



M E M O R A N D U M

To: Milli Martin, Assembly President
KPB Assembly Members

Thru: David R. Carey, Borough Mayor *W. Carey*
MB Max Best, Planning Director

CA
From: Crista Hippchen, Planner

Date: July 24, 2009

RE: Ordinance 2009-43 approving Percy Hope and Discovery Park R-M, Mixed-Residential Local Option Zoning Districts, and amending KPB 21.46.030 and 21.44.230

KPB 21.44.030(A) provides that a local option zoning (LOZ) district may be proposed at the time of preliminary or final plat approval. The Kenai Peninsula Borough (KPB) is in the process of platting Percy Hope and Discovery Park Subdivisions in the Hope area. Prior to the sale of parcels the owner, KPB, is requesting assembly approval for the formation of an LOZ district for each subdivision. Because the property is under single ownership, LOZ Area and Petition Requirements (KPB 21.44.040) are not required.

The Hope/Sunrise Advisory Planning Commission (APC) recommended approval of the Percy Hope Subdivision plat at its May 22, 2008, meeting and recommended approval of the Discovery Park subdivision plat at its June 7, 2007, meeting. At its February 5, 2009, meeting, the APC unanimously recommended that both subdivisions be approved as R-M, Mixed Residential LOZ districts, with a request for some modifications as found in the meeting minutes and the accompanying ordinance. KPB 21.44.060 provides for modification by the assembly of a proposed LOZ. This ordinance would also amend KPB 21.44.230 to add a definition of *junkyard*.

On August 24, 2009, the KPB Planning Commission is scheduled to make a recommendation regarding this ordinance. That recommendation will be forwarded to the Assembly prior to the September 1, 2009, assembly meeting, when public hearing is scheduled to occur. The accompanying maps depict the proposed Percy Hope and Discovery Park R-M LOZ districts.

At the Hope/Sunrise APC meeting on July 22, clarifications of the previous modification requests were made by the APC. Staff has not had an opportunity to fully review these revisions, and will present a staff report prior to public hearing.

The permitted uses and development standards given for R-M, Mixed Residential, and C-3 Mixed Use LOZs are as follows:

21.44.180. Mixed residential district (R-M).

- A. Permitted Principal Use: Single (R-1)- and multi-family (MF) residential (no more than 4 units) dwelling units are permitted in this district.
- B. Permitted Secondary Uses: Secondary uses allowed in the R-M zone are parks, playgrounds, schools, community centers, libraries, churches, and home occupations.

C. Development Standards. Development standards apply to principle and accessory structures:

1. Setbacks. Setbacks shall be 60 feet from the front yard line for MF units, 40 feet from the front yard line for R-1 units, 40 feet from the rear yard line for MF units, 20 feet from the rear yard line for R-1 units, 25 feet from the side yard lines for MF units, 15 feet from the side yard lines for R-1 units, and 50 feet from the shore and where applicable subject to the provisions of KPB 21.18.
2. Minimum lot size. Minimum lot size shall be 80,000 square feet for MF units and 40,000 square feet for R-1 units.
3. Drainage Ways. Existing natural drainage ways shall be retained.
4. Buffers. To provide for screening, aesthetics, and the reduction of surface water run-off, no lot shall be clear-cut more than 50 percent of the total lot area except that trees may be selectively pruned and thinned, and dead and diseased trees which are a safety hazard or which threaten structures may be removed. Undergrowth may be removed provided that the area is promptly re-seeded or sodded. A forested buffer of at least 30 feet shall be retained between the building site and the common drive or roadway. This section does not require revegetation of a buffer area that was cleared before the formation date of the local option zoning district.
5. Accessory Structures. Accessory structures commonly associated with residential dwellings, i.e., garages, storage sheds, greenhouses, workshops, and a single, noncommercial guesthouse per parcel, are allowed within the district.

D. Home Occupations. In addition to the home occupation uses listed in KPB 21.44.130, the following home occupations are allowed provided they do not violate any of the provisions of this title:

1. Bed and breakfast;
2. Guide and guide services.

21.44.190 Mixed Use District (C-3).

A. Permitted Principal Uses: Commercial, business, residential, institutional and public uses are permitted in this district.

B. Permitted Secondary Uses: Secondary uses allowed in the C-3 zone are uses permitted in R-1 and R-M districts.

C. Development Standards. Development standards apply to principle and accessory structures.

1. Setbacks. Setbacks shall be 30 feet from the front yard line, 20 feet from the rear yard line, 15 feet from the side yard lines, and 100 feet from the shore.
2. Minimum lot size. Minimum lot size shall be 40,000 square feet.
3. Drainage Ways. Existing natural drainage ways shall be retained.
4. Buffers. A forested buffer of at least 20 feet shall be retained between the building site and the roadway. This section does not require revegetation of a buffer area that was cleared before the formation date of the local option zoning district.