

CODE ORDINANCE

Sponsored by: Borough Manager

Introduced: 12/08/22

Public Hearing: 12/20/22

Postponed Indefinitely: 12/20/22

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 22-136**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.60 TO ADD HOURS OF OPERATION FOR MARIJUANA RETAIL FACILITIES AND ADDING ADDITIONAL STANDARDS FOR RETAIL FACILITIES THAT ALLOW ON-SITE CONSUMPTION OF MARIJUANA.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of Section. MSB 17.60.170 is hereby amended as follows:

(A) Marijuana retail facilities shall only be approved upon finding by the commission that the proposed facility is located on a parcel that is appropriate for commercial use. At a minimum, the commission shall consider:

(1) proximity of the proposed use to existing businesses;

(2) proximity to parcels developed for residential use; and

(3) whether roads associated with the proposed use have been, or will be, appropriate for commercial use.

[(B) THE MINIMUM NUMBER OF PARKING SPACES FOR RETAIL FACILITIES SHALL BE ONE SPACE PER 350 SQUARE FEET OF NET FLOOR AREA. EACH PARKING SPACE SHALL BE AT LEAST: 20 FEET IN LENGTH, TEN FEET WIDE, AND HAVE A VERTICAL CLEARANCE OF AT LEAST SEVEN FEET.]

(C) Parking spaces shall be provided to comply with the current Americans with Disabilities Act guidelines.

(E) Parking spaces shall be at least 20 feet in length, ten feet wide, and have a vertical clearance of at least seven feet.

(1) The number of required parking spaces shall be calculated as follows:

(a) one parking space per 350 square-feet for areas that are not designated for marijuana consumption; and

(b) one parking space per 50 square feet for areas designated for marijuana consumption.

(2) In instances where parking standards are in conflict with parking standards of a special land use district, the standards specified in the special land use district shall apply.

(F) Marijuana retail facilities shall not be open to the public between 12:00 a.m. and 8:00 a.m. unless otherwise specified by the Planning Commission. The

Planning Commission may only deviate from the standard hours of operation if unusual conditions exist that make it appropriate to loosen or further restrict the hours of operation.

(G) The applicant shall provide a security plan that includes policies to manage outdoor loitering and consumption of marijuana in unauthorized places.

(H) Setbacks for outdoor marijuana consumption areas shall be at least 100 feet from all property lines and public rights-of-way.

Section 3. Effective date. This ordinance shall take effect upon adoption.

POSTPONED INDEFINITELY by the Matanuska-Susitna Borough Assembly this 20 day of December, 2022.

POSTPONED INDEFINITELY UNANIMOUSLY: Hale, Nowers, McKee, Yundt,
Tew, Sumner, and Bernier