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Prepared by: Assembly Counsel
Reviewed by: Planning Department
For reading: October 23, 2007

CLERK'S OFFICE ANCHORAGE, ALASKA
AMENDED AND APPROVED
Date: 10-23-07 AO 2007-121(S-1)

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:
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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*):
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13 **21.40.117 R-11 Turnagain Arm district.**
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15 *** *** ***

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

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

21.40.130 R-O residential-office district.

The following statement of intent and use regulations shall apply in the R-O district:

*** *** ***

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

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2. Hotels, motels and motor lodges on sites with a minimum area of 14,000 square feet, provided that principal access to such uses shall be from streets of class I or greater designation on the official streets and highways plan. Uses involving the sale, dispensing or service of alcoholic beverages may be allowed 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.I; AO No. 77-219; AO No. 77-355; AO No. 78-199; AO No. 80-57; AO No. 81-67(S); AO No. 83-226; AO No. 85-18; AO No. 85-23; AO No. 85-69; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 86-171; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 91-97; AO No. 92-114; AO No. 96-131(S), § 3, 10-22-96; AO No. 99-62, § 16, 5-11-99; AO No. 2003-124(S), § 3, 1-20-04; AO No. 2005-175, § 13, 1-10-06; AO No. 2005-178, § 14, 1-24-06; AO No. 2005-185(S), § 15, 2-

28-06; AO No. 2005-124(S-1A), § 18, 4-18-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06)

Section 3. 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.

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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:

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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.

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(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 4. 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.

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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.

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(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 5. 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 6. 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.

*** *** ***

v. Hotels, excluding 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.

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(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 7. 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.

*** *** ***

v. Hotels, excluding 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.

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(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 8. 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.

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(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 9. 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:

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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.

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- Z. Hotels, motels, motor lodges and sports lodges. 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 10. 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.

*** *** ***

(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 11. 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.

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B. *Permitted principal uses and structures.* Any legal business, commercial, manufacturing or industrial land use is permitted; provided, however, that residential uses, including dwellings, roominghouses, boardinghouses or lodgishouses, apartment buildings, hotels or motels are prohibited. No use shall be constructed or operated so as to cause excessive noise, vibrations, smoke, dust or humidity, heat or glare at or beyond any boundary of the I-2 district in which it is located. The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that caused in their customary manner of operation by uses permitted in the district, or to a degree injurious to the public health, welfare or convenience. Uses involving the retail sale, 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. All antennas without tower structures, type 1, 2, 3, and 4 community interest and 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:

*** *** ***

5. [PERMITTED] Uses which involve the sale or dispensing of alcoholic beverages may be permitted 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.P; AO No. 77-355; AO No. 85-91, 10-1-85; AO No. 87-32; AO No. 91-184; AO No. 93-148, § 4, 11-16-93; AO No. 96-60, § 1, 8-6-96; AO No. 96-125, § 1, 11-12-96; AO No. 97-78, § 2, 6-3-97; AO No. 99-62, § 25, 5-11-99; AO No. 2001-80, § 9, 5-8-01; AO No. 2005-185(S), § 24, 2-28-06; AO No. 2005-124(S-1A), § 26, 4-18-06)

Section 12. Anchorage Municipal Code section 21.40.240 is hereby amended to read as follows *(the remainder of the section is not affected and therefore is not set out)*:

21.40.240 T transition district.

*** *** ***

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 13. 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 14. 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. Restaurant or eating place alcoholic beverage license use is not exempt from the standards in 21.50.020. Requirements imposed by the Assembly when acting on the beer and wine license shall apply.

(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 15. 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 **standards.***
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. **The standards in 21.50.020 shall apply. Requirements imposed by the Assembly when acting on the beer and wine license shall apply. Administrative review under this section is available only after Assembly approval of the restaurant or eating place license for beer and wine.**

2. *Application.* The applicant shall submit a site plan for approval by the director of planning or the director's designee. **The site plan shall demonstrate that the standards in 21.50.020 are met and requirements imposed by the Assembly when acting on the beer and wine license are satisfied.** 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, **provided that no approval shall be issued under this section until after the Assembly has approved the restaurant or eating place license for beer or wine.** 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~~ **Assembly**. 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~~ **Assembly** 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~~ **Assembly** may be brought in accordance with Section 21.30.010.B.

Section 16. 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] <u>other than restaurant or eating place alcoholic beverage license use:</u>	
	*** *** ***	
	[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>	\$1,000 plus \$0.60/sf, not to exceed \$4,000 total

(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.

1 **Section 17.** Anchorage Municipal Code section 21.10.015 notwithstanding, this
2 ordinance shall not require Planning Commission review.
3

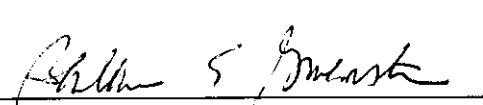
4 **Section 18.** This ordinance shall be effective immediately upon its passage and approval
5 by the Assembly.
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7 PASSED AND APPROVED by the Anchorage Assembly this 23rd day of
8 October, 2007

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Municipal Clerk

AO 2007-121(S-1)

1		SUBJECT OF AGENDA DOCUMENT		DATE PREPARED	
		AMEND AMC 21.40 & 21.50 AND AMENDING		10/12/07	
		AMCR 21.20.002 SCHEDULE OF FEES -ZONING			
		TO PROVIDE ADMINISTRATIVE SITE PLAN REVIEW		Indicate Documents Attached	
		AND APPROVAL OF RESTAURANT OR EATING PLACE		<input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM	
2		DEPARTMENT NAME		DIRECTOR'S NAME	
		Assembly		Dan Coffey, Assembly Chair	
3		THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY		HIS/HER PHONE NUMBER	
		Julia Tucker, Assembly Counsel		343-4419	
4		COORDINATED WITH AND REVIEWED BY		INITIALS	
		Mayor			
		Municipal Clerk			
		Municipal Attorney			
		Employee Relations			
		Municipal Manager			
		Anchorage Parks & Recreation			
		Fire			
		Health & Human Services			
		Merrill Field Airport			
		Municipal Light & Power			
		Office of Management and Budget			
		Police			
		Port of Anchorage			
		Office of Economic & Community Development			
		Solid Waste Services			
		Public Transportation			
		Anchorage Water & Wastewater Utility			
		Executive Manager			
		Planning Department			
		Chief Fiscal Officer			
		Heritage Land Bank			
		Information Technology Department			
		Project Management & Engineering			
		Purchasing			
		Other			
5		Special Instructions/Comments			
		Old Business			
6		ASSEMBLY HEARING DATE REQUESTED		PUBLIC HEARING DATE REQUESTED	
		10/23/07		10/23/07	



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 664-2007

Meeting Date: October 23, 2007

From: Assembly Chair Dan Coffey
Subject: AO 2007-121(S-1) AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 21.40 AND 21.50 AND AMENDING ANCHORAGE MUNICIPAL CODE OF REGULATIONS 21.20.002 SCHEDULE OF FEES - ZONING TO PROVIDE FOR ADMINISTRATIVE SITE PLAN REVIEW AND APPROVAL OF RESTAURANT OR EATING PLACE ALCOHOLIC BEVERAGE LICENSE USE.

Land use is a legislative function. For the most part in Anchorage, this function has been delegated by ordinance to the Planning Department and the Title 21 boards and commissions. One notable exception is land use related to the sale of alcoholic beverages. Current municipal law reserves approval of all land use related to the sale of alcoholic beverages to the Assembly under conditional use. This means that any land use related to the sale of alcohol must be specifically approved by the Assembly, even alcohol use limited to serving beer and wine for consumption during meal service at a restaurant. Municipal code under each zoning district allowing a land use related to a premises licensed for alcoholic beverages now references the conditional use process under 21.50.160, reserved exclusively to the Assembly under 21.50.160B.

This land use approval by the Assembly is a separate process from the actual license to sell alcoholic beverages, which is a state licensing function administered throughout Alaska by the Alcoholic Beverage Control (ABC) Board. The ABC Board process also includes a provision for local governments to approve (by non-objection) or to protest the issuance and transfer of ABC Board licenses. The Assembly's process in reviewing the proposed ABC Board licenses is set out in AMC 2.30.120-130.

Under current Assembly practice, the Assembly must act twice: One action approves the conditional use under Title 21; the other action allows issuance or transfer of the ABC license without local protest under AMC 2.30.120-130.

AO 2007-121(S-1) does not amend the Assembly's review process on the ABC license as set out in AMC 2.30.120-130. The purpose of AO 2007-121(S-1) is to give a limited delegation of authority to the Planning Department to approve the Title 21 land use for beer and wine for consumption during meal service at a restaurant, provided the Assembly has not protested the issuance or transfer of the restaurant's beer and wine license under AMC 2.30.120-130. In case the Assembly's non-objection to the ABC license under 2.30.120-130 is conditional or includes specific requirements, AO 2007-121(S-1) provides that the Planning Department's review and approval must include any requirements imposed by Assembly action on the beer and wine license.

Under AO 2007-121(S-1), a restaurant or eating place may seek land use approval to use a beer and wine license if: 1) land use for a restaurant or eating place is already listed as a permitted use in the zoning district; 2) the conditional use standards in AMC 21.50.020 are met; and 3) any requirements imposed by the Assembly during action on the ABC license are met or included in the Planning Department approval.

1 Although the Assembly is presently required to act twice on each alcohol beverage license use matter, the
2 land use related to offering beer and wine for consumption at a restaurant or other eating place has not
3 been controversial on a policy level. In zoning districts where a restaurant or eating place is already
4 permitted by law, the application for related beer and wine license use is routine. This limited alcohol-
5 related function should be delegated to the Planning Department.
6

7 Sections 1-13 of the ordinance amend code in each zoning district that currently permits land use for
8 restaurants or eating places. Each of these amendments leaves in place the Assembly's conditional use
9 process for all full service (liquor) licensed premises and makes available the Planning review process only
10 for restaurant/eating place beer and wine license use, per a new section 21.50.500.
11

12 Section 14 exempts restaurant/eating place beer and wine license use applications from the Assembly's
13 conditional use process in AMC 21.50.160, but does not exempt these applications from existing
14 conditional use standards in AMC 21.50.020. For internal consistency, Section 14 also references the new
15 section 21.50.500, and mandates that any requirements imposed by the Assembly during its separate
16 review of the ABC licensing shall apply.
17

18 Section 15 of the ordinance is the new section 21.50.500, clarified in the (S-1) version to incorporate the
19 existing conditional use standards of 21.50.020, any additional requirements imposed by the Assembly
20 during review of the ABC licensing, and to provide that the beer and wine land use approval is dependant
21 upon Assembly approval (non-objection) to the ABC state licensing. That is, beer and wine as a land use
22 function cannot be approved by the Planning Department if the Assembly has protested the transfer or
23 issuance of the beer and wine license. Also, if the Assembly's non-objection includes conditions, these
24 must be included by the Planning Department. Subsections under 21.50.500A address: 1) standards
25 (same as conditional use under existing 21.50.020); 2) application; 3) procedure for approval; and 4)
26 appeals. Appeals may be brought by citizens in the area, or by the applicant, and are heard by the
27 Planning and Zoning Commission.
28

29 Section 16 provides the fee for administrative site plan review under the new section 21.50.500.
30

31 Because all land use related to alcohol has been specifically reserved to the Assembly, the code changes
32 in AO 2007-121(S-1) are necessary to delegate a routine piece of this to the Planning Department. The
33 routine piece of alcohol-related land use is limited to beer and wine for consumption on the premises of a
34 restaurant or other eating place. The Planning Department procedure includes notice by publication and
35 mailing to local property owners. The Assembly's review of the issuance or transfer of the state license
36 from the ABC Board is not delegated and remains unchanged. If the Assembly protests the beer and wine
37 license, the beer and wine-related land use cannot be approved. If the Assembly conditions its non-
38 objection of the ABC Board's license, the Planning Department must include the conditions. Beer and wine
39 land use approval for a restaurant/eating place is available from the Planning Department only if the
40 restaurant/eating place use is already permitted in the zoning district under current code.
41

42 Respectfully submitted: _____
43 Assembly Chair, Section 4