

Introduced by: Mayor, at request of  
Planning Commission  
Date: October 30, 1979  
Hearing: December 4, 1979  
Vote: Unanimous  
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 79-68

AMENDING THE SEWARD MUNICIPAL DISTRICT ZONING CODE TO  
INCORPORATE SPECIFIC STANDARDS FOR TOWNHOUSE DEVELOPMENTS.

WHEREAS, the Seward Municipal District Zoning Code does not make specific provision for the standards governing townhouse developments within residential zones; and

WHEREAS, the development of townhouses may prove beneficial within certain portions of the Seward Municipal District and standards should be provided for the erection of townhouses within residential zones; and

WHEREAS, the Seward Advisory Planning Commission has recommended that the Seward Municipal District Zoning Code be amended so as to provide specific standards for the erection of townhouses within residential zones; and

WHEREAS, the Borough Planning Commission, after public hearing, has recommended that the townhouse standard proposed by the Seward Advisory Planning Commission be enacted as part of the Borough Code;

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

Section 1. That Section 21.78.030 of the Borough Code of ordinances is amended by adding a new subsection, to be numbered 21.78.030 (G), to read:

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(G) "Townhouse" means single-family dwelling units constructed in a series or group of not less than 3 units separated from an adjoining unit or units by an approved party wall or walls, extending from the basement of either floor to the roof along the linking lot line. Each unit and its lot shall be held in fee simple, except that the amenities, open area and other associated common property shall be held as undivided common property of the owners of each unit.

Section 2. That Chapter 21.78 of the Borough Code of ordinances is amended by adding a new section, to be numbered 21.78.650, to read:

21.78.650 Townhouses. Notwithstanding the provisions of any other section of this chapter, townhouses shall be conditionally permitted in the following district: R-3, CL, and CG if the following requirements are met:

A. The proposed development meets all conditions specified in Chapter 21.78.280.

B. A detailed development plan is submitted with the application for a conditional use to include a site plan, drawn to scale. Such site plan shall include, but shall not be limited to the topography and drainage of the proposed site, the location of all buildings and structures on the site, courts and open space area, circulation patterns, ingress and egress points, parking areas (including the total number of parking spaces provided) and a general floor plan of the principal buildings, together with other such information as the planning and zoning commission shall require. The number of contiguous units permitted shall be related to the topography, aesthetics, access and public safety. The development plan and the conditional use application may be rejected or modified if the development plan is not consistent with good design, efficient use of the site, and community standards.

C. Not more than 6 contiguous townhouses shall be built in a row with the same or approximately the same front line.

D. Separation requirement. No portion of a townhouse or accessory structure in or related to 1 group of contiguous townhouses shall be closer than 15 feet to any portion of a townhouse or accessory structure related to another group, or to any building outside the townhouse area.

E. Minimum lot width for an individual townhouse is 12 feet. Larger lot and townhouse units may be required to assure adequate living space.

F. The maximum lot coverage by all buildings shall be 40%. Carports open on three sides shall not be considered buildings for calculating maximum lot coverage.

G. Parking space area shall be provided at the minimum rate of 1.25 spaces per dwelling unit exclusive of driveways, traffic lanes in parking lots and street dedications.

H. Two hundred cubic feet of covered storage space shall be provided exclusive of the living area of the unit.

I. Grouping of parking spaces is desirable provided that spaces intended for a particular unit are no more than 100 feet from the unit. On minor streets, use of the right-of-way may be permitted for maneuvering incidental to parking where this will facilitate snow removal. On collector and arterial streets, maneuvering incidental to parking shall not be permitted.

J. At the intersection of any private drive or entrance or exit for a common parking area with a public street, no fence, wall, hedge or other planting or structure forming a material impediment to visibility between a height of 2-1/2 feet and 8 feet shall be erected, planted, placed or maintained, and no vehicle so impeding visibility shall be parked within triangular area defined by lines connecting points as follows:

Beginning at the point where the midline of the private drive or entrance or exit for a common parking area intersects the public right-of-way, thence to a point 35 feet along the right-of-way line in the direction of the nearer lane of approaching traffic, thence to a point 25 feet toward the interior of the property along the previously described midline, and thence to point of beginning.

K. All party walls shall adhere to fire safety standards as established by the State Fire Marshall.

L. All townhouse developments constructed pursuant to a conditional use permit issued under the provisions of

Chapter 21.61 shall be constructed in compliance with the current State Statutes.

M. The developer or subdivider of any townhouse development shall give evidence that compliance with the Horizontal Property Regimes Act, AS 34.07, has been made prior to the sale of any townhouse dwelling units.

1. The developer or subdivider of any townhouse development shall deposit with the appropriate homeowners association, formed in compliance with the Horizontal Property Regimes Act cited in this section, a contingency fund in the sum of \$500.00 per dwelling unit in the townhouse development.

2. A copy of the bylaws of the homeowner's association showing in what manner the aforesaid contingency fund shall be controlled shall be furnished to the city for review and approval.

N. All areas not devoted to buildings, drives, walks, parking areas or other authorized installations shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees.

O. All roadways, fire lanes, or areas for maneuvering incidental to parking (not to include designated commonly held open space or recreational areas) shall be a minimum of 22 feet in width. Furthermore, no vehicular parking shall be allowed in the aforementioned areas.

P. The standards set forth in this section shall compliment the general standards set forth in this chapter and shall not be construed as superseding any general standard. In the event of conflict, the stricter standard shall control.

Section 3. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH  
ON THIS 5th DAY OF December, 1979.

ATTEST:

Francis Brymer  
Borough Clerk

Jo Ann Eason  
Assembly President

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