

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Dept. of _____
For reading: _____

ANCHORAGE, ALASKA
AO No. 20XX-_____

1 AN ORDINANCE ADDING A NEW ANCHORAGE MUNICIPAL CODE (NEW CODE)
2 SECTION 21.03.105, MARIJUANA—SPECIAL LAND USE PERMIT; ADDING A
3 NEW SECTION 21.05.055, MARIJUANA ESTABLISHMENTS; AMENDING
4 VARIOUS OTHER SECTIONS OF NEW CODE TO ACCOMMODATE MARIJUANA
5 ESTABLISHMENTS; ADDING A NEW ANCHORAGE MUNICIPAL CODE (OLD
6 CODE) SECTION 21.50.420, CONDITIONAL USE STANDARDS—MARIJUANA;
7 AMENDING THE CONDITIONAL USE PROCESS, DEFINITIONS, AND THE B-2A,
8 B-2B, AND B-2C DISTRICTS TO ALLOW RETAIL MARIJUANA
9 ESTABLISHMENTS IN THE CENTRAL BUSINESS DISTRICT; AND AMENDING
10 ANCHORAGE MUNICIPAL CODE OF REGULATIONS SECTION 21.05.

11
12 (Planning and Zoning Commission Case 2015-0119)

13
14 **WHEREAS**, the voters of the state of Alaska approved an initiative on November 4,
15 2014, to tax and regulate the production, sale, and use of marijuana; and

16
17 **WHEREAS**, the Municipality of Anchorage, a unified home rule municipality and local
18 government, is authorized in the ballot initiative to enact ordinances and regulations
19 governing the time, place, manner, and number of marijuana establishment
20 operations; now, therefore,

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22 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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24 **Section 1.** Anchorage Municipal Code (new code) section 21.02.020, table 21.02-
25 1, is hereby amended to read as follows (*the remainder of the section is not affected*
26 *and therefore not set out*):

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28 **21.02.020 Table of Decision and Review Authority**

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TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES								
<p><i>NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.</i></p> <p>A = APPEAL = Authority to Hear and Decide Appeals D = DECISION = Responsible for Review and Final Decision H = HEARING = Public Hearing Required R = REVIEW = Responsible for Review and/or Recommendation Only</p>								
	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
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Land Use Permits	21.03.100				A ³	A ³		D
Marijuana—Special Land Use Permit	<u>21.03.105</u>	D-H						R
Master Plan, Institutional	21.03.110 A.	D-H	R-H					R

TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES

NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.

A = APPEAL = Authority to Hear and Decide Appeals
 D = DECISION = Responsible for Review and Final Decision
 H = HEARING = Public Hearing Required
 R = REVIEW = Responsible for Review and/or Recommendation Only

Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
***	***	***					
KEY TO ABBREVIATIONS:				ZBEA = Zoning Board of Examiners and Appeals			
ASBLY = Anchorage Assembly				BOA = Board of Adjustment			
PZC = Planning and Zoning Commission				UDC = Urban Design Commission			
PB = Platting Board				MS = Municipal Staff			

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

Section 2. Anchorage Municipal Code (new code) section 21.02.090 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.02.090 Assembly

A. Decision-Making Authority

The assembly has the following decision-making authority under this title:

1. Special land use permit for alcohol—for beverage dispensary and package store liquor licenses (21.03.040);
2. Comprehensive plan amendments (21.03.070);
3. Special land use permit for marijuana (21.03.105);
4. Institutional master plans (21.03.110);
- 5[4]. Neighborhood or district plans (21.03.130);
- 6[5]. Public facility site selection for municipal facilities (21.03.140);
- 7[6]. Rezoning (zoning map amendments), to include overlay districts (21.03.160);
- 8[7]. Title 21 text amendments (21.03.210);
- 9[8]. Appeals on public facility site selections for non-municipal facilities (21.03.140); and
- 10[9]. Any other action not delegated to the planning and zoning commission, platting board, zoning board of examiners and appeals, board of adjustment, urban design commission, or

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municipal staff, as the assembly may deem desirable and necessary to implement the provisions of this title.

*** *** ***
(AO 2012-124(S), 2-26-13)

Section 3. Anchorage Municipal Code (new code) section 21.03.020 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.03.020 **Common Procedures**
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C. Community Meetings
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2. Applicability

a. Types of Applications

The applicant shall hold a community meeting for any of the following types of applications.

- i. Rezoning (zoning map amendments);
- ii. Subdivisions, except for abbreviated plats;
- iii. Conditional uses;
- iv. Marijuana—Special Land Use Permit;
- v. Institutional master plans;
- vi. Major site plan review; and
- vii. Public facility site selection.

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H. Notice
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2. Summary of Notice Requirements

The following table 21.03-1 summarizes the notice requirements of the procedures set forth in this chapter. Unless otherwise specified in this title, procedures not listed in this table have no public notice requirements.

TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS					
Type of Application or Procedure	Section	Notice Required			
		Written (Mailed)	Published	Posted	Community Council
*** *** ***					
Conditional Uses	21.03.080	✓	✓	✓	✓
<u>Marijuana—Special Land Use Permit</u>	<u>21.03.105</u>	✓	✓	✓	✓

TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS					
Type of Application or Procedure	Section	Notice Required			Community Council
		Written (Mailed)	Published	Posted	
Master Plan, Area	21.09.030E.	✓	✓	✓	✓
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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

Section 4. Anchorage Municipal Code (new code) section 21.03.105 is hereby created to read as follows:

21.03.105 Marijuana—Special Land Use Permit

A. Purpose

This section governs the review and approval process for land use approvals associated with marijuana establishments, where this approval process is indicated in table 21.05-1.

B. Applicability

Land uses requiring a special land use permit for marijuana are identified in table 21.05-1, *Table of Allowed Uses*, table 21.05-3, *Table of Allowed Accessory Uses*, table 21.09-1, *Table of Allowed Uses (Girdwood)*, table 21.09-2, *Table of Accessory Uses (Girdwood)*, table 21.10-4, *Table of Allowed Uses (Chugiak-Eagle River)*, and table 21.10-5, *Table of Accessory Uses (Chugiak-Eagle River)*.

C. Application and Review Procedure

1. Initiation

An application shall be initiated by the owner(s) of the subject property, or shall include a letter of authorization (with original signature) from the owner(s) of the subject property stating their non-objection to the application.

2. Community Meeting

A community meeting is required in accordance with subsection 21.03.020C.

3. Application Submittal

Applications for a municipal marijuana license and a special land use permit for marijuana shall be submitted to the clerk’s office on a form provided by the clerk’s office, after application to the state marijuana control board has been accepted. Applications shall contain the information required in title 10, and the following:

- a. For all marijuana establishments:

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- i. A site plan to scale and dimensioned, depicting the building footprint, parking areas, vehicle circulation and driveways, pedestrian facilities, lighting, landscaping, loading facilities, freestanding sign location(s), required open space, snow storage area or alternative strategy, trash receptacle location and screening detail, and fences.
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- ii. A security plan indicating how the applicant will comply with the requirements of municipal and state law and regulation.
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- iii. A waste disposal plan.
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- b. For marijuana cultivation facilities:
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- i. A plan that specifies the methods to be used to prevent the growth of harmful mold.
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- ii. The projected amount of water that will be used.
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- iii. The projected amount of wastewater that will be discharged.
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- iv. A letter from the applicable electric utility stating that the power capacity at the proposed location is sufficient for the intended use.
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- v. An odor control plan indicating how the applicant will comply with the requirements of municipal and state law and regulation.
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- c. For marijuana manufacturing facilities:
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- i. A description of the type of products to be processed and the equipment to be used, including a list of any solvents, gases, chemicals, or other compounds that will be used, kept, or created at the manufacturing facility, the location of such materials, and how such materials will be stored.
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- ii. Certification of a licensed industrial hygienist, as required in subsection 21.05.055B.2.
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- iii. The projected amount of water that will be used.
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- iv. The projected amount of wastewater that will be discharged.

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- d. For marijuana retail sales establishment:
 - i. A neighborhood responsibility plan, as required in subsection 21.05.055B.4.
 - 4. Public Notice
Notice shall be provided in accordance with section 21.03.020H.
 - 5. Departmental Review
The department shall review each proposed marijuana establishment application in light of the approval criteria of subsection C.7. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the assembly. The report shall contain a list of all marijuana licenses located within 1,000 feet of the proposed subject property.
 - 6. Assembly Action
 - a. The special land use permit for marijuana shall be considered by the assembly by resolution.
 - b. After holding a public hearing, the assembly shall approve or deny the application. In considering action, the assembly shall apply the criteria set forth in subsection C.7. below. The conditions of approval shall include, at a minimum, operation of the business in compliance with all the plans and information made part of the application.
 - c. The assembly shall not take into consideration the sum paid by any person to acquire the license for which a permit is requested.
 - 7. Approval Criteria
The assembly may approve a special land use permit for marijuana if, in the judgment of the assembly, the amendment meets the following approval criteria:
 - a. The proposed use is consistent with the comprehensive plan, all applicable provisions of this title, and applicable state regulations.
 - b. The proposed use is consistent with the purpose and intent of the zoning district in which it is located, including any district-specific standards set forth in chapter 21.04.
 - c. The proposed use is consistent with applicable use-specific standards set forth in chapter 21.05.
 - d. The proposed use is compatible with uses allowed on

1 adjacent properties, in terms of its scale, site design, and
2 operating characteristics (e.g., hours of operation, traffic
3 generation, lighting, noise, odor, dust, and other external
4 impacts).

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6 e. The proposed use is appropriately located with respect to
7 existing and/or planned water supply, power supply, fire
8 and police protection, wastewater disposal, storm water
9 disposal, and similar facilities and services.

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11 f. Any significant adverse impacts anticipated to result from
12 the use can and will be mitigated or offset to the
13 maximum extent feasible.

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15 g. The owner/operator of the establishment has no previous
16 denials or revocations of a marijuana license or special
17 land use permit, or previous documented violations of
18 municipal or state law/regulation relating to marijuana
19 establishments. Alternately, the owner/operator has
20 provided sufficient evidence of rehabilitation to the
21 assembly.

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23 8. Effect of Denial

24 An application for approval under this section that has been
25 denied shall not be accepted for rehearing for a period of one
26 year following such denial if the director finds the proposed
27 application is substantially the same as that denied, and if no
28 substantially new evidence or change in circumstances has
29 occurred. This paragraph shall not apply to an application filed
30 under assembly direction at a hearing at which a like application
31 was considered.

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33 9. Modifications

34 a. Modifications to the licensed establishment for the
35 following changes shall be provided to the director, who
36 shall provide a semi-yearly report to the assembly:

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38 i. The first change to the gross square footage of the
39 licensed area of 10 percent or less.

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41 ii. A change in hours of operation.

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43 b. Modifications to the licensed establishment for the
44 following changes shall be considered by the assembly
45 on the consent agenda, although the assembly may
46 require a public hearing at its discretion:

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48 i. Changes to the gross square footage of the
49 licensed area of more than 10 percent.
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- ii. Any second or subsequent changes to the gross square footage of any amount.
- iii. For manufacturing facilities, changes to the method(s) of processing, extracting, or manufacturing marijuana and/or marijuana products.
- iv. Any other change not listed in 9.a. above.

10. Expiration

The special land use permit for marijuana shall expire:

- a. At the time of expiration of either the state or municipal license;
- b. If the use holding the permit has been discontinued, vacant, or inactive for a continuous period of at least six months; or
- c. If the operation of the business becomes substantially different from the business and operation reviewed by the assembly when the land use approval was granted under this section, unless the licensee applies for and receives approval for a modification of the existing approval to reflect the change.

Section 5. Anchorage Municipal Code (new code) section 21.04.060 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.04.060 Other Districts

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G. TA: Turnagain Arm District

2. District-Specific Standards

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b. Conditional Uses

Any use or structure that does not meet the requirements for a permitted use above, may be allowed through the issuance of a conditional use approval subject to the requirements of Section 21.03.080, Conditional Uses, and the following additional approval criteria:

- i. Conforms to the goals and policies of the Turnagain Arm Comprehensive Plan;
- ii. Protects the unique scenic and environmental

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features of the area; and

- iii. Minimizes impacts to adjacent properties, particularly those adjacent properties in a different land use category.

- c. Commercial Marijuana Establishments

- i. Any commercial marijuana establishment allowed in a commercial district in table 21.05-1 may be allowed on a parcel designated "commercial" or "mixed use" in the Turnagain Arm Comprehensive Plan, through the special land use permit for marijuana process in section 21.03.105 and in accordance with all applicable use-specific standards in section 21.05.055.

- ii. Any commercial marijuana establishment allowed in an industrial district in table 21.05-1 may be allowed on a parcel designated "industrial" in the Turnagain Arm Comprehensive Plan, through the special land use permit for marijuana process in section 21.03.105 and in accordance with all applicable use-specific standards in section 21.05.055.

- d. Number of Structures Allowed

- Only one principal structure is allowed per lot, unless a conditional use approval is obtained for additional principal structures.

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(AO 2012-124(S), 2-26-13)

Section 6. Anchorage Municipal Code (new code) section 21.05.010 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.05.010 Table of Allowed Uses

Table 21.05-1 below lists the uses allowed within all base zoning districts in the Anchorage Bowl. (See chapters 21.09 and 21.10 for regulations specific to Girdwood and Chugiak-Eagle River, respectively.) Each of the listed uses is defined in sections 21.05.030 through 21.05.060.

A. Explanation of Table Abbreviations

The abbreviations in the table indicate the type of review process required for a use within a zoning district. District-specific standards in chapter 21.04, use-specific standards in chapter 21.05, or design and development standards in chapter 21.07 may require a higher level of

1 review than indicated in the table under specific circumstances. For
 2 example, many commercial uses are allowed by right ("P" for permitted
 3 use) in various zoning districts as indicated in the table, but are required
 4 to be approved by major site plan review if the gross floor area of the
 5 use is over the size threshold for a large commercial establishment.
 6 That threshold and requirement for a higher level of review are found in
 7 subsection 21.07.120A.

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 9 1. Permitted Uses

10 "P" in a cell indicates that the use is allowed by right in the
 11 respective zoning district. Permitted uses are subject to all
 12 applicable regulations of this title, including the use-specific
 13 standards set forth in this chapter and the development and
 14 design standards set forth in chapter 21.07.

15
 16 2. Administrative Site Plan Review

17 "S" in a cell indicates that the use requires administrative site
 18 plan review in the respective zoning district in accordance with
 19 the procedures of subsection 21.03.180C., *Administrative Site*
 20 *Plan Review*. The site plan review process is intended to
 21 determine compliance with the development standards of this
 22 title, not to review the appropriateness of the use itself.

23
 24 3. Major Site Plan Review

25 "M" in a cell indicates that the use requires major site plan
 26 review in the respective zoning district, in accordance with the
 27 procedures of subsection 21.03.180D., *Major Site Plan Review*.
 28 The site plan review process is intended to determine
 29 compliance with the development standards of this title, not to
 30 review the appropriateness of the use itself.

31
 32 4. Conditional Uses

33 "C" in a cell indicates that, in the respective zoning district, the
 34 use is allowed only if reviewed and approved as a conditional
 35 use in accordance with the procedures of section 21.03.080,
 36 *Conditional Uses*. Throughout this title, the term "conditionally
 37 allowed" means that approval through the conditional use
 38 process is required.

39
 40 5. Special Land Use Permit for Marijuana

41 "T" in a cell indicates that the use requires a special land use
 42 permit for marijuana in accordance with the procedures of
 43 section 21.03.105.

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 45 6. Multiple Abbreviations

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 47 (Code revisor—renumber remaining sections.)

48 *** **

14; AO 2014-58, § 2(Att. A), 5-20-14)

Section 7. Anchorage Municipal Code (new code) table 21.05-1 is hereby amended as shown in Exhibit A.

Section 8. Anchorage Municipal Code (new code) section 21.05.055 is hereby created to read as follows:

21.05.055 Marijuana Establishments

This section defines specific commercial and industrial use types relating to marijuana growing, processing, production, testing, and sales, listed in table 21.05-1. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of the approval process for the particular use type. All uses involving the commercial cultivation, production, testing, and sales of marijuana are governed by this section; no other use in any other section shall involve marijuana. Personal cultivation and use of marijuana is not regulated by this section.

A. Use-Specific Standards Applicable to All Marijuana Establishments

1. Licenses Required

- a. All marijuana establishments are required to obtain a license from the state of Alaska Marijuana Control Board, and a license from the municipality of Anchorage, before beginning operations.
- b. If at any time either the state license or the municipal license is suspended or revoked, the establishment shall immediately cease operations, until such time as both required licenses and the land use approval are valid.
- c. Licenses from the municipality of Anchorage shall be issued in accordance with chapter 10.80.

2. Separation from Protected Land Uses

All marijuana establishments shall be located at least 500 feet away from the following uses:

- a. Community centers.
- b. Neighborhood recreation centers.
- c. Religious assemblies.
- d. Boarding schools.
- e. College or university.
- f. Elementary or middle schools.

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- g. High schools.
- h. Homeless and transient shelters.
- i. Dedicated parks.
- j. Correctional institutions.
- k. Habilitative care facilities.
- l. Correctional community residential centers.

This distance shall be measured by the shortest pedestrian route from the entrance to the proposed marijuana establishment to the closest lot line of a school, community center, neighborhood recreation center and any dedicated park, and to the main public entrance of any other use listed above.

- 3. Prohibited with Alcohol License
A marijuana establishment shall not be allowed in the same establishment as a use that holds a state alcohol license.
- 4. Prohibited with Residential
A marijuana establishment shall not be allowed on a lot that contains a residential use other than a caretaker's residence.
- 5. Inspection of Premises
All premises of all marijuana establishments shall be open at all times during business hours for the inspection and examination by the municipality.
- 6. Ventilation
The premises shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at any lot line of the subject property.
- 7. Public Display of Land Use Approval Conditions
Each establishment shall display in a location near the main entrance, and visible to the public in those establishments where the public are permitted, the conditions imposed through the land use approval, using the Conditions Certificate provided by the department.
- 8. Permanent Structure
A marijuana establishment shall be in a permanent structure with a valid certificate of zoning compliance. No marijuana establishment shall be authorized in a vehicle or trailer, a mobile food unit, a stand alone intermodal shipping container (connex unit), or a temporary structure.

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B. Principal Uses

1. Marijuana Cultivation Facility

a. Definition

A facility that cultivates and harvests marijuana for transfer or sale to a marijuana manufacturing facility, a marijuana testing facility, or a marijuana retail sales establishment.

b. Use-Specific Standards

i. Marijuana plants shall not be visible from a public right-of-way.

ii. All cultivation facilities shall be organized in orderly rows compliant with all building and fire codes. Aisles between planting rows shall be included in the square footage under cultivation.

iii. Direct retail sales to the general public is prohibited.

2. Marijuana Manufacturing Facility

a. Definition

A facility that receives harvested marijuana from a cultivation facility and extracts, processes, and/or manufactures marijuana products for transfer or sale to another marijuana manufacturing facility, a marijuana testing facility, or a marijuana retail sales establishment.

b. Use-Specific Standards

i. A certified industrial hygienist shall attest that:

(A). Any processes using solvents or flammables are safe, are in compliance with all applicable laws, and otherwise do not create a danger to any person or entity in or near the business.

(B). Any noxious gases or fumes created by such processes shall be mitigated with an appropriate ventilation system.

ii. Direct retail sales to the general public is prohibited.

3. Marijuana Testing Facility

a. Definition

A facility that analyzes and certifies the safety and potency of marijuana and marijuana products.

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- b. Use-Specific Standards
Direct retail sales to the general public is prohibited.

4. Marijuana Retail Sales Establishment

- a. Definition
An establishment that receives marijuana and/or marijuana products from a marijuana cultivation facility or a marijuana manufacturing facility, for sale to the public.
- b. Use-Specific Standards
 - i. Applications for land use approval for a retail sales establishment shall include a neighborhood responsibility plan to demonstrate how the establishment will fulfill its responsibilities to be a good neighbor, including neighborhood outreach, methods for future communication, and dispute resolution.
 - ii. Establishments shall be closed to the public between the hours of midnight and 8:00 a.m. each day.
 - iii. Signs shall comply with state regulation and chapter 21.11. No temporary signs are permitted.
 - iv. Establishments shall not have accessory drive-throughs.
 - v. No outdoor storage or display of products is permitted.

Section 9. Anchorage Municipal Code table 21.05-3 is hereby amended as shown in Exhibit B.

Section 10. Anchorage Municipal Code section 21.05.070 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.05.070 Accessory Uses and Structures

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13. Marijuana, Personal Cultivation

- a. Definition
Cultivating marijuana in compliance with AS 17.38.020 and AS 17.38.030 and this section.
- b. Use-Specific Standard
Personal cultivation of marijuana shall not occur on any premise licensed as a commercial marijuana establishment pursuant to

section 21.03.105 and 21.05.055.

14. Outdoor Keeping of Animals

(Code revisor—renumber remaining sections.)

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

Section 11. Anchorage Municipal Code table 21.07-4 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

TABLE 21.07-4: OFF-STREET PARKING SPACES REQUIRED ("du" = dwelling unit; "sf" = square feet; "gfa" = gross floor area)			
Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090G.
*** **			
Visitor Accommodations	Recreational and vacation camp	See subsection 21.07.090E.3.	
MARIJUANA USES			
Marijuana Uses	Marijuana cultivation facility	1 per 1,000 sf gfa	X
	Marijuana manufacturing facility	1 per 400 sf gfa	X
	Marijuana testing facility	1 per 350 sf gfa	
	Marijuana retail sales establishment	1 per 350 sf gfa	X
INDUSTRIAL USES¹¹			
Industrial Service ¹¹	Data processing facility	1 per 1,000 sf gfa	X
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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2014-58, § 3(Att. B), 5-20-14)

Section 12. Anchorage Municipal Code (new code) table 21.07-6 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

TABLE 21.07-6: OFF-STREET LOADING BERTHS			
Use	Aggregate Gross Floor Area (square feet) or Number of Dwelling Units	Berths Required	Type
*** **			
Visitor accommodations, animal sales and service, office, personal services,	25,000--40,000	1	B
	40,001--100,000	2	B

TABLE 21.07-6: OFF-STREET LOADING BERTHS			
Use	Aggregate Gross Floor Area (square feet) or Number of Dwelling Units	Berths Required	Type
repair and rental uses	Each additional 100,000 or fraction thereof	1 additional	B
<u>Marijuana Uses</u>			
<u>Marijuana cultivation facility</u>	Same as for general industrial uses		
<u>Marijuana manufacturing facility</u>			
<u>Marijuana retail facility</u>	Same as for general commercial establishments		
<u>Industrial Uses</u>			
Light contractor and special trades, dry cleaning establishment	Same as for general commercial establishments		
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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2014-58, § 3(Att. B), 5-20-14)

Section 13. Anchorage Municipal Code (new code) section 21.09.050 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.09.050 Use Regulations

A. Table of Allowed Uses

Table 21.09-2 below lists the uses allowed within the base zoning districts in Girdwood. If a use is not defined in this chapter, the definition in chapter 21.05 shall apply. When the uses in a district are determined through a master planning process per subsections 21.09.030E. and F., this table shall not apply.

1. Explanation of Table Abbreviations

- a. *Permitted Uses*
"P" in a cell indicates the use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of title 21.
- b. *Administrative Site Plan Review*
"S" in a cell indicates the use requires administrative site plan review in the respective zoning district in accordance with the procedures of subsection 21.03.180B., *Administrative Site Plan Review*.
- c. *Major Site Plan Review*
"M" in a cell indicates the use requires major site plan review in the respective zoning district[. UNTIL THE

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PROVISIONS FOR MAJOR SITE PLAN REVIEW ARE ADOPTED, AN "M" IN A CELL INDICATES THAT THE USE IS ALLOWED ONLY IF REVIEWED AND APPROVED AS A CONDITIONAL USE] in accordance with the procedures of subsection 21.03.180C., *Major Site Plan Review*.

d. *Conditional Uses*
"C" in a cell indicates, in the respective zoning district, the use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of section 21.03.080, *Conditional Uses*. Throughout title 21, the term "conditionally allowed" means approval through the conditional use process is required.

e. *Special Land Use Permit for Marijuana*
"T" in a cell indicates that the use requires a special land use permit for marijuana in accordance with the procedures of section 21.03.105.

f. *O (with # inside)*
A circle with a number inside references uses with a different review and approval procedure, depending on the gross floor area of the building, or of the largest building in a multi-building development. The explanation of the sizes and associated review and approval procedures is located at the end of the table.

(Code revisor—re-letter remaining sections.)

*** *** ***

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

Section 14. Anchorage Municipal Code (new code) table 21.09-2 is hereby amended as shown in Exhibit C.

Section 15. Anchorage Municipal Code (new code) table 21.09-3 is hereby amended as shown in Exhibit D.

Section 16. Anchorage Municipal Code (new code) section 21.10.050 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.10.050 Use Regulations

A. Table of Allowed Uses
Table 21.10-4 below lists the uses allowed within the base zoning districts in Chugiak-Eagle River. Each of the listed uses is defined in chapter 21.05. When the uses in a district are determined through a CE-PCD district this table shall not apply.

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1. Explanation of Table Abbreviations
 - a. *Permitted Uses*
"P" in a cell indicates the use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of title 21.
 - b. *Administrative Site Plan Review*
"S" in a cell indicates the use requires administrative site plan review in the respective zoning district in accordance with the procedures of subsection 21.03.180C., *Administrative Site Plan Review*.
 - c. *Major Site Plan Review*
"M" in a cell indicates the use requires major site plan review in the respective zoning district in accordance with the procedures of subsection 21.03.180D., *Major Site Plan Review*.
 - d. *Conditional Uses*
"C" in a cell indicates, in the respective zoning district, the use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of section 21.03.080, *Conditional Uses*. Throughout title 21, the term "conditionally allowed" means approval through the conditional use process is required.
 - e. *Special Land Use Permit for Marijuana*
"T" in a cell indicates that the use requires a special land use permit for marijuana in accordance with the procedures of section 21.03.105.
 - f. *Multiple Abbreviations*

(Code revisor—re-letter remaining sections.)

*** *** ***

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2013-139, § 2, 1-28-14; AO 2014-40(S), §§ 2(Att. A), 3, 4, 5-20-14; AO 2014-58, § 4(Att. C), 5-20-14)

Section 17. Anchorage Municipal Code (new code) table 21.10-4 is hereby amended as shown in Exhibit E.

Section 18. Anchorage Municipal Code (new code) table 21.10-4 is hereby amended as shown in Exhibit F.

Section 19. Anchorage Municipal Code (new code) section 21.14.040 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

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21.14.040 Definitions

When used in this title, the following words and terms shall have the meaning set forth in this section, unless other provisions of this title specifically indicate otherwise.

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Manufactured home community

A parcel, or contiguous parcels, of land which is used for occupancy by more than two mobile homes or manufactured homes.

Marijuana

Has the same meaning as set forth in Alaska statutes section 17.38.900.

Marijuana Product

Has the same meaning as set forth in Alaska statutes section 17.38.900.

Maximum extent feasible

That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. "Feasible and prudent" means consistent with sound engineering practice and not causing environmental, social, or economic problems that outweigh the public benefit to be derived from compliance with the standard which is modified by the term "feasible and prudent."

*** *** ***

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

Section 20. Anchorage Municipal Code (old code) section 21.15.030 is hereby amended as follows (*the remainder of the subsection is not affected and therefore not set out*):

21.15.030 Approval of site plans and conditional uses.

*** *** ***

G. Modification of final approval.

- 1. Except as provided in G.4. below, t[T]he authority that approved a conditional use or site plan may, upon application by the petitioner, modify the conditional use or site plan:
 - a. When changed conditions cause the conditional use or site plan no longer to conform to the standards for its approval.
 - b. To implement a different development or operational plan conforming to the standards for its approval.
- 2. Upon the filing of an application for a modification of a conditional use and after a review of the application to determine that it is complete and meets the requirements of this title, the

1 department staff shall place the requested modification on the
2 consent agenda of either the planning and zoning commission or
3 the assembly, as the case may be, for approval, denial, further
4 inquiry, public hearing and, thereafter, action by the respective
5 body.

6
7 a. The planning and zoning commission or the Assembly,
8 upon an express finding that the proposed modifications
9 will have a significant effect on the surrounding
10 neighborhood or on owners or occupiers of adjacent
11 property that is the subject of the modification application,
12 may determine that a public hearing is necessary. In such
13 event the hearing shall be scheduled as soon as
14 practicable after the matter first comes before the body
15 for conclusion.

16
17 3. The modification application shall be considered as an
18 application for final approval under subsection F of this section
19 and therefore subject to the provisions of that section;

20
21 4. For modifications of approved marijuana retail sales
22 establishments, the Planning Director shall be notified of
23 modifications to hours of operations and of the first change to
24 the licensed area of no more than 10 percent of the total area.
25 All other modifications from the previous approval shall be
26 processed in accordance with G.2. above.

27
28 H. Appeals.

29
30 1. Except as provided in subsection 2 of this subsection, an appeal
31 from a planning and zoning commission decision regarding an
32 application for conditional use or site plan approval under this
33 section shall be brought in accordance with sections 21.30.010
34 through 21.30.100

35
36 2. Any person adversely affected by a decision of the director or
37 his designee on an application for final approval of a site plan
38 may appeal to the planning and zoning commission within 15
39 days of the decision. The appeal shall be scheduled before the
40 commission within 45 days. The commission shall exercise its
41 independent judgment in deciding an appeal under this
42 subsection.

43
44 3. Appeals of conditional use permits granted by the assembly
45 shall be appealable to the superior court under the Alaska Rules
46 of Court and/or laws of the State of Alaska.

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48 *** **

49 J. Abandonment of conditional use.

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1. Except for conditional use permits granted by the assembly under section 21.50.160, pertaining to uses involving the sale of alcoholic beverages, or under section 21.50.420, pertaining to marijuana retail sales establishments, an otherwise lawful conditional use permit shall expire if:
 - a. For any reason the conditional use is abandoned in its entirety for a period of one year or longer; or
 - b. The property owner notifies the planning and zoning commission of the abandonment of the conditional use permit. A conditional use shall not be abandoned under this subsection if the result of the abandonment is the creation of a nonconforming land use.
 2. A conditional use granted by the assembly under section 21.50.160, pertaining to uses involving the sale of alcoholic beverages, shall expire:
 - a. 120 days after the transfer of the license to sell alcoholic beverages from the premises has been approved by the alcoholic beverage control board, unless there is an application filed with the alcoholic beverage control board prior to the expiration of the 120-day period.
 - b. If the operation of the business becomes substantially different from the business and operation reviewed by the assembly when the conditional use was granted under section 21.50.160, pertaining to uses involving the sale of alcoholic beverages, the conditional use shall expire unless the licensee applies for and received assembly approval for a modification of the existing conditional use to reflect the change.
 - c. For purposes of subsection b. above, "substantially different" means any material change in the operation of the business which could result in significant impact on the use and enjoyment of adjacent properties by property owners or occupants. A material change includes, without limitation, an increase in the late-night or early morning hours of operation; a change involving the type of entertainment presented which results in an increase in noise level at the property line; and increase in the parking requirements; a change from a business which meets the requirements of the State of Alaska, Alcoholic Beverage Control Board statutes and regulations for a restaurant designation permit to a business which would not meet such requirements.
 3. A conditional use granted by the assembly under section

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21.50.420, pertaining to marijuana retail sales establishments, shall expire:

a. At the time of expiration of either the state or municipal license;

b. If the use holding the permit has been discontinued, vacant, or inactive for a continuous period of at least six months; or

c. If the operation of the business becomes substantially different from the business and operation reviewed by the assembly when the conditional use permit was granted under this section, unless the licensee applies for and receives approval for a modification of the existing conditional use permit to reflect the change.

(GAAB 21.05.060, 21.05.080; AO No. 77-355; AO No. 78-231; AO No. 79-34; AO No. 79-214; AO No. 82-22(S); AO No. 82-49; AO No. 84-70; AO No. 85-21; AO No. 85-72; AO No. 85-91, 10-1-85; AO No. 86-19; AO No. 86-155; AO No. 87-121, 11-27-87; AO No. 88-5(S); AO No. 94-62, § 1, 4-12-94; AO No. 95-129, § 5, 3-12-96; AO No. 2004-6, § 1, 10-1-03; AO No. 2004-108(S), § 1, 10-26-04; AO No. 2005-19, § 1, 3-1-05; AO No. 2006-90(S), § 1, 6-20-06; AO No. 2008-15(S-2), § 3, 8-19-08)

Section 21. Anchorage Municipal Code (old code) section 21.35.020 is hereby amended as follows (*the remainder of the subsection is not affected and therefore not set out*):

21.35.020 Definitions and rules of construction.

*** *** ***

Maintenance easement means an easement appurtenant to a lot or parcel permitting entry upon another lot or parcel for the purpose of maintaining, repairing or reconstructing a structure on the former lot or parcel.

Marijuana has the same meaning as set forth in Alaska statutes section 17.38.900.

Marijuana Product has the same meaning as set forth in Alaska statutes section 17.38.900.

Marijuana retail sales establishment means an establishment that offers marijuana and/or marijuana products for sale to the public, but does not grow, cultivate, manufacture, produce, or test marijuana or marijuana products.

Major residential street means a street that carries from 500 to 2,000 average daily trips as determined in accordance with section 21.85.050.

*** *** ***

1 (GAAB 21.05.020; AO No. 77-355; AO No. 78-16; AO No. 78-28; AO No. 78-
 2 171; AO No. 78-231; AO No. 79-214; AO No. 80-42; AO No. 81-67(S); AO No.
 3 81-97; AO No. 81-180; AO No. 82-54; AO No. 82-167; AO No. 83-91(S); AO
 4 No. 84-14; AO No. 84-52; AO No. 85-58; AO No. 85-159; AO No. 85-91, 10-1-
 5 85; AO No. 85-216; AO No. 86-19; AO No. 86-78; AO No. 86-90; AO No. 86-
 6 171; AO No. 88-172; AO No. 88-171(S-1), 12-31-88; AO No. 89-35, 4-7-89;
 7 AO No. 88-147(S-2); AO No. 90-50(S); AO No. 91-35; AO No. 90-152(S); AO
 8 No. 91-90(S); AO No. 91-184; AO No. 92-7(S-2); AO No. 92-26; AO No. 92-
 9 93; AO No. 92-128(S); AO No. 92-129(S); AO No. 93-58; AO No. 93-148, § 1,
 10 11-16-93; AO No. 94-62, § 2, 4-12-94; AO No. 95-68(S-1), §§ 2, 3, 8-8-95; AO
 11 No. 95-173, § 1, 11-14-95; AO No. 96-41, § 1, 3-5-96; AO No. 96-131(S), § 1,
 12 10-22-96; AO No. 98-106, § 1, 7-21-98; AO No. 98-160, § 3, 12-8-98; AO No.
 13 99-62, § 2, 5-11-99; AO No. 2000-119(S), § 8, 2-20-01; AO No. 2001-79(S), §
 14 1, 5-8-01; AO No. 2001-80, § 1, 5-8-01; AO No. 2001-101(S), § 2, 4-9-02; AO
 15 No. 2002-109, § 2, 9-10-02; AO No. 2002-117, § 4, 1-28-03; AO No. 2003-
 16 62(S-1), § 3, 10-1-03; AO No. 2003-97, § 1, 9-30-03; AO No. 2003-132, § 1,
 17 10-7-03; AO No. 2003-124(S), § 1, 1-20-04; AO No. 2004-108(S), § 2, 10-26-
 18 04; AO No. 2005-9, § 1, 3-1-05; AO No. 2005-150(S-1), § 1, 2-28-06; AO No.
 19 2005-185(S), § 1, 2-28-06; AO No. 2005-124(S-1A), § 4, 4-18-06; AO No.
 20 2006-121, § 1, 9-26-06; AO No. 2006-64(S-1), § 1, 12-12-06; AO No. 2007-62,
 21 § 1, 5-15-07; AO No. 2008-80, § 1, 9-16-08; AO No. 2009-22, § 1, 4-14-09; AO
 22 No. 2010-3, § 1, 3-23-10; AO No. 2010-50(S), § 1, 8-31-10; AO No. 2011-
 23 93(S), § 1, 9-27-11; AO No. 2014-58, § 5, 5-20-14)

24
 25 **Section 22.** Anchorage Municipal Code (old code) section 21.40.150 is hereby
 26 amended as follows (*the remainder of the subsection is not affected and therefore not*
 27 *set out*):

28
 29 **21.40.150 B-2A central business district core.**

30 *** **

31
 32 D. Conditional uses. Subject to the requirements of the conditional use
 33 standards and procedures of this title, the following uses may be
 34 permitted:

35 *** **

36 16. Tower, high voltage transmission, exceeding maximum average
 37 tower height of 70 feet. Towers exceeding the maximum
 38 average of 70 feet in height may be replaced with a like tower, or
 39 a shorter tower, without the requirement for a conditional use.
 40 When a road project or other public works project causes a utility
 41 to modify its existing facilities to accommodate the design of the
 42 public works project, a maximum of four structures of an existing
 43 transmission line may be replaced with structures exceeding the
 44 maximum average of 70 feet in height without the requirement
 45 for a conditional use.

46
 47 17. Marijuana retail sales establishment, in accordance with section
 48 21.50.420.

49 *** **

1 (GAAB 21.05.050.W; AO No. 77-20; AO No. 77-355; AO No. 80-57; AO No.
 2 81-67(S); AO No. 81-72; AO No. 82-49; AO No. 85-173, 3-17-86; AO No. 85-
 3 91, 10-1-85; AO No. 86-90; AO No. 87-62; AO No. 87-148; AO No. 88-171(S-
 4 1), 12-31-88; AO No. 88-147(S-2); AO No. 90-124; AO No. 91-1; AO No. 91-
 5 39; AO No. 91-144; AO No. 92-57; AO No. 95-68(S-1), § 6, 8-8-95; AO No. 98-
 6 160, § 4, 12-8-98; AO No. 98-188, §§ 1—3, 1-12-99; AO No. 99-62, § 19, 5-
 7 11-99; AO No. 99-131, § 7, 10-26-99; AO No. 2001-80, § 3, 5-8-01; AO No.
 8 2005-185(S), § 18, 2-28-06; AO No. 2005-124(S-1A), § 21, 4-18-06; AO No.
 9 2006-49, § 1, 5-16-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2007-
 10 121(S-1), § 5, 10-23-07; AO No. 2008-35(S), § 1, 3-18-08; AO No. 2010-3, §
 11 4, 3-23-10; AO No. 2010-50(S), § 17, 8-31-10; AO No. 2014-58, § 8, 5-20-14)

12
 13 **Section 23.** Anchorage Municipal Code (old code) section 21.40.160 is hereby
 14 amended as follows (*the remainder of the subsection is not affected and therefore not*
 15 *set out*):

16
 17 **21.40.160 B-2B central business district, intermediate.**

18
 19 *** **

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

23 *** **

24 16. Tower, high voltage transmission, exceeding maximum average
 25 tower height of 70 feet. Towers exceeding the maximum
 26 average of 70 feet in height may be replaced with a like tower, or
 27 a shorter tower, without the requirement for a conditional use.
 28 When a road project or other public works project causes a utility
 29 to modify its existing facilities to accommodate the design of the
 30 public works project, a maximum of four structures of an existing
 31 transmission line may be replaced with structures exceeding the
 32 maximum average of 70 feet in height without the requirement
 33 for a conditional use.

34
 35 **17. Marijuana retail sales establishment, in accordance with section**
 36 **21.50.420.**

37
 38 *** **

39 (GAAB 21.05.050.Y; AO No. 77-20; AO No. 77-355; AO No. 80-57; AO No.
 40 81-67(S); AO No. 81-72; AO No. 82-49; AO No. 85-173, 3-17-86; AO No. 85-
 41 91, 10-1-85; AO No. 86-90; AO No. 87-62; AO No. 88-171(S-1), 12-31-88; AO
 42 No. 88-147(S-2); AO No. 90-124; AO No. 91-1; AO No. 91-39; AO No. 91-144;
 43 AO No. 92-57; AO No. 95-68(S-1), § 7, 8-8-95; AO No. 96-131(S), § 3, 10-22-
 44 96; AO No. 98-160, § 5, 12-8-98; AO No. 98-188, §§ 4—6, 1-12-99; AO No.
 45 99-62, § 20, 5-11-99; AO No. 99-131, § 8, 10-26-99; AO No. 99-149, § 2, 12-
 46 14-99; AO No. 2001-80, § 4, 5-8-01; AO No. 2005-185(S), § 19, 2-28-06; AO
 47 No. 2005-124(S-1A), § 22, 4-18-06; AO No. 2006-49, § 2, 5-16-06; AO No.
 48 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2007-121(S-1), § 6, 10-23-07; AO
 49 No. 2008-35(S), § 2, 3-18-08; AO No. 2009-22, § 8, 4-14-09; AO No. 2010-3, §
 50 5, 3-23-10; AO No. 2010-50(S), § 18, 8-31-10; AO No. 2014-58, § 9, 5-20-14)

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Section 24. Anchorage Municipal Code (old code) section 21.40.160 is hereby amended as follows (*the remainder of the subsection is not affected and therefore not set out*):

21.40.170 B-2C central business district, periphery.

*** *** ***

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

*** *** ***

20. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.

21. Marijuana retail sales establishment, in accordance with section 21.50.420.

*** *** ***

(GAAB 21.05.050.X; AO No. 77-20; AO No. 77-355; AO No. 80-57; AO No. 81-67(S); AO No. 82-49; AO No. 85-173, 3-17-86; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 87-62; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 90-124; AO No. 91-1; AO No. 91-39; AO No. 91-144; AO No. 92-57; AO No. 95-68(S-1), § 8, 8-8-95; AO No. 96-131(S), § 3, 10-22-96; AO No. 98-160, § 6, 12-8-98; AO No. 98-173, § 4, 11-3-98; AO No. 98-188, §§ 7—9, 1-12-99; AO No. 99-62, § 21, 5-11-99; AO No. 99-131, § 9, 10-26-99; AO No. 99-149, § 3, 12-14-99; AO No. 2001-80, § 5, 5-8-01; AO No. 2005-185(S), § 20, 2-28-06; AO No. 2005-124(S-1A), § 23, 4-18-06; AO No. 2006-49, § 3, 5-16-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2007-121(S-1), § 7, 10-23-07; AO No. 2008-35(S), § 3, 3-18-08; AO No. 2009-22, § 9, 4-14-09; AO No. 2010-3, § 6, 3-23-10; AO No. 2010-50(S), § 19, 8-31-10; AO No. 2014-58, § 10, 5-20-14)

Section 25. Anchorage Municipal Code (old code) is hereby amended to add a new section 21.50.420 as follows:

21.50.420 Conditional use standards—Marijuana retail sales establishments.

A. Licenses required.
1. All marijuana establishments are required to obtain a license

- 1 from the state of Alaska Marijuana Control Board, and a license
2 from the municipality of Anchorage, before beginning operations.
3
4
- 5 2. If at any time either the state license or the municipal license is
6 suspended or revoked, the establishment shall immediately
7 cease operations, until such time as both required licenses and
8 the land use approval are valid.
9
- 10 3. Licenses from the municipality of Anchorage shall be issued in
11 accordance with chapter 10.80.
12
- 13 B. Conditional use permit required.
- 14 1. All marijuana retail sales establishments are permitted only by
15 conditional use. Such conditional use shall only require the
16 approval of the assembly in accordance with section 21.15.030.
17 The provisions of section 21.15.005 which pertain to notice and
18 public hearing shall apply.
19
- 20 2. Notwithstanding the submittal requirements in section 21.15.030,
21 applications for conditional use permit for a marijuana retail
22 sales establishment shall contain the following:
23
- 24 a. A site plan to scale and dimensioned, depicting the
25 building footprint, parking areas, vehicle circulation and
26 driveways, pedestrian facilities, lighting, landscaping,
27 loading facilities, freestanding sign location(s), required
28 open space, snow storage area or alternative strategy,
29 trash receptacle location and screening detail, and
30 fences.
- 31 b. A security plan indicating how the applicant will comply
32 with the requirements of municipal and state law and
33 regulation.
- 34 c. A waste disposal plan.
- 35 d. A neighborhood responsibility plan, as required in
36 subsection C.9. below.
37
- 38 e. A copy of the application accepted by the state Marijuana
39 Control Board.
40
- 41 3. The planning department shall prepare and submit an analysis
42 of the application with respect to the use-specific standards
43 below, the conditional use standards of section 21.50.020, and
44 requirements of title 10, and list of all marijuana retail sales
45 establishments located within 1,000 feet of the subject location.
46 The department shall also submit a proposed resolution for
47 assembly consideration.

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4. In determining whether to grant, deny, or impose conditions on a conditional use permit for a marijuana retail sales establishment, the assembly shall not take into consideration the sum paid by any person to acquire the license or prepare the establishment. The assembly shall only approve the conditional use if the assembly finds the standards of section 21.50.020 have been met. The assembly may impose such special terms and conditions or modify existing conditions governing operation of the establishment as are in the public interest and are consistent with the purposes of this title.
 5. An application for conditional use under this section that has been denied by the assembly shall not be accepted for rehearing for a period of one year following such denial, if the municipal clerk finds the proposed conditional use application is substantially the same as that denied by the assembly, and if no substantially new evidence or change in circumstances has occurred. This subsection shall not apply to an application filed under assembly direction at a hearing at which a like application was considered.
 6. Conditions of conditional use permits issued under this section are enforceable under the provisions of this title. The assembly may revoke a conditional use permit for failure to comply with conditions of the permit, provided a public hearing with notice to the owner affected is first held.

29 C. Use-specific standards for marijuana retail sales establishments.

30
31 All marijuana retail sales establishments shall meet the following
32 standards:

- 33
34 1. Separation from protected land uses.
35 All marijuana establishments shall be located at least 500 feet
36 away from the following uses:
37
38 a. Community centers.
39
40 b. Neighborhood recreation centers.
41
42 c. Religious assemblies.
43
44 d. Boarding schools.
45
46 e. College or university.
47
48 f. Elementary or middle schools.
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50 g. High schools.

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- h. Homeless and transient shelters.
- i. Dedicated parks.
- j. Correctional institutions.
- k. Habilitative care facilities.
- l. Correctional community residential centers.

This distance shall be measured by the shortest pedestrian route from the entrance to the proposed marijuana establishment to the closest lot line of a school, community center, neighborhood recreation center and any dedicated park, and to the main public entrance of any other use listed above.

- 2. Prohibited with alcohol license.
A marijuana establishment shall not be allowed in the same establishment as a use that holds a state alcohol license.
- 3. Prohibited with residential use.
A marijuana establishment shall not be allowed on a lot that contains a residential use other than a caretaker's residence.
- 4. Inspection of premises.
All premises of all marijuana establishments shall be open at all times during business hours for the inspection and examination by the municipality.
- 5. Ventilation.
The premises shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at any lot line of the subject property.
- 6. Public display of land use approval conditions.
Each establishment shall display in a location near the main entrance, and visible to the public in those establishments where the public are permitted, the conditions imposed through the land use approval, using the Conditions Certificate provided by the department.
- 7. Permanent structure.
A marijuana establishment shall be in a permanent structure with a valid certificate of zoning compliance. No marijuana establishment shall be authorized in a vehicle or trailer, a mobile food unit, a stand alone intermodal shipping container (connex unit), or a temporary structure.
- 8. Neighborhood responsibility plan.

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Applications for land use approval for a retail sales establishment shall include a neighborhood responsibility plan to demonstrate how the establishment will fulfill its responsibilities to be a good neighbor, including neighborhood outreach, methods for future communication, and dispute resolution.

- 9. Hours of operation.
Establishments shall be closed to the public between the hours of midnight and 8:00 a.m. each day.
- 10. Signs.
Signs shall comply with state regulation and chapter 21.47. No temporary signs are permitted.
- 11. Drive-through prohibited.
Establishments shall not have drive-throughs.
- 12. Outdoor storage and display prohibited.
No outdoor storage or display of products is permitted.

Section 26. Anchorage Municipal Code of Regulations section 21.05 is hereby amended as follows (*the remainder of the subsection is not affected and therefore not set out*):

21.05 **Assembly rules of procedure for conditional use permit or special land use permit hearings.**

21.05.010 Applicability.

- A. The provisions of this chapter shall apply to hearings before the assembly for the revocation of conditional use permits or special land use permits for alcohol under title 21 for the retail sale of alcoholic beverages, and for conditional use permits or special land use permits for marijuana under title 21 for marijuana establishments.
- B. The provisions of this chapter shall be in addition to those procedures established by Anchorage Municipal Code chapter 3.60.

(AR No. 98-251(S), § 1, 8-25-98)

*** *** ***

21.05.040 Hearing procedures.

*** *** ***

- E. Ruling or decision. After closing statements are completed, the chair may entertain a motion to act upon the conditional use permit or special land use permit which motion must be seconded to be considered by the assembly.
 - 1. Before action on a conditional use permit or special land use

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permit may be taken, the applicant seeking the action must establish by a preponderance of the evidence that the requested action is warranted and in accordance with law.

2. After the motion has been seconded, the maker of the motion shall state whether he/she supports the motion and shall articulate for the record the factual evidence constituting a preponderance of the evidence in support of a conclusion that the violations occurred and that revocation is warranted.

3. After all assembly members wishing to explain their reasoning on the record have done so, the chair shall call for a vote on the motion.

4. The decision of the assembly shall be announced on the record.

(AR No. 98-251(S), § 1, 8-25-98)

*** *** ***

Section 27. This ordinance shall be effective immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2016.

Chair of the Assembly

ATTEST:

Municipal Clerk

AO 2016-XX
EXHIBIT D

TABLE 21.09-3: TABLE OF ACCESSORY USES

*P = Permitted; S = Administrative Site Plan Review; M = Major Site Plan Review; C = Conditional Use
For GIP, GCR-1, GCR-2, GCR-3, GDR, and GRR districts, see Section 21.09.040, Zoning Districts*

Accessory Uses	Residential					Commercial										Ind. Resort			Other			Definitions and Use Specific Standards					
	gR		R		gR	gC		gC		gC		gC		gC		gC		gC		gR			G		G	G	W
	1	2	3	4	5	1	2	3	4	5	6	7	8	9	10	1	2	1	2	A	S						
Accessory dwelling unit (ADU)	P	P	P	P	P																						21.05.070D.1 21.09.050C.2.a
Bed and breakfast (up to 3 guestrooms)	P	P	P	P	P			S	S																		21.05.070D.2.
Bed and breakfast (4 or 5 guestrooms)	M	M	M	M	M			S	S																		21.05.070D.2
Beekeeping	P	P	P	P	P																						21.05.070D.3.
Dormitory																											21.05.070D.5.
Drive-through service								C	C																		21.09.050C.2.b
Garage or carport, private residential	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P							21.05.070D.8.
Home- and garden-related use	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P							21.05.070D.9.
Home occupation	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P							21.05.070D.12.
Marijuana, personal cultivation	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P							21.05.070D.13.
Outdoor keeping of household pets	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P							
Paddock, stable or barn																											
Private storage of non-commercial equipment	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P							21.09.050C.2.c.
Vehicle repair/rebuilding, outdoor, hobby																											21.05.070D.18.

AO 2016-XX EXHIBIT F

TABLE 21.10-5: TABLE OF ACCESSORY USES – CHUGIAK-EAGLE RIVER RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS
P = Permitted S = Administrative Site Plan Review C = Conditional Use Review

Accessory Uses	RESIDENTIAL										COMMER.			INDUS.			OTHER			OV		Definitions and Use-Specific Standards			
	CE-R-1	CE-R-1A	CE-R-2A	CE-R-2D	CE-R-2M	CE-R-3	CE-R-5	CE-R-5A	CE-R-6	CE-R-7	CE-R-8	CE-R-9	CE-R-10	CE-B-3	CE-R-0	CE-R-C	CE-I-1	CE-I-2	CE-I-3	CE-DR	CE-PR		CE-PI	CE-DO ³	CE-EVO
*** **																									
Large domestic animal facility							P/C	P/C	P/C	P/C	P/C	P/C	P/C		P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C		P/C	21.05.070D.12[3]
Marijuana, personal cultivation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.070D.13
Outdoor keeping of animals	P	P	P	P	P	P ⁵	P	P	P	P	P	P	P							P		P		P	21.05.070D.14
*** **																									

³ For uses allowed in the CE-DO (Downtown Eagle River Overlay District), when the abbreviation of the approval process is followed by a “-R”, that indicates the use is allowed only in the portion of the overlay district where the underlying zoning is RO. When the abbreviation of the approval process is followed by a “-B”, that indicates the use is allowed only in the portion of the overlay district where the underlying zoning is B-3. If the abbreviation of the approval process has no suffix, then the use is allowed anywhere in the overlay district. For example, “P-R” means that the use is permitted only in the portion of the overlay district where RO is the underlying district.

⁴ Accessory dwelling units in the CE-R-1 and CE-R-1A districts are limited to attached ADUs, which are added to or created within single-family dwellings.

⁵ In the CE-R-3 district, outdoor keeping of animals is only permitted accessory to a single-family detached dwelling.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2013-139, § 2, 1-28-14; AO No. 2014-40(S), §§ 2(Att. A), 3, 4, 5-20-14; AO No. 2014-58, § 4(Att. C), 5-20-14)