

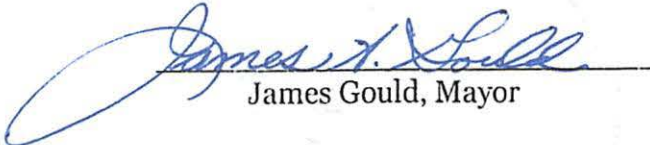
ORDINANCE 17-06-06-01  
CITY OF THORNE BAY

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,  
AMENDING TITLE 17-ZONING, CHAPTERS 17.04 –PLANNING AND ZONING,  
AMENDING SECTION 17.04.015- DEFINITIONS – ADDING 17.04.015 (M-MARIJUANA),  
AND AMENDING SECTIONS 17.04.044 – VARIANCE PROCEDURES, 17.04.045 -  
AMENDMENTS TO ZONING ORDINANCE, ADDING SECTION 17.04.044 - SPECIAL USE  
PERMITS

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA

- Section 1.            Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2.            Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3.            Amendment of Section. The title and chapter of Title 17-Zoning, Chapter 17.04-Planning and Zoning, Sections 17.04.015 – Definitions (M-Marijuana) and amending Section numbers 17.04.044 – Variance procedures, 17.04.045 – Amendments to zoning title including rezoning, Section 17.04.044 – Special use Permits, is hereby amended and added to the Thorne Bay Municipal Code.
- Section 4.            Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED June 6, 2017

  
James Gould, Mayor

ATTEST:  
  
Teri Feibel, City Clerk

[Introduction: May 2, 2017]  
[2<sup>nd</sup> Introduction Reading: May 16, 2017]  
[Public Hearing: June 6, 2017]

Additions are in bold

~~Deletions are stricken~~

TITLE 17 – ZONING  
CHAPTER 17.04 – PLANNING AND ZONING

**17.04.015 Definitions.** Interpretation of words not listed: when a word or term is not specifically stated, the city shall have authority to interpret the meaning based on the most appropriate dictionary definition.

**M**

**“MARIJUANA” MEANS ALL PARTS OF THE PLANT OF THE GENUS CANNABIS WHETHER GROWING OR NOT, THE SEEDS THEREOF, THE RESIN EXTRACTED FROM ANY PART OF THE PLANT, AND EVERY COMPOUND, MANUFACTURED, SLAT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT, ITS SEEDS, OR ITS RESINS, INCLUDING MARIJUANA CONCENTRATE. “MARIJUANA” DOES NOT INCLUDE FIBER PRODUCED FROM THE STALKS. OIL, OR CAKE MADE FROM THE SEEDS OF THE PLANT, STERILIZED SEED OF THE PLANT WHICH IS INCAPABLE OF GERMINATION, OR THE WEIGHT OF ANY OTHER INGREDIENT COMBINED WITH MARIJUANA TO PREPARE TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK, OR OTHER PRODUCTS.**

**“MARIJUANA ESTABLISHMENT” MEANS A MARIJUANA CULTIVATION FACILITY, A MARIJUANA TESTING FACILITY, A MARIJUANA PRODUCT MANUFACTURING FACILITY, OR A RETAIL MARIJUANA STORE.**

**“MARIJUANA CULTIVATION FACILITY” MEANS AN ENTITY REGISTERED TO CULTIVATE, PREPARE, AND PACKAGE MARIJUANA AND TO SELL MARIJUANA TO RETAIL MARIJUANA STORES, TO MARIJUANA PRODUCT MANUFACTURING FACILITY, AND TO OTHER MARIJUANA CULTIVATION FACILITIES, BUT NOT TO CONSUMERS.**

**“MARIJUANA CULTIVATION FACILITY LIMITED” MEANS A MARIJUANA CULTIVATION FACILITY WITH FEWER THAN 500 SQUARE FEET UNDER CULTIVATION.**

**“MARIJUANA PRODUCT MANUFACTURING FACILITY” MEANS AN ENTITY REGISTERED TO PURCHASE MARIJUANA; MANUFACTURE, PREPARE, AND PACKAGE MARIJUANA PRODUCTS; AND SELL MARIJUANA AND MARIJUANA PRODUCTS TO OTHER MARIJUANA PRODUCT MANUFACTURING FACILITIES AND TO RETAIL MARIJUANA STORE, BUT NOT TO CONSUMERS.**

**“MARIJUANA PRODUCT MANUFACTURING FACILITY, EXTRACT ONLY” MEANS AN ENTITY REGISTERED TO PURCHASE MARIJUANA; MANUFACTURE, PREPARE, AND PACKAGE MARIJUANA CONCENTRATE; AND SELL MARIJUANA CONCENTRATE TO OTHER MARIJUANA PRODUCT MANUFACTURING FACILITIES AND T RETAIL MARIJUANA STORE, GUT NOT TO CONSUMERS.**

**“MARIJUANA RETAIL FACILITY” MEANS AN ENTITY REGISTERED TO PURCHASE MARIJUANA FROM MARIJUANA CULTIVATION FACILITIES, TO PURCHASE MARIJUANA AND MARIJUANA PRODUCTS FROM MARIJUANA PRODUCT MANUFACTURING FACILITIES, AND TO SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS.**

**“MARIJUANA TESTING FACILITY” MEANS AN ENTITY REGISTERED TO ANALYZE AND CERTIFY THE SAFETY AND POTENCY OF MARIJUANA.**

**“MARIJUANA PRODUCTS” MEANS CONCENTRATED MARIJUANA PRODUCTS AND MARIJUANA PRODUCTS THAT ARE COMPRISED OF MARIJUANA AND OTHER INGREDIENTS AND ARE INTENDED FOR USE OR CONSUMPTION, SUCH AS, BUT NOT LIMITED TO, EDIBLE PRODUCTS, OINTMENTS, AND TINCTURES.**

**Additions are in bold**

~~Deletions are stricken~~

SECTIONS: 17.04.044 – Special Use Permit

17.04.045 – Variance Procedures

17.04.046 – Amendments to Zoning Title including Rezoning

~~17.04.044 Variance procedure~~ **17.04.044 - SPECIAL USE PERMIT**

**17.04.045** Variance procedure

~~17.04.045~~ Amendments to the zoning title including rezoning.

**17.04.046** Amendments to the zoning title including rezoning.

**17.04.044 SPECIAL USE PERMITS.** A. INTENT. THIS SECTION SHALL GOVERN THE APPROVAL OF ALL CONDITIONAL USE PERMITS FOR THE FOLLOWING USES AND ACTIVITIES AS DEFINED IN THE “MARIJUANA DEFINITIONS”: MARIJUANA ACTIVITY, LICENSED, MARIJUANA CULTIVATION FACILITY, MARIJUANA CULTIVATION FACILITY LIMITED, MARIJUANA PRODUCT MANUFACTURING FACILITY, MARIJUANA PRODUCT MANUFACTURING FACILITY, EXTRACT ONLY, MARIJUANA RETAIL FACILITY, AND MARIJUANA TESTING FACILITY. SUCH USES SHALL ONLY BE APPROVED WHERE THERE ARE NO NEGATIVE IMPACTS THAT EXIST OR WHERE ANY NEGATIVE IMPACTS ARE MITIGATED THROUGH CONDITIONS THAT SHALL MITIGATE ANY POTENTIAL NEGATIVE IMPACTS TO PRESERVE THE PUBLIC’S HEALTH, SAFETY, AND WELFARE.

B. APPLICATION REQUIREMENTS. SAME AS THE REQUIREMENTS SET FORTH FOR A CONDITIONAL USE PERMIT, SECTION 17.04.043.

C. STANDARD REGULATIONS, DIMENSIONS, AND SETBACKS SPECIFIC TO SPECIAL USE PERMITS

1. OWNERS, OPERATORS, AND STAFF OF CONDITIONAL USES SHALL COMPLY WITH ALL STATE AND MUNICIPAL LICENSING REGULATIONS.
2. ALL LICENSED FACILITIES SHALL COMPLY WITH ALL LIFE AND SAFETY REGULATIONS AS PROMULGATED BY LOCAL STATE AND FEDERAL CODES.
3. ALL LICENSED MANUFACTURING AND CULTIVATION USES SHALL PROVIDE A FIRE SAFETY PLAN, MATERIAL HANDLING PLAN, AND COMPLY WITH ALL FIRE SAFETY REGULATIONS THAT SATISFIES THE STATE FIRE MARSHALL OR HIS DESIGNEE.
4. ALL LICENSED FACILITIES AND/OR USES SHALL PROVIDE SCREENING FROM PUBLIC VIEW OF ANY MARIJUANA RELATED COMMERCIAL, RETAIL, CULTIVATION, OR MANUFACTURING USE.
5. ALL LICENSED FACILITIES AND/OR USES SHALL ESTABLISH AN ACTIVE SALES ACCOUNT AND BUSINESS REGISTRATION WITH THE CITY AND STATE OF ALASKA AND SHALL COMPLY WITH ALL STANDARD AND REQUIRED ACCOUNTING PRACTICES.
6. IT SHALL BE A STANDARD REGULATION THAT ALL CONDITIONAL USES COMPLY WITH ALL APPLICABLE CITY AND STATE REGULATIONS AND

**LICENSING LAWS OR IT SHALL BE DEEMED TO ABANDON AND EXTINGUISH ANY ASSOCIATED CITY AND STATE LICENSE OR CITY CONDITIONAL USE.**

- 7. ALL APPROVED CONDITIONAL USE PERMITS SHALL COMPLY WITH ALL CITY OF THORNE BAY MUNICIPAL CODES, RULES AND REGULATIONS OR SHALL BE DEEMED TO ABANDON AND EXTINGUISH ANY ASSOCIATED CITY AND STATE LICENSE OR CITY CONDITIONAL USE PERMIT.**
- D. ALL PROPOSED LICENSED FACILITIES AND/OR USES FOR A CONDITIONAL USE AT A SPECIFIC LOCATION SHALL BE REVIEWED ACCORDING TO THE FOLLOWING OBJECTIVE CRITERIA TO DETERMINE WHETHER THE PROPOSED USE PRESENTS ANY NEGATIVE IMPACTS TO THE PUBLIC'S HEALTH, SAFETY, AND WELFARE.**
- 1. ALL CRITERIAL LISTED IN THE TITLE 17, ZONING CODE, IN REFERENCE TO; THE SPECIFIC ZONE THE PROPOSED USE IS TO BE LOCATED IN, THE TYPE OF USE AND ALL CONDITIONAL USE STANDARDS.**
  - 2. ANY IMPACT OR CRITERIA THAT SURFACES THROUGH PUBLIC COMMENT, CITY STAFF REVIEW, OR PLANNING COMMISSION REVIEW.**
- E. UPON REVIEW AND CONSIDERATIONS OF THE REQUIRE CRITERIA, THE PLANNING COMMISSION SHALL DETERMINE WHETHER THE PROPOSED USE(S) AT THE PROPOSED PROJECT LOCATION ARE FOUND TO NOT PRESENT A NEGATIVE IMPACT TO THE PUBLIC'S HEALTH, SAFETY, AND WELFARE.**
- 1. IF THE PROPOSED PROJECT DOES NOT PRESENT A NEGATIVE IMPACT THEN THE PROPOSED USE SHALL BE APPROVED WITH ALL THE STANDARD REGULATIONS AND REQUIREMENTS BASED ON THE SPECIFIC ZONING.**
  - 2. IF THE PLANNING COMMISSION FINDS NEGATIVE IMPACTS ARE PRESENT, THE PLANNING COMMISSION SHALL ONLY APPROVE CONDITIONAL USE PERMITS WHERE THE NEGATIVE IMPACTS CAN BE ADEQUATELY MITIGATED BY CONDITIONS OF APPROVAL THAT PRESERVE THE PUBLIC'S HEALTH, SAFETY, AND WELFARE. THESE CONDITIONS OF APPROVAL SHALL BE CASE BY CASE SPECIFIC AND IN ADDITION TO THE STANDARD REGULATIONS AND REQUIREMENTS.**
  - 3. IF NEGATIVE IMPACTS TO THE PUBLIC'S HEALTH, SAFETY, AND WELFARE CANNOT BE MITIGATED THROUGH CONDITIONS OF APPROVAL THEN THE PLANNING COMMISSION SHALL DENY THE PROPOSED CONDITIONAL USE PERMIT.**