

CITY OF PALMER, ALASKA

ORDINANCE NO. 489

AN ORDINANCE AMENDING THE PALMER ZONING CODE (TITLE 17) IN VARIOUS PARTICULARS, PRIMARILY INVOLVING CHILD CARE, CHILD CARE FACILITIES, MENTAL HEALTH FACILITIES, SPECIAL NEEDS CARE, SPECIAL NEEDS CARE FACILITIES, AND RESIDENTIAL CARE FACILITIES.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be of a permanent nature and shall become a part of the City of Palmer Code of Ordinances.

Section 2. Severability. If any provisions of this ordinance, or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. The following definitions are added to Chapter 17.08:

- 17.08.007 Adult
- 17.08.037 Babysitting
- 17.08.077 Child
- 17.08.078 Child Care Facility
- 17.08.113 Daycare
- 17.08.172 Family Child Care
- 17.08.207 Handicap
- 17.08.218 Home Child Care
- 17.08.222 Home Special Needs Care
- 17.08.368 Preschool
- 17.08.397 School
- 17.08.422 Special Needs Daycare Facility
- 17.08.423 Special Needs Care

17.08.007 Adult. "Adult" means a person 18 years of age or older.

17.08.037 Babysitting. "Babysitting" means providing care and supervision of children in a dwelling for compensation on an occasional basis. Babysitting is a "home occupation."

17.08.077 Child. "Child" means a person under 18 years of age.

17.08.078 Child Care Facility. "Child care facility" means a facility wherein care, supervision, education and/or "special needs care" is provided for more than six (6) children.

17.08.113 Daycare. "Daycare" means providing care and supervision services for compensation between 6:00 a.m. and 10:00 p.m.

17.08.172 Family Child Care. See Home Child Care.

17.08.207 Handicap. "Handicap" means, with respect to a person--
(1) a physical or mental impairment which substantially limits one or more of such person's major life activities,
(2) a record of having such an impairment, or
(3) being regarded as having such an impairment,
but such term does not include current, illegal use or addiction to a controlled substance (as defined from time to time in 21 U.S.C. section 802).

17.08.218 Home Child Care. "Home child care" means providing care and supervision for compensation for not more than six (6) children total. Home child care is a "home occupation."

17.08.222 Home Special Needs Care. "Home special needs care" means providing "special needs care" for not more than five (5) people for compensation in a dwelling. Home special needs care is a "home occupation."

17.08.368 Preschool. "Preschool" means providing "daycare" with or without educational services for children not yet attending elementary school; includes nursery school and kindergarten.

17.08.397 School. "School" means a public or private educational institution, not including preschool.

17.08.422 Special Needs Daycare Facility. "Special needs daycare facility" means a facility wherein "special needs care" "daycare" is provided for more than five (5) people.

17.08.423 Special Needs Care. "Special needs care" means providing care, supervision and/or education for people requiring more than ordinary attention because of a physical and/or a mental "handicap."

Section 4. The following definitions are amended in Chapter 17.08:

- 17.08.295 Mental Health Facility.
- 17.08.380 Residential Care Facility.

17.08.295. Mental Health Facility. "Mental Health Facility" means a facility or institution for diagnosing, treating, caring for or counseling people requiring mental health services in confinement.

17.08.380. Residential Care Facility. "Residential Care Facility" means a place which provides twenty-four-hour care for one or more people who are not related by blood, marriage, or legal adoption to the owner or operator and includes facilities called group homes and institutions.

Section 5. The following definition is deleted from Chapter 17.08:

- 17.08.320 Nursery, Children's.

Section 6. Section 17.20.030 (Conditional uses in R-1) is amended to read as follows:

17.20.030 Conditional uses. Uses which may be permitted in the R-1 district by obtaining a conditional use permit are:

- A. Churches and related buildings, provided no part of any church building shall be located nearer than thirty feet to an adjoining lot or street line;
- B. Utility substation;
- C. Child care facilities operating as a "daycare" only and provided that no part of the any building shall be located nearer than thirty feet to an adjoining lot or street line;
- D. Special needs daycare facilities provided that no part of any building shall be located nearer than thirty feet to an adjoining lot or street line.

Section 7. Section 17.24.020 (Permitted uses in R-2) is amended to read as follows:

17.24.020 Permitted uses. Permitted principal uses and structures in the R-2 district are:

- A. One-family dwellings;
- B. Two-family dwellings;
- C. Multiple-family dwellings with three or more units;
- D. Boarding and rooming houses;
- E. Home occupations;
- F. Parks and playgrounds;
- G. Child care facilities and Preschools, both operating as "daycare" only;
- H. Other compatible uses;
- I. Travel trailers, campers and motor homes neither used nor occupied as living quarters;
- J. Gardens and greenhouses when incidental to residential use.

Section 8. Section 17.24.030 (Conditional uses in R-2) is amended to read as follows:

17.24.030 Conditional uses. Uses which may be permitted by the R-2 district by obtaining a conditional use permit are:

- A. Public and private schools;
- B. Public buildings and structures;
- C. Churches and related buildings, provided no part of any church building shall be located nearer than thirty feet to an adjoining lot or street line;
- D. Residential planned unit development;
- E. Mobile home courts;
- F. Hospitals and homes for the elderly;
- G. Residential care facilities and special needs daycare facilities;
- H. Child care facilities provided that no part of any building shall be located nearer that thirty feet to an adjoining lot or street line;
- I. Utility substation.

Section 9. Section 17.28.020 (Permitted uses in C-L) is amended to read as follows:

17.28.020 Permitted uses. Permitted principal uses in the C-L district are:

- A. One-family dwellings;
- B. Two-family dwellings;
- C. Multiple-family dwellings;
- D. Boardinghouses;
- E. Truck gardens, raising of bush and tree crops, flower gardening and greenhouses;
- F. Home occupations;
- G. Churches;
- H. Banks;
- I. Barber or beauty shop;
- J. Bakery shop, candy or ice cream store or delicatessen;
- K. Cafe or restaurant;
- L. Clothing, dress, millinery or shoe store;
- M. Office building and professional offices;
- N. Bill-paying service, stock broker, detective agency, real estate agency, insurance office, escrow and land title;
- O. Dentist, doctor, optometrist and medical or dental clinic;
- P. Pharmacy, dry goods, grocery, meat market or locker plant;
- Q. Dry-cleaning agency or shoe repair shop;
- R. Florist, gift shop, music store, stationery, variety store, hobby and model shop;
- S. Book, camera, luggage, jewelry and toy store;
- T. Launderette;
- U. Hospitals and homes for the elderly;
- V. Child care facilities and preschools;
- W. Special needs daycare facilities;
- X. Accessory uses customarily incidental to any of the above uses.

Section 10. Section 17.28.030 (Conditional uses in C-L) is amended to read as follows:

17.28.030 Conditional uses. Uses which may be permitted in the C-L district by obtaining a conditional use permit are:

- A. Utility substation;
- B. Mobile home courts;
- C. Funeral parlors;
- D. Residential care facilities.

Section 11. Section 17.32.030 (Conditional uses in C-G) is amended to read as follows:

17.32.030 Conditional uses. Uses which may be permitted in the C-G district by obtaining a conditional use permit are:

- A. Mobile home courts;
- B. Laundry and linen supply service, dry-cleaning businesses;
- C. Propane or butane service;
- D. Car washes;
- E. Crematory;
- F. Welding service and supplies;
- G. Mental Health Facility;
- H. Residential care facilities.

Section 12. Section 17.40.030 (Conditional uses in P) is amended to read as follows:

17.40.030 Conditional uses. The following uses may be permitted by obtaining a conditional use permit:

- A. Fairgrounds and convention facilities;
- B. Museums, historic and cultural exhibits and the like;
- C. Commercial recreational facilities open to the general public;
- D. Hospitals, mental health facilities, sanitariums, residential care facilities, special needs daycare facilities, nursing homes, convalescent homes, homes for the aged and the like;
- E. Cemeteries;
- F. Campgrounds;
- G. Child care facilities and preschools;
- H. Utility substations;
- I. Accessory uses which are necessary or desirable adjuncts to permitted principal uses, where such accessory uses are under the management or control of the organization or agency responsible for the permitted principal use.

Section 13. Section 17.52.040 (Conditional uses in R-1E) is amended to read as follows:

17.52.040 Conditional uses. Uses which may be permitted in the R-1E district by obtaining a conditional use permit are:

- A. Churches and related buildings, provided no part of any church building shall be located nearer than thirty feet to an adjoining lot or street line;
- B. Public utility installations and substations;
- C. Country clubs and golf courses;
- D. Community and publicly owned recreational centers;
- E. Public and private schools;
- F. Cemeteries.
- G. Child care facilities operating as a "daycare" only provided that no part of any building is located nearer than thirty feet of a lot or street line.
- H. Special needs daycare facilities provided that no part of any building is located nearer than thirty feet from a lot or street line.

Section 14. Section 17.56.040 (Conditional uses in AG) is amended to read as follows:

17.56.040 Conditional uses. Uses which may be permitted in the AG district by obtaining a conditional use permit are:


- A. Residential planned unit development;
- B. Churches and related buildings, provided no part of any church building shall be located nearer than thirty feet from an adjoining lot or street line;
- C. Utility substations;
- D. Public and private schools;
- E. Public buildings and structures;
- F. Fairgrounds and convention facilities;
- G. Museums, historic and cultural exhibits and the like;
- H. Hospitals, cemeteries, mental health facilities, commercial recreational facilities, sanitariums, residential care facilities, special needs daycare facilities, nursing homes, convalescent homes, homes for the aged and the like;
- I. Campgrounds;
- J. Parking or storage of heavy equipment, tractors, graders or trucks which are used for gain;
- K. Child care facilities provided that no part of any building is located nearer than thirty feet from an adjoining lot or street line.

Section 15. Publication and Effective Date. This ordinance shall become effective immediately upon its adoption. Publication shall be by making copies available to the public, and further it shall be published by being printed and included in the Palmer Municipal Code at its next regular supplementation and printing. Publication may also be made by posting a copy hereof on the City Hall bulletin board for a period of ten (10) days following its adoption. A notice of public hearing shall be given by such posting at least five (5) days before final passage.

First Reading: November 14, 1995

Public Hearing &
Second Reading: November 28, 1995

Adopted by the City Council of the City of Palmer, Alaska, this 28th day of November, 1995.


HENRY P. GUINOTTE, MAYOR


THOMAS C. SMITH, CITY CLERK