

**ANCHORAGE, ALASKA  
AO No. 2019-67**

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**  
2 **MUNICIPAL CODE TITLE 21, SECTIONS 21.03.020C., 21.03.105, 21.05.055,**  
3 **AND 21.07.090E., AND AMENDING “OLD CODE” SECTIONS 21.15.030 AND**  
4 **21.50.420, TO ESTABLISH LAND USE REGULATIONS FOR ON-SITE**  
5 **CONSUMPTION OF MARIJUANA ENDORSEMENTS ASSOCIATED WITH A**  
6 **MARIJUANA RETAIL SALES ESTABLISHMENT; AND WAIVING REVIEW OF**  
7 **THESE AMENDMENTS BY THE PLANNING AND ZONING COMMISSION.**  
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10 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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12 **Section 1.** Anchorage Municipal Code section 21.03.020 is hereby amended to  
13 read as follows (*the remainder of the section is not affected and therefore not set*  
14 *out*):

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16 **21.03.020 - Common procedures.**

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18 **C. Community meetings.**

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20 **2. Applicability**

21 **a. Types of Applications**

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

- 24  
25 i. Rezoning (zoning map amendments);  
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27 ii. Subdivisions, except for abbreviated plats;  
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29 iii. Conditional uses;  
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31 iv. Marijuana—special land use permit, associated  
32 endorsements, and modifications requiring a  
33 public hearing;  
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35 v. Institutional master plans;  
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37 vi. Major site plan review; and  
38  
39 vii. Public facility site selection.

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TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS

TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS					
Type of Application or Procedure	Section	Notice Required			
		Written (Mailed)	Published	Posted	Community Council
Alcohol—Special Land Use Permit	21.03.040	✓	✓	✓	✓
Appeals to Board of Adjustment	21.03.050A.	✓	✓	-	-
Appeals to ZBEA	21.03.050B.	✓	✓	-	✓
Comprehensive Plan Amendments, Substantive	21.03.070C.	-	✓	-	✓
Conditional Uses	21.03.080	✓	✓	✓	✓
Marijuana - Special Land Use Permit <u>and associated endorsements</u>	21.03.105	✓	✓	✓	✓
Marijuana – Modification of a Special Land Use Permit Requiring Public Hearing	21.03.105C.	✓	✓	✓	✓
Marijuana - Variances	21.03.105C.	✓	✓	✓	✓
Master Plan, Area	21.09.030E.	✓	✓	✓	✓
Master Plan, Development	21.09.030F.	✓	✓	✓	✓

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-131, 1-12-16; AO 2015-142(S-1), 6-21-16; AO 2016-3(S), 2-23-16; AO 2017-75, 5-9-2017; A) 2017-175(S), 2-13-18 )

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**Section 2.** Anchorage Municipal Code section 21.03.105 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

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**21.03.105      Marijuana—Special land use permit.**

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C.      Application and review procedure.

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3.      Application Submittal

Applications for a municipal marijuana license, [AND A] special land use permit for marijuana, and any associated endorsements, shall be submitted to the municipality on a form provided by the municipality, 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:

- 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, and outdoor marijuana consumption areas.

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9. Modifications

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a. Modifications to the licensed establishment submitted by the licensee for the following changes shall be considered by the assembly after a public hearing noticed in accordance with subsection 21.03.020H.:

i. Any increase to the gross square footage of the licensed premises area of more than 20 percent.

ii. Any second or subsequent change to the gross square footage of the licensed premises of any amount.

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iv. For marijuana retail sales establishments:

(A) If within 500 feet of a residential zoning district (measured lot line to lot line) any expansion of hours of operation and/or any increase in the number of outdoor light fixtures on the site that have the potential to negatively affect nearby residential areas, as determined by the director.

(B) Any increase in the retail sales area (area of the store open to the public) of more than 20 percent of the approved area, within the approved licensed premises area.

(C) The addition of an indoor or outdoor marijuana consumption area, or an increase of the existing marijuana consumption area of more than 20 percent, or the addition of marijuana consumption by inhalation or smoking not previously approved by the assembly.

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(AO 2016-3(S), 2-23-16; AO 2016-161, 1-10-17; AO 2017-55, 4-11-17; AO 2017-175(S), 2-13-18)

**Section 3.** Anchorage Municipal Code section 21.05.055 is hereby amended to

1 read as follows (*the remainder of the section is not affected and therefore not set*  
 2 *out*):

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 4 **21.05.055 - Marijuana establishments.**

5 \*\*\* \*\*

6 A. Use-specific standards applicable to all marijuana establishments.

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 8 1. Licenses Required

9 a. All marijuana establishments are required to obtain a  
 10 license and associated endorsements from the S[S]tate  
 11 of Alaska Marijuana Control Board, and a license and  
 12 associated endorsements from the municipality of  
 13 Anchorage, before beginning operations.

14  
 15 b. If at any time either the state license or the municipal  
 16 license is suspended or revoked, the establishment shall  
 17 immediately cease operations, until such time as both  
 18 required licenses and the land use approval are valid. If  
 19 an endorsement is suspended or revoked, the  
 20 establishment shall immediately cease operations  
 21 authorized by that endorsement until such time it is valid.

22  
 23 c. Licenses and endorsements from the municipality of  
 24 Anchorage shall be issued in accordance with chapter  
 25 10.80.

26 \*\*\* \*\*

27 6. Ventilation. The premises shall be ventilated so that the odor of  
 28 marijuana cannot be detected by a person with a normal sense  
 29 of smell at any lot line of the subject property.

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31 B. Principal uses.

32 1. Marijuana Cultivation Facility

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34 b. Use-Specific Standards

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36 iv. Marijuana consumption is prohibited.

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 38 2. Marijuana Manufacturing Facility

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40 b. Use-Specific Standards

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42 iii. Marijuana consumption is prohibited.

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 44 iv.[iii.] "Industrial hygienist" as used in this section, shall  
 45 mean an individual who meets the definition for  
 46 "industrial hygienist" set forth in Alaska Statute  
 47 45.50.477(a). "Professional engineer" as used in  
 48 this section, shall mean an individual who meets  
 49 the definition for "professional engineer" set forth  
 50 in Alaska Statute 08.48.341.

1                   3.     **Marijuana Testing Facility**

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3                   b.     **Use-Specific Standards**

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5                   ii.    Marijuana consumption is prohibited.

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7                   4.     **Marijuana Retail Sales Establishment**

8                   a.     **Definition**

9                   An establishment that receives marijuana and/or  
10                  marijuana products from a marijuana cultivation facility  
11                  or a marijuana manufacturing facility, for sale to the  
12                  public.

13

14                  b.     **Use-Specific Standards**

15                  i.     Establishments shall be closed to the public  
16                  between the hours of midnight and 8:00 a.m.  
17                  each day.

18

19                  ii.    Establishments shall not have accessory drive-  
20                  throughs.

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22                  iii.   No outdoor storage or display of products is  
23                  permitted.

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25                  iv.    Assembly issuance of special land use permits  
26                  for marijuana establishments, [AND THE] related  
27                  licensing, associated endorsements, and  
28                  regulation of marijuana establishments under  
29                  AMC title 10 require engagement by the  
30                  community council. The owner/operator of a  
31                  marijuana retail sales establishment is  
32                  encouraged to engage in neighborhood  
33                  responsibility planning with neighborhood  
34                  residents and other businesses. Where available,  
35                  this may be done in conjunction with the  
36                  community council. A copy of an informal  
37                  memorandum of understanding (MOU) outlining  
38                  the elements confirmed with the community  
39                  council may be included with the application. In  
40                  the absence of a MOU, the applicant may include  
41                  applicant's report on the status of community  
42                  engagement efforts.

43

44                  v.     Marijuana consumption areas, as defined by  
45                  section 10.80.990, shall comply with all  
46                  applicable characteristics of section 10.80.306C.

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48                  vi.   All outdoor marijuana consumption areas shall be  
49                  screened from view on all sides with a screening  
50                  fence or wall.

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(AO No. 2016-3(S), 2-23-16; AO 2016-35, 4-12-16; AO 2016-144(S), 12-20-16; AO 2017-55, 4-11-17; AO 2017-175(S), 2-13-18)

**Section 4.** Anchorage Municipal Code section 21.07.090 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**21.07.090 - Off-street parking and loading.**

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E. Off-street parking requirements.

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**TABLE 21.07-4: OFF STREET PARKING SPACES REQUIRED**

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.

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 1 per 100 sf gfa for marijuana consumption area(s)	X

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2014-58, 5-20-14; AO 2015-82, 7-28-15; AO 2015-100, 10-13-15; AO 2015-131, 1-12-16; AO 2016-3(S), 2-23-16; AO 2017-55, 4-11-17; AO 2017-176, 1-9-18)

**Section 5.** Anchorage Municipal Code ("Old Code") section 21.15.030 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**21.15.030 - Approval of site plans and conditional uses.**

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C. Application. With its application the applicant shall submit the following:

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2. The following maps, drawn on a stable base reproducible mylar, at the scale specified in the following table:

\*\*\*      \*\*\*      \*\*\*

b. A site plan, showing:

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(7) Outdoor marijuana consumption areas.

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G. Modification of final approval.

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2           4.       For modifications of approved marijuana retail sales  
3           establishments, the planning director may approve all  
4           modifications except for those listed below, which shall be  
5           processed in accordance with subsection G.2. above. The  
6           director may require a proposed change to be brought to the  
7           assembly if the director determines the change to be significant  
8           and warrant assembly consideration. Upon denial by the  
9           director, a licensee may request that the director's decision be  
10          vacated and the unchanged modification application be  
11          considered de novo by the assembly. The director shall provide  
12          a quarterly report to the assembly regarding changes  
13          requested and approved administratively.

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15          f.       The addition of an indoor or outdoor marijuana  
16          consumption area, or an increase of the existing  
17          marijuana consumption area of more than 20 percent, or  
18          the addition of marijuana consumption by inhalation or  
19          smoking not previously approved by the assembly.

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21                   (GAAB 21.05.060, 21.05.080; AO No. 77-355; AO No. 78-231; AO No. 79-  
22                   34; AO No. 79-214; AO No. 82-22(S); AO No. 82-49; AO No. 84-70; AO No.  
23                   85-21; AO No. 85-72; AO No. 85-91, 10-1-85; AO No. 86-19; AO No. 86-155;  
24                   AO No. 87-121, 11-27-87; AO No. 88-5(S); AO No. 94-62, § 1, 4-12-94; AO  
25                   No. 95-129, § 5, 3-12-96; AO No. 2004-6, § 1, 10-1-03; AO No. 2004-108(S),  
26                   § 1, 10-26-04; AO No. 2005-19, § 1, 3-1-05; AO No. 2006-90(S), § 1, 6-20-  
27                   06; AO No. 2008-15(S-2), § 3, 8-19-08; AO No. 2016-3(S), § 19, 2-23-16; AO  
28                   No. 2016-161, § 2, 1-10-17)

29                   **Section 6.** Anchorage Municipal Code (“Old Code”) section 21.50.420 is hereby  
30                   amended to read as follows (*the remainder of the section is not affected and*  
31                   *therefore not set out*):

32                   **21.50.420 - Conditional use standards—Marijuana retail sales**  
33                   **establishments.**

34                   **A. Licenses Required**

35                   1.       All marijuana establishments are required to obtain a license  
36                   and associated endorsements from the State of Alaska  
37                   Marijuana Control Board, and a license and associated  
38                   endorsements from the municipality of Anchorage, before  
39                   beginning operations.

40                   2.       If at any time either the state license or the municipal license is  
41                   suspended or revoked, the establishment shall immediately  
42                   cease operations, until such time as both required licenses and  
43                   the land use approval are valid. If an endorsement is  
44                   suspended or revoked, the establishment shall immediately  
45                   cease operations authorized by that endorsement until such  
46                   time as the license and land use approval are valid.

time it is valid.

3. Licenses and endorsements from the municipality of Anchorage shall be issued in accordance with chapter 10.80.

B. Conditional use permit required.

1. All marijuana retail sales establishments are permitted only by conditional use. Associated endorsements shall be reviewed and determined as part of the conditional use application. Such conditional use shall only require the approval of the assembly in accordance with section 21.15.030. The provisions of section 21.15.005 which pertain to notice and public hearing shall apply.

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C. *Use-specific standards for marijuana retail sales establishments.* All marijuana retail sales establishments shall meet the following standards:

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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.

\*\*\*      \*\*\*      \*\*\*

13. Marijuana consumption. Marijuana consumption areas as defined by section 10.80.990, shall comply with all applicable characteristics of section 10.80.306C. All outdoor marijuana consumption areas shall be screened from view on all sides with a screening fence or wall.

(AO No. 2016-3(S), § 24, 2-23-16; AO No. 2016-144(S), § 3, 1-1-17; AO No. 2017-55, § 15, 4-11-17; AO No. 2017-175(S), § 6, 2-13-18)

**Section 7.** Notwithstanding Anchorage Municipal Code section 21.03.210, this ordinance and its text amendments to Title 21 shall not require Planning and Zoning Commission review.

**Section 8.** This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Chair of the Assembly

ATTEST:

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

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