

Introduced 8/28/07

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Prepared by: Assembly Counsel
Reviewed by: Planning Department
For reading: August 28, 2007

See AO 2007-121(S-1)

ANCHORAGE, ALASKA

AO 2007-121(S)

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 21.40 AND
2 21.50 AND AMENDING ANCHORAGE MUNICIPAL CODE OF REGULATIONS
3 21.20.002 SCHEDULE OF FEES - ZONING TO PROVIDE FOR ADMINISTRATIVE SITE
4 PLAN REVIEW AND APPROVAL OF RESTAURANT OR EATING PLACE ALCOHOLIC
5 BEVERAGE LICENSE USE.
6

7
8 THE ANCHORAGE ASSEMBLY ORDAINS:
9

10 **Section 1.** Anchorage Municipal Code section 21.40.117 is hereby amended to read as
11 follows (*the remainder of the section is not affected and therefore is not set out*):
12

13 **21.40.117 R-11 Turnagain Arm district.**
14

15 *** **

16 B. *Permitted principal uses and structures.* Permitted principal uses and
17 structures are as follows:
18

19 *** **

20 11. Restaurant or eating place alcoholic beverage license use, approved
21 in accordance with administrative site plan review under 21.50.500,
22 provided the principal and accessory uses are permitted non-
23 residential uses within the Turnagain Arm district, pursuant to the
24 Turnagain Arm Comprehensive Plan as amended by the Girdwood
25 Area Plan.
26

27 *** **

28 D. *Conditional uses.* The following uses and structures shall be required to
29 meet the conditions and procedures of the conditional uses and site plan
30 standards and procedures in Section 21.15.030, and in Chapter 21.50, and
31 such other requirements, derived from the standards of the Turnagain Arm
32 Comprehensive Plan, as amended by the Girdwood Area Plan, and this
33 title, as the planning and zoning commission may impose:
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35 *** **

36 8. Uses involving alcoholic beverage sales and dispensing.
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a. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.

*** *** ***

(AO No. 82-162; AO No. 84-34; AO No. 85-28; AO No. 85-78; AO No. 85-91, 10-1-85; AO No. 86-122; AO No. 86-182; AO No. 88-143; AO No. 88-144, 11-26-88; AO No. 88-171(S-1), 12-31-88; AO No. 94-120, § 1, 8-23-94; AO No. 94-238(S), § 3, 2-28-94; AO No. 94-239, § 1, 2-14-95; AO No. 96-118, § 1, 8-22-96; AO No. 96-118, § 1, 8-13-96; AO No. 99-62, § 15, 5-11-99; AO No. 2001-88, § 1, 6-5-01; AO No. 2005-175, § 12, 1-10-06; AO No. 2005-178, § 13, 1-24-06; AO No. 2005-185(S), § 14, 2-28-06; AO No. 2005-124(S-1A), § 17, 4-18-06; AO No. 2006-121, § 8, 9-26-06)

Section 2. Anchorage Municipal Code section 21.40.140 is hereby amended to read as follows *(the remainder of the section is not affected and therefore is not set out)*:

21.40.140 B-1A local and neighborhood business district.

*** *** ***

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

1. Retail uses:

*** *** ***

k. Restaurants, tearooms, cafes and other places serving food or beverages, except conditional uses under subsection D of this section. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.

*** *** ***

D. *Conditional uses.* Subject to the requirements of the conditional use and site plan standards and procedures of this title, the following uses may be permitted:

*** *** ***

9. Restaurants, tearooms, cafes and other places serving food involving the retail sale, dispensing or service of alcoholic beverages, in accordance with Section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site

plan review standards in section 21.50.500.

*** *** ***

(GAAB 21.05.050.J; AO No. 77-355; AO No. 78-28; AO No. 78-169; AO No. 81-67(S); AO No. 81-143; AO No. 83-210; AO No. 85-18; AO No. 85-23; AO No. 85-91, 10-1-85; AO No. 85-173, 3-17-86; AO No. 86-90; AO No. 87-62; AO No. 88-49(S); AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 96-131(S), § 2, 10-22-96; AO No. 99-62, § 17, 5-11-99; AO No. 2005-185(S), § 16, 2-28-06; AO No. 2005-124(S-1A), § 19, 4-18-06)

Section 3. Anchorage Municipal Code section 21.40.145 is hereby amended to read as follows (*the remainder of the section is not affected and therefore is not set out*):

21.40.145 B-1B community business district.

*** *** ***

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

1. Retail uses:

*** *** ***

k. Restaurants, tearooms, cafes and other places serving food or beverages, except conditional uses under subsection D of this section. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.

*** *** ***

D. *Conditional uses.* Subject to the requirements of the conditional use and site plan standards and procedures of this title, the following uses may be permitted:

*** *** ***

11. Uses involving alcoholic beverage retail sale, dispensing or service:

a. Liquor stores, in accordance with Section 21.50.160. [.]

b. Restaurants, tearooms, cafes and other places serving food involving the retail sale, dispensing or service of alcoholic beverages in accordance with Section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review

standards in section 21.50.500.

*** *** ***

(GAAB 21.05.050.J; AO No. 77-355; AO No. 78-28; AO No. 78-169; AO No. 81-67(S); AO No. 81-143; AO No. 83-210; AO No. 85-18; AO No. 85-23; AO No. 85-173, 3-17-86; AO No. 86-90; AO No. 87-62; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 95-68(S-1), § 5, 8-8-95; AO No. 96-131(S), § 3, 10-22-96; AO No. 98-173, § 1, 11-3-98; AO No. 99-62, § 18, 5-11-99; AO No. 2001-80, § 2, 5-8-01; AO No. 2005-185(S), § 17, 2-28-06; AO No. 2005-124(S-1A), § 20, 4-18-06)

Section 4. Anchorage Municipal Code section 21.40.150 is hereby amended to read as follows (*the remainder of the section is not affected and therefore is not set out*):

21.40.150 B-2A central business district core.

*** *** ***

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

1. Principal uses permitted when visible from street level or occupying street level floorspace:

*** *** ***

- i. Restaurants, tearooms, cafes and other places serving food or beverages, except conditional uses under subsection D of this section. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.

*** *** ***

D. *Conditional uses.* Subject to the requirements of the conditional use and site plan standards and procedures of this title, and to the use's conformity to the CBD comprehensive development plan, the following uses may be permitted:

*** *** ***

12. Liquor stores, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with Section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.

*** *** ***

(GAAB 21.05.050.W; AO No. 77-20; AO No. 77-355; AO No. 80-57; AO No. 81-67(S); AO No. 81-72; AO No. 82-49; AO No. 85-173, 3-17-86; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 87-62; AO No. 87-148; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 90-124; AO No. 91-1; AO No. 91-39; AO No. 91-144; AO No. 92-57; AO No. 95-68(S-1), § 6, 8-8-95; AO No. 98-160, § 4, 12-8-98; AO No. 98-188, §§ 1--3, 1-12-99; AO No. 99-62, § 19, 5-11-99; AO No. 99-131, § 7, 10-26-99; AO No. 2001-80, § 3, 5-8-01; AO No. 2005-185(S), § 18, 2-28-06; AO No. 2005-124(S-1A), § 21, 4-18-06; AO No. 2006-49, § 1, 5-16-06)

Section 5. Anchorage Municipal Code section 21.40.160 is hereby amended to read as follows (*the remainder of the section is not affected and therefore is not set out*):

21.40.160 B-2B central business district, intermediate.

*** *** ***

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

1. Retail uses:

*** *** ***

- i. Restaurants, tearooms, cafes and other places serving food or beverages, except conditional uses under subsection D of this section. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.

*** *** ***

D. *Conditional uses.* Subject to the requirements of the conditional use and site plan standards and procedures of this title, the following uses may be permitted:

*** *** ***

13. Liquor stores, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with Section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.

*** *** ***

(GAAB 21.05.050.Y; AO No. 77-20; AO No. 77-355; AO No. 80-57; AO No. 81-67(S); AO No. 81-72; AO No. 82-49; AO No. 85-173, 3-17-86; AO No. 85-91, 10-1-

85; AO No. 86-90; AO No. 87-62; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 90-124; AO No. 91-1; AO No. 91-39; AO No. 91-144; AO No. 92-57; AO No. 95-68(S-1), § 7, 8-8-95; AO No. 96-131(S), § 3, 10-22-96; AO No. 98-160, § 5, 12-8-98; AO No. 98-188, §§ 4--6, 1-12-99; AO No. 99-62, § 20, 5-11-99; AO No. 99-131, § 8, 10-26-99; AO No. 99-149, § 2, 12-14-99; AO No. 2001-80, § 4, 5-8-01; AO No. 2005-185(S), § 19, 2-28-06; AO No. 2005-124(S-1A), § 22, 4-18-06; AO No. 2006-49, § 2, 5-16-06)

Section 6. Anchorage Municipal Code section 21.40.170 is hereby amended to read as follows (*the remainder of the section is not affected and therefore is not set out*):

21.40.170 B-2C central business district, periphery.

*** *** ***

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

1. Retail uses:

*** *** ***

i. Restaurants, tearooms, cafes and other places serving food or beverages, except conditional uses under subsection D of this section. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.

*** *** ***

D. *Conditional uses.* Subject to the requirements of the conditional use and site plan standards and procedures of this title, the following uses may be permitted:

*** *** ***

14. Liquor stores, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages, in accordance with Section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.

*** *** ***

(GAAB 21.05.050.X; AO No. 77-20; AO No. 77-355; AO No. 80-57; AO No. 81-67(S); AO No. 82-49; AO No. 85-173, 3-17-86; AO No. 85-91, 10-1-85; AO No. 86-

90; AO No. 87-62; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 90-124; AO No. 91-1; AO No. 91-39; AO No. 91-144; AO No. 92-57; AO No. 95-68(S-1), § 8, 8-8-95; AO No. 96-131(S), § 3, 10-22-96; AO No. 98-160, § 6, 12-8-98; AO No. 98-173, § 4, 11-3-98; AO No. 98-188, §§ 7--9, 1-12-99; AO No. 99-62, § 21, 5-11-99; AO No. 99-131, § 9, 10-26-99; AO No. 99-149, § 3, 12-14-99; AO No. 2001-80, § 5, 5-8-01; AO No. 2005-185(S), § 20, 2-28-06; AO No. 2005-124(S-1A), § 23, 4-18-06; AO No. 2006-49, § 3, 5-16-06)

Section 7. Anchorage Municipal Code section 21.40.180 is hereby amended to read as follows (*the remainder of the section is not affected and therefore is not set out*):

21.40.180 B-3 general business district.

*** *** ***

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

1. Business, business services, professional services and personal services, including incidental manufacturing or processing of goods for sale at retail or wholesale on the premises, except conditional uses under subsection D of this section and uses prohibited under subsection E of this section.

a. Large retail establishment, subject to public hearing site plan review.

b. Self-storage facility and vehicle storage subject to public hearing site plan review.

c. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.

*** *** ***

D. *Conditional uses.* Subject to the requirements of the conditional use and site plan standards and procedures of this title, the following uses may be permitted:

*** *** ***

8. Liquor stores, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with Section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is

permitted subject to the administrative site plan review standards in section 21.50.500.

*** *** ***

(GAAB 21.05.050.M; AO No. 77-355; AO No. 78-28; AO No. 80-57; AO No. 80-132; AO No. 81-67(S); AO No. 83-209; AO No. 85-18; AO No. 85-91, 10-1-85; AO No. 85-173, 3-17-86; AO No. 86-90; AO No. 86-182; AO No. 87-32; AO No. 87-62; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-26; AO No. 92-114; AO No. 95-68(S-1), § 9, 8-8-95; AO No. 96-107, § 1, 7-30-96; AO No. 96-131(S), § 3, 10-22-96; AO No. 98-160, § 7, 12-8-98; AO No. 99-62, § 22, 5-11-99; AO No. 2001-80, § 6, 5-8-01; AO. No. 2004-108(S), § 3, 10-26-04; AO No. 2005-185(S), § 21, 2-28-06; AO No. 2005-124(S-1A), § 24, 4-18-06)

Section 8. Anchorage Municipal Code section 21.40.190 is hereby amended to read as follows (*the remainder of the section is not affected and therefore is not set out*):

21.40.190 B-4 rural business district.

*** *** ***

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

*** *** ***

2. Commercial-retail uses:

*** *** ***

I. Restaurants, cafes and other places serving food and beverages. Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted in accordance with Section 21.50.160 [BY CONDITIONAL USE ONLY]. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.

*** *** ***

(GAAB 21.05.050.N; AO No. 77-355; AO No. 81-67(S); AO No. 84-41; AO No. 85-18; AO No. 85-23; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 87-32; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 97-78, § 1, 6-3-97; AO No. 98-149(S), § 1, 11-17-98; AO No. 98-160, § 8, 12-8-98; AO No. 99-62, § 23, 5-11-99; AO No. 2001-80, § 7, 5-8-01; AO. No. 2004-108(S), § 4, 10-26-04; AO No. 2005-185(S), § 22, 2-28-06; AO No. 2005-124(S-1A), § 25, 4-18-06)

Section 9. Anchorage Municipal Code section 21.40.200 is hereby amended to read as follows (*the remainder of the section is not affected and therefore is not set out*):

21.40.200 I-1 light industrial district.

*** *** ***

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

1. Commercial uses:

*** *** ***

k. Restaurants, cafes and other places serving food and beverages. Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted in accordance with Section 21.50.160 [BY CONDITIONAL USE ONLY]. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.

*** *** ***

ss. Amusement arcades, billiard parlors and bowling alleys. Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted in accordance with Section 21.50.160 [BY CONDITIONAL USE ONLY]. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.

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(GAAB 21.05.050.O; AO No. 77-355; AO No. 79-95; AO No. 81-67(S); AO No. 82-105; AO No. 84-57; AO No. 85-91, 10-1-85; AO No. 85-95; AO No. 86-50; AO No. 86-90; AO No. 87-32; AO No. 88-147(S-2); AO No. 90-50(S); AO No. 92-114; AO No. 95-68(S-1), § 11, 8-8-95; AO No. 95-76, § 1, 4-4-95; AO No. 95-194, § 1, 1-2-96; AO No. 98-160, § 9, 12-8-98; AO No. 98-173, § 5, 11-3-98; AO No. 99-62, § 24, 5-11-99; AO No. 2001-80, § 8, 5-8-01; AO No. 2004-5, § 1, 1-20-04; AO No. 2004-108(S), § 5, 10-26-04; AO No. 2004-178(am), § 1, 1-25-05; AO No. 2005-9, § 3, 3-1-05; AO No. 2005-185(S), § 23, 2-28-06)

Section 10. Anchorage Municipal Code section 21.40.210 is hereby amended to read as follows (*the remainder of the section is not affected and therefore is not set out*):

21.40.210 I-2 heavy industrial district.

1 *** *** ***
2 B. *Permitted principal uses and structures.* Any legal business, commercial,
3 manufacturing or industrial land use is permitted; provided, however, that
4 residential uses, including dwellings, roominghouses, boardinghouses or
5 lodginghouses, apartment buildings, hotels or motels are prohibited. No use
6 shall be constructed or operated so as to cause excessive noise, vibrations,
7 smoke, dust or humidity, heat or glare at or beyond any boundary of the I-2
8 district in which it is located. The term "excessive" is defined for the purpose
9 of this subsection as to a degree exceeding that caused in their customary
10 manner of operation by uses permitted in the district, or to a degree injurious
11 to the public health, welfare or convenience. Uses involving the retail sale,
12 dispensing or service of alcoholic beverages may be permitted in accordance
13 with Section 21.50.160 [BY CONDITIONAL USE ONLY]. Alcoholic beverage
14 license use for a restaurant or eating place licensed by the State Alcoholic
15 Beverages Control Board to sell beer and wine for consumption only on the
16 licensed premises is permitted subject to the administrative site plan review
17 standards in section 21.50.500. All antennas without tower structures, type 1,
18 2, 3, and 4 community interest and local interest towers as specified in
19 supplementary district regulations.
20

21 *** *** ***
22 D. *Conditional uses.* Subject to the requirements of the conditional use and site
23 plan standards and procedures of this title, the following uses may be permitted:
24

25 *** *** ***
26 5. [PERMITTED] Uses which involve the sale or dispensing of alcoholic
27 beverages may be permitted in accordance with Section 21.50.160.
28 Alcoholic beverage license use for a restaurant or eating place
29 licensed by the State Alcoholic Beverages Control Board to sell beer
30 and wine for consumption only on the licensed premises is permitted
31 subject to the administrative site plan review standards in section
32 21.50.500.
33

34 *** *** ***
35 (GAAB 21.05.050.P; AO No. 77-355; AO No. 85-91, 10-1-85; AO No. 87-32; AO No.
36 91-184; AO No. 93-148, § 4, 11-16-93; AO No. 96-60, § 1, 8-6-96; AO No. 96-125,
37 § 1, 11-12-96; AO No. 97-78, § 2, 6-3-97; AO No. 99-62, § 25, 5-11-99; AO No.
38 2001-80, § 9, 5-8-01; AO No. 2005-185(S), § 24, 2-28-06; AO No. 2005-124(S-1A),
39 § 26, 4-18-06)
40

41 **Section 11.** Anchorage Municipal Code section 21.40.240 is hereby amended to read as
42 follows (*the remainder of the section is not affected and therefore is not set out*):
43

44 **21.40.240 T transition district.**
45
46

*** *** ***

B. *Permitted principal uses and structures.* Residential, business, commercial, industrial, public or quasi-public uses are permitted, except those prohibited uses specified in subsection E of this section, and those permitted only by conditional use as specified in subsection D of this section. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500. All antennas without tower structures, type 1 and 4, local interest towers as specified in supplementary district regulations.

*** *** ***
D. *Conditional uses.* Subject to the requirements of the conditional use and site plan standards and procedures of this title, the following uses may be permitted only as a conditional use:

5. Uses involving alcoholic beverage sales and dispensing. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.

*** *** ***

(GAAB 21.05.050.S; AO No. 77-355; AO No. 79-25; AO No. 85-23; AO No. 85-91, 10-1-85; AO No. 88-59(S); AO No. 88-171(S-1), 12-31-88; AO No. 98-160, § 10, 12-8-98; AO No. 99-62, § 28, 5-11-99; AO No. 2005-185(S), § 26, 2-28-06; AO No. 2005-124(S-1A), § 28, 4-18-06)

Section 12. Anchorage Municipal Code section 21.40.270 is hereby amended to read as follows (*the remainder of the section is not affected and therefore is not set out*):

21.40.270 MC marine commercial district.

*** *** ***

D. *Conditional uses.* Subject to the requirements of the conditional use and site plan standards and procedures of Sections 21.15.030 and 21.50.020, the following uses may be permitted:

2. Conditional uses with general standards in Section chapter 21.50 [040]:

- *** *** ***
d. Liquor stores accessory to a hotel or motel, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with Section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control

Board to sell beer and wine for consumption only on the
licensed premises is permitted subject to the administrative site
plan review standards in section 21.50.500.

*** *** ***

(AO No. 98-160, § 11, 12-8-98; AO No. 99-62, § 30, 5-11-99; AO No. 2006-64(S-1),
§§ 2, 3, 12-12-06)

Section 13. Anchorage Municipal Code section 21.50.160 is hereby amended and a new
subsection is added to read as follows (*subsections G and H are unchanged and set out
for context only; subsections B – F are not affected and therefore is not set out*):

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

A. Unless exempt under subsection G, H or I of this section, a[A]ny use that
includes [, WHETHER PRINCIPAL OR ACCESSORY, INVOLVING] the retail
sale or dispensing of alcoholic beverages is permitted only by conditional
use. The conditional use requirement applies only to the retail sale or
dispensing of alcoholic beverages and not to related principal or accessory
uses [EXCEPT AS PROVIDED IN SUBSECTIONS G AND H BELOW].

*** *** ***

G. Catering and special events permits, issued by the State Alcoholic
Beverages Control Board, and held no more than 12 times in a calendar
year at the same physical location, are exempt from the conditional use
requirements, but shall meet Title 10 requirements.

H. No modification of an existing conditional use for the retail sale or
dispensing of alcoholic beverages shall be required for the first duplicate
liquor license provided:

1. There is no increase in the square footage of the premise licensed
for the retail sale or dispensing of alcoholic beverage; or,
2. If there is an increase in the square footage of the licensed premise,
such increase is:
 - a. 500 square feet or less; or
 - b. Consists of a deck or other similar seasonal outdoor
improvement of less than 500 square feet used less than five
months in any calendar year.
3. If the size of the licensed premise is increased by 500 square feet or
less, or is a temporary outdoor improvement, the licensed business
shall file an Administrative Review Application with the Planning

Department, including a complete site plan. The Administrative Review standards include on-site parking requirements, and off site impacts, such as lighting, noise and traffic.

- I. A restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is subject to the administrative site plan review standards in section 21.50.500, and exempt from the conditional use requirements of 21.50.160, provided the principal and accessory uses are permitted non-residential uses.

(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; AO No. 2005-35, § 1, 3-14-06)

Section 14. Anchorage Municipal Code chapter 21.50 is hereby amended to add a new section 21.50.500, Site plan review standards – Restaurant or eating place alcoholic beverage license use, to read as follows:

21.50.500 Site plan review standards – Restaurant or eating place alcoholic beverage license use.

A. *Administrative site plan review.*

1. *Restaurant or eating place alcoholic beverage license use.* A restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is exempt from the conditional use requirements of 21.50.160 and may be reviewed under this section, provided the principal and accessory uses are permitted non-residential uses.
2. *Contents.* The applicant shall submit a site plan for approval by the director of community planning and development or the director's designee. The site plan shall demonstrate that the use will not have a permanent or negative impact on items listed in this subsection substantially greater than that anticipated from permitted residential development:
 - a. Pedestrian and vehicular traffic circulation and safety, including parking and loading facilities.
 - b. Demand for an availability of public services and facilities.
 - c. Noise pollution, air pollution, water pollution and other forms of environmental pollution.
 - d. Furtherance of the goals and policies of the comprehensive

development plan and conformance to the plan in the manner required by Chapter 21.05.

3. *Procedure for approval.* The director or designee shall take action on the site plan within 45 days of the site plan application submission date. Within 10 days of receipt of the application and at least 30 days before taking action under this section, the director or designee shall publish notice of the application in a newspaper of general circulation in the municipality and invite public comment. The notice shall state the names of the applicants and the legal description of the land subject to the application. Such notice, including a map of the vicinity, shall be provided to any officially recognized community council whose boundary encompasses the petition site and to owners of property within 500 feet of the proposed site.
4. *Appeals.* A decision of the director of community planning and development or the director's designee under this section is final unless appealed within 15 days to the planning and zoning commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners of the privately owned land (excluding rights-of-way) within 500 feet of the outer boundary of the petition site. If an appeal is filed timely, the planning and zoning commission shall hold a public hearing, in accordance with Section 21.15.005, at its next available meeting and apply the standards of this section. An appeal from a decision of the planning and zoning commission may be brought in accordance with Section 21.30.010.B.

Section 15. Anchorage Municipal Code of Regulations section 21.20.002 is hereby amended to read as follows (*the remainder of the section is not affected and therefore is not set out*):

21.20.002 Schedule of fees--Zoning.

A. The following fees shall be paid for the services described:

1.	Rezoning, conditional use or major amendments to conditional use where the gross site area is:	
	*** *** ***	
	f. Conditional use involving sale of alcoholic beverages, [TO OBTAIN A LIQUOR LICENSE] other than restaurant or eating place alcoholic beverage license use:	
	*** *** ***	
	[iv.] [RESTAURANT OR EATING PLACE LICENSE]	[\$0.60/sf]
	*** *** ***	
	[Code Revisor to renumber fees under this subsection f.]	

***	***	***
13.	<u>Restaurant or eating place alcoholic beverage license use – administrative site plan review</u>	<u>\$1,000 plus \$0.60/sf, not to exceed \$4,000 total</u>

(GAAB 21.05.090; AO No. 77-407; AR No. 78-12; AR No. 79-55; AO No. 82-49; AR No. 83-96; AR No. 83-289(S); AR No. 86-63; AR No. 86-99; AR No. 86-263; AR No. 90-151; AO No. 2001-116, § 1, 7-10-01; AO No. 2001-145(S-1), § 23, 12-11-01; AO No. 2003-152S, § 20, 1-1-04; AO No. 2004-23, § 1, 1-1-04; AO No. 2004-151, § 13, 1-1-05; AO No. 2005-18, § 1, 2-15-05; AO No. 2006-35, § 2, 3-14-06; AR. No. 2006-112, § 1, 5-16-06)
Authority--Anchorage Municipal Code 3.40, 21.20.050; AO 77-407.

Section 16. Anchorage Municipal Code section 21.10.015 notwithstanding, this ordinance shall not require Planning Commission review.

Section 17. This ordinance shall be effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2007.

Chair

ATTEST:

Municipal Clerk

Submitted by: DAN COFFEY, CHAIR
Prepared by: DAN COFFEY
Reviewed by: NO ONE
For Reading: 10-9-07

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

NO. AM 636-2007

FROM: DAN COFFEY, CHAIR

SUBJECT: AO N. 2007-121 and 121(S).

Below is a copy of an e-mail sent to the president of one of the Community Councils in my district re: 2007-121 & 121(s). This proposed ordinance deals with land use issues for restaurant eating place licenses. Ordinarily, I would have had this in the form of an Assembly Memorandum accompanying the ordinance, but time and workload prevented that from happening.

I hope and trust that this e-mail will answer your questions.

EMAIL TO CC PRESIDENT

Background information on the process of license transfers (ownership and location), on renewal protests and on the proposed ordinance.

First, the Planning Department is changing the term for alcohol land use permits from conditional use permits. All conditional uses other than those for alcohol are heard by the Planning and Zoning Commission. The only exception is alcohol. Thus, the Planning Department wants to change the name in the new title 21 for clarity.

Second, there are several types of alcohol licenses. There are full service beverage dispensary licenses (many restaurants and all bars). There are package store licenses (Brown Jug, Safeway, Fred Meyers, Value Liquor, etc). There are hotel licenses (50 rooms plus required), which are full service, including in the room service, club licenses (Elks, American

Legion), sports licenses (Sullivan Arena-beer and wine only) and there are restaurant eating place licenses. Note that the ordinance in question only deal with restaurant eating-place licenses.

To acquire or to locate a license in Anchorage, there are two processes, which an applicant has to go through. The first is an ABC Board process. The applicant must go through an ABC Board process, which involves advertising, posting, and notice to the local government (MOA) and to the CCs (the CC in which the license is to be located and the adjacent CCs).

This application is reviewed by the Assembly for all licenses. This is required by state law. The Assembly, for good cause, can object to the issuance or the transfer of a license to a person or a location. Generally, unless the objection is without basis (I recall one such instance), the ABC Board will uphold the objection. The rule requires that the objection not be arbitrary, capricious or unreasonable.

The second process is one required by the MOA. The process for acquiring a license at a new location is a local government land use process. It is now called a conditional use process. Under the new title 21, it will be called an alcohol land use permit. No real difference other than the terminology.

The ordinance to which you refer (121-S) deals ONLY with restaurant and eating place licenses. These are licenses for businesses that are restaurants. This license allows the service of beer and wine with a meal. The ordinance CHANGES NOTHING with regard to beverage dispensary licenses, package stores, clubs, hotels, etc. It only deals with restaurants asking for beer and wine license.

The ordinance does not change the ABC Board transfer of ownership or location process outlined above. Nor does it change the biennial renewal process that is also an ABC Board process.

The renewal process allows the "local governing body", in our case, the Assembly, to protest renewal of a license based on operational failures (over serving, serving a minor, etc) and for non-payment of taxes. Local protests for these reasons are universally upheld. Thus, if there is ever the rare occasion where a restaurant eating place licensee is/has been creating a problem, there is still a venue (in fact the venue which would currently be used) to protest renewal of the license. However, as noted below, we have never experienced any real problems with this type of license or licensee.

What we have found over time is that the Assembly has NEVER, REPEAT NEVER, denied a conditional use for a restaurant eating place license that is located in the correct (business) zoning.

What we have also determined is that these types of licenses (restaurant eating place) are generally supported by the various CCs with few objections.

Finally, we have not experienced any significant issues with restaurant eating-place licenses of the type, which causes public harm and public concern. These are restaurants. These are not bars. Over 50% of the revenue of the business must come from food service.

As a result, the Assembly was spending some time and the applicant and the staff were spending a lot of time and resources making a large production out of something that is a non-issue. Under current practices, the Assembly is presented with 50-80 pages of paper consisting of the application and the staff's analysis. This is in addition to the same amount of paper that we get when we consider the license transfer under the ABC Board process. Remember, there are two processes, so we see these applications twice.

What the ordinance process is that, provided the Assembly approves the transfer of the restaurant eating place license to a person or to a location under the ABC Board process, then it does not have to go through a second process again to issue a

land use permit. The land use permit for the restaurant eating place license can be issued by staff provided the zoning is correct, all appropriate conditions have been met and the Assembly has approved the ABC Board process for the transfer of location.

There is still a public hearing on the transfer of location. There is still an opportunity on renewal to protest renewal. On operational protests, there will still be the one hearing (if necessary) just as occurs today. The change proposed by the ordinance deals only with restaurant eating-place location transfers and basically eliminates the necessity of two hearings.

I trust this gives you the factual and legal background necessary to understand what is being proposed and why and clarifies the intent of the ordinance. Please feel free to circulate this e-mail.

Regards,

Dan K. Coffey
Chairman

END OF E MAIL TO CC PRES

I trust this e-mail is of some assistance to you. I will be happy to answer any further questions or address concerns during deliberation on this proposed ordinance.