

Introduced by: Mayor, at the request of
Planning Commission
Date: April 17, 1979
Hearing: May 15, 1979
Vote:
Action:

KENAI PENINSULA BOROUGH

ORDINANCE 79-20

REVISING THE ZONING CODE WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF SEWARD REGARDING MINIMUM LOT AREA, CHURCHES AND MORTUARIES, AND LOT GROUPS IN COMMON OWNERSHIP.

WHEREAS, the Seward Advisory Planning Commission has proposed certain changes to the Seward Urban District Code; and the Borough Planning Commission has approved the changes and recommends that the assembly enact the proposed changes;

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

Section 1. That the Borough Code of ordinances is amended by enacting a new subsection 21.78.030 (D), to read:

(D) "Lot group in common ownership" means two or more parcels of land, each of which was recorded by the Borough Assessor on or before December 5, 1978, as separate tax parcels and which are contiguous and owned by the same person, partnership, or corporation.

That present Section 21.78.030 (D) is renumbered as Section 21.78.030 (E) and present Section 21.78.030 (E) is renumbered as Section 21.78.030 (F).

Section 2. That the Borough Code of ordinances is amended by enacting a new Table 21.78.180, dated April 17, 1979, and a new Table 21.78.190, dated April 17, 1979, which are attached and made a part of this ordinance.

That the present Table 21.78.180 and Table 21.78.190 enacted June 6, 1978 are superseded.

Section 3. That Section 21.78.230 of the Borough Code of ordinances is amended to read:

21.78.230. Nonconforming Lots and Lot Groups--Size--Regulations. Each lot and each lot group in common ownership

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of 4500 square feet or greater of record [AT THE TIME OF ENACTMENT OF THIS ORDINANCE] as of December 5, 1978, may be developed in conformity with all other provisions [THIS ORDINANCE] of the Seward Urban District Zoning Code even though such lot or lot group in common ownership fails to meet minimum area or width requirements. No lot or lot group in common ownership less than 4,500 square feet may be used except in conformity with all provisions of this [ORDINANCE] Seward Urban District Zoning Code; provided that, in the RR District, each lot and each lot group in common ownership of 6,000 square feet or greater of record [AT THE TIME OF ADOPTION OF THIS ORDINANCE] as of December 5, 1978, may be developed in conformity with all other provisions of this [ORDINANCE] Seward Urban District Zoning Code, and that any lot and any lot group in common ownership less than 6,000 square feet may not be used except in conformity with all provisions of this [ORDINANCE] Seward Urban District Zoning Code. Any use permitted under this section shall substitute the lot group in common ownership in place of the individual lots for zoning purposes and the owner shall execute a covenant running with the lots which will provide that the lot group in common ownership will not be disposed of except as a single unit of land. Prior to initiation of use of the lot group provided under this section, the covenant must be executed and recorded with the Seward District Recorder.

Section 4. That Section 21.78.280 (C) of the Borough Code of ordinances is amended to read:

(C) The proposed use is in harmony with the [COMMUNITY PLAN] comprehensive plan of the City of Seward adopted by the assembly.

Section 5. That the Borough Code of ordinances is amended by enacting Section 21.78.305, to read:

21.78.305 Conditional Use Permit--Expiration--Extensions.
An approved conditional use permit lapses six months after approval if no building permit is procured or if the allowed use is not initiated. The Seward Advisory Planning Commission may grant time extensions not to exceed six months upon a finding that circumstances have not changed sufficiently to warrant reconsideration of the approval of the conditional use permit. A public hearing shall not be required prior to granting an extension of time.

Section 6. That the official zoning map for that portion of the Borough within the boundaries of the City of

Seward shall be changed by designating all zones now shown on the official map as Neighborhood Commercial (NC) to Limited Commercial (LC)

Section 7. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
ON THIS ____ DAY OF _____, 1979.

JoAnn Elson, Assembly President

ATTEST:

Borough Clerk

TABLE 21.78.190
LAND USES ALLOWED

O = Outright
P = Permit*

	RR	R1	R2	R3	CL	CG	I	P
Accessory Buildings consistent with district	O	O	O	O	O	O	O	O
Agencies: Rental, Travel, Employment					O	O		
Animal Hospitals					O	O		
Businesses serving food or beverages					O	O		
CHURCHES, MORTUARIES, FUNERAL SERVICES			P	P	P			
Churches	P	P	O	O				
Commercial Industrial and Transportation Facilities					P	P	O	
Drive-In Restaurants					O	P		
Dwellings:								
One Family Dwellings	O	O	O	O				
Two Family Dwellings			O	O				
Multi-Family; up to 4 units				O				
Multi-Family; more than 4 units, incl. dwelling grps				P	P	P		
Specialized Dwelling Concepts (townhouses, etc)				P				
Fraternial Organizations				P	O	O		
Gasoline Service Stations					O			
Governmental Buildings								O
Home Occupations	O	O	O	O				
Hospitals				P	P			O
Indoor Exhibits and Auditoriums					O	O		O
Indoor Recreation					O	O		O
Industry Manufacturing							P	
Laundry and Dry Cleaning Establishments					O	O		
Line Related Facilities							O	O
General and Natural Resource Development Facilities							P	P
Mobile Home Parks				P	P			
Mobile Home Sales					O			
Mortuaries and Funeral Service			P	P	P			
Offices, Business and Professional				P	O	O		
Off-Street Parking Lots						O		
Public Land Uses, Cemeteries, Landfill, Land Reserves								P
Public Land Use, Recreational	P	P	P	P	P	P		P
Public Transportation Terminal					P	P		P
Public Works Installations	P	P	P	P	P	P	P	P
Schools, Public	P	P	P	P	P	P		P
Schools, Non-public				P	P	P		P
Service Businesses with storage yards					P	P	P	
Shops, Stores, Financial Institutions					O	O		
Studios					O	O		
Theaters (drive-ins)					P			
Transient Housing				P	O	O		
Vehicle Sales and Service					O	P		
Warehouses					P	P	O	P

* Permits refer to Conditional Use Permits per Sec. 21.78.300

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SEWARD MUNICIPAL ZONING DISTRICT

TABLE 21.78.180	RR	R1	R2	R3	CL	CG	I	P
MAXIMUM BUILDING OVERALL HEIGHT (ft)	30	30	30	34	34	34	34	None
MINIMUM LOT AREA (sq. ft.)	20,000	6,000	6,000	[1500 PER AVG. NO. UNITS PER FLOOR] 1-4 Units, 6,000; 5 or more units, 6,000 plus 1,000 for each unit more than 4	6,000	None	6,000	None
MINIMUM LOT WIDTH (ft)	100	60	60	60	None	None	None	None
MINIMUM FRONT YARD (ft.)	20	20	20	10	10	None	None	None
MINIMUM SIDE YARD (ft.) (Adjacent lots)	10	5	5	5	5	None	None	None
MINIMUM SIDE YARD (ft.) (Side Street)	10	10	10	10	10	None	None	None
MINIMUM REAR YARD (ft.)	10	10	10	10	5	None	None	None
MAXIMUM ACCESSORY BUILDING HEIGHT (ft.)	20	20	20	20	20	34	34	None

SEWARD MUNICIPAL ZONING DISTRICT

APRIL 17, 1979