

Submitted by: ASSEMBLY CHAIR COFFEY
Prepared by: Assembly Counsel
For reading: July 17, 2007

See AO 2007-101(S)

**ANCHORAGE, ALASKA
AO NO. 2007-101**

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.45.140, SETBACKS FROM PROJECTED RIGHTS-OF-WAY, TO PERMIT CANOPIES, AWNINGS, INCIDENTAL ARCHITECTURAL FEATURES, AND PUBLIC ART WITHIN THE RIGHT-OF-WAY SETBACK.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 21.45.140 is hereby amended to read as follows: (*Text not amended is set out for context only*)

21.45.140 Setbacks from projected rights-of-way.

A. *Minimum setback.* No new structural or land development activity requiring a building or land use permit shall be permitted within the minimum setback stated in this subsection from the existing or projected centerline of a street designated on the official streets and highways plan, except as allowed under subsection B of this section:

TABLE INSET:

Street Class on Official Streets and Highways Plan	Setback from Centerline (feet)
IC, IIA, IIIC	30
IB	35
I, IA, II	40
III, IIIB	50
IIIA, IV	65
V	75

B. *Permitted uses within setback.* The following uses and activities are permitted within the setbacks described in subsection A of this section:

1. Sidewalks and pathways;
2. Bike trails;

3. Bus shelters and bus turnouts;
4. Kiosks, canopies, awnings, seating units and skywalks;
5. Utilities and utility easements;
6. Landscaping required by chapters 21.40 through 21.50;
7. Temporary parking as described in subsection D of this section;
8. Additional parking to that required by this title;
9. Open space and usable yards;
10. Fences, incidental architectural features, public art, and signs;
11. Retaining walls;
12. Remodeling of or addition to structures existing as of May 19, 1987, so long as it does not further intrude within the setback area after that date; and
13. Driveways and vehicular access.

(GAAB 21.05.060.R; AO No. 84-255; AO No. 87-31, 7-18-87)

Section 2. Anchorage Municipal Code subsection 21.10.015A.3 notwithstanding, this amendment to AMC 21.45.140B shall not require Planning and Zoning Commission review.

Section 3. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2007.

Chair

ATTEST:

Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 443-2007

Meeting Date: July 17, 2007

From: Assembly Chair Coffey
Subject: **AO 2007-101 — AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.45.140, SETBACKS FROM PROJECTED RIGHTS-OF-WAY, TO PERMIT CANOPIES, AWNINGS, INCIDENTAL ARCHITECTURAL FEATURES, AND PUBLIC ART WITHIN THE RIGHT-OF-WAY SETBACK.**

Anchorage Municipal Code subsection 21.45.140B governs permitted uses within the municipal right-of-way, measured from the existing or projected centerline of the street. Signs and fences are among the list of permitted items in current code. The purpose of this ordinance is to allow canopies, awnings, incidental architectural features and public art to also be included on the list of permitted items within the right-of-way setback.

This ordinance addresses municipal right-of-way setbacks only.

This ordinance is important to Anchorage businesses and encourages owners and the design community to improve the appearance and pedestrian/customer-friendly design of commercial buildings.

Respectfully submitted:

Dan Coffey
Assemblymember, Section 4