

Vote: Burney, Graham, O’Barr, Sullivan-Leonard, Wilson in favor; Harvey opposed

**City of Wasilla  
Ordinance Serial No. 16-23**

**An Ordinance Of The Wasilla City Council Amending Wasilla Municipal Code (WMC) 16.16.060, Specific Approval Criteria, To Remove The Limit On Number Of Children Permitted In A Day Care Facility In The Rural Residential Zoning District If Certain Criteria Are Met; And Amending WMC 16.20.020, District Use Chart, To Change The Required Review From A Use Permit To A Conditional Use Permit.**

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

**Section 2. Amendment of subsection.** WMC 16.16.060(B), within Specific Approval Criteria, is hereby amended to read as follows:

The following uses are subject to the preceding general criteria and these additional approval standards:

B. Day Care. ~~In the RR, R1, and R2 districts the~~ **The** following **standards** apply:

~~(1) 4. A day care facility is limited to~~ **may provide care for** no more than ~~twenty five (25)~~ **25 children or adults** people **in the R1 and R2 zoning districts.**

**(2) Day care facilities in the RR zoning district may request approval of a conditional use permit by the planning commission to provide care for more than 25 children or adults provided that they meet all of the following criteria:**

**(a) Total lot area of 40,000 square feet or more;**

~~Bold & Underline, added. Strikethrough, deleted~~

**(b) Frontage and direct access onto a roadway with an Arterial, Major Collector, Minor Collector, or Commercial street classification as designated in the City of Wasilla Official Streets and Highway Plan;**

**(c) Does not share a lot line with a property zoned R1 or R2 (this does not include lots that only touch at a property corner); and**

**(d) Must provide screening required in Section 16.33.030(G).**

~~2. (3)~~ Play areas must be adequately screened and buffered from adjacent residential property.

**Section 3. Amendment of section.** WMC 16.20.020, District Use Chart, is hereby amended to read as follows:

A. The following chart summarizes the uses allowed and the standard of review for each use. In the commercial and industrial districts, more than one building housing a permissible principal use may be erected on a single lot; provided, that each building and use shall comply with all applicable requirements

AA = Administrative approval  
EX = Excluded

UP = Use permit  
Blank = No city approval  
necessary

CU = Conditional use

Districts	RR Rural	R1 Single- Family	R2 Residential	RM Multi- family	C Commercial	I Industrial	P Public
<b>Uses</b>							
Accessory Uses	AA	AA	AA	AA	AA	UP	AA
Adult Business	EX	EX	EX	EX	CU	EX	EX
Agriculture	UP	EX	EX	EX	EX	EX	EX
Animal Husbandry	UP	EX	UP	EX	EX	EX	EX
Animal Shelter	EX	EX	EX	EX	CU	UP	UP
Assisted Living Home	AA	AA	AA	AA	UP	EX	EX
Automotive Sales	UP	EX	EX	EX	AA	AA	EX
Batch Plant	EX	EX	EX	EX	UP	AA	EX
Bed and Breakfast		UP	AA	AA		EX	EX
Campground	UP	EX	EX	EX	UP	EX	AA
Cemetery	UP	EX	EX	EX	UP	UP	UP
Church	UP	EX	UP	UP	UP	EX	EX
Coalbed Methane Extraction	UP	EX	EX	EX	UP	UP	UP
Commercial 10,000 GFA or less	AA	EX	EX	CU	AA	UP	UP
Commercial more than 10,000 GFA	EX	EX	EX	EX	CU	UP	EX
Communication Equipment	AA	UP	AA	AA	AA	AA	AA
Convenience Store	AA	EX	UP	EX	UP	EX	EX
Correctional Facility	EX	EX	EX	EX	EX	CU	CU
Day Care <sup>1</sup> <b><u>(with care for 25 or less children/adults)</u></b>	AA	UP	UP	UP	AA	EX	EX

**Bold & Underline, added. ~~Strikethrough, deleted~~**

Districts	RR Rural	R1 Single- Family	R2 Residential	RM Multi- family	C Commercial	I Industrial	P Public
<b>Uses</b>							
<b><u>Day Care<sup>1</sup></u> <b><u>(with care for more than 25 children/adults)</u></b></b>	<b><u>CU</u></b>	<b><u>EX</u></b>	<b><u>EX</u></b>	<b><u>UP</u></b>	<b><u>AA</u></b>	<b><u>EX</u></b>	<b><u>EX</u></b>
Duplex	AA	EX	AA	AA	UP	EX	EX
Farm Animals	AA	UP	UP	EX	EX	AA	EX
Firing Range, Outdoor	EX	EX	EX	EX	EX	CU	CU
Group Home	EX	EX	EX	UP	UP	EX	UP
Heavy Equipment	AA	EX	EX	EX	UP	AA	AA
Helipad	EX	EX	EX	EX	UP	AA	UP
Heliport	EX	EX	EX	EX	CU	AA	CU
Home Occupation		AA	AA	AA		EX	EX
Hotel	EX	EX	EX	EX	UP	EX	EX
Institutional Home	EX	EX	EX	CU	CU	EX	CU
Junkyard	EX	EX	EX	EX	EX	UP	EX
Kennel/Cattery	UP	EX	CU	EX	UP	EX	EX
Mobile Home	EX	EX	CU	EX	EX	EX	EX
Motel	EX	EX	EX	EX	UP	EX	EX
Multi-Family	EX	EX	UP	AA	UP	EX	EX
Play Field	UP	UP	UP	UP	UP	EX	UP
Public Facility	UP	CU	UP	UP	UP	AA	AA
Resource Extraction	CU	EX	EX	EX	CU	UP	UP
Single-Family Dwelling	AA	AA	AA	AA	UP	EX	AA
Subdivision	AA	AA	AA	AA	AA	AA	AA
Utility Facility	AA	UP	UP	UP	AA	AA	AA
Waterfront Use	AA	AA	AA	AA	UP	UP	UP
Zoo	UP	EX	EX	EX	CU	EX	CU

**<sup>1</sup>Must comply with specific approval criteria in Section 16.16.060.**

Bold & Underline, added, Strikethrough, deleted

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

ADOPTED by the Wasilla City Council on September 12, 2016.

  
BERT L. COTTLE, Mayor

ATTEST:

  
JAMIE NEWMAN, MMC, City Clerk

[SEAL]

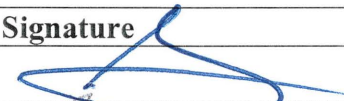
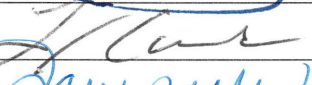

## CITY COUNCIL LEGISLATION STAFF REPORT

**Ordinance Serial No. 16-23: Amending WMC 16.16.060, Specific Approval Criteria, to remove the limit on number of children permitted in a day care facility in the Rural Residential zoning district if certain criteria are met; and amending WMC 16.20.020, District Use Chart, to change the required review from a Use Permit to an Conditional Use Permit.**

Originator: Tina Crawford, City Planner 

Date: 8/9/2016

Agenda of: 8/22/2016

Route to:	Department Head	Signature	Date
X	Public Works Director		8/10/16
X	Deputy Administrator		8/10/16
X	City Clerk		8/11/16

Reviewed by Mayor Bert L. Cottle:  8/12/2016

**Fiscal Impact:**  yes or  no

**Attachments:** Ordinance Serial No. 16-23 (5 pages)

Planning Commission Resolution Serial No. 16-10 (5 pages)

**Summary Statement:** During a pre-application meeting for a day care facility on a lot located in the Rural Residential zoning district, it was noted that the specific approval criteria in Section 16.16.060(B) only allows provision of care for 25 or less children/adults in the Rural Residential, R1, Single-Family, and R2, Residential zoning districts while Residential Multifamily and Commercial allow day care facilities that are not subject to the 25 children/adult limitation.

The limitation on the number of children is appropriate for the R1 and R2 zoning districts, due to the potential negative impacts to low-density residential neighborhoods from the additional noise and traffic generated by large-scale day care businesses. Restricting the number of children will help keep the impacts at a more compatible neighborhood scale. However, it appears appropriate to allow larger day care facilities as a conditional use permit with additional development standards in the Rural Residential zoning district, since this district currently allows a mix of residential and commercial (up to 10,000 square feet) uses. The proposed development standards contain a minimum lot size, higher intensity street classification, appropriate buffering, and prevent approval of a larger day care facility if it abuts a property with R1 or R2 zoning. Additionally, with the requirement to apply for a conditional use permit, the surrounding area will be notified of the request and be allowed to provide input to the Planning Commission at a public hearing to ensure compatibility with the surrounding area.

**Staff Recommendation:** Introduce and set the ordinance for public hearing.

By: Planning  
Public Hearing: 08/09/16  
Adopted: 08/09/16

**WASILLA PLANNING COMMISSION  
RESOLUTION SERIAL NO. 16-10**

**A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING THAT THE WASILLA CITY COUNCIL AMEND WMC 16.16.060, SPECIFIC APPROVAL CRITERIA, TO REMOVE THE LIMIT ON NUMBER OF CHILDREN PERMITTED IN A DAY CARE FACILITY IN THE RURAL RESIDENTIAL ZONING DISTRICT IF CERTAIN CRITERIA ARE MET; AND AMEND WMC 16.20.020, DISTRICT USE CHART, TO CHANGE THE REQUIRED REVIEW FROM A USE PERMIT TO A CONDITIONAL USE PERMIT.**

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WHEREAS, the Planning Staff requested to amend Wasilla Municipal Code (WMC) Section 16.16.060, Specific Approval Criteria, and WMC 16.20.020, District Use Chart to allow an unlimited number of persons cared for at a day care facility in the Rural Residential zoning district provided that certain criteria are met as described below; and

WHEREAS, the public hearing date and time was publicly advertised; and

WHEREAS, on August 9, 2016, the Wasilla Planning Commission held a public hearing on this request; and

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the current provisions of the WMC and the Comprehensive Plan; and

WHEREAS, after due consideration, the Wasilla Planning Commission determines that the proposed amendment is appropriate and is consistent with the goals and objectives of the WMC and the Comprehensive Plan;

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby approves this resolution recommending that the City Council adopt the following revisions:

**Strikethrough** indicates deleted language and **Underline** indicates new language

**Amendment of section.** WMC 16.16.060, Specific Approval Criteria, is hereby amended as follows:

**16.16.060 Specific approval criteria.**

The following uses are subject to the preceding general criteria and these additional approval standards:

B. Day Care. In the RR, R1, and R2 districts ~~the following standards apply:~~

1. A day care facility ~~is limited to~~ may provide care for no more than twenty-five (25) 25 children or adultspeople in the R1 and R2 zoning districts.
2. Day care facilities in the RR zoning district may request approval of a conditional use permit by the planning commission to provide care for more than 25 children or adults provided that they meet all of the following criteria:
  - a. Total lot area of 40,000 square feet or more;
  - b. Frontage and direct access onto a roadway with an Arterial, Major Collector, Minor Collector, or Commercial street classification as designated in the City of Wasilla Official Streets and Highway Plan;
  - c. Does not share a lot line with a property zoned R1 or R2 (this does not include lots that only touch at a property corner); and
  - d. Must provide screening required in Section 16.33.030.G.

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23. Play areas must be adequately screened and buffered from adjacent residential property.

**Amendment of section.** WMC 16.20.020, District Use Chart, is hereby amended as follows:

**16.20.020 District use chart.**

A. The following chart summarizes the uses allowed and the standard of review for each use. In the commercial and industrial districts, more than one building housing a permissible principal use may be erected on a single lot, provided that each building and use shall comply with all applicable requirements of this chapter and other borough, state or federal regulations.

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

Districts	RR Rural	R1 Single-Family	R2 Residential	RM Multi-family	C Commercial	I Industrial	P Public
<b>Uses</b>							
Accessory Uses	AA	AA	AA	AA	AA	UP	AA
Adult Business	EX	EX	EX	EX	CU	EX	EX
Agriculture	UP	EX	EX	EX	EX	EX	EX
Animal Husbandry	UP	EX	UP	EX	EX	EX	EX
Animal Shelter	EX	EX	EX	EX	CU	UP	UP
Assisted Living Home	AA	AA	AA	AA	UP	EX	EX
Automotive Sales	UP	EX	EX	EX	AA	AA	EX
Batch Plant	EX	EX	EX	EX	UP	AA	EX
Bed and Breakfast		UP	AA	AA		EX	EX
Campground	UP	EX	EX	EX	UP	EX	AA

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<b>Districts</b>	RR Rural	R1 Single- Family	R2 Residential	RM Multi- family	C Commercial	I Industrial	P Public
<b>Uses</b>							
Cemetery	UP	EX	EX	EX	UP	UP	UP
Church	UP	EX	UP	UP	UP	EX	EX
Coalbed Methane Extraction	UP	EX	EX	EX	UP	UP	UP
Commercial 10,000 GFA or less	AA	EX	EX	CU	AA	UP	UP
Commercial more than 10,000 GFA	EX	EX	EX	EX	CU	UP	EX
Communication Equipment	AA	UP	AA	AA	AA	AA	AA
Convenience Store	AA	EX	UP	EX	UP	EX	EX
Correctional Facility	EX	EX	EX	EX	EX	CU	CU
Day Care' (with care for 25 or less children/adults)	AA	UP	UP	UP	AA	EX	EX
Day Care' (with care for more than 25 children/adults)	<u>CU</u>	<u>EX</u>	<u>EX</u>	<u>UP</u>	<u>AA</u>	<u>EX</u>	<u>EX</u>
Duplex	AA	EX	AA	AA	UP	EX	EX
Farm Animals	AA	UP	UP	EX	EX	AA	EX
Firing Range, Outdoor	EX	EX	EX	EX	EX	CU	CU
Group Home	EX	EX	EX	UP	UP	EX	UP
Heavy Equipment	AA	EX	EX	EX	UP	AA	AA
Helipad	EX	EX	EX	EX	UP	AA	UP
Heliport	EX	EX	EX	EX	CU	AA	CU
Home Occupation		AA	AA	AA		EX	EX
Hotel	EX	EX	EX	EX	UP	EX	EX
Institutional Home	EX	EX	EX	CU	CU	EX	CU

**Strikethrough** indicates deleted language and **Underline** indicates new language

Districts	RR Rural	R1 Single-Family	R2 Residential	RM Multi-family	C Commercial	I Industrial	P Public
<b>Uses</b>							
Junkyard	EX	EX	EX	EX	EX	UP	EX
Kennel/Cattery	UP	EX	CU	EX	UP	EX	EX
Mobile Home	EX	EX	CU	EX	EX	EX	EX
Motel	EX	EX	EX	EX	UP	EX	EX
Multi-Family	EX	EX	UP	AA	UP	EX	EX
Play Field	UP	UP	UP	UP	UP	EX	UP
Public Facility	UP	CU	UP	UP	UP	AA	AA
Resource Extraction	CU	EX	EX	EX	CU	UP	UP
Single-Family Dwelling	AA	AA	AA	AA	UP	EX	AA
Subdivision	AA	AA	AA	AA	AA	AA	AA
Utility Facility	AA	UP	UP	UP	AA	AA	AA
Waterfront Use	AA	AA	AA	AA	UP	UP	UP
Zoo	UP	EX	EX	EX	CU	EX	CU

<sup>1</sup>Must comply with specific approval criteria in Section 16.16.060.

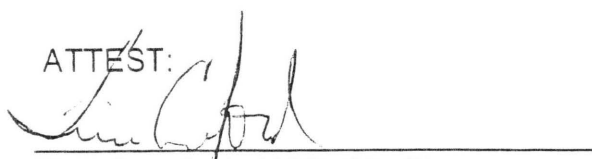
NOW, THEREFORE BE IT RESOLVED that the Wasilla Planning Commission approves of these code amendments and enactment of the proposed new code and hereby forwards their support for adoption to the Wasilla City Council and to take effect upon adoption by the Wasilla City Council.

APPROVED by the Wasilla Planning Commission on August 9, 2016.

APPROVED:

  
 Jessica Dean, Chairman

ATTEST:



Tina Crawford, AICP, City Planner  
 VOTE: Passed Unanimously

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