

KENAI PENINSULA BOROUGH

Kenai Peninsula Borough Assembly

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Blaine Gilman, Assembly President
Brent Johnson, Vice President

MEMORANDUM

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

FROM: Stan Welles, Assembly Member *(SW) for S.W.*

DATE: March 24, 2016

RE: Amendment to Ordinance 2016-03, Local Option Zoning Districts (LOZD)

A number of people do not want marijuana establishments in their neighborhoods but they also do not want zoning. Therefore, I am proposing an amendment to ordinance 2016-03 which only prohibits commercial marijuana establishments in an LOZD known as the Prohibited Marijuana Establishment District. The other attributes of zoning such as restrictions on commercial uses and setbacks are not applicable in this zone, its sole purpose is to provide a mechanism for property owners to protect their area from marijuana businesses. A five acre maximum lot size is proposed as this is consistent with the single family residential and mixed use district LOZDs. The maximum lot acreage will also assist the planning department in configuring the zone. The owner of a larger lot may still opt into the zone as allowed by proposed ordinance 2016-03.

- Amend Section 1 of the ordinance to add a new section to chapter 21.44 numbered 21.44.215 entitled Prohibited Marijuana Establishment District which reads as follows:

21.44.215 Prohibited Marijuana Establishment District (P-MED)

- A. Marijuana establishments as defined by KPB 7.30.900 are prohibited in this district.
- B. There is no minimum lot size. The maximum lot size is 5 acres.

- Amend Section 1 to add a reference to the new Prohibited Marijuana Establishment District local option zoning district in KPB 21.44.040(B)(2) as shown in **bold** below:

21.44.040(B)(2)

- B. An LOZD may be initiated by the record owners of at least six lots within the proposed LOZD filing an application to form an LOZD. The applicants shall be owners of parcels

proposed for regulation. The formation of the LOZD may include portions of subdivisions. The [PETITION] application shall:

...

2. set forth whether the district will form a R-1, R-2, R-R, R-W, [OR] R-M or P-MED, c-3, I, OR R-C] zone [INCLUDING A COPY OF THE STANDARDS FOR THE APPLICABLE ZONE], and

- Add a new section to include the Prohibited Marijuana Establishment District to KPB chapter 21.46:

21.46.125. Prohibited Marijuana Establishment (P-MED) District.

A. The following Prohibited Marijuana Establishment Districts and official maps are hereby adopted:

1.

- Amend section 9 to add the Prohibited Marijuana Establishment District to the table in KPB 21.50.050:

KPB 21.44.215(A)(B)	Prohibited Marijuana Establishment	\$300.00
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