

LAI-ON-THE-TABLE

Submitted by: Assembly Chair Constant
Prepared by: Planning Department
Reviewed by: Assembly Counsel's Office
For reading: _____, 2023

**ANCHORAGE, ALASKA
AO No. 2023-____**

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **ANCHORAGE MUNICIPAL CODE SECTIONS 21.03.105, 21.05.055, AND**
3 **21.05.070 TO ALLOW DRIVE-THROUGH SERVICE AT MARIJUANA RETAIL**
4 **SALES ESTABLISHMENTS AND WAIVING PLANNING AND ZONING**
5 **COMMISSION REVIEW.**
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7
8 **WHEREAS**, the Anchorage Assembly adopted AO 2016-3(S) amending Title 21
9 for the land use regulation of commercial marijuana establishments in the
10 Municipality of Anchorage, reserving all authority to approve new special land use
11 permits for marijuana establishments and modifications there to the Assembly; and
12

13 **WHEREAS**, the State of Alaska, Marijuana Control Board recently adopted
14 regulations allowing drive-through service for retail marijuana establishments,
15 published in new section 3 AAC 306.380; and
16

17 **WHEREAS**, the Municipality of Anchorage prohibits drive-up service for retail
18 marijuana establishments, which is now inconsistent with state regulations; and
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20 **WHEREAS**, the Planning and Zoning Commission does not review applications
21 for special land use permits for marijuana or modifications thereto and has no
22 involvement with the commercial marijuana review process; and
23

24 **WHEREAS**, this ordinance will not have significant economic effects; now,
25 therefore,
26

27 **THE ANCHORAGE ASSEMBLY ORDAINS:**
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29 **Section 1.** Anchorage Municipal Code Chapter 21.03, Review and Approval
30 Procedures, is hereby amended to read as follows (*the remainder of the chapter*
31 *is not affected and therefore not set out*):
32

33 **21.03.105 — Marijuana Special Land Use Permit.**

34 *** **

35 **C. Application and Review Procedure.**

36 *** **

37 **3. Application Submittal.**

38 *** **

39 **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, drive-throughs, 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, fences, and outdoor marijuana consumption areas.

*** **

(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; AO 2019-67, 6-18-2019; AO 2020-9, 2-11-2020; AO 2020-38, 4-28-20)

Section 2. Anchorage Municipal Code Chapter 21.05, Use Regulations, is hereby amended to read as follows (*the remainder of the chapter is not affected and therefore not set out*):

21.05.055 Marijuana Establishments.

*** **

B. Principal Uses.

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4. Marijuana Retail Sales Establishment.

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b. Use-Specific Standards

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- ii. Any marijuana retail sales establishment with drive-through service shall comply with the "drive-through service" accessory use standards in subsection 21.05.070D.7. [ESTABLISHMENTS SHALL NOT HAVE ACCESSORY DRIVE-THROUGHS.]

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(AO 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; AO 2019-67, 6-18-19; AO 2020-9, 2-11-2020)

*** **

21.05.070 Accessory Uses and Structures.

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D. Definitions and Use-Specific Standards for Allowed Accessory Uses and Structures.

*** **

7. Drive-Through Service.

*** **

b. Use-Specific Standards

*** **

Drive-through services are allowed as accessory uses to the following primary uses: restaurant, pharmacy,

financial institution, general personal services, [AND]
food and beverage kiosk, and marijuana retail sales
establishment.

*** *** ***

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-131, 1-12-15; AO2015-142(S-1), 6-21-16; AO 2016-3(S), 2-23-16; AO 2016-136, 11-15-16; AO 2017-10, 1-24-17; AO 2017-160, 12-19-17; AO 2017-176, 1-9-18, AO 2018-43(S); 6-12-18; AO 2020-38, 4-28-20; AO 2021-26, 3-9-21; AO 2021-89(S), 2-15-22; AO 2022-107, 2-7-23; AO 2023-77, 7-25-23)

Section 3. Notwithstanding AMC section 21.03.210, this ordinance shall not require Planning and Zoning Commission review prior to Assembly action, and the 21-day published notice requirement of AMC subsection 21.03.020H.4. is waived; this ordinance shall comply with Charter § 10.01(b) notice requirements.

Section 4. This ordinance shall become effective immediately upon passage and approval of the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2023.

Chair

ATTEST:

Municipal Clerk

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