

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2025-XX

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 10, "PUBLIC PEACE, SAFETY AND MORALS", AND TITLE 22, "ZONING" OF THE SITKA GENERAL CODE BY MODIFYING CERTAIN SECTIONS THROUGHOUT THESE TITLES TO ADD AND REGULATE ONSITE MARIJUANA CONSUMPTION FACILITIES

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

2. SEVERABILITY. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. PURPOSE. The purpose of this ordinance is to add and regulate onsite marijuana consumption facilities in the Sitka General Code in accordance with applicable State of Alaska statutes and administrative codes. The proposed changes will define an onsite marijuana consumption facility, identify which zoning districts such an establishment could operate in, prescribe the conditional use permit process for those applying to operate an onsite marijuana consumption facility, and exempt consumption of marijuana and marijuana products at an onsite marijuana consumption facility from the general prohibition of public consumption of marijuana.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 10 and Title 22, be amended by modifying Chapter 10.25 entitled "Marijuana", Chapter 22.05 "Definitions", Chapter 22.16 "District Regulations" and Chapter 22.25 entitled "Special Use Permits" to read as follows (deleted language stricken, new language underlined):

**Title 10
PUBLIC PEACE, SAFETY AND MORALS**

Division III. Offenses Against Public Decency

Chapters:

10.20 Gambling
10.25 Marijuana

Article I. Public Consumption

10.25.010 Public consumption.

A. Pursuant to AS 17.38.040, public consumption of marijuana is prohibited. A person who violates this law is guilty of a violation punishable by a fine of up to \$100.00. An exception is

made for onsite marijuana consumption facilities as defined in SGC 22.05.1000 that operate under an approved conditional use permit.

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Title 22 ZONING

Chapters:

- 22.05 General Provisions
- 22.10 Definitions
- 22.15 Zoning Maps and Boundaries
- 22.16 District Regulations
- 22.20 Supplemental District Regulations and Development Standards
- 22.25 Special Use Permits
- 22.30 Zoning Code Administration

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Chapter 22.05 Definitions

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22.05.1000 Marijuana.

“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, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, 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, or an onsite marijuana consumption facility.

C. “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 facilities, and to other marijuana cultivation facilities, but not to consumers.

D. “Marijuana cultivation facility, limited” means a marijuana cultivation facility with fewer than five hundred square feet under cultivation.

E. “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 stores, but not to consumers.

F. "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 to retail marijuana stores, but not to consumers.

G. "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.

H. "Marijuana testing facility" means an entity registered to analyze and certify the safety and potency of marijuana.

I. "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.

J. "Onsite marijuana consumption facility" means a marijuana retail facility that is authorized to sell marijuana and marijuana products for onsite consumption at the time of purchase and only in an area designated as the consumption area. Onsite marijuana consumption facilities may not allow any person to consume, or bring into the designated consumption area, marijuana or marijuana products that were not purchased at the marijuana retail facility. The designated consumption area may be indoors or outdoors.

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Chapter 22.16 DISTRICT REGULATIONS

Sections:

22.16.010 Generally.

22.16.015 Permitted, conditional and prohibited uses.

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22.16.015 Permitted, conditional and prohibited uses.

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**Table 22.16.015-6
Retail and Business Uses**

ZONES	P (1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (8)	C-1	C-2	WD (2)	I (3)	GI (4)	LI (4)	R	OS	GP	C (10)
RETAIL USES																			
• Building, hardware and garden materials										P	P		P	C	C			P	
• Bulk forest products sales									P	P	P	P	P	P				P	

ZONES	P (1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (8)	C-1	C-2	WD (2)	I (3)	GI (4)	LI (4)	R	OS	GP	C (10)
• Retail forest products sales										P	P	P	P					C	
• Art galleries and sales of art									P	P	P	P							
• Department and variety stores									P	P	P	P(5)		C	C				
• Food stores									P	P	P	P(5)		C	C	C(6)		C	
• Agricultural product sales										P	P		P	C	C			P	
• Motor vehicle and boat dealers									P(7)	P	P	P(5)		C				P	
• Auto supply stores									P	P	P			C	C			P	
• Gasoline service stations									C	P	P		P	C	C			C	
• Apparel and accessory stores									P	P	P	P(5)		C	C				
• Furniture and home furnishing stores									P	P	P			C				C	
• Eating and drinking places									P	P	P	P	C	PU/ CS	C			C	
• Drug stores									P	P	P			C	C				
• Liquor stores									P	P	P	P(5)		C	C				
• Used goods, secondhand stores									P	P	P	P(5)		C	C			C	
• Sporting goods									P	P	P	P(5)		C	C				
• Book, stationery, video and art supply									P	P	P	P(5)		C	C				
• Jewelry stores									P	P	P	P(5)		C	C				
• Monuments, tombstones and gravestones									P	P	P		P	C	C			P	
• Hobby, toy, game stores									P	P	P			C	C				
• Photographic and electronic stores									P	P	P	P(5)		C	C				

ZONES	P (1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (8)	C-1	C-2	WD (2)	I (3)	GI (4)	LI (4)	R	OS	GP	C (10)
• Fabric stores									P	P	P			C	C				
• Fuel dealers										P	P		P	C	C			C	
• Florists									P	P	P			C	C				
• Medical supply stores									P	P	P			C	C				
• Pet shops									P	P	P			C	C				
• Sales of goods that are wholly manufactured at Gary Paxton industrial park GPIP																		P	
• Sales of gifts, souvenirs and promotional materials that bear the logo or trade name of a GPIP permitted use business																		P	
• Stand alone souvenir and gift shops									P	P	P	P							
• Bulk retail										P	P			C	C				
• Commercial home horticulture	P	C	C	C(9)	C(9)		C(9)	C(9)	P	P	P	P		PU/ CS(9)	C(9)	P	P		
• Horticulture and related structures	P								P	P	P	P						P	
• Marijuana retail facility									C	C	C	C	C	C	C			C	
• <u>Onsite marijuana consumption facility</u>									<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>			<u>C</u>	
BUSINESS SERVICES																		P	
• General business services									P	P	P	P(5)	P	C	C			C	
• Professional offices							C	C	P	P	P	P(5)		C	C			P	

ZONES	P (1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (8)	C-1	C-2	WD (2)	I (3)	GI (4)	LI (4)	R	OS	GP	C (10)
• Communications services									P	P	P	P(5)		C	C			P	
• Research and development services									C	P	P	C(5)	P	C	C			P	

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Chapter 22.25 SPECIAL USE PERMITS

Sections:

- 22.25.005 General.
- 22.25.010 Conditional uses.
- 22.25.020 Variances.
- 22.25.025 Commercial home horticulture permits.
- 22.25.026 Marijuana conditional use permits.
- 22.25.030 Planned unit developments.
- 22.25.040 Binding site plan approval.
- 22.25.050 Nonconforming use permit.

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22.25.026 Marijuana conditional use permits.

A. *Intent.* This section shall govern the approval of all conditional use permits for the following uses defined as: SGC 22.05.1000, marijuana establishment; marijuana cultivation facility; marijuana cultivation facility, limited; marijuana product manufacturing facility; marijuana product manufacturing facility, extract only; marijuana retail facility; **and** marijuana testing facility; **and onsite marijuana consumption 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 conditional use application in Table 22.25.010-1.

C. *Standard Regulations, Dimensions, and Setbacks.*

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 the municipal building official.
3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfy the fire marshal or their designee and the building official.

4. All licensed facilities and/or uses shall provide screening from public view of any marijuana-related commercial, retail, **consumption**, cultivation, or manufacturing use.

5. All licensed facilities and/or uses shall establish an active sales account and business registration with the municipality 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 state regulations and licensing laws or it shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.

7. All approved conditional use permits shall comply with all of the Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.

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5. EFFECTIVE DATE. This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska, this 29th day of May, 2025.

Steven Eisenbeisz, Mayor

ATTEST:

Sara Peterson, MMC
Municipal Clerk

1st reading: 5/13/2025

2nd and final reading: 5/29/2025