain conditional use permits for R - 1/R - 1A zones and not drop this standard as proposed in amendment(s) to Title 21. For the good of ALH/qi residents, neighbors, homeowner associations and the Municipality, it is important to ensure that the original infrastructure and cultural values accepted by home buyers continue to keep their integrity as expected when businesses weren't anticipated. ALH's/qi's need to be considered, but they, the State, and the Muni should not be the only forces to determine a community's future. Neighborhood views should always be highly considered as now called-for under conditional use permitting for all R-1's.

Sincerely yours,

A handwritten signature in cursive script, reading "Ivan M. Gilliam". The signature is written in dark ink and is positioned above a horizontal line.

Ivan M. Gilliam  
9649 Musket Ball Circle, #5  
Anchorage, Alaska 99507

FEB 18 2004

## **Rabbit Creek Community Council**

**P.O. Box 112354, Anchorage, AK 99511-2354**

February 18, '04

Planning and Zoning Commission, MOA  
PO Box 196650  
Anchorage, AK 99519



RE: #2003-143 Assisted Living Facility Ordinance

The council submitted comments on this ordinance prior to the recent public hearing, although reasons to limit the number of permitted clients (without a conditional use permit) in certain areas may not have been stated clearly. Knowing the Commission will have a work session on this ordinance before their final vote, we are sending these additional comments that are pertinent to lowering the limits for permitted clients.

### **Residential zoning and density**

An R-6 zoning district is considered low density with an average lot size of 1.25 acres. A typical subdivision has 28 residences with an average of 3.1 persons per residence, a minimum of one and maximum of five persons. If the federal regulation for six (out-right permitted) clients per facility is accepted, this would impose a density that far exceeds the average and even the maximum of many neighborhoods. A lower limit of clients (3) plus one staff is more appropriate for R-6 zoned areas.

### **Commercial activity in residential neighborhoods**

Assisted living facilities charge up to \$5,400/ month per resident. Six-permitted clients per household could amount to a commercial activity exceeding \$30,000 per month. Commercial operations in residential areas should not be encouraged and in fact some covenants prohibit this. Limiting the number of clients to three may discourage the commercial aspect while allowing legitimate uses.

### **Single-family residential areas**

Families should be able to care for their senior family members in their own home. Limiting the number of permitted clients to three (before requiring a conditional use permit) supports the intent of single-family use and would not significantly affect the characteristics of the neighborhood. Increasing the allowance to six persons, plus staff, would violate the intent of single-family use.

### **Pedestrian amenities and road designs in R-6 zones less developed**

Assisted living residents often have physical limitations or disabilities. R-6 zones frequently don't have sidewalks. The roads are often not paved and are not built to municipal standards. Consequently residents who are able to walk would not be able to do so safely or conveniently.

### **Emergency service response delayed in R-6**

With narrow and substandard roads in many R-6 residential areas, access and egress during emergencies is more difficult. Some R-6 and R-9 areas have very long response times—up to 20 minutes or more. During winter (or a wildfire incident) response times can be longer or impossible to complete. Assisted living clients should expect to be housed in areas with normal emergency response times.

**Wildlife and increased garbage**

Bears are a matter of life in many parts of Anchorage. By doubling (or more) the number of persons per household, and the resultant increase in garbage, the chances also increase for encounters with bears.

**On-site utilities and effects on neighbors**

Many parts of Anchorage are served by on-site septic systems and private wells. These can be fragile systems that are degraded by additional loading from external sources. Allowing twice the average number of residents would likely result in greater draws from the same water source which would create inequitable situations. Assisted living facilities with on-site utilities must have septic systems upgraded to handle the increased use and at the same time must not be allowed to affect surrounding residences negatively. Large assisted living facilities are not appropriate in areas not served by public utilities.

Sincerely,



Ky Holland  
Chair  
907-346-1719  
[kyholland@orst.edu](mailto:kyholland@orst.edu)



# Abbott Loop Community Council

Phone: WK 562-7421 HM 349-1736  
Fax: 562-1366

7001 Oakwood Dr.  
Anchorage, AK 99507

RECEIVED

FEB 02 2004

COMMUNITY PLANNING & DEVELOPMENT  
CITY OF ANCHORAGE

## Facsimile

To: Community Planning & Development  
@Fax: 343-7927  
From: A.L. Tamagni, Sr., President  
Date: 02/02/2004  
Re: Cases to be heard on 02/04/2004  
Pages: 2, including this

The Abbott Loop Community Council at it's meeting on January 29th took the positions on the following cases.

1. **Case: S-11221-1:** The board needs to take into consideration the ingress and egress as public safety (fire) equipment access and pedestrian access from the adjoining buildings to the street for bus service. The council would like these issues addressed and determined before approval.

2. **Case: 2003-143:** The council is opposed to certain aspects of this draft ordinance as to the following categories.

A. The issuance of Administrative variances for these type of uses not be used. The current conditional use process should remain.

B. Code compliance inspections should be done on all applications initially and also every 2 years for those entities in operation. Appropriate fees charges should be implemented for all levels of inspections. 10 years is to long a period of time due to the type of service provided.

C. A process needs to be established whereas the appropriated State Department/Division notifies the city of all applications. When the applicant has complied and received his city permit, then the State issue their permit so as to coordinate all permitting before being allowed to go into business.

D. That all applicants have background checks before any permits are issued.

## **page 2**

E. That annual or biannual license fees be established calculated on an approved per head occupancy.

F. Permits are not transferable, and issued to current operators only.

G. There needs to be a period of time, not more than 2 years when all locations have been inspected and brought into compliance or closed. Fees for this will need to be set as to time and charges.

H. The Municipality needs to set up system for tracking the use of all Conditional use permits and follow up compliance. In addition there needs to be a coordinated system between the state and the municipality as to notification, violation and issuing of permits/licenses, so that, no operation opens, or continues to operate, until all requirements first having being met.

I. There needs to be severe penalties for noncompliance, and or violations of health and safety requirements, as the users of these operations and their families can be well assured that safety, health and welfare are the most importance.