

Introduced by: Mayor  
Date: September 16, 1986  
Hearing: October 28, 1986  
Vote: Unanimous  
Action: Adopted

KENAI PENINSULA BOROUGH

ORDINANCE 86-84

AMENDING THE SEWARD URBAN DISTRICT ZONING CODE CHAPTER 21.78  
WITHIN THE CITY OF SEWARD.

WHEREAS, the City of Seward adopted its comprehensive plan  
and the plan includes these amendments; and

WHEREAS, the Seward Advisory Planning Commission after  
public hearing recommended Assembly approval; and

WHEREAS, the Seward City Council reviewed the suggested  
changes and recommended Assembly approval; and

WHEREAS, the Borough Planning Commission after public  
hearing recommended Assembly approval;

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

Section 1. That the Kenai Peninsula Borough Code of Ordinances Chapter 21.78.030 is amended to read as follows:

21.78.030 Definitions. In this chapter, unless otherwise provided on the context otherwise requires:

[A. "Accessory building or use" means a use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.]

A. "Accessory Use or Building" means a detached building, the use of which is appropriate, subordinate and customarily incidental to that of the main building or to the use of the land and which is located on the same lot as the main building or use. An accessory building shall be considered to be a part of the main building when joined by a common wall or connected by a breezeway to the main building. Accessory building means any structure regardless of type of foundation or base support, including skid-mounted or other moveable structures.

B. "Alley" means a dedicated public way which affords a secondary means of access to abutting property and not intended for general circulation.

C. "Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

D. "Building area" means the total area taken on a horizontal plane at the main grade level of the principal building

Kenai Peninsula Borough  
Ordinance 86-84  
Page 1 of 8 Pages

and all accessory building, exclusive of external steps.

E. "Building existing" means a building erected prior to the adoption of this code or one for which a legal building permit has been issued.

F. "Building height" means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields the greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade.
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than 10 feet above the lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

G. "Building, principal or main" means a building in which is conducted the principal or main use of the lot on which the building is situated. Attached garages, porches and carports shall be considered to be part of the principal building.

H. "Buildable or useable area" means that portion of a lot that a prudent person would use to construct a building and provide required parking. This excludes lakes, rivers, creeks, cliffs, marshes, and other similar natural obstacles to development within the property as counting toward minimum required lot size.

I. "Dwelling" means a building designed or used exclusively as living quarters for one or more families.

[B.] J. "Dwelling groups" means a group of 2 or more, detached or semi-detached 1-family, 2-family, or multi-family dwellings occupying a parcel of land, in 1 ownership and having any yard or court in common, but not including motels and hotels.

K. "Dwelling, multiple family" means a building used or designed as a residence for, or occupied by, three or more families, with a number of families in residence not exceeding the number of dwelling units provided and living independently of each other under one roof, and includes apartments, townhouses, row houses and other similar housing types.

L. "Dwelling, single family" means a detached building designed or used exclusively for occupancy of one family and having housekeeping facilities for only one family.

M. "Dwelling, two-family" means a detached building designed exclusively for occupancy of two facilities living independently of each other under one roof and constituting two dwelling units."

N. "Dwelling Unit" means a building or portion thereof containing kitchen, living, toilet and sleeping accommodations and designed to be occupied by one family.

O. "Family" means an individual, 2 or more persons related by blood, marriage or adoption, or not more than 3 unrelated persons living as a single housekeeping unit and distinguished from a group occupying a rooming house, club, fraternity house or hotel.

[C.] P. "Home occupation" means any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no exterior sign, no display of stock in trade, no outside storage of materials or equipment, no commodity sold upon the premises and not more than two persons are engaged in such occupation.

Q. "Lot" means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage or access on a public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record; of complete lots of record and portions of lots of record; or portions of lots of record;
4. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance and that, in the case of multiple lots or portions thereof, the property be replatted to eliminate interior lot lines.

R. "Lot area" means the total horizontal area within the lot lines of a lot, exclusive of streets and alleys.

S. "Lot, corner" means a lot situated at the intersection of two or more streets having an angle of intersection of not more than 135 degrees.

T. "Lot coverage" means the percentage of the total lot area included with the outside lines of exterior walls of all buildings on the lot, exclusive of steps.

U. "Lot, depth" means the horizontal distance between the front and rear lot lines measured on the longitudinal centerline.

[D.] V. "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.

W. "Lot, interior" means a lot other than a corner lot.

X. "Lot line, front" means in the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the owner may choose which street he shall designate as the front of the lot. Once the choice of frontage has been made, it cannot be changed unless all requirements for yard space are complied with.

Y. "Lot line, rear" means a line opposite and most distant from the front lot line and, in the case of irregular or triangular shaped lots, a line not less than ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Z. "Lot line, side" means lot boundary not a front lot line or a rear lot line.

(a.) "Lot width" means the average horizontal distance separating side lot lines of a lot and at right angles to its depth.

[E.](b.) "Mall" - see shopping center.

[H.](d.) "Parking area" means a structure or an open area, other than a street, alley or other right of way, on which vehicle parking spaces are defined, designated, or otherwise identified and available, whether free or for compensation, for use by the public, clients, tenants, customers, employees or owners of the property for which the parking area is required by ordinance.

[I.](e.) "Parking requirements as stated in terms of employees" means the maximum number of employees who will be at the site at one time on either a single shift or an overlap of shifts.

[G.](f.) "Parking space" means an area, enclosed or unenclosed, sufficient in size to store one motor vehicle. At a minimum, each space shall measure 10 feet wide by 20 feet long.

[F.](g.) "Parking space, off street" means a designated parking space, exclusive of maneuvering room, designed with adequate independent access to, but located off any street, alley or other right of way.

[J.](h.) "Planned unit development" means a group or combination of certain specified residential, commercial, or industrial uses developed as a functional integral unit in a district where some or all the uses might not otherwise be permitted.

(i.) "Residential" means activity involving the occupation of a building for living, cooking, sleeping and recreation.

(j.) "Setback" means the required minimum distance from a right-of-way or lot line that establishes the area within which only fencing, landscaping, driveways, parking and similar uses are permitted. Any structure including, but not limited to, decks, stairways, porches or other attachments to a building are specifically prohibited in the setback. Building eaves are permitted to extend into the setback a maximum of three (3) feet.

[K.] (k.) "Shopping Center" means a single complex which provides a combination of retail establishments designed in such a manner as to provide convenience for shoppers.

(l.) "Street" means a dedicated public way, which affords the principal means of access to abutting property, such as an avenue, place, drive, boulevard, highway and other similar public thoroughfare, except an alley defined herein.

(m.) "Structure" means anything constructed or erected on the ground or attached to something having location on the ground, including, but not limited to, buildings, towers, sheds and signs. Fences, retaining walls less than three feet in height, rockeries and similar improvements of a minor character are excluded.

[G.] (n.) "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.

(o.) "Yard" means a required open space on the same lot with a main building, unoccupied or unobstructed from the ground upward, except as otherwise provided in this chapter.

(p.) "Yard, front" means the area extending across the full width of a lot, measured between the front lot line and the nearest exterior wall of the building, front of a bay window, or

the front of a covered porch or other similar projection, whichever is the nearest to the front lot line.

(q.) "Yard, rear" means a yard extending across the full width of the lot between the most rear extension of the main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the point of the rear lot line nearest to the main building.

(r.) "Yard, side" means a yard between a main building and side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

Section 2. That the Kenai Peninsula Borough Code of Ordinances Chapters 21.78.070; 21.78.140; 21.78.150; 21.78.170; 21.78.180 are amended to read as follows:

21.78.070 Zoning map--Adoption--Location. A. The official zoning map shall be kept in the Borough offices. That map is adopted by reference and declared to be part of this chapter in the exact form as it exists on [June 6, 1978] September 2, 1986, or when amended by the borough assembly.

21.78.132 OR Office Residential District--Definition--Purpose. The OR district is intended to protect a part of the historical character of that area of town known as "millionaire's row" which is on the west side of Third Avenue between Jefferson and Madison streets. It allows limited commercial/office development within existing structures along with residential uses.

21.78.134 HC Harbor Commercial District--Definition--Purpose. The HC district is intended to be applied to lands with direct access or close proximity to small boat harbors within the city. Uses within the HC district are intended to be marine-related or marine-dependent and primarily those uses that are particularly related to tourism, recreation, commercial or industrial enterprises that derive economic or social benefit from a harbor waterfront location.

21.78.140 [CL limited commercial districts] AC Auto Commercial District - Definition--Purpose. The [CL] AC district is intended to provide an area for convenience shopping facilities for surrounding neighborhood areas. It is also established as a district in which the principal use of land is for establishments offering accommodations, supplies, or services to motorists.

21.78.150 [CG general commercial districts] CB Central Business District--Definition--Purpose. The [CG] CB district is designed to protect and enhance central business district cores for efficient performance of its primary function as an urban center for retail, commercial, financial, and service facilities, and to discourage uses not requiring a prime central location.

[21.78.170 P public districts--Definition--Purpose. The P districts are intended to include major open lands and land reserves and major public and quasipublic institutional uses and structures under the management or control of the public or quasipublic agency.]

21.78.170 INS Institutional District--Definition--Purpose.

The INS district is intended to include public and private educational, administrative, government and health care uses, including public land reserves for future public development.

21.78.172 P Parks District--Definition--Purpose. The P district is intended to include only those public lands which are established as public parks for recreational and commemorative uses for the benefit and enjoyment of the residents and visitors to the community.

21.78.174 RM Resource Management District--Definition--Purpose.

The RM district is intended to include lands which are undeveloped due to natural hazards, steep slopes, critical wildlife habitat or watersheds. Some lands may not be developed while others cannot be precisely zoned due to inadequate information on the extension of public services and utilities, and suitability of the land to support commercial, residential, industrial or public uses.

Section 3. That the Kenai Peninsula Borough Code of Ordinance Chapters 21.78.200 and 21.78.210 are amended to read as follows:

21.78.200 Parking. A. Except in the [General Commercial (CG)] Central Business (CBD) and Office Residential (OR) Districts there shall be provided at the time of construction of a principal building or at the time of alteration, enlargement or any change in use of any principal building, permanently maintained off-street parking spaces for the use of occupants, employees or patrons of such building. It shall be the responsibility, jointly and severly, of the occupants and owners of the building to provide and maintain said off street parking in accordance with this chapter continuously during the life of the building.

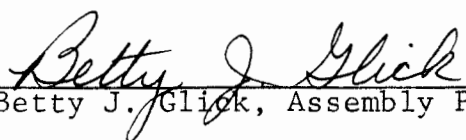
[21.78.210 Signs. Permanent signs must conform to all requirements of this chapter including building permit requirements and setback requirements of Table 21.78.180.]

Section 4. That the Kenai Peninsula Borough Code of Ordinances is amended by enacting a new Table 21.78.180, dated September 16, 1986, which is attached and made a part of this ordinance.

That the present Table 21.278.180 enacted May 15, 1979 is superseded.

Section 5. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 28 DAY OF October, 1986.

  
Betty J. Glick, Assembly President

ATTEST:

  
Joanne Brindley  
Borough Clerk