

# KENAI PENINSULA BOROUGH

## Kenai Peninsula Borough Assembly

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Blaine Gilman, Assembly President  
Brent Johnson, Vice President

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### MEMORANDUM

**TO:** Blaine Gilman, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Dale Bagley, Assembly Member *DLB*

**DATE:** February 2, 2016

**SUBJECT:** Amendment to Ordinance 2016-03, Local Option Zones

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I am concerned that restricting land use permits issued under KPB 21.25 within 500 feet of a local option zone will continue the problem of people using local option zones to stop other property owners from using their property for otherwise allowed uses. Therefore, I propose the following amendment to this ordinance:

➤ Amend Section 1, KPB 21.44.040 as shown in bold below:

**21.44.040. – [AREA AND PETITION] Formation requirements.**

A. Except as otherwise provided, the minimum area that may be included in [A LOCAL OPTION ZONING DISTRICT] an LOZD is 12 lots. [THE MINIMUM AREA THAT MAY BE INCLUDED IN A LOCAL OPTION ZONING DISTRICT IN AN INDUSTRIAL DISTRICT AS DESCRIBED IN KPB 21.44.200 IS SIX LOTS.] At least [THIRTY] 30 percent of the lots within a proposed R-W district must be [DIRECTLY ADJACENT TO THE] waterfront lots. [TWO-THIRDS OF THE PARCELS WITHIN THE PROPOSED DISTRICT MUST BE OF THE AVERAGE SIZE PREVAILING WITHIN THE PROPOSED DISTRICT. HOWEVER, DISTRICTS WITH DISPARATE PARCEL SIZES MAY BE FORMED WHERE 100 PERCENT OF THE PARCELS VOTE IN FAVOR OF THE DISTRICT.] Lots [AND PARCELS] in [A PETITION AREA] an LOZD must be contiguous [OR] and separated only by a street, alley, right-of-way, or easement. [PETITIONERS SHALL COORDINATE WITH T]The Planning Department [TO DESIGNATE APPROPRIATE DISTRICTS] shall create a proposed local option zoning map for a proposed district based on land use, location, access, soils, topography, availability of utilities, encumbrances and permits. [CONDITIONAL LAND USES GOVERNED BY KPB 21.25.040 SHALL NOT BE PERMITTED WITHIN A 500-FOOT RADIUS OF THE BOUNDARY OF AN LOZD. AN LOZD MAY BE ESTABLISHED WITHIN A 500-FOOT RADIUS OF AN EXISTING KPB 21.25.040 CONDITIONAL LAND USE PERMIT. THE 500-FOOT RADIUS IS MEASURED FROM PARCEL BOUNDARIES.]