

*Reopened indefinitely  
11/22/05*

Submitted by: Assemblymembers Ossiander  
and Shamberg  
Prepared by: Assembly Member Ossiander  
For reading: October 11, 2005

Anchorage, Alaska  
No. AO 2005-150

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2  
3  
4 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE  
5 SECTION 21.35.020 TO AMEND AND TO ADD DEFINITIONS RELATING  
6 TO THE ACCESSORY USE OF LARGE DOMESTIC ANIMAL FACILITIES  
7 AND HOME BASED BUSINESS; TO AMEND SECTIONS 21.40.020,  
8 21.40.070, 21.40.080, 21.40.090, 21.40.100, 21.40.110, 21.40.115, 21.40.117;  
9 TO ADD LARGE DOMESTIC ANIMAL FACILITIES AND HOME BASED  
10 BUSINESSES AS PERMITTED ACCESSORY OR CONDITIONAL USES IN  
11 THE R-5A RURAL RESIDENTIAL DISTRICT (LARGE LOT), R-6  
12 SUBURBAN RESIDENTIAL DISTRICT (LARGE LOT), R-7  
13 INTERMEDIATE RURAL RESIDENTIAL DISTRICT, R-8 RURAL  
14 RESIDENTIAL DISTRICT (LARGE LOT), R-9 RURAL RESIDENTIAL  
15 DISTRICT, R-10 RESIDENTIAL ALPINE/SLOPE DISTRICT, AND R-11  
16 TURNAGAIN ARM DISTRICT; TO AMEND CHAPTER 21.45 TO ADD  
17 ACCESSORY BUILDING STANDARDS AND TO ESTABLISH  
18 SUPPLEMENTARY DISTRICT STANDARDS FOR LARGE DOMESTIC  
19 ANIMAL FACILITIES; AND TO AMEND CHAPTER 21.50 TO ESTABLISH  
20 CONDITIONAL USE STANDARDS FOR LARGE DOMESTIC ANIMAL  
21 FACILITIES

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22  
23 **Section 1.** Anchorage Municipal Code section 21.35.020 is hereby amended to add new  
24 definitions and amend definitions: *(the remainder of the section is not affected and therefore*  
25 *is not set out and the code reviser is instructed to insert the new definitions in the appropriate*  
26 *alphabetical location)*

27  
28 **21.35.020 Definitions and rules of construction**

29  
30 \*\*\* \*\*

31  
32 B. The following words, terms and phrases, when used in this title, shall have the  
33 meanings ascribed to them in this section, except where the context clearly indicates a  
34 different meaning:

35  
36 \*\*\* \*\*

Animal Arena means a fenced area for the exercise of **large domestic** animals. An arena may be covered or uncovered. [AN OUTDOOR ARENA IS UNCOVERED.]

\*\*\*

Barn means a **structure** [BUILDING] used for the housing and care of horses or other **large domestic** livestock, and for the storage of feed, hay, other crops, **tools** and farm or tack or equine equipment, and uses accessory to those listed herein.

\*\*\*

Corral means an uncovered pen or enclosure for confining animals.

\*\*\*\*\*

Paddock means an [COVERED] uncovered fenced area used to house one or more large domestic animals. A portion of the enclosed area may be roofed to provide shade.

\*\*\*

Gross floor area for large domestic animal facilities means the total horizontal area of the footprint of all buildings and **covered areas** measured from exterior to exterior, excluding uncovered large domestic animal facility arenas, **corrals**, **paddocks** and riding areas.

\*\*\*

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

Large domestic animal facility means a structure or structures on a lot or tract or abutting lots or tracts for the keeping, boarding, harboring, stabling, training, exercising, or breeding of four (4) or more large domestic animals **regardless of ownership. Large animal facilities must follow Title 15, Title 17 and obtain a MOA facility license and a State of Alaska, Anchorage Soil and Water District conservation plan.** Large domestic animal facilities include but are not limited to structures such as barns, stables, arenas, corrals, paddocks, and exercise tracks, and any structures used for the storage of feed, tack, **tools**, animal waste, or equipment and include structures that are freestanding or attached to residential structures. [LARGE DOMESTIC ANIMAL FACILITIES WITH EIGHT (8) OR FEWER LARGE DOMESTIC ANIMALS ARE ALLOWED ONLY AS A USE WHICH IS ACCESSORY TO A PERMITTED RESIDENTIAL USE.] In no circumstance shall barbed wire be allowed for fencing of any facilities. **Large animal facilities are a permitted accessory use on properties larger than one acre with certain site size restrictions.**

Properties with fewer than four (4) large domestic animals are permitted in the following zoning districts, but must be in conformity with the requirements of Anchorage Municipal Code Titles 15, 17 and 21: R-5A, R-6, R-7, R-8, R-9, R-10 and R-11.

\*\*\* \*\*

Lot coverage means the percentage determined by dividing the total building area of a lot (excluding projections of the types permitted in required yards by 21.45.070), outdoor [UNCOVERED] covered large domestic animal facility arenas, and the covered portions of paddocks, corrals and riding areas) by the area of the lot.

\*\*\* \*\*

Home based business means an incidental business activity allowed in certain residential districts that is typically conducted off site and thus does not require customer traffic in greater volume than would be normally expected in a residential neighborhood and is subject to supplementary district standards.

\*\*\*\*\* \*\*

**Section 2.** Anchorage Municipal Code subsection 21.40.020 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**

\*\*\* \*\*

B. Permitted principal uses and structures. Permitted principal uses and structures are as follows:

1. Parks, parkways and greenbelts, land reserves, open space and related facilities.
2. Public recreation facilities, including public golf courses, playgrounds, playfields, public recreation centers, public equestrian arenas and the like.

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

5. Large domestic animal facilities on sites one acre or larger [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:

\*\*\*\*\*  
**21. Large domestic animal facilities that exceed minimum property size restrictions [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:

1. Home occupations **and home based businesses**, subject to provisions of the supplementary district regulations.

\*\*\*\*\*

10. **Large domestic animal facilities on sites one acre or larger [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 that exceed minimum property size restrictions [WITH NINE (9) OR MORE LARGE DOMESTIC ANIMALS.]**

17. **Home occupations and home based businesses, that exceed supplementary district standards and lot coverage restrictions.**

\*\*\* \*\*

**Section 4.** Anchorage Municipal Code subsections 21.40.080C. and D. are hereby amended to add the following new subsections: *(The remainder of the section is not affected and therefore not set out.)*

**21.40.080 R-6 suburban residential district (large lot)**

\*\*\* \*\*

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

1. Home occupations **and home based businesses**, subject to provisions of the supplementary district regulations.

\*\*\*\*\*

10. Large domestic animal facilities on sites one acre or larger[WITH 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:

\*\*\* \*\*

15. Large domestic animal facilities that exceed minimum property size restrictions [WITH NINE (9) OR MORE LARGE DOMESTIC ANIMALS.]

16. Home occupations and home based businesses, that exceed supplementary district standards and lot coverage restrictions.

\*\*\* \*\*

**Section 5.** Anchorage Municipal Code subsections 21.40.090C. and D. are hereby amended to add the following new subsections: (*The remainder of the section is not affected and therefore not set out.*)

**21.40.090 R-7 intermediate rural residential district**

\*\*\* \*\*

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

1. Home occupations **and home based businesses**, subject to provisions of the supplementary district regulations.

\*\*\*\*\*

10. Large domestic animal facilities on sites one acre or larger[WITH 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:

\*\*\* \*\*

15. Large domestic animal facilities that exceed minimum property size restrictions [WITH NINE (9) OR MORE LARGE DOMESTIC ANIMALS.]

16. Home occupations and home based businesses, that exceed supplementary district standards and lot coverage restrictions.

\*\*\* \*\*

**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:

1. Home occupations **and home based businesses**, subject to provisions of the supplementary district regulations.

\*\*\*\*\* \*\*

10. Large domestic animal facilities on sites one acre or larger [WITH 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:

\*\*\* \*\*

15. Large domestic animal facilities that exceed minimum property size restrictions [WITH NINE (9) OR MORE LARGE DOMESTIC ANIMALS.]

16. Home occupations and home based businesses, that exceed supplementary district standards and lot coverage restrictions.

\*\*\*

**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:

1. Home occupations **and home based businesses**, subject to provisions of the supplementary district regulations.

\*\*\*\*\*

10. Large domestic animal facilities on sites one acre or larger [WITH 8 OR FEWER LARGE DOMESTIC ANIMALS] as accessory to a permitted residential use, subject to supplementary district standards.

**11. Horse or large domestic animal related business, subject to a site plan review**

\*\*\*

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 that exceed minimum property size restrictions [WITH NINE (9) OR MORE LARGE DOMESTIC ANIMALS.]

12. Home occupations and home based businesses, that exceed supplementary district standards and lot coverage restrictions.

\*\*\*

**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:

1. Home occupations **and home based businesses**, subject to the provisions of the supplementary district regulations.

\*\*\*\*\*

9. Large domestic animal facilities on sites one acre or larger [WITH 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 that exceed minimum property size restrictions [WITH NINE (9) OR MORE LARGE DOMESTIC ANIMALS.]

8. Home occupations and home based businesses, that exceed supplementary district standards and lot coverage restrictions.

\*\*\* \*\*

**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:

\*\*\* \*\*



1           7.     Large domestic animal facilities on sites one acre or larger [WITH EIGHT  
2                   (8) OR FEWER LARGE DOMESTIC ANIMALS] as accessory to a permitted  
3                   residential use, where the gross floor area of the accessory structure(s) does not  
4                   exceed 4,000 square feet.

5  
6 D.     *Conditional uses.* Subject to the requirements of the conditional use standards and  
7     procedures of this title, the following uses may be permitted:

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

10  
11          19.     Large domestic animal facilities that exceed minimum property size  
12                   restrictions [WITH NINE (9) OR MORE LARGE DOMESTIC ANIMALS.]

13  
14  
15          20.     Large domestic animal facilities, as accessory to a permitted residential use,  
16                   when the gross floor area of the accessory structure(s) is greater than 4,000  
17                   square feet.

18  
19                                   \*\*\*                                   \*\*\*                                   \*\*\*  
20

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

23  
24 **21.45.300    Accessory buildings in conjunction with large domestic animal facilities.**

25  
26 A.     The following additional requirements for accessory buildings in conjunction with  
27     large domestic animals facilities shall apply:

28  
29          1.     In the R-5A, R-6, R-7, R-8, R-9, R-10, R-11 and PLI districts, the following  
30                   structure size requirements shall apply for large domestic animal facilities:

31  
32               a.     On sites [LOTS] of a size of at least one acre but less than two acres,  
33                   the gross floor area of the accessory structure(s) shall not exceed 9%  
34                   maximum lot coverage.

35  
36               b.     On sites [LOTS] with a size of two acres or more, the maximum lot  
37                   coverage of the accessory structure(s) is 8,000 square feet gross floor  
38                   area.

39  
40          2.     On sites [LOTS] subject to subsection A.1b above, accessory structures  
41                   exceeding the maximum gross floor area requirement are subject to conditional  
42                   use approval under AMC 21.15.030, and subject to the standards of AMC  
43                   21.50.020.  
44

1           3.       On lots subject to subsection A.1 above, all required yard setbacks shall be  
2               required to have one of the following for lots with accessory structure(s) over  
3               4,000 square feet of gross floor area:

4  
5           a.       An additional 20 feet of width in addition to that required in the  
6               underlying zoning district, or

7  
8           b.       Screening landscaping meeting the planting requirements of AMC  
9               21.45.125C.3, but required only to be installed within the required yard  
10              setbacks of the zoning district.

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

14  
15 **21.45.350 Large domestic animal facilities.**

16  
17 A.       Purpose. A large domestic animal facility is intended to be an accessory [MINOR  
18 AND INCIDENTAL] activity in certain residential districts where this  
19 [ACCESSORY] use is allowed. All uses of the property shall be subordinate to the  
20 principal use of the residential dwelling. A large domestic animal facility in the PLI  
21 district may be considered [REQUIRED TO BE] an accessory use to an equestrian  
22 arena.

23  
24 B.       No traffic or deliveries shall be generated by such large domestic animal facility in  
25 greater volume than would normally be expected in a residential neighborhood.

26  
27 C.       The minimum lot size for a large domestic animal facility [WITH EIGHT (8) OR  
28 FEWER LARGE DOMESTIC ANIMALS] is [40,000 SF] **one acre** for four (4)  
29 animals, with an additional 10,000 SF for each animal above four.

30  
31 D.       A large domestic animal facility shall meet setback requirements of the applicable  
32 zoning district and AMC 21.45.140A for **covered** paddocks, barns, stables, or similar  
33 structures which are utilized for the keeping of animals, except in the case of interior  
34 abutting lots lines per AMC 21.45.### H.

35  
36 E.       The uses shall meet the requirements of: AMC 15.20 regarding animal waste; AMC  
37 15.50 concerning Watershed District regulations; AMC 15.55.060. B. concerning  
38 separation requirements from water supply wells; and AMC 21.45.210 concerning  
39 stream protection setbacks.

40  
41 F.       The large domestic animal facility shall comply with licensing and other laws  
42 concerning the keeping of animals as set forth in Title 17 of the Municipal Code.

43  
44 G.       Abutting lots may be used in square footage calculations for site size only; there shall  
45 be recorded by the owner(s) of the lots, a joint usage agreement which shall be  
46 reviewed and approved by the Director of the Planning Department or his designee. In

1 such cases, yard setback requirements shall not apply for the common interior lot lines  
2 and a primary use need not be located on the abutting lot. Abutting lots are defined as  
3 those lots sharing any portion of a lot line; or if the lots are separated by an easement  
4 or right of way would share a lot if the easement or right of way did not exist.

5  
6 H. Maximum lot coverage shall be that of the underlying zoning district and as modified  
7 by 21.45.030. Lot coverage requirements apply to the underlying lot of record. For  
8 large domestic animal facilities that involve more than one lot, the lot coverage  
9 requirements apply to each lot individually.

10  
11 **Section 12.** Anchorage Municipal Code chapter 21.50 is hereby amended to add the  
12 following section: *(the remainder of the section is not affected and therefore is not set out)*

13  
14 **21.50.### Conditional use standards—large domestic animal facilities that exceed**  
15 **minimum property size restrictions** [WITH NINE (9) OR MORE LARGE  
16 DOMESTIC ANIMALS.]

17  
18 In addition to the standards of section 21.50.020, the approval of a conditional use application  
19 for a large domestic animal facility **that exceeds minimum property size restrictions**  
20 [WITH NINE (9) OR MORE LARGE DOMESTIC ANIMALS] shall also meet requirements  
21 of this section.

22  
23 A. Facilities within the [PLI], R-5A, R-6, R-7, R-8, R-9, R-10, and R-11 districts shall  
24 conform to the requirements of this section

25  
26 B. The minimum lot size for a large domestic animal facility is **one acre** [WITH MORE  
27 THAN EIGHT (8) LARGE DOMESTIC ANIMALS IS 80,000 SQUARE FEET]

28  
29 C. Maximum height shall be that of the underlying district and 21.65.050.

30  
31 D. Traffic Access. Traffic access shall be from a street constructed to standards found by  
32 the Traffic Engineer to be appropriate to the intensity of use proposed.

33  
34 E. The large domestic animal facility shall comply with licensing and other laws  
35 concerning the keeping of animals as set forth in Title 17 and Title 15 of the  
36 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 **public** seating is provided, the  
46 required parking shall be 1 space per every four (4) seats, or one parking space per

1 stall, whichever is greater. One space for large domestic animal trailer loading with a  
2 queue length of a minimum of 30 feet shall be provided on a parking plan to be  
3 approved by the Traffic Department.

4  
5 H. The Planning and Zoning Commission may impose conditions upon the final approval  
6 that it finds necessary to conform the conditional use or site plan to the standards for  
7 its approval, or enforce development in accordance with the final approval. This  
8 includes, but is not limited to, further restrictions regarding lot coverage or setbacks.

9  
10 I. Lot coverage. Lot coverage shall be that of the underlying zoning district and as  
11 modified by 21.45.030, however the Planning and Zoning Commission may allow  
12 additional lot coverage above the maximum allowed in the district.

13  
14 J. Accessory buildings. Accessory building size shall be that of the underlying zoning  
15 district; however the Planning and Zoning Commission may allow additional  
16 accessory building size above the maximum allowed in the district.

17  
18 **Section 13.** This ordinance shall be effective immediately upon passage and approval by  
19 the Anchorage Assembly.

20  
21 **Section 14. The fees required by AMCR 21.20.020 for conditional use shall be waived**  
22 **for those properties in existence at the time of the adoption of this ordinance for those**  
23 **property owners who apply for a conditional use within the following twelve months.**

24  
25 PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of  
26 \_\_\_\_\_ 2005.

27  
ATTEST:

\_\_\_\_\_  
Chair

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

Municipality of Anchorage  
MUNICIPAL CLERK'S OFFICE  
**Agenda Document Control Sheet**

AO 2005-150

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

<b>1</b>	SUBJECT OF AGENDA DOCUMENT <b>AMENDING AMC 21.35.020 TO AMEND AND TO ADD DEFINITIONS RELATING TO THE ACCESSORY USE OF LARGE DOMESTIC ANIMAL FACILITIES AND HOME BASED BUSINESS ...</b>	DATE PREPARED 10/11/05
		<input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM
<b>2</b>	DEPARTMENT NAME <b>Assembly</b>	DIRECTOR'S NAME Anna Fairclough, Chair
<b>3</b>	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Debbie Ossiander - Assembly Member	HIS/HER PHONE NUMBER 688-2308
<b>4</b>	<b>COORDINATED WITH AND REVIEWED BY</b>	<b>INITIALS</b>
	<b>Mayor</b>	
	Heritage Land Bank	
	Merrill Field Airport	
	Municipal Light & Power	
	Port of Anchorage	
	Solid Waste Services	
	Water & Wastewater Utility	
	<b>Municipal Manager</b>	
	Cultural & Recreational Services	
	Employee Relations	
	Finance, Chief Fiscal Officer	
	Fire	
	Health & Human Services	
	Office of Management and Budget	
	Management Information Services	
	Police	
	Planning, Development & Public Works	
	Development Services	
	Facility Management	
	Planning	
	Project Management & Engineering	
	Street Maintenance	
	Traffic	
	Public Transportation Department	
	Purchasing	
	<b>Municipal Attorney</b>	
	<b>Municipal Clerk</b>	
	<b>Other</b>	
<b>5</b>	<b>Special Instructions/Comments</b>	
	LAI'D ON THE TABLE ITEM FOR INTRODUCTION	
	9.F. _____	
<b>6</b>	ASSEMBLY HEARING DATE REQUESTED 10/11/05 <b>7</b>	PUBLIC HEARING DATE REQUESTED 11/22/05

2005 OCT 11 PM 2:59  
 CLERK'S OFFICE  
 M.O.A.



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**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**

M. J. A.  
2005 NOV 16 PM 3:27  
CLERKS OFFICE

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

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.

  
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Chair, Animal Control Advisory Board