

Submitted by: **ASSEMBLY MEMBER OSSIANDER**
Assembly Member Honeman
Assembly Vice Chair Flynn

Prepared by: Assembly Counsel
For reading: April 26, 2011

CLERK'S OFFICE

AMENDED AND APPROVED

Date: 4-26-11

ANCHORAGE, ALASKA
AO NO. 2011-50(S) As Amended

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 21.45 TO PROVIDE FOR SUPPLEMENTARY DISTRICT REGULATIONS GOVERNING THE OUTDOOR KEEPING OF ANIMALS AS A PERMITTED ACCESSORY USE.

WHEREAS, accessory use regulations governing the outdoor keeping of animals under Chapter 5 of the Title 21 Rewrite were reviewed by the Planning & Zoning Commission, the Assembly Title 21 Committee, the Municipal Planning staff, with public hearing hearings before the Planning & Zoning Commission in October 2007, and recommended amendments approved by the Planning & Zoning Commission on January 28, 2008; and

WHEREAS, accessory use regulations governing the outdoor keeping of animals have been provisionally adopted by the Assembly as part of the Title 21 Rewrite under Chapter 5, Subsections 21.05.070C and D.14 in AO 2008-49, passed and approved on September 16, 2008; and

WHEREAS, these provisionally adopted sections authorize the outdoor keeping of small domestic animals such as chickens and rabbits as a permitted accessory use in all residential zoning districts except R-4; and

WHEREAS, completion of the Title 21 Rewrite for implementation has encountered significant delay; and

WHEREAS, amendment of current land use code to include Supplementary District Regulations to implement and govern the outdoor keeping of such animals will not interfere with completion of the Title 21 Rewrite; and

WHEREAS, it is in the public interest to implement the outdoor keeping of domestic animals such as rabbits and chickens as an accessory use under the supplementary district regulations in current code, pre-existing differing restrictions notwithstanding; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code chapter 21.45, Supplementary District Regulations, is hereby amended by adding a new section to read as follows:

21.45.115 Outdoor keeping of animals.

- A. *Purpose:* The purpose of this section is to implement regulations governing the outdoor keeping of animals as a permitted accessory use, for non-commercial use, in residential districts as defined in 21.45. These regulations exclude

1 dogs, domestic cats, and large domestic animals. This section shall not
2 authorize an accessory use for the keeping of any animals outlawed for personal
3 ownership by other laws or regulations.
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5 B. *Definition:* The accessory use term “outdoor keeping of animals” as used in
6 this section means the restraining or restricting the movement of animals outside
7 of a principal structure, by any means not involving the continued presence
8 and/or participation of a human being. As used in this section, the accessory use
9 term “outdoor keeping of animals” shall not be construed to include dogs,
10 domestic cats, or large domestic animals.
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12 [B]C. *Applicable zoning districts:* Other provisions of this title notwithstanding, the
13 outdoor keeping of animals shall be a permitted accessory use, subject to the
14 supplementary district regulations of this section, in all residential zoning districts
15 except for these prohibitions and exclusions:
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- 17 1. The outdoor keeping of animals is prohibited in the R-4 zoning district **and**
18 **on lots or tracts with more than two dwelling units.** The R-4 zoning
19 district **and lots or tracts with more than two dwelling units are [is]**
20 excluded from the supplementary district regulations in this section.
21
- 22 2. Animals, other than dogs, shall not be kept outdoors in mobile home
23 parks. Mobile home parks are excluded from the supplementary district
24 regulations in this section.
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26 [G]D. *Standards:* The following accessory use standards apply to the outdoor keeping
27 of all animals permitted under this section:
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- 29 1. On lots of 40,000 square feet or greater, **the following shall apply:**
 - 30 a. **Non-commercial use shall not exceed one animal per 1,000**
31 **square feet of lot area. A facility license may be required**
32 **pursuant to title 17.**
 - 33 b. **Structures for the outdoor keeping of animals shall not encroach**
34 **into the setbacks of the zoning district and shall be at least 10 feet**
35 **from any lot line.**
- 36 2. On lots smaller than 40,000 square feet, the following shall apply:
 - 37 a. **Excessively noisy animals such as** [THE OUTDOOR KEEPING OF]
38 **roosters, turkeys, guinea fowl, peacocks, or geese** **are [is]**
39 **prohibited.**
 - 40 b. Up to five animals may be kept on lots of 6,000 square feet or less,
41 with an additional one animal per additional 1,000 square feet of lot
42 area. A facility license may be required pursuant to title 17.
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- c. Structures for the outdoor keeping of animals shall not encroach into the setbacks of the zoning district and shall be at least 10 feet from any lot line.
- d. It shall be unlawful for any owner or custodian of an animal under this section to permit it to make chronic animal noise, as defined in AMC section 17.05.010.

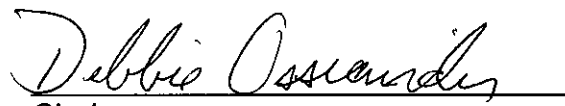
3. Any activity related to this use, which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, toxic or noxious matter, radiation, humidity, heat or glare at or beyond any lot line of the lot on which it is located shall be prohibited. The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

4. No permanent structure for the outdoor keeping of animals shall be erected closer than ten feet to any principal structure. The height of any structure used for the outdoor keeping of animals under this section shall not exceed the height permitted for accessory structures in the underlying zoning district.

5. The term "excessive" is defined for the purpose of this section as to a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

Section 2. Anchorage Municipal Code subsection 21.10.015 notwithstanding, this ordinance does not require Planning and Zoning Commission review and shall become effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 26th day of April, 2011.


Chair

ATTEST:


Municipal Clerk