

CODE ORDINANCE

Sponsored by:
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 25-046**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.60 CONDITIONAL USES TO INCLUDE PERMIT REQUIREMENTS AND STANDARDS FOR HOMELESS SHELTERS.

BE IT ENACTED:

WHEREAS: the intent and rationale of this ordinance are found in the accompanying Information Memorandum No. 25-082.

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of section. MSB 17.60.010 is hereby amended to read as follows:

17.60.010 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

• "Child care facility" means an establishment licensed as a child care facility under AS 47.32 that provides care for 13 or more children not related by blood, marriage, or legal adoption to the owner, operator, or manager of the facility.

• "Homeless shelter" means a facility that has a

primary use of providing temporary accommodation (daily or overnight) to persons experiencing homelessness.
"Homeless shelter" does not include a facility that has a primary use of providing temporary accommodation to victims of domestic violence.

Section 3. Amendment of section. MSB 17.60.030 is hereby amended to read as follows:

17.60.030 PERMIT REQUIRED

(A) The following land uses are declared to be potentially damaging to the property values and usefulness of adjacent properties, or potentially harmful to the public health, safety, and welfare:

- (1) junkyards and refuse areas;
- (2) correctional community residential centers;
- (3) *[Repealed by Ord. 16-003(SUB), § 3, 2016]*
- (4) marijuana retail facility as licensed under 3 AAC 306.005; [AND]
- (5) marijuana cultivation facility licensed under 3 AAC 306.005. **and**

(a) A single cultivation facility with less than 500 square feet under cultivation on any one parcel is exempt under this chapter.

(6) homeless shelter

(B) Such uses are permitted only upon the issuance of a conditional use permit, as provided in this chapter. Unless such uses are maintained under and in accordance with a lawfully issued permit, such uses are declared to be public nuisances. Maintenance of such a land use without a permit is prohibited.

Section 4. Amendment of section. MSB 17.60.040 is hereby amended to read as follows:

17.60.040 APPLICATION PROCEDURES

(A) General. An application to the planning commission for a conditional use or modification of an existing conditional use may be initiated by a property owner or the owners' authorized agent. An application for a conditional use shall be filed with the planning director on a form provided by the planning department.

(1) The application for a conditional use permit shall be accompanied by an appropriate filing fee as established by the assembly, payable to the borough.

(B) Site plan. A detailed site plan showing the proposed location of all buildings and structures on the site, access points, buffering, drainage, vehicular and pedestrian circulation patterns, parking areas, and the

specific location of the use or uses to be made of the development shall be submitted with the application.

(C) Action by planning commission.

(1) The planning commission shall hear any interested parties and shall render a decision on the application for a conditional use permit within 30 calendar days from the date of public hearing. In recommending the granting of a conditional use, the planning commission shall state in writing the conditions of approval of the permit which it finds necessary to carry out the intent of this chapter. These conditions may increase the required lot size, control the location and number of vehicular access points to the property, require screening and land filling where necessary to reduce noise and glare, and may require the reclamation of property to a character in keeping with surrounding lands. The commission may impose other conditions and safeguards designed to ensure the compatibility of the conditional use with other lawful uses.

(2) The planning director shall incorporate any conditions or requirements stipulated by the commission in the conditional use permit.

(D) Upon acceptance of a complete application for a homeless shelter conditional use permit, the department shall notify surrounding property owners in accordance with MSB 17.03 Public Notification, except that the notification area shall be one-half mile from the exterior of the boundary of the property that is the subject of the application.

Section 5. Adoption of section. MSB 17.60.125 is hereby adopted to read as follows:

17.60.125 STANDARDS FOR HOMELESS SHELTERS

(A) A conditional use permit may be approved only if it meets the standards set forth by MSB 17.60.100 and the requirements of this section

(B) Findings. In granting a conditional use permit the planning commission must make the following findings:

(1) The proposed homeless shelter is located on a parcel that is appropriate for that use. In considering this factor the commission shall consider, at a minimum:

(a) proximity of the proposed use to existing businesses;

(b) proximity of the proposed use to parcels developed for residential use; and

(c) whether roads associated with the proposed use have been, or will be, appropriate for commercial use.

(2) At the time the permit is issued, homeless shelters shall meet the following requirements:

(a) Homeless shelters shall not be located within one thousand feet of:

(i) school grounds;

(ii) recreation or youth centers;

(iii) child care facilities; and

(iv) uses regulated under MSB 17.70.020.

(b) Separation distances referenced in subparagraph (a) of this section are measured in a direct line between the closest point of the lot or parcel within which the homeless shelter is located, and the closest point of the lot or parcel of land upon which any of the above itemized uses are located.

(3) Homeless shelters shall be set back at least 100 feet from public rights-of-way, side lot lines, and rear lot lines.

(4) The minimum number of parking spaces for homeless shelters shall be one space per 350 square feet of net floor area. Each parking space shall be at least:

20 feet in length, ten feet wide, and have a vertical clearance of at least seven feet. Parking spaces shall be provided to comply with current Americans with Disabilities Act guidelines.

(5) The applicant shall provide a security plan to protect the public safety. The plan shall include, but not be limited to, education for employees on security measures.

(6) The homeless shelter shall be screened by a continuous solid fence or earthen berm to reduce negative effects on adjacent properties.

(a) Screening shall encompass the entire property or the entire developed area of the facility.

(i) vehicular access points are not required to be screened.

(b) Screening shall be no less than six feet in height.

(c) Fencing may be of conventional solid wood or metal construction.

(d) Earthen berms shall be vegetated within 12 months of their construction.

(i) slopes of the berm shall be graded to attain a maximum 50 percent slope or the natural

stabilized angle of repose to prevent erosion of the berm.

(ii) earthen berms shall be covered with a minimum of four inches of soil to support plant growth.

(iii) seeding of the earthen berms shall utilize certified seed suitable for Alaska conditions that is free of noxious weeds or undesirable plant species identified in 11 AAC 34.020, Prohibited and Restricted Noxious Weeds.

(7) Exterior lighting shall comply with the following standards:

(a) Pedestrian pathways must have sufficient lighting to enhance public safety with increased illumination around building entrances.

(b) All parking areas must have sufficient lighting to enhance public safety.

(c) Lights in parking lots must be mounted no more than 20 feet above the ground.

(d) All lighting shall be located and shielded to direct the light towards the ground, in order to minimize light spillage onto adjacent properties and upward into the night sky.

(8) Certification by a professional engineer, who

is authorized to engage in that profession by the state of Alaska, must be submitted to the planning and land use department within 90 days of installation of the domestic wastewater system, certifying that the domestic wastewater system was installed in full compliance with all applicable Alaska State Department of Environmental Conservation regulations.

(9) The applicant shall submit a landscape plan consistent with the requirements of MSB 17.73.190(B)(1-3).

(10) Prior to final approval of the permit the applicant shall provide written documentation from the fire marshal having jurisdiction that the proposed conditional use is in full compliance with all applicable fire codes.

3. Standards. In considering whether the required findings are satisfied, the planning commission shall weigh factors contributing or detracting from the development of a safe, convenient, and attractive community, including, but not limited to:

(1) whether the use is compatible with the character of the surrounding area; and

(2) the effectiveness of measures to reduce

negative effects upon adjacent properties by:

(a) increased buffers along property lines and rights-of-way; and

(b) planted berms and landscaping.

Section 6. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2025.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)