

*Postponed indefinitely 6/6/06*

Submitted by: Assemblymembers TESCHE,  
Traini, Shamberg

Prepared by: Assembly Counsel

For reading: April 18, 2006

**ANCHORAGE, ALASKA  
AO NO. 2006-63**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING  
ANCHORAGE MUNICIPAL CODE SECTIONS 2.30.125 AND 21.50.160 TO ENACT  
STRICTER SEPARATION IN THE MINIMUM DISTANCE BETWEEN LICENSED  
PREMISES AND NEARBY CHURCH BUILDINGS OR SCHOOL GROUNDS.**

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** Anchorage Municipal Code 2.30.125 is hereby amended by enacting a new subsection B. to read as follows (*the remainder of the section is not affected and therefore is not set out*):

**2.30.125      Standards governing assembly protests to state alcoholic beverage control board.**

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**B.      Proximity to church or school.** If application is made for issuance, renewal, transfer, or transfer of location of a beverage dispensary license, restaurant or eating place license, or package store license, whether the public entrance of the licensed premises would be within 500 feet by straight line measurement from the property line of a church building or school grounds. If the minimum separation under this standard is not met, then conditional use shall not be granted.

(Code Revisor is instructed to reletter subsequent subsections.)

(AO No. 85-128(S); AO No. 86-58; AO No. 93-117, § 1, 8-10-93; AO No. 93-141(S-1), § 1, 2-1-94)

Editor's note: This section was formerly codified in the 1977 Code as Section 10.50.030. Cross references: Alcoholic beverages, Ch. 10.50; transfer of alcoholic beverage license, payment of taxes, § 12.05.065; uses involving sale of alcoholic beverages, § 21.50.160. State law references: Alcoholic beverages, AS 4.11.480--4.11.506, 4.21.010; protests regarding licenses, AS 4.11.480; power to regulate, AS 29.35.080.

**Section 2.** Anchorage Municipal Code 21.50.160 is hereby amended by amending the last sentence of B. and enacting a new subsection C. to read as follows (*the remainder of the section is not affected and therefore is not set out*):

**21.50.160      Conditional use standards--Uses involving sale of alcoholic beverages.**

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- B. Notwithstanding any other provision of this title to the contrary, a conditional use for uses involving the retail sale of alcoholic beverages shall only require the approval of the assembly. The provisions of Section 21.15.005 which pertain to the notice and public hearing shall apply. Applications for a conditional use permit shall be submitted to the department of community planning and development within seven days after application is made to the state alcoholic beverage control board for issue or transfer of location of a liquor license. Applications shall contain a zoning map showing the proposed location. The assembly may promulgate regulations concerning the mandatory information to be submitted with the application for conditional use. The department of community planning and development shall prepare and submit an analysis and a list of all licenses located within a minimum of 1,000 feet of the proposed conditional use to the assembly on applications made for a conditional use permit addressing the conformity of the proposed application with this title and Chapter 10.50. The department shall also submit a proposed resolution for assembly consideration in connection with liquor license applications. In determining whether to grant, deny or impose conditions on a conditional use permit for the sale or service of alcoholic beverages under this section, the assembly shall not take into consideration the sum paid by any person to acquire the license for which a conditional use permit is requested. The assembly shall only approve the conditional use if the assembly finds the standards of Section 21.50.020 and this Section 21.50.160 have been met.

- C. The minimum separation between the public entrance of an establishment engaging in the retail sale or dispensing of alcoholic beverages and a church building or school grounds shall be 500 feet, by straight line measurement from the public entrance of the premises seeking conditional use involving sale of alcoholic beverages to the property line of the school grounds or church building.

*(Code Revisor is instructed to reletter subsequent subsections.)*

(GAAB 21.05.060; AO No. 77-355; AO No. 82-170; AO No. 85-21; AO No. 87-62; AO No. 93-143(S-3), § 1, 5-10-94)

Cross references: Assembly protests of alcoholic beverage establishment licenses, §2.30.125; alcoholic beverages, Ch. 10.50; consumption of alcoholic beverages in public places, §25.10.090.

**Section 3.** In the exercise of its powers, and under AS 04.11.480 and 15 AAC 104.145, Assembly approval of AO 2006-63 providing for distance separation between the public entrance of licensed premises and the property boundary of churches and schools does not require Planning Commission review under AMC 21.10.015.

**Section 4.** Upon passage and approval, this ordinance shall be retroactive to April 18, 2006.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Chair

ATTEST:

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

Municipality of Anchorage  
MUNICIPAL CLERK'S OFFICE  
**Agenda Document Control Sheet**

AO 2006-63

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

<b>1</b>	SUBJECT OF AGENDA DOCUMENT AMEND AMC 2.30.125 AND 21.50.160 TO ENACT	DATE PREPARED 4/18/06	
	STRICTER SEPARATION IN THE MINIMUM DISTANCE		
	BETWEEN LICENSED PREMISES AND NEARBY CHURCH BUILDINGS OR SCHOOL GROUNDS	Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM	
<b>2</b>	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Anna Fairclough, Chair	
	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY SUSAN B. LUTZ - ASSEMBLY COUNSEL'S OFFICE	HIS/HER PHONE NUMBER 343-4572	
<b>4</b>	<b>COORDINATED WITH AND REVIEWED BY</b>	<b>INITIALS</b>	<b>DATE</b>
	Mayor		
	Municipal Clerk		
	Municipal Attorney		
	Employee Relations		
	Municipal Manager		
	Cultural & Recreational Services		
	Fire		
	Health & Human Services		
	Merrill Field Airport		
	Municipal Light & Power		
	Office of Management and Budget		
	Police		
	Port of Anchorage		
	Public Works		
	Solid Waste Services		
	Transit		
	Water & Wastewater Utility		
	Executive Manager		
	Community Planning & Development		
	Finance, Chief Fiscal Officer		
	Heritage Land Bank		
	Management Information Services		
	Property & Facility Management		
	Purchasing		
	Other		
<b>5</b>	<b>Special Instructions/Comments</b>		
	LAID ON THE TABLE ITEM - CONSENT AGENDA-INTRODUCTION		
<b>6</b>	ASSEMBLY HEARING DATE REQUESTED 4/18/06	<b>7</b>	PUBLIC HEARING DATE REQUESTED

2006 APR 18 PM 1:59  
 JENNIFER O'NEILL

