

Municipal Clerk's Office

**AMENDED AND APPROVED**

Date: 12-20-2016

Submitted by: Assembly Member Weddleton

Prepared by: Office of Economic and Community  
Development

Reviewed by: Department of Law

For reading: December 6, 2016

**ANCHORAGE, ALASKA**  
**AO No. 2016-144(S), As Amended**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE (NEW CODE) SECTIONS 21.05.055 AND 21.14.040, AND ANCHORAGE MUNICIPAL CODE (OLD CODE) SECTION 21.50.420, TO MAKE MINOR MODIFICATIONS TO THE MARIJUANA LAND USE REGULATIONS; AND WAIVING PLANNING AND ZONING COMMISSION REVIEW.**

**WHEREAS**, the Assembly adopted AO 2016-3(S) on February 23, 2016 to regulate commercial marijuana establishments in the Municipality of Anchorage and reserving all authority to approve new establishments to the Assembly; and

**WHEREAS**, the Assembly accepted and amended AIM 150-2016 on November 15, 2016, which reports the Assembly's Economic and Community Development Committee's review of how municipal staff have interpreted the separation distance described as the "shortest practicable pedestrian route" as used in the marijuana land use regulations in Anchorage Municipal Code section 21.05.055, and recommends a different interpretation be applied in the future; and

**WHEREAS**, AIM 150-2016 as amended, calls for an amendment to Anchorage Municipal Code to ensure that marijuana establishments are not located directly across streets from protected land uses, as presented in this ordinance; and

**WHEREAS**, AIM 150-2016 as amended, calls for consideration of a prohibition on marijuana establishments within drug-free school zones, which is proposed in this ordinance; and

**WHEREAS**, the Planning and Zoning Commission does not review commercial marijuana applications and has no involvement with any commercial marijuana review; and

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

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** Anchorage Municipal Code section 21.05.055 is hereby amended to read as follows *(the remainder of the section is not affected and therefore not set out)*:

**21.05.055 Marijuana Establishments**

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1       A.     Use-Specific Standards Applicable to All Marijuana Establishments

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4       2.     Separation from Protected Land Uses

5       a.     In addition to the other methods for measuring the  
6             separation distances as set forth in this subsection, all  
7             marijuana establishments shall be separated from the  
8             protected land uses listed in subsection[s] 2.c. ~~and 2.d.~~  
9             below by at least 200 feet, as measured from the lot line of  
10            the marijuana establishment directly to the closest lot line of  
11            the protected land use. Applicants who have initiated a  
12            state of Alaska marijuana license on or before January  
13            1, 2017, are exempt from this provision.

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15       b.     Additionally, all marijuana establishments shall be  
16             separated from schools (items 2.c.i., 2.c.ii., and 2.c.iii.  
17             below) by at least 500 feet, measured from the lot line of the  
18             marijuana establishment directly to the closest lot line of the  
19             school~~protected land use~~. Applicants who have  
20             initiated a state of Alaska marijuana license on or  
21             before January 1, 2017, are exempt from this provision.

22  
23       c.     Additionally, all marijuana establishments shall be located at  
24             least 500 feet away from the following uses, except in  
25             zoning districts established for Chugiak-Eagle River in  
26             chapter 21.10[,], where marijuana establishments shall be  
27             located at least 1,000 feet away from all the following uses,  
28             including the uses specific to Chugiak-Eagle River listed  
29             below:

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31            i.     Boarding school.

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33            ii.    [COLLEGE OR UNIVERSITY.

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35            iii.]   Elementary or middle school.

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37            iii[IV]. High school.

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39            iv.    Playground.

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41            v[I].   A housing facility owned by a public housing  
42                authority.

43  
44            vi[I].   Child care center.

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46            vii[I]. Homeless and transient shelter.  
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vii[X]. Habilitative care facility.

ix. Dedicated parks in zoning districts established for Chugiak-Eagle River in chapter 21.10.

x[I]. A residential district established for Chugiak-Eagle River in section 21.10.040.

xi[I]. The Harry J. McDonald Memorial Center.

**d[B]. ALL MARIJUANA ESTABLISHMENTS SHALL BE LOCATED AT LEAST 500 FEET AWAY FROM THE FOLLOWING USES:]**

xii. Community centers.

xiii. Neighborhood recreation centers.

xiv[II]. Religious assemblies.

x[l]v. Correctional institutions.

xvi. Athletic fields.

xvii. Correctional community residential centers.

**d[e][C]. All marijuana establishments shall be located at least 100 feet away from video arcades with at least 10 arcade machines.**

**e[f][D]. Except in zoning districts established for Chugiak-Eagle River in chapter 21.10[ (NEW CODE)], the separation [THIS] distance required in subsections 2.c. and[,] 2.d. [and 2.e.] above shall be measured by the shortest practicable pedestrian route from the main entrance to the proposed marijuana establishment to:**

i. The closest lot line of a school, child care center, community center, neighborhood recreation center[, CORRECTIONAL INSTITUTION];

ii. The edge of a playground or athletic field (including abutting parking lots); and

iii. [THE]A main public entrance of the building containing[CLOSEST LOT LINE OF] any other use listed above.



**f[g][E].** In zoning districts established for Chugiak-Eagle River in chapter 21.10, the separation [THIS] distance required in subsections 2.c. and[,] 2.d.,~~and 2.e.~~ above shall be measured “as the crow flies” from the closest side of the proposed marijuana establishment to:

- i. [THE CLOSEST LOT LINE OF A SCHOOL, COMMUNITY CENTER, NEIGHBORHOOD RECREATION CENTER, CORRECTIONAL INSTITUTION, OR RESIDENTIAL DISTRICT;
- ii.] The edge of a playground or athletic field (including abutting parking lots); and
- ii[.]. The closest lot line of any other use listed above.

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(2016-3(S), 2-23-16; AO 2016-35, 4-12-16)

**Section 2.** Anchorage Municipal 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)*:

#### **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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#### **Assembly**

The assembly of the municipality.

#### **Athletic Field (as used in Section 21.05.055, Marijuana Establishments)**

A distinctly marked area of natural turf, artificial turf, sand, hardened surface, or the like; developed and maintained to be used for a sport or game, including associated spectator facilities. Examples include soccer, football, softball and baseball fields; tennis, basketball, and volleyball courts; hockey rinks; and golf and disc golf courses; but do not include open areas occasionally or informally used for athletic purposes; lake areas that are hot-mopped in the winter; or ski or dogsled trails.

#### **Attendant parking (also valet parking)**

A parking facility that relies on attendants (or valets) to park and retrieve vehicles rather than on drivers to park and retrieve their own vehicles.

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**Platting authority**

The platting officer, municipal platting board, or any other board so designated by the assembly.

**Playground (as used in Section 21.05.055, Marijuana Establishments)**

An outdoor area developed and maintained for children's play; generally open to the public or to residents of a subdivision or housing complex; having a designed and/or engineered surface; and/or containing at least one piece of permanent play equipment, such as a seesaw, swing set, jungle gym, or the like.

**Porch**

A covered or partially enclosed exterior entrance space projecting from the façade of a building, having a floor and roof, and forming a covered approach or vestibule to an entrance doorway. The front of the porch is open, with only supporting posts, railings, and roof, or partially enclosed with solid walls or railings up to 36 inches high measured from the floor of the porch.

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**Service connection**

Conductors transmitting utility service from a utility distribution line to a customer's riser or service entrance.

**Shortest Practicable Pedestrian Route (as used in Section 21.05.055, Marijuana Establishments)**

The most direct walking route between two points, through the marijuana establishment property and public property which: avoids large permanent and semi-permanent obstructions; is on sidewalks where available or along the street edge; crosses streets in accordance with AMC title 9 except that major arterials and higher classification streets are crossed only at locations specifically marked for pedestrian crossing; and is not made longer by obstructions created for that purpose. More specific guidance is provided in planning department policy.

**Sidewalk**

A concrete surface within a vehicular right-of-way, aligned with a road and constructed either adjacent to the curb or separated from the curb, for multiple pedestrian and non-motorized uses and purposes. Sidewalks are generally found in class A zoning districts.

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-82, § 7, 7-28-15; AO No. 2015-100, § 9, 10-13-15; AO No. 2015-133(S), § 6, 2-23-16; AO No. 2015-138, § 5, 1-12-16; AO No. 2015-142(S-1), § 10, 6-21-16; AO No. 2016-3(S), § 18, 2-23-16)

**Section 3.** Anchorage Municipal Code (old code) section 21.50.420 is hereby



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

**21.50.420 Conditional use standards—Marijuana retail sales establishments.**

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

All marijuana retail sales establishments shall meet the following standards:

**1. Separation from protected land uses.**

- a. In addition to the other methods for measuring the separation distances as set forth in this subsection, all marijuana establishments shall be separated from the protected land uses listed in subsections 1.c.[ and 1.d.] below by at least 200 feet, measured from the lot line of the marijuana establishment to the lot line of the protected land use. Applicants who have initiated a state of Alaska marijuana license on or before January 1, 2017, are exempt from this provision.
- b. Additionally, all marijuana establishments shall be separated from schools (items 1.c.i., 1.c.ii., and 1.c.iii. below) by at least 500 feet, measured from the lot line of the marijuana establishment directly to the closest lot line of the school[protected land use]. Applicants who have initiated a state of Alaska marijuana license on or before January 1, 2017, are exempt from this provision.
- c. Additionally, all marijuana establishments shall be located at least 500 feet away from the following uses:
  - i. Boarding school.
  - ii. [COLLEGE OR UNIVERSITY.
  - III.] Elementary or middle school.
  - iii[V]. High school.
  - iv. Playground.
  - v[I]. A housing facility owned by a public housing authority.

vi[I]. Child care center.

vii[I]. Homeless and transient shelters.

viii[X]. Habilitative care facilities.

ix. Dedicated Parks in zoning districts established for Chugiak-Eagle River in chapter 21.10.

~~[d][B]. All marijuana establishments shall be located at least 500 feet away from the following uses:]~~

~~x[I]. Community centers.~~

~~xi[I]. Neighborhood recreation centers.~~

~~xii[I]. Religious assemblies.~~

~~xiii[V]. Correctional institutions.~~

~~xiv. Athletic fields.~~

~~xv[I]. Correctional community residential centers.~~

~~d[e][C]. All marijuana establishments shall be located at least 100 feet away from video arcades with at least ten arcade machines.~~

~~e[f][D]. The separation[THIS] distance required in subsection[s] 1.c. [and][,][1.d.][, and 1.e.] above shall be measured by the shortest practicable pedestrian route from the main entrance to the proposed marijuana establishment to:~~

i. The closest lot line of a school, child care center, neighborhood recreation center[, CORRECTIONAL INSTITUTION];

ii. The edge of a playground or athletic field (including abutting parking lots); and

iii. [THE]A main public entrance of the building containing [CLOSEST LOT LINE OF ]any other use listed above.

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**Section 4.** Notwithstanding Anchorage Municipal Code subsections 21.03.210B.4. and B.6., this ordinance shall not require Planning and Zoning Commission review.

**Section 5.** This ordinance shall be effective on January 1, 2017, [immediately] upon passage and approval by the assembly.

PASSED AND APPROVED by the Anchorage Assembly this 20th day of December, 2016.

  
Chair

ATTEST:

  
Municipal Clerk