

Introduced by: O'Reilly

Date: September 19, 1978
Hearing: October 31, 1978
Vote: 108 "Yes", 18 "No"
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 78-54

AN ORDINANCE AMENDING CERTAIN PORTIONS OF THE KENAI MUNICIPAL DISTRICT ZONING CODE WITH REGARD TO PERMITTED USES AND ADMINISTRATIVE PROCEDURES.

WHEREAS, the Kenai Municipal District Zoning Code has not been revised since 1975; and

WHEREAS, the Advisory Planning and Zoning Commission of the City of Kenai and the Kenai City Council have recommended to the Borough Planning and Zoning Commission that certain changes be made to the Kenai Municipal District Zoning Code; and

WHEREAS, the Kenai Peninsula Borough Planning and Zoning Commission has recommended that the Kenai Municipal District Zoning Code be amended in order to reflect revised density and usage standards and certain administrative simplifications,

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

Section 1. That Section 21.76.070 (B) (2) (b) is hereby repealed, and that subparagraphs (c) and (d) shall be renumbered as subparagraphs (b) and (c) respectively.

Section 2. That subsection 21.76.070 (C) (1) be amended to read as follows:

Minimum Lot Area - Lots must contain a minimum of 40,000 sq. feet, if public water and/or public sewer service is (are) available, the minimum lot size is 20,000 sq. feet.

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Section 3. That subsection 21.76.070 (C) (3) (d) is hereby repealed.

Section 4. That subsection 21.76.070 (C) (4) is amended to read as follows:

Maximum lot coverage--30%.

Section 5. That the Kenai Peninsula Borough Code of ordinances is hereby amended by adding a new subsection to be numbered 21.76.070 (C) (6) which shall read as follows:

6. Maximum height--2-1/2 stories, or 35 feet, whichever is less.

Section 6. That subsection 21.76.080 (B) (2) (b) is hereby repealed, and that subsections (c) and (d) shall be renumbered as subsections (b) and (c) respectively.

Section 7. That Section 21.76.080 (C) (4) is hereby amended to read as follows:

4. Maximum lot coverage--30%.

Section 8. That the Kenai Peninsula Borough Code of ordinances is hereby amended by adding a new subsection to be numbered 21.76.080 (C) (7), which shall read as follows:

7. Maximum height--2-1/2 stories or 35 feet, whichever is less.

Section 9. That Section 21.76.090 (B) (2) is amended to read as follows:

2. Secondary uses--The secondary use permitted under this subsection shall be the same secondary uses as are permitted in the RR zone.

Section 10. That Section 21.76.110 (A) is amended to read as follows:

A. Intent. The CG zone is established to provide for areas where a broad range of retail, wholesale and service establishments is desirable. Uses are regulated to concentrate commercial development to the greatest extent possible and to prevent any uses which would have an adverse effect upon nearby properties. New single and two-family

residential uses and other non-commercial uses except as otherwise provided in this chapter are not permitted in this zone as principal uses because it is intended that land classified in this zone be reserved for commercial purposes and because a commercial zone is not suited to the uses excluded above.

Section 11. That subsection 21.76.120 (A) be amended to read as follows:

A. Intent. The IL zone is designed to provide for the development of industrial and commercial uses which are mutually compatible and which are of a type which has no nuisance effects upon surrounding property, or which may be controlled to prevent any nuisance effects upon surrounding property. New residential uses and other non-industrial uses except as otherwise provided in this chapter are not permitted in this zone as principal uses because it is intended that land classified in this zone be reserved for industrial and commercial purposes and because the IL zone is not suited to the excluded uses.

Section 12. That Section 21.76.120 (B) (1) is hereby amended to read as follows:

1. Principal uses:

- a. Airport related uses;
- b. Warehouse and wholesale businesses;
- c. Retail businesses;
- d. Professional offices;
- e. Automotive service stations;
- f. Automotive sales;
- g. Automotive repair and rebuilding;
- h. Manufacturing, fabricating, assembling and storage of a character that meets the developmental requirements of this section.

Section 13. That Section 21.76.120 (B) (2) be amended to read as follows:

2. Secondary uses.

- a. Accessory uses which are clearly incidental to permitted uses and which are consistent with the principal uses allowed;
- b. One single-family residence per parcel, which is part of the main building.

Section 14. That Section 21.76.140 (D) (1) be amended to read as follows:

1. Elementary schools, high schools, colleges, day care centers, hospitals, and sanatoriums may be permitted provided that the following conditions are met:

a. The proposed location of the use and the size and characteristics of the site will maximize its benefit to the public;

b. Exits and entrances and off-street parking for the use are located to prevent traffic hazards on public streets.

Section 15. That Section 21.76.140 (E) (1) be amended to read as follows:

1. Governmental buildings, public libraries, public off-street parking lots, day care centers, and other public facilities serving the entire community may be permitted provided that the following conditions are met:

a. The proposed location of the use and size and characteristics of the site will maximize its benefits to the public;

b. Exits and entrances and off-street parking for the proposed use shall be located to prevent traffic hazards on public streets.

Section 16. That Section 21.76.140 (G) be amended to read as follows:

G. Conditional uses in RU, CG, IL and IH zones:

1. Crematories operated as part of and in the same structure as a mortuary may be permitted provided that no indication of this use shall be evident from the exterior of the mortuary.

2. Restaurants may be allowed in the RU zone, provided that the proposed location and the characteristics of the site will not destroy the residential character of the neighborhood.

Section 17. That Section 21.76.140 (I) be amended to read:

I. Mobile Home Parks as Conditional uses in RR and RS zones. Mobile home parks may be permitted subject to Section 21.76.180 and provided that any mobile home park meets the minimum Federal Housing Authority requirements.

Section 18. That Section 21.76.190 (F) (4) be amended to read as follows:

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| 4. Multiple family dwellings and other places containing dwelling units | 1 space per efficiency unit, 1-1/2 spaces for each unit containing 1 bedroom and 2 spaces for each unit containing 2 or more bedrooms |
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Section 19. That Section 21.76.190 (F) (5) be amended to read as follows:

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| 5. Single family dwellings, two family dwellings and parish houses | 2 parking spaces for each dwelling unit. |
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Section 20. That Section 21.76.220 (C) (2) be amended to read as follows:

2. The Planning Commission shall hold a public hearing upon each properly submitted application for a variance or conditional use permit. Such hearing shall be held not less than 10 days nor later than 30 days following the date of filing of such application. The applicant shall be notified of the date of such hearing. Ten or more days prior to the hearing, the Planning Commission shall cause to be sent to each owner of property located within 300 feet of the exterior boundary of the lot or parcel of land described in the application a notice of the time and place of the hearing, a description of the property involved and the provisions of this chapter from which a variance is sought or of the conditions precedent to the issuance of a conditional use permit. For the purposes of this section, the term "property owner" means that owner shown on the latest assessment roll compiled by the Borough Tax Assessor.

Section 21. That Section 21.76.230, now cited as Variances and Appeals (Board) be amended to read and be cited as 21.76.230-Appeals (Board).

Section 22. That this ordinance shall be effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 31 DAY OF October, 1978.

ATTEST:

Frances Bryner
Borough Clerk

Jo Ann Elson
Jo Ann Elson, Assembly President

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