

Introduced by: Mayor at the
Reqst. of the Planning Com.
Date: July 2, 1985
Hearing: Aug. 6, 1985
Vote: Unanimous
Action: Adopted

KENAI PENINSULA BOROUGH

ORDINANCE 85-50 (AMENDED)

ESTABLISHING THE KEYSTONE ESTATES ZONING DISTRICT.

WHEREAS, Chapter 21.08.010 of the Borough Code provides public initiation procedures for imposition of greater restriction on land use; and

WHEREAS, a majority of the landowners within Keystone Estates Subdivision have petitioned for greater land restrictions in compliance with Chapter 21.08 procedures;

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

Section 1. That a new Chapter 21.42 to the Kenai Peninsula Borough Zoning Code is enacted to read:

KEYSTONE ESTATES SUBDIVISION

ZONING DISTRICT
Chapter 21.42

21.42.10 Purpose. The purpose of this chapter is to enhance public health, safety and welfare by regulating:

- A. Land use
- B. Lot size
- C. Building height
- D. Percentage of lot which may be covered

21.42.20 Title. This chapter shall be titled the "Keystone Estates Subdivision Zoning District."

21.42.30 Area. This zoning district shall encompass that portion of the rural district known as Keystone Estates Subdivision. The district is defined as Block 2 (all lots outside of Soldotna City limits) and Block 3, Keystone Estates Subdivision, Part Two, (Plat No. 76-50).

21.42.40 Application. The regulations set by this chapter shall be minimum regulations and shall apply uniformly to the district.

21.42.50 Zoning map. The Kenai Peninsula Borough base maps (Scale 1:500) shall be the official zoning map. The official zoning map shall show the boundaries of the district.

21.42.60 Nonconforming structures/uses. Any structure or use which existed prior to the adoption of this chapter, but does not meet the provision of this chapter, shall be allowed to continue subject to the following:

A. No alterations may be made which increase the nonconformity; and

B. Should a nonconforming structure be accidentally destroyed, it may be reconstructed to its original design/use so long as the extent of nonconformity is not increased.

21.42.70 Principal permitted uses. Residential - one of the following uses is allowed per lot:

1. One single-family dwelling
2. One mobile home
3. One duplex

21.42.80 Accessory uses/structures. A. Residential - structures commonly associated with residential dwellings; i.e., garages, storage sheds, greenhouses, etc.

B. Personal (non-commercial) livestock and agricultural use.

C. Commercial

1. Small Rental Cabins - not to exceed 500 sq. ft. per cabin.
 - a) Two allowed per lot with single-family or mobile home use.
 - b) One allowed per lot with a duplex.
2. Licensed fishing guide operations - one boat operated per property owner, maximum of two boats operated per lot.

21.42.90 Prohibited uses. Any commercial or private use unless specifically allowed by this chapter is prohibited.

21.42.100 Development standards. A. Setbacks - no structures shall be allowed within the following described portions of lots:

1. Riverfrontage lots:
 - Front Yard - 40 feet (from roadway)
 - Rear Yard - 20 feet (from high water mark)
 - Side Yards - 10 feet
2. All other lots:
 - Front Yard - 20 feet (from roadway)
 - Rear Yard - 20 feet

Side Yards - 10 feet

- B. Maximum lot coverage by buildings - 20%
- C. Lot size - minimum lot size shall be 40,000 sq. ft.
- D. Maximum building height - 2½ stories, or 35' whichever is less.

21.42.110 Home occupations. A. No home occupation shall be permitted that:

- 1. Changes the outside appearance of the dwelling or is visible from the street, except for a single sign not to exceed 8 square feet;
- 2. Generates traffic, parking, sewerage or water use in excess of what is normal in a residential neighborhood;
- 3. Creates a hazard to person or property, results in electrical interference, or becomes a nuisance.
- 4. Results in any outside storage or display of equipment, supplies, inventory or materials.

B. The following are permitted home occupations, where carried out in conformance with the provisions of Paragraph A of this section:

- 1. Dressmaking, sewing and tailoring;
- 2. Painting, sculpturing, or writing;
- 3. Telephone answering;
- 4. Home crafts, such as model making, rug weaving, lapidary work, and cabinet making;
- 5. Tutoring;
- 6. Home cooking and preserving;
- 7. Computer programming;
- 8. Bed and breakfast type uses.

C. The following are prohibited as home occupations:

- 1. Campgrounds, fish camps and recreational vehicle parks;
- 2. Barber shops and beauty parlors;
- 3. Animal hospitals;
- 4. Dancing studios;
- 5. Mortuaries;
- 6. Nursery schools;
- 7. Private clubs;
- 8. Repair shops;
- 9. Restaurants;
- 10. Stables and kennels;
- 11. Automobile repair or paint shops.

D. Any proposed home occupation that is neither specifically permitted by paragraph B nor specifically prohibited by paragraph C shall be likened to the nearest use. When a use is

not addressed by this ordinance, the Planning Commission will determine whether or not the use is permitted.

21.42.120 Rezones. A. Amendments to this zoning district may be initiated by:

1. The Borough Assembly or the Planning Commission.
2. Any property owner of the district may request an amendment to this zoning district provided that a petition is submitted bearing signatures of a majority of the property owners within the area being rezoned.

B. Petition forms will be provided by the Borough Planning Department.

21.42.130 Public Hearings - Notification. Public hearings and notification of surrounding property owners shall be done in conformance with chapter 21.11 of the Borough Code.

21.42.140 Definitions. A. Campground/fish camp/recreational vehicle park: Any lease or rental of the use of a lot for overnight accommodation of people outside of a dwelling unit or rental cabin authorized by this chapter.

B. Lot: An individual parcel of land legally subdivided and recorded according to the Kenai Peninsula Borough Code of Ordinances and the Alaska Statutes.

C. Home occupation: The commercial use of a lot or dwelling by the resident thereof which is accessory to the primary residential use.

D. Front yard: That portion of a lot which is bounded by a dedicated public right-of-way.

E. Rear yard: That portion of a lot bounded by the lot line which is opposite and most distant from the front yard lot line.

F. Side yard: That portion of a lot bounded by a lot line which is neither a front yard nor rear yard lot line.

Section 2. That this ordinance takes effect immediately upon its adoption.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 6th DAY OF August, 1985.


Marilyn Dimmick, Assembly President

ATTEST:


Joanne Bradley
Borough Clerk

Kenai Peninsula Borough
Ordinance 85-50
Page 4 of 4 Pages