

Introduced by: Welles
Date: 04/05/16
Hearing: 05/03/16
Action: Failed as Amended
Vote: 3 Yes, 6 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2016-12**

AN ORDINANCE AMENDING KPB 7.30.020 TO CHANGE THE WAY MINIMUM DISTANCES ARE MEASURED BETWEEN MARIJUANA ESTABLISHMENTS AND SCHOOLS, CHURCHES AND CORRECTIONAL FACILITIES

WHEREAS, the distance between marijuana establishments and schools, recreation and youth centers, and places where religious services are conducted should be measured by the shortest distance between the premises property line and the outer parcel boundary of the other property as this is administratively easier to measure and will maximize the distances; and

WHEREAS, at its meeting of April 11, 2016 the Planning Commission recommended the assembly not enact Ordinance 2016-12 by unanimous consent;

WHEREAS, at its meeting of April 21, 2016 the Marijuana Task Force recommended the assembly not enact Ordinance 2016-12 by majority consent;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That KPB 7.30.020(B) is hereby amended as follows:

...

B. Marijuana establishments shall not:

1. be located within 1,000 feet of any school. The distance specified in this subsection must be measured by the shortest [PEDESTRIAN ROUTE FROM THE PUBLIC ENTRANCE OF THE BUILDING IN WHICH THE LICENSED PREMISES WOULD BE LOCATED TO] distance between the licensed premise's property line and the outer parcel boundaries of the school.
2. be located within 500 feet of a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility. The distance specified in this subsection must be measured by the shortest [PEDESTRIAN ROUTE FROM THE PUBLIC ENTRANCE OF THE BUILDING IN WHICH THE LICENSED PREMISES WOULD BE LOCATED TO] distance between the licensed premise's property line and the outer parcel boundaries of the recreation or

youth center, or the [MAIN PUBLIC ENTRANCE] outer parcel boundaries of the building in which religious services are regularly conducted, or those of the correctional facility.

3. be located within a local option zoning district.

SECTION 2. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF MAY, 2016.

Blaine Gilman, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes: Johnson, Welles, Gilman

No: Bagley, Cooper, Dunne, Holmdahl, Knopp, Ogle

Absent: None