

# KENAI PENINSULA BOROUGH

## Kenai Peninsula Borough Assembly

144 North Binkley Street  
Soldotna, AK 99669  
Phone 907-714-2160  
Fax 907-714-2388

Blaine Gilman, Assembly President  
Brent Johnson, Vice President

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### MEMORANDUM

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

**FROM:** Stan Welles, Assembly Member *SW*

**DATE:** February 23, 2016

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

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I propose the following amendment to this ordinance:

- Amend Section 1, KPB 21.44.040(A) as shown in **bold and underline** and **[BOLD, SMALL CAPS, BRACKETED]** as follows:

**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] Commercial marijuana establishments shall be prohibited** 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**.