



1 Barn means a building used for the housing and care of horses or other permitted  
2 livestock, and for the storage of feed, hay, other crops, and farm or tack or equine  
3 equipment, and permitted uses accessory to those listed herein.

4  
5 \*\*\* \*\*

6  
7 Corral means an uncovered pen or enclosure for confining animals.

8  
9 \*\*\* \*\*

10  
11 Gross floor area for large domestic animal facilities means the total horizontal area of  
12 the footprint of all buildings measured from exterior to exterior, excluding uncovered  
13 large domestic animal facility arenas and riding areas.

14  
15 \*\*\* \*\*

16  
17 Large domestic animal means domestic or semi-domestic animals such as horses,  
18 cows, pigs, llamas and other similar animals of similar size, but not dogs, canis  
19 familiaris.

20  
21 Large domestic animal facility means a structure or structures on a lot or tract or  
22 abutting lots or tracts for the keeping, boarding, harboring, stabling, training,  
23 exercising, or breeding of four (4) or more large domestic animals. Large domestic  
24 animal facilities include but are not limited to structures such as barns, stables, arenas,  
25 corrals, paddocks, and exercise tracks, and any structures used for the storage of feed,  
26 tack, animal waste, or equipment used in conjunction with the keeping of large  
27 domestic animals, and include structures that are freestanding or attached to residential  
28 structures. Large domestic animal facilities with eight (8) or fewer large domestic  
29 animals are allowed only as a use which is accessory to a permitted residential use. In  
30 no circumstance shall barbed wire be allowed for fencing of any facilities. Properties  
31 with fewer than four (4) large domestic animals are permitted in the following zoning  
32 districts, but must be in conformity with the requirements of Anchorage Municipal  
33 Code Titles 15, 17 and 21: R-5A, R-6, R-7, R-8, R-9, R-10 and R-11.

34  
35 \*\*\* \*\*

36  
37 Lot coverage means the percentage determined by dividing the total building area of a  
38 lot (excluding projections of the types permitted in required yards by 21.45.070 and  
39 outdoor uncovered large domestic animal facility arenas and riding areas) by the area  
40 of the lot.

41  
42 \*\*\* \*\*

43  
44 Paddock means a covered or uncovered, fenced area used to house one or more large  
45 domestic animals. A portion of the enclosed area may be roofed to provide shade.

\*\*\* \*\*

**Section 2.** Anchorage Municipal Code subsection 21.40.020D. is hereby amended to add the following new subsection: *(the remainder of the section is not affected and therefore is not set out)*

**21.40.020 PLI public lands and institutions district**

\*\*\* \*\*

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

\*\*\* \*\*

13. [EQUESTRIAN FACILITIES] Large domestic animal facilities with nine (9) or more large domestic animals.

\*\*\* \*\*

**Section 3.** Anchorage Municipal Code subsections 21.40.070C. and D. are hereby amended to add the following new subsections: *(The remainder of the section is not affected and therefore not set out.)*

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

\*\*\* \*\*

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

10. Large domestic animal facilities with eight (8) or fewer large domestic animals in the R-5A district, as accessory to a permitted residential use, subject to supplementary district standards.

\*\*\* \*\*

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

\*\*\* \*\*

16. Large domestic animal facilities with nine (9) or more large domestic animals.

\*\*\* \*\*



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\*\*\* \*\*

15. Large domestic animal facilities with nine (9) or more large domestic animals.

\*\*\* \*\*

**Section 6.** Anchorage Municipal Code subsections 21.40.100C. and D are hereby amended to add the following new subsections. *(The remainder of the section is not affected and therefore is not set out)*

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

\*\*\* \*\*

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

10. Large domestic animal facilities with eight (8) or fewer large domestic animals, as accessory to a permitted residential use, subject to supplementary district standards.

\*\*\* \*\*

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

\*\*\* \*\*

11. Large domestic animal facilities with nine (9) or more large domestic animals.

\*\*\* \*\*

**Section 7.** Anchorage Municipal Code subsections 21.40.110C. and D are hereby amended to add the following new subsections: *(The remainder of the section is not affected and therefore not set out)*

**21.40.110 R-9 rural residential district**

\*\*\* \*\*

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

10. Large domestic animal facilities with eight (8) or fewer large domestic animals, as accessory to a permitted residential use, subject to supplementary district standards.

\*\*\* \*\*

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

\*\*\* \*\*

11. Large domestic animal facilities with nine (9) or more large domestic animals.

\*\*\* \*\*

**Section 8.** Anchorage Municipal Code subsections 21.40.180C. and D are hereby amended to add the following new subsections: *(The remainder of the section is not affected and therefore not set out)*

**21.40.115 R-10 residential alpine/slope district**

\*\*\* \*\*

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

9. Large domestic animal facilities with eight (8) or fewer large domestic animals, as accessory to a permitted residential use, subject to supplementary district standards.

\*\*\* \*\*

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

\*\*\* \*\*

7. Large domestic animal facilities with nine (9) or more large domestic animals.

\*\*\* \*\*

**Section 9.** Anchorage Municipal Code subsection 21.40.180D. is hereby amended to add the following new subsections: *(The remainder of the section is not affected and therefore not set out)*

**21.40.117 R-11 Turnagain Arm district**

\*\*\* \*\*

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

\*\*\* \*\*

7. Large domestic animal facilities with eight (8) or fewer large domestic animals, as accessory to a permitted residential use, where the gross floor area of the accessory structure(s) does not exceed 4,000 square feet.

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

\*\*\* \*\*

19. Large domestic animal facilities with nine (9) or more large domestic animals.

20. Large domestic animal facilities, as accessory to a permitted residential use, when the gross floor area of the accessory structure(s) is greater than 4,000 square feet.

\*\*\* \*\*

**Section 10.** Anchorage Municipal Code chapter 21.45 is hereby amended to add the following section: *(The remainder of the section is not affected and therefore not set out.)*

**21.45.XXX Accessory buildings in conjunction with large domestic animal facilities.**

A. The following additional requirements for accessory buildings in conjunction with large domestic animal facilities shall apply:

1. In the R-5A, R-6, R-7, R-8, R-9, R-10 and R-11 districts, the following structure size requirements shall apply for Large Domestic Animal Facilities only:

a. On lots of a size of at least one acre but less than two acres, the gross floor area of the accessory structure(s) shall not exceed 9% maximum lot coverage.

b. On lots with a size of two acres or more, the maximum lot coverage of the accessory structure(s) is 8,000 square feet gross floor area.

- 1  
2       2. On lots subject to subsection A.1b above, accessory structures exceeding the  
3       maximum gross floor area requirement are subject to conditional use approval  
4       under AMC 21.15.030, and subject to the standards of AMC 21.50.020.  
5  
6       3. On lots subject to subsection A.1 above, all required yard setbacks shall be  
7       required to have one of the following for lots with accessory structure(s) over  
8       4,000 square feet of gross floor area:  
9  
10       a. An additional 20 feet of width in addition to that required in the  
11       underlying zoning district, or  
12  
13       b. Screening landscaping meeting the planting requirements of AMC  
14       21.45.125C.3, but required only to be installed within the required yard  
15       setbacks of the zoning district.

16  
17 **Section 11.** Anchorage Municipal Code chapter 21.45 is hereby amended to add the  
18 following section: *(The remainder of the section is not affected and therefore not set out.)*  
19

20 **21.45.### Large domestic animal facilities.**  
21

- 22 A. Purpose. A large domestic animal facility is intended to be a minor and incidental  
23 activity in certain residential districts where this accessory use is allowed. All uses of  
24 the property shall be subordinate to the principal use of the residential dwelling. A  
25 large domestic animal facility in the PLI district is not required to be an accessory use.  
26  
27 B. No traffic or deliveries shall be generated by such large domestic animal facility in  
28 greater volume than would normally be expected in a residential neighborhood.  
29  
30 C. The minimum lot size for a large domestic animal facility with eight (8) or fewer large  
31 domestic animals is 40,000 SF for four (4) animals, with an additional 10,000 SF for  
32 each animal above four.  
33  
34 D. A large domestic animal facility shall meet setback requirements of the applicable  
35 zoning district and AMC 21.45.XXXA for paddocks, barns, stables, corrals or similar  
36 structures or enclosures which are utilized for the keeping of animals, except in the  
37 case of interior abutting lots lines per AMC 21.45.### H.  
38  
39 E. The uses shall meet the requirements of: AMC 15.20 regarding animal waste; AMC  
40 15.50 concerning Watershed District regulations; AMC 15.55.060. B. concerning  
41 separation requirements from water supply wells; and AMC 21.45.210 concerning  
42 stream protection setbacks.  
43  
44 F. The large domestic animal facility shall comply with licensing and other laws  
45 concerning the keeping of animals as set forth in Title 17 of the Municipal Code.



1 G. Abutting lots may be used in square footage calculations for site size only; there shall  
2 be recorded by the owner(s) of the lots, a joint usage agreement which shall be  
3 reviewed and approved by the Director of the Planning Department or his designee. In  
4 such cases, yard setback requirements shall not apply for the common interior lot lines  
5 and a primary use need not be located on the abutting lot. Abutting lots are defined as  
6 those lots sharing any portion of a lot line; or if the lots are separated by an easement  
7 or right of way would share a lot if the easement or right of way did not exist.

8  
9 H. Maximum lot coverage shall be that of the underlying zoning district and as modified  
10 by 21.45.030. Lot coverage requirements apply to the underlying lot of record. For  
11 large domestic animal facilities that involve more than one lot, the lot coverage  
12 requirements apply to each lot individually.

13  
14 **Section 12.** Anchorage Municipal Code chapter 21.50 is hereby amended to add the  
15 following section: *(the remainder of the section is not affected and therefore is not set out)*

16  
17 **21.50.### Conditional use standards—large domestic animal facilities with nine (9) or**  
18 **more large domestic animals.**

19  
20 In addition to the standards of section 21.50.020, the approval of a conditional use application  
21 for a large domestic animal facility with nine (9) or more large domestic animals shall also  
22 meet requirements of this section.

23  
24 A. Facilities within the PLI, R-5A, R-6, R-7, R-8, R-9, R-10, and R-11 districts shall  
25 conform to the requirements of this section

26  
27 B. The minimum lot size for a large domestic animal facility with more than eight (8)  
28 large domestic animals is 80,000 square feet.

29  
30 C. Maximum height shall be that of the underlying district and 21.65.050.

31  
32 D. Traffic Access. Traffic access shall be from a street constructed to standards found by  
33 the Traffic Engineer to be appropriate to the intensity of use proposed.

34  
35 E. The large domestic animal facility shall comply with licensing and other laws  
36 concerning the keeping of animals as set forth in Title 17 of the Municipal Code.

37  
38 F. The uses shall meet the requirements of: AMC 15.20 regarding animal waste; AMC  
39 15.50 concerning Watershed District regulations; AMC 15.55.060. B. concerning  
40 separation requirements from water supply wells; and AMC 21.45.210 concerning  
41 stream protection setbacks.

42  
43 G. Parking standards. One parking space is required for every three (3) stalls or every  
44 three (3) large domestic animals, whichever is greater, in addition to the parking  
45 required for the residential use. In the event that seating is provided, the required

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parking shall be 1 space per every four (4) seats, or one parking space per stall, whichever is greater. One space for large domestic animal trailer loading with a queue length of a minimum of 30 feet shall be provided on a parking plan to be approved by the Traffic Department.

H. The Planning and Zoning Commission may impose conditions upon the final approval that it finds necessary to conform the conditional use or site plan to the standards for its approval, or enforce development in accordance with the final approval. This includes, but is not limited to, further restrictions regarding lot coverage or setbacks.

I. Lot coverage. Lot coverage shall be that of the underlying zoning district and as modified by 21.45.030, however the Planning and Zoning Commission may allow additional lot coverage above the maximum allowed in the district.

J. Accessory buildings. Accessory building size shall be that of the underlying zoning district, however the Planning and Zoning Commission may allow additional accessory building size above the maximum allowed in the district.

**Section 13.** This ordinance shall be effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

ATTEST:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Municipal Clerk

**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2005-123

Title: Planning and Zoning Commission, Case 2004-137  
 Recommendation for Approval of an ordinance for the Keeping  
 of Large Domestic Animals.

Sponsor:  
 Preparing Agency: Planning Department  
 Others Impacted:

<b>CHANGES IN EXPENDITURES AND REVENUES:</b>	<b>(In Thousands of Dollars)</b>			
	<u>FY05</u>	<u>FY06</u>	<u>FY07</u>	<u>FY08</u>
<b>Operating Expenditures</b>				
1000 Personal Services				
2000 Non-Labor				
3900 Contributions				
4000 Debt Service				
<b>TOTAL DIRECT COSTS:</b>	\$ -	\$ -	\$ -	\$ -
Add: 6000 Charges from Others				
Less: 7000 Charges to Others				
<b>FUNCTION COST:</b>	\$ -	\$ -	\$ -	\$ -
<b>REVENUES:</b>				
<b>CAPITAL:</b>				
<b>POSITIONS: FT/PT and Temp</b>				

**PUBLIC SECTOR ECONOMIC EFFECTS:**

Approval of this ordinance should have no significant impact on the public sector. Some currently illegal, nonconforming operations may be required to obtain a conditional use permit (CU) in order to become legitimate. The fee for a CU is \$4,000.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

Approval of this ordinance will legitimize and clarify the keeping and boarding of large domestic animals and provide parameters for these operations in residential zoning districts. Also, it will legitimize many existing facilities and allow others to have large domestic animals facilities as long as the standards are met.

Prepared by:	Jerry T. Weaver Jr., Zoning Administrator	Telephone: 343-7939
Validated by OMB:		Date: _____
Approved by:	(Director, Preparing Agency)	Date: _____
Concurred by:	(Director, Impacted Agency)	Date: _____
Approved by:	(Municipal Manager)	Date: _____



# MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 657 -2005

**Meeting Date:** September 13, 2005

**From:** Mayor

**Subject:** Planning and Zoning Commission Recommendation of Approval of an Ordinance Amending Title 21 for the Keeping of Large Domestic Animals.

1 The Planning and Zoning Commission finalized its review of the ordinance at the June 20,  
2 2005 meeting and recommends approval of the ordinance as proposed by staff.

3  
4 Presently, large animal facilities such as equestrian centers are only allowed in the PLI  
5 zoning district as a Conditional Use. The purpose of this ordinance is to recognize existing  
6 and new land uses that are associated with large domestic animals (LDA), both small and  
7 large facilities in large-lot residential districts.

8  
9 The proposed ordinance addresses the keeping of large domestic animals as principal and  
10 accessory land uses, and references appropriate sections of Titles 15 (Health and Human  
11 Services) and 17 (Animal Control). The ordinance addresses the appropriateness of non-  
12 residential uses in residential zoning districts, and how to mitigate the impacts such as  
13 requiring minimum amounts of acreage to ensure there will be adequate area for separation  
14 of potentially incompatible uses; setbacks and maximum size standards for enclosed  
15 structures, barns, stables, etcetera.; area for parking, and twenty-five foot stream protection  
16 setbacks. Title 15 controls runoff, ground water protection, water well separation and  
17 public health including animal waste disposal. Title 17 requirements control facility  
18 licensing and animal care.

19  
20 Depending on the zoning district, the ordinance will regulate the allowed number of large  
21 domestic animals in residential areas, and the size and type of the accessory structures as  
22 allowed by-right and/or conformance with the proposed supplementary district regulations  
23 and conditional use standards. Large accessory structures, such as barns or enclosed  
24 arenas, when the accessory structure is associated with the LDA operation, will be allowed  
25 with standards for structure size and lot coverage.

26  
27 The ordinance has three levels of animal density: a) three or fewer animals; b) four to  
28 eight; c) nine animals or more.

29

1 Small operations with three or fewer animals are exempt from this ordinance. Owners will  
2 need to comply with the requirements of the respective zoning district and the applicable  
3 sections of Title 15 (Health and Human Services) and Title 17 (Animal Control).

4  
5 Larger operations with four to eight animals will need to comply with the acreage  
6 requirements (four animals on 40,000 square feet; up to eight animals on 80,000 square  
7 feet), the requirements of the respective zoning district, and the applicable sections of Title  
8 15 (Health and Human Services) and Title 17 (Animal Control).

9  
10 Larger or more intense operations, with nine or more animals, or larger than allowed  
11 accessory structures, can apply for a conditional use.

12  
13 There is not total agreement within the community regarding the keeping of large animals,  
14 acreage requirements and large accessory structures, such as barns and enclosed riding  
15 arenas. Based on input from the equestrian community, we believe more than 98 percent of  
16 all existing LDA facilities will become legal through the ordinance. There are a few large,  
17 intense operations on small amounts of acreage that will not be able to comply with the  
18 ordinance. These few facilities will need to acquire more land, or reduce the number of  
19 animals, or reduce the size of the accessory structures, or some combination therein; or  
20 obtain a Conditional Use permit through the Planning and Zoning Commission, as  
21 identified in the proposed ordinance.

22  
23 **There seem to be three main issues still outstanding:**

24  
25 Commercial operations in residential zones, or very large accessory structures in  
26 residential zones, are currently illegal and many people asked if those facilities could  
27 become de facto conditional uses through the ordinance and made legal. The Municipal  
28 Law Department has indicated that they cannot be made legal with this ordinance.  
29 However, the Assembly could amend the ordinance to reduce or suspend the application  
30 fee for existing facilities which need a conditional use. The Planning Department  
31 estimates there are fewer than a dozen current operations in this situation. The  
32 Administration supports this approach.

33  
34 The lack of clarity concerning the definition of commercial operations in residential zones  
35 is the second unresolved issue. Staff is aware that boarding of other people's horses is  
36 taking place in a considerable number of the facilities, but left that issue silent in the  
37 ordinance. The better approach is to amend the definition of *Large domestic animal facility*  
38 by inserting "regardless of ownership" at the end of the first sentence of the definition.

39  
40 The last issue concerns allowable lot coverage. The typical zoning district allows thirty  
41 percent lot coverage. Staff believes that the current maximum lot coverage in each district  
42 be maintained, but that the size of the large *accessory structure* should be limited,  
43 proportionate to the size of the lot, up to the maximum allowed in the zone district. Some

1 of the community have indicated that no upper limit should be imposed on the accessory  
2 structure as long as the maximum allowable lot coverage is not exceeded. Staff disagrees  
3 and believes that by allowing larger than normal accessory structures with LDA is  
4 reasonable accommodation for the users who are in these residential districts. What may  
5 be desirable to a large domestic animal property owner in these residential districts may  
6 not be desirable to the adjacent non-large domestic animal property owner.

7  
8 **Recommendation:**

9  
10 Approval of the ordinance with the following two changes:

- 11  
12 1. Include a new Section 14 to read: The fees required by AMCR 21.20.020 for  
13 conditional use shall be waived for those properties in existence at the time of the  
14 adoption of this ordinance for those property owners who apply for a conditional  
15 use within the following twelve months.  
16  
17 2. Amending the definition of *Large domestic animal facility* by inserting “regardless  
18 of ownership” at the end of the first sentence of the definition.  
19  
20  
21

22 THE ADMINISTRATION CONCURS WITH THE PLANNING AND ZONING  
23 COMMISSION RECOMMENDATION WITH THE TWO PROPOSED CHANGES.  
24

25 Prepared by: Jerry T. Weaver, Jr., Zoning Administrator, Planning Department

26 Concur: Tom Nelson, Director, Planning Department

27 Concur: Mary Jane Michael, Executive Director, Office of Economic and  
28 Community Development

29 Concur: Denis C. LeBlanc, Municipal Manager

30 Respectfully submitted: Mark Begich, Mayor  
31

**Content Information****Content ID :** 003217**Type:** Ordinance - AO**Title:** Planning and Zoning Commission Recommendation of Approval of an Ordinance Amending Title 21 for the Keeping of Large Domestic Animals.**Author:** weaverjt**Initiating Dept:** Planning**Description:** Planning and Zoning Commission Recommendation of Approval of an Ordinance Amending Title 21 for the Keeping of Large Domestic Animals.**Date Prepared:** 8/22/05 4:26 PM**Director Name:** Tom Nelson**Assembly Meeting Date MM/DD/YY:** 9/13/05**Public Hearing Date MM/DD/YY:** 10/11/05**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	8/22/05 4:34 PM	Checkin	weaverjt	Public	003217
Planning_SubWorkflow	8/22/05 4:36 PM	Approve	nelsontp	Public	003217
AllOrdinanceWorkflow	8/23/05 9:59 AM	Reject	thomasm	Public	003217
AllOrdinanceWorkflow	8/23/05 10:08 AM	Checkin	weaverjt	Public	003217
Planning_SubWorkflow	8/23/05 11:16 AM	Approve	nelsontp	Public	003217
ECD_SubWorkflow	8/23/05 11:22 AM	Approve	thomasm	Public	003217
AllOrdinanceWorkflow	8/24/05 6:26 PM	Reject	mitsonjl	Public	003217
AllOrdinanceWorkflow	8/25/05 9:23 AM	Checkin	weaverjt	Public	003217
Planning_SubWorkflow	8/29/05 9:04 AM	Approve	nelsontp	Public	003217
ECD_SubWorkflow	8/29/05 9:40 AM	Approve	thomasm	Public	003217
OMB_SubWorkflow	8/29/05 7:00 PM	Approve	mitsonjl	Public	003217
Legal_SubWorkflow	8/30/05 6:15 PM	Approve	gatesdt	Public	003217
MuniManager_SubWorkflow	9/3/05 11:01 AM	Approve	leblancdc	Public	003217
MuniMgrCoord_SubWorkflow	9/4/05 8:53 PM	Approve	abbottmk	Public	003217

CONSENT AGENDA - INTRODUCTION

M.D.A  
 2005 SEP - 6 PM 12:51  
 CLERKS OFFICE



**MUNICIPALITY OF ANCHORAGE**  
**ASSEMBLY INFORMATION MEMORANDUM**

No. AIM 93 -2005

**MEETING DATE:** November 22, 2005

**FROM: Municipal Clerk**

**SUBJECT: Animal Control Advisory Board Recommendations on Large Domestic Animal Ordinance**

Attached are the recommendations of the Animal Control Advisory Board in consideration of AO 2005-123 and AO 2005-150.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Barbara E. Gruenstein".

Barbara E. Gruenstein  
Municipal Clerk



**MUNICIPALITY OF ANCHORAGE  
ANIMAL CONTROL ADVISORY BOARD  
MEMORANDUM**

**DATE:** November 16, 2005  
**TO:** Mayor  
Assembly Chair  
**FROM:** Chair, <sup>NRK</sup> Animal Control Advisory Board  
**SUBJECT:** Large Domestic Animal Ordinance Recommendations

2005 NOV 16 PM 3:27  
CLERKS OFFICE  
MNA

The Animal Control Advisory Board appreciates the opportunity to provide recommendations concerning the proposed Large Domestic Animal Ordinances, AO 2005-123 and AO 2005-150. In developing these recommendations we also reviewed a proposed draft AO 2005-150(S) dated October 25, 2005.

The Board does not support passage of AO 2005-123. We had considered this proposed ordinance previously and voted unanimously to oppose it as written. Our resolution in opposition to the ordinance was provided to the Administration and the Planning & Zoning Commission and should have been included in the Assembly's packets when the ordinance was transmitted to them.

The Board held two public hearings on AO 2005-150 and the proposed draft 2005-150(S) on October 27, and November 14. From those hearings and the input received, we voted unanimously to support AO 2005-150(S) with four specific changes.

- The limitations on the number of animals allowed for a facility, similar to those in AO 2005-123, should be removed.
- Allowable footprint size for LDA facilities should be the same as for other residential uses.
- Minor and incidental boarding and training of large domestic animals should be recognized as an allowable activity.
- The one acre minimum lot size requirement should be deleted and uniform 25' setbacks for housing of animals, other than dogs, should apply for all zoning districts identified in the proposed ordinance.

The Board also unanimously supports the requirement for conditional use permits for facilities which are clearly commercial in nature and where the boarding, use and training of large domestic animals is clearly of a for profit nature. We think that the proposed AO 2005-150(S) can be modified to require a conditional use permit where such activities impact public right of way use, result in higher than normal traffic for the residential neighborhood, require additional parking, or similar objective criteria.

We recommend the removal of the proposed animal limitations because they are arbitrary and have no logical basis. This is not a 'one size fits all' situation. A pony is not a Clydesdale any more than a quarter horse is a llama.

We recommend uniform footprint size to ensure facility owners are treated equally with respect to the use and enjoyment of their property. Currently the code allows for a 30% footprint for all uses. To limit owners of large domestic animal facilities to only 9% while everyone else can have 30% is unfair.

A number of large domestic animals owners do board and train animals for others or allow them use of their facilities for training. Typically when they do so, they are reimbursed for feed, grooming and other services. Where this activity is of an incidental nature, we agree with the Planning Department that it should not be considered a commercial activity and should be allowed.

We recommend the removal of the minimum one acre lot size requirement because of the proposed comprehensive changes to Title 21 currently under review. Those changes could result in increased right of way requirements for some of the proposed districts. Those new requirements could adversely impact some owners of lots which are currently one acre in size. The recommendation to have uniform set backs for all the affected districts is, again, to promote uniformity in treatment.

We are also aware that there are some facilities which are clearly for profit operations and which can and do impact their neighbors. Where such facilities exist in residential districts, we support the requirement for those facility owners to obtain a conditional use permit.

During our review of these proposed ordinances, we were requested to look at the multi-animal facility inspection process in Title 17 to see if it could be 'beefed up' and specifically to look at the requirements for collection and disposal of large domestic animal waste.

With respect to the first issue, the Board believes the multi-animal facility inspection process to be quite stringent and thorough and do not believe it needs to be made more so. Facility owners must open their homes to inspectors, as well as provide access to all accessory structures and verify feed, water and bedding provided. Housing is inspected as well as exercise areas, flooring and waste clean up. We are aware of no other programs in the Municipality authorizing such intrusion in the homes of private citizens.

With respect to enhancing animal waste storage and removal, as well as run off protection, those areas are governed by Title 15 which is outside the purview of Title 17. We do believe the requirement to have facility owners comply with those provisions is appropriate and facility owners have been uniformly notified of that. Additionally, we believe the proposal in AO 2005-150(S) to have large domestic animal facility owners develop a State of Alaska Anchorage Soil & Water Conservation District conservation plan will help significantly in their proper management of animal waste. It should be made clear in doing so, however, that such plans must augment Title 15 compliance and that provisions of any such plan that conflict with Title 15 are overridden by the code.

We hope that these recommendations are helpful to you in considering these proposed ordinances and appreciate the opportunity to be of assistance to you in your policy decision making.

  
Chair, Animal Control Advisory Board