

CLERK'S OFFICE
APPROVED

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading: April 10, 2007

Date: 5-15-07 ANCHORAGE, ALASKA
AO 2007- 62

**AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION
21.35.020B. TO CLARIFY THE DEFINITION OF HABILITATIVE CARE
FACILITY.**

THE ANCHORAGE ASSEMBLY HEREBY ORDAINS:

Section 1. Anchorage Municipal Code section 21.35.020B. is hereby amended as follows: (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:

*** *** ***

Habilitative care facility means a residential facility, other than a correctional center or transitional living facility, the principal use or goal of which is to serve as a place for persons seeking rehabilitation or recovery from any physical, mental, or emotional infirmity, or any combination thereof, [THAT DOES NOT QUALIFY AS A DISABILITY AS DEFINED ABOVE,] in a family setting as part of a group rehabilitation and/or recovery program utilizing counseling, self-help or other treatment or assistance, including, but not limited to, substance abuse rehabilitation. Such care for persons age 18 and under, who are under the jurisdiction of the State Division of Juvenile Justice, shall be considered habilitative care, and not a correctional community residential center. The term "habilitative care facility" replaces the "quasi-institutional house" previously used in this title.

*** *** ***

(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; AO No. 2005-9, § 1, 3-1-05; AO No. 2005-150(S-1), § 1, 2-28-06; AO No. 2005-185(S), § 1, 2-28-06; AO No. 2005-124(S-1A), § 4, 4-18-06)

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, § 1.05.020.

Section 2. This ordinance shall be effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 15th day of May 2007.

ATTEST:

Chair

Aileen S. Barent
Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2007- 62

Title: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.35.020B. TO CLARIFY THE DEFINITION OF HABILITATIVE CARE FACILITY; Planning and Zoning Commission recommendation of approval.

Sponsor: MAYOR
Preparing Agency: Planning Department
Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:

(In Thousands of Dollars)

	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>	<u>FY10</u>
Operating Expenditures				
1000 Personal Services				
2000 Non-Labor				
3900 Contributions				
4000 Debt Service				
TOTAL DIRECT COSTS:	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Add: 6000 Charges from Others				
Less: 7000 Charges to Others				
FUNCTION COST:	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

REVENUES:

CAPITAL:

POSITIONS: FT/PT and Temp

PUBLIC SECTOR ECONOMIC EFFECTS:

Approval of this ordinance should have no significant impact on the public sector.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of the ordinance should have no significant economic impact on the private sector.

Prepared by: Jerry T. Weaver, Jr.

Telephone: 343-7939



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

No. AM 245 -2007

Meeting Date: April 10, 2007

From: **MAYOR**

Subject: **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL
CODE SECTION 21.35.020B. TO CLARIFY THE DEFINITION OF
HABILITATIVE CARE FACILITY; Planning and Zoning
Commission recommendation of approval.**

1
2 On April 18, 2006, the Municipal Assembly approved an ordinance regarding residential
3 care facilities, commonly known as assisted living facilities. Within this ordinance, some
4 additional "housekeeping" amendments were made. These included changing the use
5 category definition of quasi-institutional uses (group rehabilitation homes) to clarify the
6 allowed uses. The name was changed to "habilitative care." However, the habilitative
7 care amendments included a sentence that has created confusion.

8
9 Traditionally, a quasi-institutional house, now known as "habilitative care", did not
10 address disability in the definition. In referencing disability, the new definition has
11 inadvertently added confusion by seeming to add a prohibition against experiencing a
12 disability recognized under the federal definition of disability, when that was never the
13 intent. Instead, the intent of the "habilitative care" definition was to ensure that a person
14 could be in habilitative care, whether or not they experience a disability under the federal
15 definition.

16
17 The Department has discussed this matter with the Municipal Attorney's Office and
18 Assembly Counsel. We have consensus in the Department's determination that this
19 added language in the definition of "habilitative care" concerning disability is irrelevant,
20 confusing and should be removed. The Commission finds that this amendment will make
21 it clear that habilitative care facilities allow for health care of individuals, irrespective of
22 whether the individuals may or may not experience a disability. .

23
24 The Commission recommended APPROVAL of the ordinance by a vote of eight ayes
25 and zero nays.

26
27 **THE ADMINISTRATION CONCURS WITH THE PLANNING AND ZONING**
28 **COMMISSION RECOMMENDATION, AND RECOMMENDS APPROVAL OF**
29 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION**

21.35.020B. TO CLARIFY THE DEFINITION OF HABILITATIVE CARE FACILITY.

Prepared by: Jerry T. Weaver Jr., Zoning Administrator,
Planning Department
Approved: Tom Nelson, Director, Planning Department
Concur: Mary Jane Michael, Executive Director, Office of
Economic and Community Development
Concur: James N. Reeves, Municipal Attorney
Concur: Denis C. LeBlanc, Municipal Manager
Respectfully submitted, Mark Begich, Mayor

**MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2007-009**

A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDMENT TO THE ANCHORAGE MUNICIPAL CODE TITLE 21 SECTION 21.35.020B, REGARDING THE DEFINITION OF HABILITATIVE CARE.

(Case 2007-020)

WHEREAS, the Planning Department has submitted a draft ordinance which proposes amendments to Anchorage Municipal Code 21.35.020B regarding the definition of habilitative care; and,

WHEREAS, a public hearing was held on February 5, 2007.

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

A. The Commission makes the following findings of fact:

1. On April 18, 2006, the Municipal Assembly approved an ordinance regarding residential care facilities, commonly known as assisted living facilities. The use category definition of quasi-institutional uses (group rehabilitation homes) was changed to clarify the allowed uses and the name was changed to "habilitative care." However, the amendments included a sentence that created confusion with the new definition.
2. Traditionally, a quasi-institutional house, now known as habilitative care, did not have a requirement one way or the other regarding whether or not a resident had a disability. The new language is confusing as it makes it seem that a resident is not allowed to have a disability to be in the habilitative care home, and that was never the intent of that definition. Instead, the intent was that it did not matter if a person residing in the group home had a disability or not.
3. The Department has discussed this matter with the Municipal Attorney's Office, and has determined that this added language concerning disability should be removed because it is irrelevant. This added language states that the rehabilitation or recovery residents in a habilitative care program from some infirmity "that does not qualify as a disability as defined above." The definition for disability refers to the Federal definition.

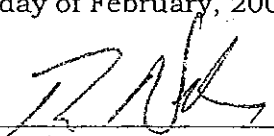
"(2) Disability

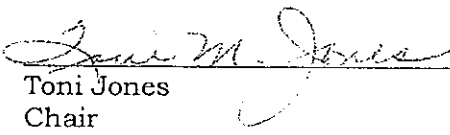
The term "disability" means, with respect to an individual-

- (A) a physical or mental impairment that substantially limits one or more of the major life activities of such individuals;*
- (B) a record of such an impairment; or*
- (C) being regarded as having such an impairment."*

4. When the ordinance regarding residential care and assisted living facilities was amended, a new term "habilitative care" was inserted in the ordinance; that clause came from the Law Department. In reading the finished ordinance, it is possible to construe that someone with a disability that is not recognized under federal definition could not qualify to enter one of the drug or alcohol programs covered by the remainder of the ordinance. The current language is confusing and counter productive.
 5. The Commission finds that this change was housekeeping and should be approved.
- B. The Commission recommends to the Anchorage Assembly approval of an amendment to the Anchorage Municipal Code 21.35.020B, regarding the definition of "habilitative care".

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 5th day of February, 2007.



Tom Nelson
Secretary

Toni Jones
Chair

ac

COMMISSIONER WANG supported the motion, suspecting that if a conditional use permit application comes forward to which there is objection, there will be public interest and the Commission could either apply restrictions or deny the permit entirely.

COMMISSIONER ISHAM supported the motion, noting it only applies to I-1 and allows only for conditional uses, which are subject to the Commission's review.

CHAIR JONES did not support the motion, noting that although conditional use permit applications come before the Commission, there are many I-1 properties that are near residential development and schools, and even at a great distance the noise from this type of use travels.

AYE: Cotten, Fredrick, Isham, Wang

NAY: Pease, Josephson, Jones, Phelps

FAILED

6. 2007-019 Municipality of Anchorage. An Ordinance amending Anchorage Municipal Code Section 21.35.020.B to clarify the definition of an Habilitative Care Facility.

Staff member AL BARRETT stated this is a housekeeping item. Last year when the ordinance regarding residential care and assistive living facilities was amended, a new term "habilitative care" was inserted the ordinance; that clause came from the Law Department. In reading the finished ordinance, it is possible to construe that someone with a disability that is not recognized under federal definition could not qualify to enter one of the drug or alcohol programs covered by the remainder of the ordinance. The current language is confusing and counter productive.

The public hearing was opened and closed without public comment.

COMMISSIONER ISHAM moved for approval of an ordinance amending Anchorage Municipal Code Section 21.35.020.B to clarify the definition of an Habilitative Care Facility.
COMMISSIONER WANG seconded.

COMMISSIONER ISHAM found that this change was housekeeping and should be approved.

AYE: Cotten, Pease, Fredrick, Josephson, Jones, Isham, Wang, Phelps

NAY: None

PASSED

7. 2007-005 Municipal Light and Power. A site selection for a public facility and site plan review. Mountain View Development Subdivision, Tract 1, Frag lots 7, 8, and 9. Located northeast of the Glenn Highway and southeast of Mountain View Drive intersection.

POSTPONED TO MARCH 5, 2007

I. REPORTS

1. Chair

CHAIR JONES reviewed the agenda for the February 12, 2007 meeting.

2. Secretary - None

3. Committees - None

J. COMMISSIONER COMMENTS

COMMISSIONER PHELPS explained that he has missed meetings due to previously scheduled vacation as well as work-related absences. He has accrued five absences and the maximum one can have in any year is six. Because the Commission has two and sometimes three meetings a month, it will be difficult for him to attend all meetings in the coming year. If there are three meetings a month, a member must be present 85% of the time in order to not accrue six absences. He noted that if a member asks to be excused after arriving at the meeting, the absence is not counted against them, but if the request is made to the Chair it is counted. CHAIR JONES asked whether or not an ordinance has been introduced at the Assembly regarding the urban Design Commission, noting that if the Commission's workload increases, the reality is that more meetings will result.

COMMISSIONER PEASE will seek clarification from Mr. Nelson regarding Comprehensive Plan Policy #14.

**MUNICIPALITY OF ANCHORAGE
PLANNING DEPARTMENT
MEMORANDUM**

DATE: February 5, 2007

TO: Planning and Zoning Commission

THRU: *TN* Tom Nelson, Director, Planning Department

THRU: *JW* Jerry T. Weaver, Jr., Division Administrator

FROM: *AC* Angela C. Chambers, AICP, Senior Planner

SUBJECT: 2007-020 An Ordinance Amending AMC Title 21 Regarding the Definition of Habilitative Care

BACKGROUND AND DISCUSSION

On April 18, 2006, the Municipal Assembly approved an ordinance regarding residential care facilities, commonly known as assisted living facilities. Within this ordinance, some additional "housekeeping" amendments were made. These included changing the use category definition of quasi-institutional uses (group rehabilitation homes) to clarify the allowed uses. The name was changed to "habilitative care." However, the habilitative care amendments included a sentence that has created confusion.

Traditionally, a quasi-institutional house, now known as "habilitative care", did not address disability in the definition. In referencing disability, the new definition has inadvertently added confusion by seeming to add a prohibition against experiencing a disability recognized under the federal definition of disability, when that was never the intent. Instead, the intent of the "habilitative care" definition was to ensure that a person could be in "habilitative care", whether or not they experience a disability under the federal definition.

The Department has discussed this matter with the Municipal Attorney's Office and Assembly Counsel. We have total consensus in the Department's determination that this added language in the definition of "habilitative care" concerning disability is irrelevant, confusing and should be removed. The Department finds that this amendment will make it clear that habilitative care facilities allow for health care of individuals, irrespective of whether the individuals may or may not experience a disability. There is no change in how a determination is made in regard to land use by health care facility programs.

RECOMMENDATION:

The Department recommends approval of the ordinance as amended.

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

ANCHORAGE, ALASKA
AO 2007- ____

**AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION
21.35.020B. TO CLARIFY THE DEFINITION OF A HABILITATIVE CARE
FACILITY.**

THE ANCHORAGE ASSEMBLY HEREBY ORDAINS:

Section 1. Anchorage Municipal Code section 21.35.020B. is hereby amended as follows: *(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:

*** **

Habilitative care facility means a residential facility, other than a correctional center or transitional living facility, the principal use or goal of which is to serve as a place for persons seeking rehabilitation or recovery from any physical, mental, or emotional infirmity, or any combination thereof, [THAT DOES NOT QUALIFY AS A DISABILITY AS DEFINED ABOVE,] in a family setting as part of a group rehabilitation and/or recovery program utilizing counseling, self-help or other treatment or assistance, including, but not limited to, substance abuse rehabilitation. Such care for persons age 18 and under, who are under the jurisdiction of the State Division of Juvenile Justice, shall be considered habilitative care, and not a correctional community residential center. The term "habilitative care facility" replaces the "quasi-institutional house" previously used in this title.

*** **

(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; AO No. 2005-9, § 1, 3-1-05; AO No. 2005-150(S-1), § 1, 2-28-06; AO No. 2005-185(S), § 1, 2-28-06; AO No. 2005-124(S-1A), § 4, 4-18-06)

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, § 1.05.020.

Section 2. This ordinance shall be effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____ 2007.

ATTEST:

Chair

Municipal Clerk

Submitted by: Chair of the Assembly at the
request of the Mayor
Prepared by: Planning Department
For reading: April 18, 2006

Sec AO 2005-124(S-1A)

ANCHORAGE, ALASKA

AO 2005-124 (S-2A)

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

THE ANCHORAGE ASSEMBLY ORDAINS:

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

21.10.025 Zoning board of examiners and appeals.

*** *** ***

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

*** *** ***

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

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

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

21.15.013 Administrative variance from occupancy limits for residential care facilities.

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

requirements to accommodate special needs of persons with disabilities and to address application for variance in occupancy limits of no more than two persons. [It is the intent of this section to provide reasonable accommodation to residential care facilities to locate in specific buildings or neighborhoods for justifiable reasons, but without allowing occupancy limits to exceed the average building in the neighborhood.]

B. *Application.* Application for minor variance in dimensional and setback requirements to accommodate special needs of persons with disabilities and application for variance in occupancy limits of no more than two persons shall be made to the Director of the Planning Department on a form provided by the municipality, shall be executed by or on behalf of the person with disabilities seeking the reasonable accommodation, or the owner of the real property, or the lessee with proof of the owner's consent, and shall be complete in all respects prior to review under this section. [An application for an administrative variance from occupancy limits shall be made on a form provided by the municipality, shall be executed by the owner of the real property, or the lessee with proof of the owner's consent, and shall be complete in all respects prior to review under subsection C.]

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

1. Any officially recognized community council whose boundaries contain land described in subsection C.2. below [of this subsection];
2. All persons listed on the records of the municipal assessor as owners of land subject to the application or as owners of (a) the parcels within 500 feet of the outer boundary of the land subject to the application or (b) the 50 parcels nearest to the outer boundary of the land subject to the application, whichever is the greater number of parcels, at the mailing addresses of such persons in the records of the municipal assessor;
3. Such additional persons or geographic areas as the Planning Department may designate.

D[~~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

1 posted electronically on the Planning Department's municipal web site and
2 furnished [made] in writing to the applicant by mail or delivered by electronic
3 means.

4
5 **E[D].** *Standards.* In deciding to approve or deny an application, the Planning
6 Department shall review the application and written comments addressing
7 factors relevant to the request for reasonable accommodation, including but
8 not limited to, the extent to which the application demonstrates the following,
9 as related to the particular request of the applicant [make reasonable
10 accommodations, considering relevant factors including, but not limited to, the
11 following]:

12
13 1. For administrative variance applications to increase occupancy limits in
14 R-1, R-1A, R-2A and R-2D districts, the extent to which the
15 accommodation and the assisted living provider seek to protect and
16 preserve the primarily residential character of the district. Factors may
17 include traffic patterns, on-street parking patterns, the control
18 exercised by the assisted living provider to mitigate environmental
19 disturbance associated with ingress and egress of facility staff workers
20 at shift change, and any other measures taken by the assisted living
21 provider to ensure the [that] commercial aspects of the facility do not
22 detract from its residential purpose and the primarily residential
23 character of the district. An example of a commercial aspect is [would
24 be] if residential trash containers were standard in the neighborhood
25 and the assisted living provider used one or more dumpsters due to
26 volume. An example of a mitigation measure for this aspect [which could
27 be taken by] the assisted living provider might take is [would be] to
28 screen the dumpster [to mitigate this aspect].

29 [Quantifiable risks to the health, safety, and quality of life of area
30 residents and users;]

31
32 2. For administrative variance applications to increase occupancy limits,
33 economic hardship on the intended occupants if the variance is denied.
34 Cost and availability of other housing alternatives may be addressed in
35 preparation and review of the application.

36 [Economic hardship to the applicant, if the variance is denied;]

37
38 3. Whether [That] the requested accommodation and the assisted living
39 provider are [will be] implementing accident prevention and safety
40 measures specific to the needs of the residents, including but not limited
41 to safety measures in state law and regulation, and in municipal fire code
42 adopted under title 23.

43 [Economic hardship on the intended occupants, if the variance is
44 denied, including the availability of other housing alternatives;]

45
46 4. Whether [That] the accommodation requested is [will be] advancing

housing opportunities in a residential community without jeopardizing residential aspects of the neighborhood with commercial aspects of operation.

~~[Administrative and economic burden on the municipality, if the variance is granted; and]~~

5. For administrative variance applications to increase occupancy limits, whether ~~[that]~~ the proposed size of the facility is ~~[would be]~~ necessary for the facility's financial viability.

~~[External characteristics and impacts of the proposed facility, including appearance and projected contribution to traffic volumes within the neighborhood.]~~

6. External characteristics and impacts of the proposed facility, including without limitation appearance, projected contribution to traffic volumes and on-street parking within the neighborhood, available street lighting and sidewalks.

7. Quantifiable risks to the health, safety, and quality of life of area residents and users.

8. Administrative and economic burden on the municipality, in either approval or denial of the variance.

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

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

G[F]. *Appeal.* All decisions of the Planning Department under this section shall be final unless an appeal is filed timely. Appeals of the decision to approve or deny a variance under this section shall be to the zoning board of examiners and appeals, pursuant to the provisions of sections 21.30.110 - .170, except ~~[that]~~ an appeal may be brought by any person with standing to request reasonable accommodation under the Fair Housing Act, 42 U.S.C. § 3604(f) ~~[and may be brought by any person adversely affected by the action].~~

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

Section 3. Anchorage Municipal Code section 21.30.110 is hereby amended to add a new

subsection as follows (*the remainder of the section is not affected and therefore is not set out.*):

21.30.110 Jurisdiction of board.

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

*** **

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

*** **

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

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

21.35.020 Definitions and rules of construction.

*** **

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

*** **

Adult care facility is a non-residential facility [that] providing [es] assistance with activities of daily living as described in Alaska Statutes 47.33.990(1) for [010 on a non residential basis to] 3 or more adults or a combination of 3 or more adults and adolescents.

*** **

Assisted living refers to the housing and ancillary care services offered on a residential basis [as set forth] for an assisted living home in Alaska Statutes 47.33.010 and 47.33.990(6) [has the same meaning as set forth in Alaska Statutes chapter 47.33].

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

*** **

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

*** **

Habilitative care facility [QUASI-INSTITUTIONAL HOUSE] means a residential facility,

other than a correctional center or transitional living facility, [LOCATED IN A STRUCTURE OR RESIDENCE OR ANY LIVING UNIT THEREOF DESIGNED] the principal use or goal of which is to serve as a place for persons seeking rehabilitation or recovery from any physical, mental, or emotional infirmity, or any combination thereof, that does not qualify as a disability as defined above, in a family setting as part of a group rehabilitation and/or recovery program utilizing counseling, self-help or other treatment or assistance, including, but not limited to, substance abuse rehabilitation. Such care for persons age 18 and under, who are under the jurisdiction of the State Division of Juvenile Justice, shall be considered habilitative care, and not a correctional community residential center. The term "habilitative care facility" replaces the "quasi-institutional house" previously used in this title.

*** **

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

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

*** **

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

*** **

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

*** **

Residential care facility is a facility that provides assisted living to 3 or more adults, and adolescents in appropriate cases as allowed by exception on a residential basis. For purposes of 21.40.030 and 21.40.040, a small residential facility ~~that~~ providing ~~es~~ housing and ancillary care services for compensation to a group of eight ~~six~~ or fewer residents shall ~~will~~ be deemed a single housekeeping unit. A large residential care facility has 11 ~~9~~ or more residents; a small residential care facility has 10 ~~8~~ or fewer residents, except ~~that~~ in the residential districts under sections 21.40.030 and 21.40.040, a small residential facility shall ~~will~~ not exceed 8 ~~6~~ residents without an administrative variance to provide reasonable accommodation. Residential care provided to two or fewer clients is permitted in any zoning district where a residential dwelling is allowed, and is not subject to this definition.

*** *** ***

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

*** *** ***

Transitional living facility means temporary housing with services to assist homeless persons and families to prepare for and obtain permanent housing within *twenty-four (24) months*. The facility provides 24-hour a day, *seven (7) days a week* programmatic assistance, or services, for self sufficiency skills to its tenants ~~[residents]~~, and may provide services such as, but not limited to, on-site assistance to its tenants in learning independent living skills (shopping, cooking, financial budgeting, preparing for job interviews, preparing resumes, and similar skills) and referral to off-site education and employment resources (GED completion, job training computer training, employment services, and the like) to assist the tenants in becoming financially self sustaining.

*** *** ***

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

119(S), § 8, 2-20-01; AO No. 2001-79(S), § 1, 5-8-01; AO No. 2001-80, § 1, 5-8-01; AO
No. 2002-101(S), § 2, 4-9-02; AO No. 2002-109, § 2, 9-10-02; AO No. 2002-117, § 4, 1-
28-03; AO No. 2003-62(S-1), § 3, 10-1-03; AO No. 2003-97, § 1, 9-30-03; AO No. 2003-
132, § 1, 10-7-03; AO No. 2003-124(S), § 1, 1-20-04; AO No. 2004-108(S), § 2, 10-26-04)
Editor's note: The definition of fallout shelters contained in this section was formerly
codified in the 1977 Code as the first sentence of subsection 21.45.060A.
Cross references: Definitions and rules of construction generally, section 1.05.020.

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

21.40.020 **PLI public lands and institutions district.**

*** **

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

*** **

19. Adult care facilities with 16 or more persons.

*** **

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

*** **

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

*** **

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

*** **

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

19. Large residential care facilities.

*** **

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

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

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

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

*** **

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

*** **

7. Small residential care facilities with up to 8 [6] residents and small residential care facilities with up to 10 [8] residents if approved as a reasonable accommodation under section 21.15.013.

8. Adult care facilities with 1 through 8 persons.

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

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

*** **

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

*** **

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

*** **

11. Adult care facilities with 9 or more person.

12. Large residential care facilities.

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

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

15[13]. Snow disposal site.

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

*** **

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

109, § 3, 9-10-02)

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

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

*** **

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

*** **

8. Adult care facilities with 1 through 8 persons.

9. Small residential care facilities with up to 8 [6] residents and small residential care facilities with up to 10 [8] residents if approved as a reasonable accommodation under section 21.15.013.

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

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

*** **

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

*** **

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

*** **

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

*** **

11. Adult care facilities with 9 or more persons.

12. Large residential care facilities.

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

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

15[13]. Snow disposal sites.

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

*** **

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

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

21.40.045 R-2M multiple-family residential district.

*** **

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

*** **

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

10. Residential care facilities, any size.

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

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

*** **

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

*** **

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

*** **

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

*** ***

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

*** ***

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

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

21.40.050 R-3 multiple-family residential district.

*** ***

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

*** ***

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

10. Residential care facilities, any size.

11. Transitional living facilities.

12[9]. Roominghouses.

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

14[11]. With a permitted non-residential use or residential use of six (6) dwelling units or more as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.

*** ***

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

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

*** **

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

*** **

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

*** **

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

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

21.40.060 R-4 multiple-family residential district.

*** **

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

*** **

10. Adult care facilities with 1 through 8 persons.

11. Residential care facilities, any size.

12. Transitional living facilities.

13[10]. Roominghouses.

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

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

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

*** **

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

*** **

2. Hospitals and nursing facilities [NURSING HOMES, CONVALESCENT

HOMES AND SIMILAR INSTITUTIONAL USES].

*** **

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

*** **

19. Adult care facilities with 9 or more persons.

*** **

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

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

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

*** **

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

*** **

11. Adult care facilities with 1 through 8 persons.

12. Residential care facilities, any size.

*** **

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

*** **

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

*** **

16. Adult care facilities with 9 or more persons.

*** **

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

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

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

*** *** ***

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

*** *** ***

6. Adult care facilities with 1 through 8 persons.

7. Small residential care facilities.

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

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

*** *** ***

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

*** *** ***

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

*** *** ***

14. Large residential care facilities.

*** *** ***

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

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

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

*** *** ***

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

*** *** ***

6. Adult care facilities with 1 through 8 persons.

7. Small residential care facilities.

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

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

*** *** ***

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

*** *** ***

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

*** *** ***

15. Large residential care facilities.

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

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

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

*** *** ***

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

*** *** ***

3. Adult care facilities with 1 through 8 persons.

4. Small residential care facilities.

5 [3]. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions, but excluding day care uses, which shall be permitted only if they are otherwise allowed in accordance with this title. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to

persons is not permitted except as otherwise allowed in this title.

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

*** *** ***

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

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

21.40.110 R-9 rural residential district.

*** *** ***

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

*** *** ***

3. Adult care facilities with 1 through 8 persons.

4. Small residential care facilities.

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

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

*** *** ***

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

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

21.40.115 R-10 residential alpine/slope district.

*** **

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

*** **

7. Adult care facilities with 1 through 8 persons.

8. Small residential care facilities.

*** **

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

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

21.40.117 R-11 Turnagain Arm district.

*** **

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

*** **

6. Adult care facilities with 1 through 8 persons.

7. Small residential care facilities.

*** **

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

*** **

19. Adult care facilities with 9 or more persons.

20. Health care facilities.

21. Large residential care facilities.

*** **

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

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

21.40.130 R-O residential-office district.

*** **

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

*** **

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

10. Residential care facilities, any size.

11. Transitional living.

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

*** **

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

*** **

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

*** **

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

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

21.40.140 B-1A local and neighborhood business district.

*** **

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

*** **

3. Office uses:

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

*** **

6. Other uses:

*** **

- g. Adult care facilities.
- h. Small residential care facilities.

*** **

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

*** **

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

*** **

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

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

21.40.145 B-1B community business district.

*** **

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

*** **

- 5. Other uses:

*** **

- j. Adult care facilities.
- k. Hospitals and nursing facilities with 1 through 16 persons.
- l. Small residential care facilities.
- m. Transitional living facilities.

*** **

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

*** **

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

*** **

- 15. Hospitals and nursing facilities with 17 or more persons.
- 16. Large residential care facilities.

*** **

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

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

21.40.150 B-2A central business district core.

*** *** ***

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

*** *** ***

4. Other uses:

*** *** ***

k. Adult care facilities.

l. Large residential care facilities.

*** *** ***

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

*** *** ***

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

*** *** ***

(GAAB 21.05.050.W; AO No. 77-20; AO No. 77-355; AO No. 80-57; AO No. 81-67(S); AO No. 81-72; AO No. 82-49; AO No. 85-173, 3-17-86; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 87-62; AO No. 87-148; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 90-124; AO No. 91-1; AO No. 91-39; AO No. 91-144; AO No. 92-57; AO No. 95-68(S-1), § 6, 8-8-95; AO No. 98-160, § 4, 12-8-98; AO No. 98-188, §§ 1-3, 1-12-99; AO No. 99-62, § 19, 5-11-99; AO No. 99-131, § 7, 10-26-99; AO No. 2001-80, § 3, 5-8-01)

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

21.40.160 B-2B central business district, intermediate.

*** *** ***

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

*** **

3. Other uses:

*** **

o. Adult care facilities.

p. Large residential care facilities.

*** **

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

*** **

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

*** **

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

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

21.40.170 B-2C central business district, periphery.

*** **

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

*** **

3. Other uses:

*** **

r. Adult care facilities.

s. Large residential care facilities.

*** **

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

*** *** ***

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

*** *** ***

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

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

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

*** *** ***

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

*** *** ***

3. Other uses:

*** *** ***

- l. Adult care facilities.
- m. Hospitals and nursing facilities.
- n. Transitional living facilities.
- o. Large residential care facilities.

*** *** ***

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

*** *** ***

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

*** *** ***

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

Section 25. Anchorage Municipal Code section 21.40.190 is hereby amended to read as follows

(the remainder of the section is not affected and therefore is not set out):

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

*** *** ***

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

*** *** ***

2. Commercial-retail uses:

*** *** ***

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

*** *** ***

hhh. Adult care facilities.

iii. Large residential care facilities.

*** *** ***

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

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

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

*** *** ***

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

*** *** ***

5. Hospitals and nursing facilities.

6. Adult care facilities.

7. Residential care facilities of any size.

*** *** ***

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

01)

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

21.40.220 **I-3 rural industrial district.**

*** *** ***

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

*** *** ***

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

*** *** ***

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

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

21.40.240 **Transition district.**

*** *** ***

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

*** *** ***

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

*** *** ***

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

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

21.45.080 **Off-street parking.**

*** *** ***

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

care facilities.

*** **

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

*** **

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

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

Cross references: Business licenses and regulations, title 10.

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

21.45.200 Transition and buffering standards.

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

*** **

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

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

21.45.300 Adult care facilities with one through 8 persons.

- 1 A. *Intent.* Adult care facilities with occupancy of eight (8) persons or less are intended
2 to be minor commercial activities and are allowed pursuant to chapter 21.40. An
3 adult care facility shall not detract from the principal allowed use in the district
4 and shall not place an undue burden on any private or public infrastructure greater
5 than anticipated from a permitted development.
6
7 B. *Location.* Adult care facilities shall be located only in a single-family dwelling,
8 excluding detached condominium units and duplex or multi-family structures, when
9 located in any R-1 through R-O, B-1A, or B-1B zoning district. These uses shall be
10 prohibited if the only direct street access is from a private street.
11
12 C. This section shall not apply to any use continuing as a lawful conditional use at the
13 time of adoption of this section.
14

15 **21.45.310 Hospitals and nursing facilities, large residential care facilities, adult**
16 **care facilities with 9 or more persons.**
17

- 18 A. *Intent.* The standards in this section shall apply to health care facilities and related
19 institutions, large residential care facilities, and adult care facilities where the facility
20 serves, or is designed or proposed to serve, nine (9) or more persons.
21
22 B. *Traffic access.* The site shall provide for direct access from a street constructed to
23 urban standards.
24
25 C. *Minimum lot size.*
26
27 1. Minimum lot size for a hospital or psychiatric institution. Unless otherwise
28 authorized by the planning and zoning commission, the minimum lot size
29 for a hospital or psychiatric institution shall be as follows:
30
31 a. Six to ten beds: One-half acre (21,780 square feet).
32
33 b. Eleven to 20 beds: One acre (43,560 square feet).
34
35 c. For each additional ten beds or fraction thereof: One-half acre.
36
37 2. Minimum lot size for nursing home, convalescent center, rest home,
38 rehabilitation center or sanitarium. Unless otherwise authorized by the
39 planning and zoning commission, the minimum lot size for a nursing home,
40 convalescent center, rest home, rehabilitation center or sanitarium shall be as
41 follows:
42
43 a. Six to ten beds: 15,000 square feet.
44
45 b. 11 or more beds: 20,000 square feet.
46

3. Minimum lot size for adult care facility or large residential care facility:

- a. Seventeen (17) or more persons in care at any give time: 20,000 square feet.

D. *Maximum lot coverage.* The maximum lot coverage by all structures shall be in accordance with the zoning district in which the institution is established. However, regardless of the maximum underlying lot coverage, a minimum of fifteen percent (15%) of the lot shall remain as a planted open area, landscaped area, natural vegetation area or useable yard, to exclude buildings, driveways, parking areas, sidewalks, etc., unless the Planning Director determines that retention of less than fifteen percent (15%) of the lot as open area, etc., allows for sufficient buffering of adjacent uses.

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

F. *Yard requirements.* The minimum yard requirements shall be those permitted in the district in which the site is located or as otherwise authorized by the planning and zoning commission so long as a use within a nonresidential district adjacent to a residential use or district shall provide a 15-foot yard between the two, planted with buffer landscaping as described in section 21.45.125, or as prescribed in section 21.45.200.

G. *Illumination.* Illumination shall be provided in the manner prescribed in section 21.45.080W.4.e. Fixtures and lighting levels shall avoid trespass light, skyglow, or glare. Lighting fixtures with a mounting height greater than fifteen feet (15') shall incorporate full cut-off fixtures as defined by the Illumination Engineering Society of North America (IESNA), with flat lens fixtures. Exterior building lighting shall be designed and located to direct the light toward the ground.

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

1. All areas not occupied by buildings, structures, storage yards, drives, walks, off-street parking installations, or other authorized installations shall be planted with visual enhancement landscaping, as described in section 21.45.125;
2. Buffer landscaping, as described in section 21.45.125C.2., shall be planted along the length of each lot line which abuts a lot within a residential district;
3. Arterial landscaping, as described in section 21.45.125C.4., shall be planted along the length of each lot line which abuts a collector or arterial street, as designated in the official streets and highways plan; and
4. The property owner shall maintain all landscaping in good condition.

- I. *Screening or buffering.* The planning and zoning commission may require:
 1. Screening or buffering landscaping as described in section 21.45.125C.2. or C.3. along the length of a lot line.
 2. A bond for the installation of landscaping at the time of implementation of the Commission approval. This landscape bond, payable to the Municipality of Anchorage, shall be in the amount of a 120% itemized cost estimate prepared by a professional landscape architect of the planting material, topsoil, plus labor for installation. Further, the bond shall remain in effect for a two (2) year growing period to assure survivability of all trees and shrubs and replacement of dead or stunted landscape materials.
- J. *Loading areas.* Loading and unloading areas shall be provided on the site in accordance with section 21.45.090. Ambulance and delivery areas shall be screened from adjacent residential areas by a buffer landscaping, or a fence no less than six feet high.
- K. *Drainage facilities.* A site drainage plan and storm drainage facilities shall be constructed in accordance with the requirements of section 21.45.230.
- L. *Refuse collection.* Refuse containers and facilities shall be provided within the primary structure or within a free-standing enclosure on the site. Refuse containers and facilities located outside the primary structure must be enclosed by a fence on three sides in the manner provided by section 21.45.080W.4. Enclosures shall be durably constructed and use architectural design and screening materials to be consistent with the primary structure(s) on the property. The placement of refuse storage areas in the front yard setback is prohibited.
- M. *Parking.* Parking shall be provided on the lot in accordance with the requirements of section 21.45.080.
- N. *On-site systems.* Every health care facility, large residential care facility, or adult care facility with nine (9) or more clients, supported by on-site well and wastewater disposal systems, shall conform to the requirements of chapter 15.65, pertaining to wastewater disposal regulations, and shall provide a one-time only health authority certificate. Large residential care facilities shall have an annual field inspection and verification of on-site septic.
- O. *Snow management.* Snow storage space adjacent to surface parking lots and pathways must be identified on the site plan. To facilitate snow removal, in residential districts snow storage areas equal to at least fifteen percent (15%) of the total area of the site used for parking, access drives, walkways and other surfaces that need to be kept clear of snow, shall be designated on the site plan. Such areas designated for snow storage shall be landscaped only with grasses and flowers and shall have flat or concave ground surface with positive drainage away from structures and pavements. Storage of snow is not allowed in front setbacks. Storage

of snow may be allowed in fifty percent (50%) of the side and rear setbacks, if trees and other vegetation designated for preservation will not be damaged. If snow is to be hauled off-site, it shall be to an approved snow storage site, and temporary snow storage areas shall be shown on the site plan.

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

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

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

21.45.320 Small residential care facilities.

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

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

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

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

- A. Any use shall meet the standards of the supplementary district regulations, in addition to any requirements imposed by the conditional use. Additional restrictions as to the size of the use, hours of operation or other use restrictions may be required to meet the conditional use standards to ensure compatibility with the neighborhood. [TRAFFIC ACCESS. A SITE MORE THAN ONE-HALF ACRE IN SIZE SHALL PROVIDE FOR DIRECT ACCESS FROM A STREET OF COLLECTOR OR GREATER CAPACITY, AS DEFINED IN THE OFFICIAL STREETS AND HIGHWAYS PLAN.]
- B. Maximum lot coverage. The maximum lot coverage by all structures shall be in accordance with the zoning district in which the institution is established, except a minimum of twenty-five percent (25%) of the lot shall remain as open area, to

1 include landscaping, natural vegetation, or useable yard. The open area calculation
2 shall not include buildings, driveways, parking areas, sidewalks, or similar
3 structures, unless the planning and zoning commission determines retention of less
4 than twenty-five percent (25%) of the lot as open area allows for sufficient buffering
5 of adjacent uses.

6
7 *[MINIMUM LOT SIZE FOR HOSPITAL, CORRECTIONAL FACILITY OR*
8 *PSYCHIATRIC INSTITUTION. UNLESS OTHERWISE AUTHORIZED BY THE*
9 *PLANNING AND ZONING COMMISSION, THE MINIMUM LOT SIZE FOR A*
10 *HOSPITAL, CORRECTIONAL FACILITY OR PSYCHIATRIC INSTITUTION*
11 *SHALL BE AS FOLLOWS:*

12
13 ONE TO TEN BEDS: ONE-HALF ACRE (21,780 SQUARE FEET).
14 ELEVEN TO 20 BEDS: ONE ACRE (43,560 SQUARE FEET).
15 FOR EACH ADDITIONAL TEN BEDS OR FRACTION THEREOF:
16 ONE-HALF ACRE.]

- 17
18 C. *Yard requirements. The planning and zoning commission may alter the minimum*
19 *yards required by the underlying zoning district, except a use within a nonresidential*
20 *district adjacent to a residential use or district shall provide a fifteen (15) foot yard*
21 *between the two, planted with buffer landscaping meeting the standards in*
22 *section 21.45.125.*

23
24 *[MINIMUM LOT SIZE FOR NURSING HOME, CONVALESCENT CENTER,*
25 *REST HOME, REHABILITATION CENTER OR SANITARIUM. UNLESS*
26 *OTHERWISE AUTHORIZED BY THE PLANNING AND ZONING*
27 *COMMISSION, THE MINIMUM LOT SIZE FOR A NURSING HOME,*
28 *CONVALESCENT CENTER, REST HOME, REHABILITATION CENTER OR*
29 *SANITARIUM SHALL BE AS FOLLOWS:*

30
31 LESS THAN FIVE BEDS: 6,000 SQUARE FEET.
32 FIVE TO TEN BEDS: 15,000 SQUARE FEET.
33 MORE THAN 11 BEDS: 20,000 SQUARE FEET.]

- 34
35 D. *In reviewing conditional use applications for residential care facilities when*
36 *reasonable accommodation is requested in support of the application, the*
37 *planning and zoning commission shall consider factors relevant to the request*
38 *for reasonable accommodation, including but not limited to, the following:*

- 39
40 1. *For conditional use to increase small residential care facility occupancy*
41 *limits in R-1, R-1A, R-2A and R-2D districts, and for conditional use*
42 *for large residential care facilities, the extent to which the*
43 *accommodation and the assisted living provider seek to protect and*
44 *preserve the primarily residential character of the district. Factors may*
45 *include traffic patterns, on-street parking patterns, the control*
46 *exercised by the assisted living provider to mitigate environmental*

disturbance associated with ingress and egress of facility staff workers at shift change, and any other measures taken by the assisted living provider to ensure ~~[that]~~ commercial aspects of the large residential care facility do not detract from its residential purpose and the primarily residential character of the district. An example of a commercial aspect is ~~[would-be]~~ if residential trash containers are ~~[were]~~ standard in the neighborhood and the assisted living provider used one or more dumpsters due to volume. An example of a mitigation measure ~~[which-could-be-taken]~~ by the assisted living provider for this aspect is ~~[would-be]~~ to screen the dumpster ~~[to-mitigate-this-aspect]~~.

2. Economic hardship on the intended occupants if the conditional use is denied. Cost and availability of other housing alternatives, including whether ~~[there-exists]~~ a shortage of residential care facilities exists, may be addressed in preparation and review of the application.

3. Whether the requested accommodation and the assisted living provider are implementing accident prevention and safety measures specific to the needs of the residents, including but not limited to safety measures in state law and regulation, and in municipal fire code adopted under title 23.

4. Whether ~~[The extent to which]~~ the conditional use ~~[would]~~ advances housing opportunities in a residential community without jeopardizing residential aspects of the neighborhood with commercial aspects of operation.

5. Whether ~~[The extent to which the applicant has demonstrated that]~~ the proposed size of the facility is ~~[would-be]~~ necessary for the financial viability of a residential care facility.

6. External characteristics and impacts of the proposed facility, including without limitation appearance, projected contribution to traffic volumes and on-street parking within the neighborhood, available street lighting and sidewalks.

7. Quantifiable risks to the health, safety, and quality of life of area residents and users.

8. Administrative and economic burden on the municipality, in either approval or denial of the conditional use.

9. Other factors deemed relevant to the applicant or the planning and zoning commission in review of the application.

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

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

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

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

1. A copy of the application submitted for State licensing.
2. Building elevations.
3. Landscaping.
4. Floor plans.
5. Site plan and/or as-built survey.
6. Description of the program, including the services offered and the professional certification or licenses required to operate.
7. If the conditional use applicant ~~tion~~ presents a request for reasonable accommodation in the provision of housing to persons with disabilities, the application shall include support for the accommodation, addressing relevant factors ~~[relevant to such a request]~~ including, without limitation, the factors listed in subsection D above ~~[of this section]~~.

8[F]. Submittals as required under section 21.15.030C. may also be required.

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

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

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

H. LANDSCAPING. LANDSCAPING SHALL BE PROVIDED AS FOLLOWS:

1. ALL AREAS NOT OCCUPIED BY BUILDINGS, STRUCTURES, STORAGE YARDS, DRIVES, WALKS, OFF-STREET PARKING INSTALLATIONS OR OTHER AUTHORIZED INSTALLATIONS SHALL BE PLANTED WITH VISUAL ENHANCEMENT LANDSCAPING, AS DESCRIBED IN SECTION 21.45.125;
2. BUFFER LANDSCAPING, AS DESCRIBED IN SECTION 21.45.125C.2., SHALL BE PLANTED ALONG THE LENGTH OF EACH LOT LINE WHICH ABUTS A LOT WITHIN A RESIDENTIAL DISTRICT;

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

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

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

14.60.030 **Fine schedule.**

The fine schedule under this chapter is as follows:

<u>Code Section</u>	<u>Offense</u>	<u>Penalty/Fine</u>
*** *** ***		

21.45.300 or 21.45.310 Adult care facilities
and large residential care facilities
violation (identify specific violation) \$350.00

*** *** ***

(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-1-05)

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

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2006.

Chair

ATTEST:

Municipal Clerk

AO 2005-124: Chart of S-1A and S-2A

AO Page Number	AMC Section	AO 2005-124 (S-1A)	AO 2005-124 (S-2A)
2	21.15.013A. & B.	Occupancy limits of no more than 3 persons <i>Done--JT</i>	Occupancy limits of no more than 2 persons
3	21.15.013E.3.	[No change]	Add reference to safety measures in state law and municipal fire code <i>Done -- RLFW</i>
6	21.35.020B. - Definitions: <i>Habilitative care</i>	Add provision regarding juveniles, 2d to last line [Same as S-2] <i>Done--JT</i>	[No change]
7	<i>Residential care facility</i>	Small residential facility: 5 or fewer residents shall be deemed single housekeeping unit	Small residential facility: 8 or fewer residents shall be deemed single housekeeping unit
		Large residential facility has 9 or more residents	Large residential facility has 11 or more residents
		Small residential facility has 8 or fewer residents	Small residential facility has 10 or fewer residents
		21.40.030 - .040 exception for small residential facility: not to exceed 5 residents w/o admin variance	21.40.030 - .040 exception for small residential facility: not to exceed 8 residents w/o admin variance
	<i>Roominghouse</i>	A group of 5 or fewer residents	A group of 8 or fewer residents
9	21.40.030B.7.	5 residents by right; up to 8 with admin variance	8 residents by right; up to 10 with admin variance
10	21.40.040B.9.	5 residents by right; up to 8 with admin variance	8 residents by right; up to 10 with admin variance
11	21.40.045B.10.	[No change]	Residential care facilities, any size [same as S-1] <i>Done--RLF</i>
12	21.40.050B.10.	[No change]	Residential care facilities, any size [same as S-1] <i>Done--RLF</i>
13	21.40.060B.11.	[No change]	Residential care facilities, any size [same as S-1] <i>Done--RLF</i>
14	21.40.070B.12.	[No change]	Residential care facilities, any size [same as S-1] <i>Done--RLF</i>
32	21.50.030D.3.	[No change]	Insert paragraph 3 from S-1; change remaining paragraph numbers in 21.50.030D.3. to track S-1] <i>Done--RLF</i>

Last Revised 4/17/2006 8:22 AM

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

AO 2005-124(S-2A)

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT ASSISTED LIVING - S-2A VERSION	DATE PREPARED 4/17/06																																																																																				
		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM																																																																																				
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Title 42

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 - TITLE 42 - THE PUBLIC HEALTH AND WELFARE
 - CHAPTER 126 - EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES

U.S. Code as of: 01/19/04

Related Re

Health La

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Health Di:

As used in this chapter:

(1) Auxiliary aids and services

The term "auxiliary aids and services" includes -

(A) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(B) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(C) acquisition or modification of equipment or devices; and

(D) other similar services and actions.

The term "disability" means, with respect to an individual -

(A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(B) a record of such an impairment; or

(C) being regarded as having such an impairment.

(3) State

The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

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MUNICIPALITY OF ANCHORAGE

Development Services Department
Right of Way Division



MEMORANDUM

DATE: January 5, 2007
TO: Planning Department, Zoning and Platting Division
THRU: Jack L. Frost, Jr., Right of Way Supervisor *L*
FROM: Lynn McGee, Senior Plan Reviewer *L*
SUBJ: Request for Comments on Planning and Zoning Commission case(s) for the Meeting of February 5, 2007.

RECEIVED

JAN 08 2007

Municipality of Anchorage
Zoning Division

Right of Way has reviewed the following case(s) due January 8, 2006.

**07-019 Ordinance Amendment
(Title 21 for a Motorized Sport Facility)**
Right of Way Division has no comments at this time.
Review time 15 minutes.

**07-020 Ordinance Amendment
(Title 21 for a Health Care Facility)**
Right of Way Division has no comments at this time.
Review time 15 minutes.

**07-022 The Alaska Village, Tract 13, grid 1440
(Site Plan Review, Mixed Use Development)**
Right of Way Division has no comments at this time.
Review time 15 minutes.

**07-023 Bevers, (Third Addition), Block 5D, Lots 1, 3, & 3, grid 1331
(Conditional Use, Storage Facility)**
Right of Way Division has no comments at this time.
Review time 15 minutes.

**07-024 Simonson, Tracts 1 & 2, grid 1526
(Conditional Use, Pump Station Upgrade)**
Right of Way Division will have plan review comments during the building permit and AWWU design process and has no comments at this time.
Review time 15 minutes.

**07-025 Raspberry Center, Lots 1B, 1C, & 2, grid 2127
(Rezoning Request, B-1BSL & R-OSL to R-OSL)**
Right of Way Division has no comments at this time.
Review time 15 minutes.

MUNICIPALITY OF ANCHORAGE
Anchorage Water & Wastewater Utility

RECEIVED

JAN 08 2007

Municipality of Anchorage
Zoning Division

M E M O R A N D U M

DATE: January 4, 2007
TO: Jerry Weaver, Zoning Division Administrator, Planning Department
FROM: Sandy Notestine, Engineering Technician, AWWU *SN*
SUBJECT: **Zoning Case Comments**
Planning & Zoning Commission Hearing February 5, 2007
Agency Comments Due January 8, 2007

AWWU has reviewed the case material and has the following comments.

2007-019 Title 21.40.200 Amendment for motorized sports (zone I-1)

1. AWWU has no comment regarding the conditional use for motorized sporting events.

2007-020 Title 21.35.020 Amend Definition Habilitative Care Facility

1. AWWU has no comment.

2007-022 The Alaska Village Subdivision, Tract 13 (Zone B-3SL) Grid SW1440

1. Developer has entered into water and sanitary sewer main line extension agreements with AWWU for service.
2. To construct water and sanitary sewer services on-property the private system plans must be reviewed and approved by the AWWU Field Service Office.

2007-023 Bevers Third Addition Subd Lots 1,2,3 (Zone R4) Grid SW1331

1. The proposed storage facility will cross lot lines. AWWU recommends a short plat to remove the property line.
2. Water and sanitary sewer services are not permitted to cross property lines. AWWU will not allow services to cross lot lines as part of future permitting.
3. Lot 2 will be assessed approximately \$630 upon connection to the existing water main, modification to the existing on-property service line or a future re-plat.

2007-024 Simonson Homestead Lots 6 remnant after Plat P-48B, (Zoning Conditional Use) Grid SW1526

1. AWWU is the petitioner thus AWWU has no comment.



**Municipality of Anchorage
Development Services Department
Building Safety Division**



MEMORANDUM

RECEIVED

DATE: January 3, 2007

JAN 03 2007

TO: Jerry Weaver, Jr., Platting Officer, CPD

**Municipality of Anchorage
Zoning Division**

FROM: *DR* Daniel Roth, Program Manager, On-Site Water and Wastewater Program

SUBJECT: Comments on Cases due January 8, 2007

The On-Site Water & Wastewater Program has reviewed the following cases and has these comments:

2007 - 019 An ordinance amending Title 21 motorized sport facility

No objection

2007 - 020 An ordinance amending Title 21 for a health care facility

No objection

2007 - 022 Site plan review for a mixed use development

No objection

2007 - 023 Zoning conditional use for a storage facility

No objection

2007 - 024 Zoning conditional use for a pump station upgrade

No objection

2007 - 025 Rezoning to R-OSL Residential office district with special limitations

No objection



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

RECEIVED

DATE: December 29, 2007
TO: Jerry T. Weaver, Platting Supervisor, Planning Department
THRU: Leland R. Coop, Associate Traffic Engineer *LC*
FROM: Mada Angell, Assistant Traffic Engineer *MA*
SUBJECT: Traffic Engineering and Transportation Planning Comments for
February 5, 2007 Planning & Zoning Commission

JAN 04 2007

Municipality of Anchorage
Zoning Division

07-019 An Ordinance amending Title 21 for a motorized sport facility

Traffic Engineering and Transportation Planning have no comment.

07-020 An Ordinance amending Title 21 for a health care facility

Traffic Engineering and Transportation Planning have no comment.

**07-022 The Alaska Village; Site Plan Review for a mixed use development;
Grid 1440**

- Show existing and proposed development on the north side of Creekside Center Drive; driveways, etc.
- Redesign main entrance to this proposed development. Redesign must be approved by Traffic Engineer.
- Remove at least two parking stalls from the parking space clusters. Remove parking stalls nearest to the entrances.

**07-023 Severs (Third Add); Conditional Use for a storage facility; Grid
1331**

- The dimensions of the parking stalls and vehicle maneuvering aisles appear to meet code requirements. The Site Plan submitted with the review package is a very small reduced copy not easily scaled and is difficult to read.
- The points of ingress/egress from 10th Avenue appear to meet Municipal Driveway Standards.

E-MAILED



FLOOD HAZARD REVIEW SHEET for PLATS

Date: 12-27-06

Case: 2007-020

Flood Hazard Zone: NA

Map Number: NA

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DEC 27 2006

Municipality of Anchorage
Zoning Division

☐ Portions of this lot are located in the floodplain as determined by the Federal Emergency Management Agency.

☐ AMC 21.15.020 requires that the following note be placed on the plat:

"Portions of this subdivision are situated within the flood hazard district as it exists on the date hereof. The boundaries of the flood hazard district may be altered from time to time in accordance with the provisions of Section 21.60.020 (Anchorage Municipal Code). All construction activities and any land use within the flood hazard district shall conform to the requirements of Chapter 21.60 (Anchorage Municipal Code)."

☐ A Flood Hazard permit is required for any construction in the floodplain.

☒ I have no comments on this case.

Reviewer: Jack Puff

Fire

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DEC 29 2006

Municipality of Anchorage
Zoning Division

S11561-1	J. Weaver	Yes 12/28/06	No Objection
S11562-1	J. Weaver	Yes 12/28/06	No Objection
S10611-3	J. Weaver	Yes 12/28/06	No Objection
S10930-2	J. Weaver	Yes 12/28/06	No Objection
S11260-2	J. Weaver	Yes 12/28/06	No Objection
2007-001	R. Cartier	Yes 12/28/06	No Comment
2007-002	R. Cartier	Yes 12/28/06	No Comment
2007-007	R. Cartier	Yes 12/28/06	No Comment
2007-015	R. Cartier	Yes 12/28/06	No Objection
2007-019	R. Cartier	Yes 12/28/06	No Comment
2007-020	R. Cartier	Yes 12/28/06	No Comment
2007-029	R. Cartier	Yes 12/28/06	No Objection
2007-005	R. Cartier	Yes 12/28/06	Comment

IFC D104.3 Where two access roads are required, they shall be placed a distance apart equal to not less than one half the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

2007-025 R. Cartier Yes 12/28/06 Comment

D105 Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads with a minimum unobstructed width of 26 feet. One of the required access roads shall be located within a minimum 15 feet and a maximum 30 feet from the building and shall be positioned parallel to one entire side of the building.

2007-022 R. Cartier Yes 12/28/06 Comment

- 1) Verify access road from Muldoon meets minimum unobstructed width of not less than 20 feet. IFC 503. It appears there is a center island reducing the minimum required width.
- 2) Show location of all fire hydrants and verify the minimum access road with fire hydrants has a minimum 26 feet unobstructed width. IFC Appendix C, D103.
- 3) Please verify the height of all buildings. Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads with a minimum unobstructed width of 26 feet. One of the required access roads shall be located within a minimum 15 feet and a maximum 30 feet from the building and shall be positioned parallel to one entire side of the building.
- 4) Verify turning radius of fire department access road is a minimum 45 feet inside and a minimum 60 feet outside throughout development. IFC D103.3.

**Municipality of Anchorage
MEMORANDUM**

RECEIVED

DEC 29 2006

Municipality of Anchorage
Zoning Division

DATE: December 28, 2006
TO: Jerry Weaver, Manager, Zoning and Platting Division
FROM: Don Dolenc, Development Reviewer
SUBJECT: Development Review Comments, Planning and Zoning Commission case for the meeting of February 5, 2007.

Case #: 2007-020
Type: Ordinance (Habilitative Care Facilities)

Recommendations: Development Review wholeheartedly supports this case.

(Reviewer: Don Dolenc)

Pierce, Eileen A

From: Staff, Alton R.
Sent: Wednesday, December 20, 2006 5:17 PM
To: Pierce, Eileen A; Stewart, Gloria I.
Cc: Taylor, Gary A.
Subject: Zoning and Plat Comments

RECEIVED

DEC 21 2006

Municipality of Anchorage
Zoning Division

Zoning Case No.2007-005

The closest bus service for this large retail establishment will be at existing bus stops on Mountain View Drive at Commercial or on the Glenn Highway at Mountain View Drive/Airport Heights.

The Public Transportation Department has no comment on the following zoning cases:

2007 015
019
020
023
024
025

The Public Transportation Department has no comment on the following plats:

S11553-1
S11554-1
S11555-1
S11556-1
S11558-1
S11559-1
S11561-1

Thank you for the opportunity to review.

Alton Staff, Operations Supervisor
People Mover

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

SARAH PALIN, GOVERNOR

4111 AVIATION AVENUE
P.O. BOX 196900
ANCHORAGE, ALASKA 99519-6900
(907) 269-0520 (FAX 269-0521)
(TTY 269-0473)

December 22, 2006

RE: MOA Zoning Review

RECEIVED

DEC 26 2006

Municipality of Anchorage
Zoning Division

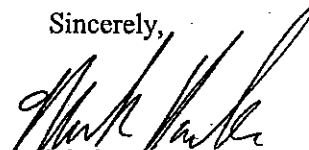
Mr. Jerry Weaver, Platting Officer
Municipality of Anchorage
P.O. Box 196650
Anchorage, Alaska 99519-6650

Dear Mr. Weaver:

The Alaska Department of Transportation and Public Facilities, ADOT&PF, has reviewed the following platting cases and has no comment:

- 2007-015, Zoning Conditional Use Permit Alcohol, Robert Burlinski
- 2007-019, Title 21 Amendment for a Sport Facility, Submitted by Chair of the Assembly
- 2007-020, Title 21 Amendment for a Health Care Facility, Submitted by Chair of Assembly
- 2007-022, Site Plan Review for a Mixed Use Facility, Cook Inlet Housing Authority
- 2007-023, Zoning Conditional Use for a Storage Facility, John and Barbara Kagerer
- 2007-024, Zoning Conditional Use for a Pump Station Upgrade, AWWU, Steve Nuss
- 2007-025, Rezoning to Residential Office District, Raspberry Center, Shaun Debenham

Sincerely,


Mark Parmelee
Area Planner

/em

cc: Chuck Swenor, Anchorage M&O Superintendent
Louise Hooyer, RLS, Engineering and Survey Supervisor, Right of Way
Tucker Hum, Right of Way Agent, Right of Way
Scott Thomas, P.E., Regional Traffic Engineer, Traffic Safety and Utilities

"Providing for the movement of people and goods and the delivery of state services."

Content Information**Content ID :** 004917**Type:** Ordinance - AO

Planning and Zoning Commission recommendation of approval for an

Title: ordinance amending Anchorage Municipal Code section 21.35.020 B. to clarify the definition of habilitative care facility.**Author:** maglaquijp**Initiating Dept:** Planning

Planning and Zoning Commission recommendation of approval for an

Description: ordinance amending Anchorage Municipal Code section 21.35.020 B. to clarify the definition of habilitative care facility.**Date Prepared:** 3/16/07 3:50 PM**Director Name:** Tom Nelson**Assembly Meeting Date:** 4/10/07**Public Hearing Date:** 5/15/07**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	3/16/07 3:52 PM	Checkin	weaverjt	Public	004917
Planning_SubWorkflow	3/19/07 5:14 PM	Approve	nelsontp	Public	004917
ECD_SubWorkflow	3/19/07 5:16 PM	Approve	thomasm	Public	004917
OMB_SubWorkflow	3/23/07 8:25 AM	Approve	mitsonjl	Public	004917
Legal_SubWorkflow	3/23/07 11:14 AM	Approve	fehlenrl	Public	004917
MuniManager_SubWorkflow	3/23/07 1:53 PM	Checkin	maglaquijp	Public	004917
MuniManager_SubWorkflow	3/23/07 2:50 PM	Checkin	maglaquijp	Public	004917
MuniManager_SubWorkflow	3/30/07 9:38 AM	Approve	leblancdc	Public	004917
MuniMgrCoord_SubWorkflow	3/30/07 11:24 AM	Approve	abbottmk	Public	004917

M.O.A.
 2007 MAR 30 PM 1:00
 CLEMENS OFFICE