



MEMORANDUM

To: Pete Sprague, Assembly President
KPB Assembly Members

Thru: David Carey, Borough Mayor

Thru: Max Best, Planning Director MB

From: Crista Cady, Planner CC

Date: June 22, 2010

RE: Ordinance 2010-23 AN ORDINANCE AMENDING CERTAIN SECTIONS OF KPB CHAPTER 21.44 BY APPROVING AN R-W, RESIDENTIAL WATERFRONT, LOCAL OPTION ZONING DISTRICT, ADDING CERTAIN DEFINITIONS, AND CLARIFYING LANGUAGE

Staff recommends that the assembly strike the word "hobby" from line 67 of the subject ordinance. All other existing zone types contain this same language regarding accessory structures and removing this word will create consistency within the code. Existing language in KPB 21.44.230. *Definitions*, sufficiently distinguishes between commercial uses and hobby uses.

KPB 21.44.040(A) *Area and petition requirements*, stipulates that a minimum of 12 lots is required to form an LOZ (except for industrial districts where only 6 lots are required). Staff supports amending this section to include a requirement that at least thirty percent of the lots within a proposed R-W LOZ must be directly adjacent to the water. At a minimum, this would allow the owners of 4 waterfront lots and 8 contiguous lots to petition the assembly for the formation of an R-W LOZ. The inclusion of more waterfront lots would allow for the inclusion of more contiguous, non-waterfront properties.

21.44.040(B) includes a list of the zone types that may be formed, to which R-W needs to be added through amendment to this ordinance. In addition, the reference in this section to a C-4 zone should be deleted pursuant to KPB Ordinance 2001-12, which repealed the C-4 industrial mixed use district.

The two amendments described above would necessitate adding a new Section 2 to the subject ordinance, as shown below, and renumbering the subsequent sections:

SECTION 2. *That KPB 21.44.040(A) is hereby amended as follows.*

21.44.040. Area and petition requirements.

A. Except as otherwise provided, the minimum area that may be included in a local option zoning district is 12 lots. The minimum area that may be included in a local

option zoning district in an industrial district as described in KPB 21.44.200 is six lots. At least thirty percent of the lots within a proposed R-W district must be directly adjacent to the water. Two-thirds of the parcels within the proposed district must be of the average size prevailing within the proposed district. However, districts with disparate parcel sizes may be formed where 100 percent of the parcels vote in favor of the district. Lots and parcels in a petition area must be contiguous or separated only by a street, alley, right-of-way, or easement. Petitioners shall coordinate with the Planning Department to designate appropriate districts.

B. The petition shall:

- 1. show opposite each signature, an adequate legal description of the property owned,*
- 2. set forth whether the district will form a R-1, R-R, R-W, R-M, C-3, [C-4,] I, or R-C zone including a copy of the standards for the applicable zone, and*
- 3. include a map of the proposed local option zoning district.*

Thank you for your consideration