AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 21.03.105, 21.05.055, AND 21.05.070 TO ALLOW DRIVE-THROUGH SERVICE AT MARIJUANA RETAIL SALES ESTABLISHMENTS AND WAIVING PLANNING AND ZONING COMMISSION REVIEW.

WHEREAS, the Anchorage Assembly adopted AO 2016-3(S) amending Title 21 for the land use regulation of commercial marijuana establishments in the Municipality of Anchorage, reserving all authority to approve new special land use permits for marijuana establishments and modifications there to the Assembly; and

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

WHEREAS, the Municipality of Anchorage prohibits drive-up service for retail marijuana establishments, which is now inconsistent with state regulations; and

WHEREAS, the Planning and Zoning Commission does not review applications for special land use permits for marijuana or modifications thereto and has no involvement with the commercial marijuana review process; and

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

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code Chapter 21.03, Review and Approval Procedures, is hereby amended to read as follows (the remainder of the chapter is not affected and therefore not set out):

21.03.105 — Marijuana Special Land Use Permit.

C. Application and Review Procedure.

3. Application Submittal.

a. For all marijuana establishments:
AO regarding Title 21 Marijuana Drive-Through Service Text Amendments

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.

4. Marijuana Retail Sales Establishment.

b. Use-Specific Standards

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.]

21.05.070 Accessory Uses and Structures.

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.

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-131, 1-12-15; AO 2015-142(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.

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Chair

ATTEST:

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Municipal Clerk