

Introduced by: Planning Commission  
Date: August 9, 2016  
Public Hearing: August 23, 2016  
Action: Adopted  
Vote: 5-0

*CITY OF BETHEL, ALASKA*

**Ordinance #16-23**

**AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING CHAPTER 18.36.030 OF THE BETHEL MUNICIPAL CODE TO ADD INDOOR MARIJUANA CULTIVATION FACILITIES, ~~STANDARD MARIJUANA PRODUCT MANUFACTURING FACILITIES~~, MARIJUANA TESTING FACILITIES, AND MARIJUANA RETAIL STORES AS CONDITIONAL USE PERMIT DESIGNATIONS IN THE GENERAL USE ZONING DISTRICT**

**WHEREAS**, Bethel Municipal Code (BMC) Section 5.10.070 states that all marijuana establishments including but not limited to cultivation, manufacturing, testing, and retail stores are permitted only by a Conditional Use Permit; and

**WHEREAS**, the Conditional Use Permit provides additional review of land uses which are generally considered appropriate in certain zoning districts provided that appropriate safeguards are considered to ensure their compatibility with permitted principal uses; and

**WHEREAS**, conditional uses are identified in specific zoning districts described in BMC Chapter 18; and

**WHEREAS**, the General Use District is intended to allow a mix of compatible residential and commercial uses; and

**WHEREAS**, the Planning Commission has reviewed BMC Title 18 and has considered staff findings regarding the compatibility of marijuana facilities in Bethel zoning districts and recommends that indoor marijuana cultivation facilities, ~~standard marijuana product manufacturing facilities~~, marijuana testing facilities, and marijuana retail stores shall be allowed in the City of Bethel General Use District, and that these uses be added as Conditional Use designations in Section 18.36.030 , General Use District Conditional Uses; and

**THEREFORE, BE IT ORDAINED** by the City Council of Bethel, Alaska, that: Indoor marijuana cultivation facilities, ~~standard marijuana product manufacturing facilities~~, marijuana testing facilities, and marijuana retail stores shall be allowed in the City of Bethel General Use District, and that they be added as Conditional Use designations in Section 18.36.030 (General Use District Conditional Uses).

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**SECTION 1. Classification.** This ordinance is of a permanent nature and shall be codified in the Bethel Municipal Code.

**SECTION 2. Amendment.** Section 18.36.30 of the Bethel Municipal Code is amended as follows (new language is underlined):

***Chapter 18.36***  
***GENERAL USE DISTRICT – GU DISTRICT***

Sections:

- 18.36.010 Intent.
- 18.36.020 Permitted and principal uses and structures.
- 18.36.030 Conditional uses.
- 18.36.040 Minimum lot size.
- 18.36.050 Minimum setback requirements.
- 18.36.060 Maximum height of structure
- 18.36.070 Minimum Requirements for Marijuana Facilities,

**18.36.010 Intent.**

The general use district is intended to allow a mix of compatible residential and commercial uses. Noxious, injurious, or hazardous uses shall not be permitted in the GU district.

**18.36.020 Permitted and principal uses and structures.**

The following are permitted and principal uses and structures in the GU district:

- A. Trails and boardwalks.
- B. Non-motorized public access areas to the Kuskokwim River or other areas that require public access.
- C. Single-family dwelling units.
- D. Duplex uses.
- E. Greenbelts and land reserves.

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F. Subsistence activities.

G. Any accessory use or structure associated with the principal use or structure on the lot. The use of a freezer van as a residential unit is specifically prohibited, but its use as an accessory structure for storage is not prohibited.

H. The facilities of sewer, water and other utilities.

I. All uses listed as conditional uses in the PLI district.

J. Triplexes and apartment buildings.

K. Commercial uses and structures, including:

1. Delicatessens, meat, seafood, and other food specialty shops.
2. Art and picture framing shops.
3. Shoe repair shops.
4. Bookstores, stationery, gift, novelty, souvenir, and card shops.
5. Drug stores.
6. Laundry and dry cleaning shops.
7. Beauty and barber shops.
8. Cafes, restaurants, drive-in and fast-food restaurants, and other places serving food and beverages.
9. Knit shops, yarn shops, dry goods, dressmaking and notions stores.
10. Small appliance repair shops.
11. Photography studios, art studios.
12. Sporting goods stores, bicycle sale shops.
13. Business, professional, and administrative offices.
14. Day care facilities.
15. Video stores.

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16. Clothing, apparel, and shoe stores.
17. Hobby store.
18. Florist.
19. Tobacco store.
20. Wholesaling and distribution operations, including incidental assembly or processing of goods for sale at retail or wholesale on the premises, but not to include yards for storage or display of any scrap, junk, or salvaged materials or for any scrap or salvage operations.
21. Jewelry stores.
22. General merchandising store.
23. Wholesale and retail camera and photographic supply stores.
24. Funeral services, including crematoriums.
25. Motion picture theaters and live theaters.
26. Banking and financial institutions.
27. Medical and health services.
28. Business service establishments, including office supply and printing and publishing establishments.
29. Parking lots.
30. Taxicab and dispatching offices.
31. Hotels, motels, hostels, bed and breakfasts, bunk houses and boarding houses.
32. Radio and television studios.
33. Plumbing and heating service and equipment dealers.
34. Paint, glass and wallpaper stores.
35. Electrical or electronic appliances, parts and equipment.

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36. Gasoline service stations.
37. Aircraft and marine parts and equipment stores, and outboard motor repair.
38. Antiques and secondhand stores, including auctions, pawnshops.
39. Automotive accessories, parts and equipment stores.
40. Automotive repair, services and garages.
41. Motor vehicle dealers, new and used.
42. Wholesale and retail fur repair, storage, and sales.
43. Automobile display lots, new and used.
44. Lumber yards and builders supply stores.
45. Nurseries and garden supply stores.
46. Automobile car washes.
47. Air passenger terminals.
48. Amusement arcades, billiard parlors, bowling alleys, roller and ice skating rinks.
49. Veterinary clinics and boarding kennels, with activities conducted in a completely enclosed building.
50. Vocational or trade schools.
51. Wholesale and retail furniture and home finishing stores.
52. Wholesale and retail radio and television stores.
53. Wholesale and retail household appliance stores.
54. Wholesale, industrial, and retail hardware stores.
55. Merchandise vending machines sales and service.
56. Frozen food lockers.
57. All-terrain vehicles remodeling or repair.

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- 58. Boat building.
- 59. Sign shops.
- 60. Cabinet shops.
- 61. Cleaning, laundry or dyeing plants.
- 62. Other commercial uses of a character similar to those uses listed in this section.

### **18.36.030 Conditional uses.**

The following uses and structures are permitted in the GU district under the terms of a conditional use permit:

- A. Industrial uses permitted in the I district.
- B. Radio and television towers and antennas, but not including amateur radio and citizen band radio antennas that are accessory to the principal use of the lot.
- C. Landing strips and air taxi services.
- D. Planned unit developments. [Ord. 01-05 § 8.]
- E. Alcohol Sales and Dispensing
- F. Indoor Marijuana Cultivation Facilities (within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof and doors).
- G. ~~Standard Marijuana Product Manufacturing Facilities (manufacture, refine, process, cook, package, label, or store marijuana product. No production of marijuana concentrate is allowed).~~
- G. Marijuana Testing Facilities
- H. Marijuana Retail Store

### **18.36.040 Minimum lot size.**

The minimum lot size in the GU district is seven thousand (7,000) square feet.

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**18.36.050 Minimum setback requirements.**

Structures, other than minor structures, in the GU district shall be set back from property lines to provide yards as follows:

- A. Front yard: Fifteen (15) feet.
- B. Side yard: Ten (10) feet.
- C. Rear yard: Ten (10) feet.
- D. Twenty-five (25) feet from the mean high water mark of any drainage or lake.

**18.36.060 Maximum height of structure.**

The height of a structure in the GU district is not restricted except as may be limited under airport height restrictions applied under BMC [18.48.250](#) through [18.48.270](#).


**18.36.070 Minimum Requirements for Marijuana Facilities,**

A. Indoor cultivation facilities must be fully enclosed and secure. If the facilities will be a greenhouse, in addition to the need to be fully enclosed and secure, the greenhouse must have rigid walls, a roof and doors.

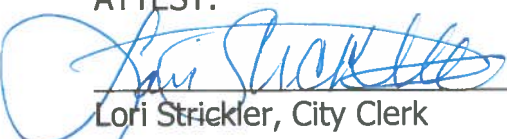
B. Outdoor cultivation facilities must be obscured from public view either by a sight obscuring wall or a fence at least six feet in height

**SECTION 2. Effective Date.** This ordinance shall become effective immediately upon passage by the City Council.

**ENACTED THIS 23<sup>rd</sup> DAY OF AUGUST 2016, BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED.**

  
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Richard Robb, Mayor

ATTEST:

  
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Lori Strickler, City Clerk