

Submitted by:

Chair of the Assembly

at the request of the

Mayor

Prepared by:

Planning Department

For reading:

MARCH 20, 2001

ANCHORAGE, ALASKA

AO NO. 2001-73

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SUBSECTIONS 21.40.080D, 21.40.100D, 21.40.110D, AND SECTION AMC 21.45.110, AND ADDING SECTION 21.50.320 TO ALLOW FENCES OVER SIX (6) FEET IN HEIGHT IN THE R-6, R-8 AND R-9 ZONING DISTRICTS BY CONDITIONAL USE PERMIT AND TO PROVIDE CONDITIONAL USE STANDARDS FOR FENCES OVER SIX (6) FEET IN HEIGHT.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code subsection 21.40.080D. is hereby amended to read as follows: *(the remainder of the section is not affected and therefore not set out.)*

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

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

14. Fences over six (6) but no more than eight (8) feet in height in the front yard and/or secondary front yard setbacks.

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

21.40.100.D R-8 rural residential district (large lot) – Conditional uses.

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

11. Fences over six (6) but no more than eight (8) feet in height in the front yard and/or secondary front yard setbacks.

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

21.40.110D R-9 rural residential district.

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

11. Fences over six (6) but no more than eight (8) feet in height in the front yard and/or secondary front yard setbacks.

(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 4. Anchorage Municipal Code section 21.45.110 is hereby amended to read as follows.

21.45.110 Fences.

A. A fence may be constructed at the lot line, provided, however, that front yard and secondary front yard fences in residential zoning districts shall not exceed four feet in height, except in zoning districts R-6, R-8 and R-9 where front yard fences shall not exceed six feet in height, unless permitted by conditional use. A fence over 6 feet in height in the front yard and secondary front yard in the R-6, R-8 and R-9 zoning districts may be allowed, subject to the requirements of 21.50.320 and procedures of this title.

B In the case of a through lot, as defined in Section 21.35.020.B, which

abuts a street of collector 1, 1A or greater classification as designated on the official streets and highways plan, a fence higher than four feet, or six feet in zoning districts R-6, R-8 and R-9, shall not be constructed if access to the street is required due to a plat note, by a conditional use permit or under other provisions of law.

(GAAB 21.05.060.J; AO No. 78-15; AO No. 85-161)

Section 5. Anchorage Municipal Code chapter 21.50 is hereby amended by adding a new section 21.50.320 to read as follows:

21.50.320 Conditional use standards – Fences over six (6) feet in height.

A. Intent. It is the intent of this section to provide standards for approval of fence height conditional uses to ensure that impacts upon traffic safety, visual impacts, and safety and continuity of wildlife movement will be mitigated for fences over six (6) feet in height. Fences serve many functions, including aesthetic purposes. Fences provide visual separations and occasionally sound or noise barriers between adjacent land uses. They can also be physical barriers to keep people from trespassing, or from having access to dangerous equipment or site conditions. They can be used to keep livestock and pets in, to provide for the safety of children in residential yards or playgrounds, at schools, or to screen open outdoor recreation areas, open outdoor storage areas, trash dumpsters, loading or services areas, etc. Fences also primarily provide privacy and security to a site.

The intent of yard setbacks are to allow for light and air circulation in subdivisions, to provide for public safety by separating structural developments and to create an aesthetically pleasing pattern of development. In addition, front and secondary yard setbacks are also intended to accept and serve as auxiliary road snow storage. Fences over four (4) feet in height within these particular setbacks are considered a traffic safety hazard, create negative visual impacts and light and inhibit air circulation for the surrounding area. However, many of the residentially zoned lots in the suburban and rural areas of the Municipality have been negatively impacted by recreational vehicles travelling across private lots, and by potentially dangerous encounters between people and wildlife.

Fences over six (6) feet in height are intended to provide for additional security and protection of persons and personal property in areas more heavily impacted by wildlife movements and rural recreational activities such as snow machining and use of all-terrain vehicles.

B. In addition to the general standards of approval in 21.50.020 and the specific standards in this section, fences may only be granted a conditional use permit if the Commission finds one of the following exists:

1. Demonstrated site-specific impacts from off-road vehicle use; or
2. Site topography or other conditions prevent the provision of the fence space at the side or back yard as allowed by this title; or
3. The yard is used for commercial horticultural uses or unique horticultural trials or demonstration purposes.

C. Standards. The following standards shall apply to fences over six (6) feet but no more than eight (8) feet in height in the front yard and/or secondary front yard setbacks.in height, when such fences are permitted by conditional use:

1. Traffic Hazard Mitigation.

- a. Intent. The intent of the traffic hazard mitigation standards is to provide for mitigation of traffic safety and effective pedestrian and traffic flow impacts.
- b. Materials. All fences over six (6) feet in height shall be non-sight obscuring, and a minimum of 60% transparent. Examples of such fences are chain-link, wrought iron or split-rail fencing. Solid fences, such as board fencing and solid shrubbery or stone, shall be prohibited.
- c. Hazards. The height, design and location of the fence as proposed shall not result in or create a traffic hazard.

2. Landscaping and design.

- a. Intent. The intent of the landscaping and design standards is to ensure that the visual impact of the fence upon the surrounding neighborhood appearance and function is minimized wherever possible.
- b. Fences over six (6) feet in height shall not be placed within six (6) feet of the front or secondary front lot lines.
- c. Landscaping meeting the requirements of AMC 21.45.125C.4 shall be installed between the fence and the front lot line for fences over six (6) feet in height located in the front yard and secondary front yard setbacks.

Retention of natural vegetation within the landscaping bed shall be preferred. Natural vegetation that is sufficient to meet the intent of the standards set out in this subsection may be retained in place of all or part of

any required landscaping.

ii. If landscaping is to be installed, the installation of vegetation that is preferred forage material by moose shall be avoided. Examples of such trees and shrubs are red elderberry, moose wood, high bush cranberry, alder, birch, willow, cottonwood, aspen, Labrador-tea, and redosier dogwood. Types of vegetation that is less preferred by moose shall be installed where possible in the easements where natural vegetation has been removed. Such vegetation includes Canada red and May Day trees.

d. The owner or his/her designee shall install said landscaping within 6 months of approval of a conditional use for a fence over six (6) feet in height. This landscaping shall be maintained by the owner or his/her designee for the life of the fence.

e. The conditional use permit shall not be effective until a landscaping plan is approved by the Commission or, by delegation from the Commission, planning staff.

f. The Commission may adjust the timeframe for landscaping installation, and may add additional landscaping requirements on a case by case basis to ensure that the visual impact of the fence upon the surrounding neighborhood appearance and function is minimized wherever possible.

3. Wildlife corridors and movement areas.

a. Intent. The intent of wildlife corridor and movement area standards is to ensure the design and location of the fence will minimize impact on wildlife corridors and movement, will prevent trapping wildlife in yards or enclosed open areas, and prevent herding the animals onto the streets, away from the natural vegetated areas.

b. The location and design of the fence shall be evaluated to incorporate reduction of wildlife conflicts in areas of known wildlife corridors and movement areas to encourage minimization of restriction of movement for wildlife.

c. Property owners are expected to avoid attracting wildlife to their property. While retention of existing vegetation is preferred in landscape areas in the front and secondary front yard setback for the purpose of erosion control in steep slopes, if landscaping is to be installed, it shall avoid preferred moose

1 browse, and install browse which is less likely to attract moose.
2 Types of such brows are stated in subsection B. 2. of this
3 ordinance.
4

- 5 d. In areas of known wildlife movement which are not within parks
6 or protected open space areas, or where adequate trails
7 through the area do not exist, consideration by the applicant
8 and the Commission should be taken to ensure that all fences
9 over four (4) feet in height are set back from lot lines to ensure
10 adequate room for passage of wildlife through the subdivision.
11

12 **Section 6.** This ordinance shall become effective immediately upon its passage and
13 approval by the Assembly.
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15 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
16 _____, 2001.
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18
19
20 _____
21 Chair of the Assembly

22 ATTEST:
23

24 _____
25 Municipal Clerk
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