SELDOVIA PLANNING COMMISSION

Wednesday
March 6, 2019

REGULAR MEETING
7:00pm
MULTI-PURPOSE ROOM
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AGENDA FOR THE SELDOVIA PLANNING COMMISSION  
REGULAR MEETING  
MULTI-PURPOSE ROOM  
Wednesday  
March 6, 2019  
7:00PM

A. Call to order;  
B. Roll Call;  
C. Approval of the Agenda;  
D. Approval of Minutes from September 05, 2018  
E. Public Comments Regarding Items Not on the Agenda;  
F. Public Hearings, Prior Notice;  
G. Consideration of Site Plans;  
1. Chartier 2019 Replat  
   A. Presentation by Staff or Commission  
   B. Public Presentation or Hearing  
   C. Commission Discussion  
   D. Action/Disposition  
2. Valhalla Replat  
   A. Presentation by Staff or Commission  
   B. Public Presentation or Hearing  
   C. Commission Discussion  
   D. Action/Disposition  
3. Discussion- Title 18 Land Use Matrix  
   A. Presentation by Staff or Commission  
   B. Public Presentation or Hearing  
   C. Commission Discussion  
   D. Action/Disposition  

H. Commission Business:  
I. Staff Reports:  
J. Informational Items Not Requiring Action:  
   1. Conditional Use- Cameron- Sent to council for Special Meeting 03/27/19  
   2. Right of Way Use Permits- Amended by council and approved  
   3. Commercial Marine Ordinance- Postponed for workshop  
K. Comments of the Public:  
L. Comments of the Commission:  
M. Next Meeting: Regular scheduled meeting, April 3, 2019  
N. Adjournment:

*If you require special assistance to attend the meeting,  
Please, notify the City Office 24 hours in advance of the meeting and arrangements will be made.

Posted: 03/01/2019, www.cityofsel dovia.com, City Office and USPS
A. Call to order; MEETING CALLED TO ORDER 7:01PM BY COMMISSIONER CARLUCCIO
B. Roll Call; IN ATTENDANCE; CARLUCCIO, PATRICK, and BATES
C. Approval of the Agenda; 
   PATRICK/BATES MOVED TO APPROVE THE AGENDA 
   NO OBJECTION/ MOTION CARRIED

D. Approval of Minutes from July 18, 2018 
   BATES/PATRICK MOVED TO APPROVE THE MINUTES FROM JULY 18, 2018  
   NO OBJECTION/ MOTION CARRIED

E. Public Comments Regarding Items Not on the Agenda; 
F. Public Hearings, Prior Notice; 
G. Consideration of Site Plans; 
   1. Conditional Use Permit- Sensenig 
      A. Presentation by Staff or Commission
         CLERK GEAGEL- Presented a request from potential new owners for Ruth Sensenig’s property to have the conditional use permit allowing the property to be a residence in a commercial zone extend to the new ownership. She presented Sensenig’s conditional use permit and the minutes approving the permit. 
      B. Public Presentation or Hearing 
         COMMISSIONER CARLUCCIO called for public comment and none was offered. 
      C. Commission Discussion 
         PATRICK- Inquired as to who owned the property before Ruth. She spoke in support of having the conditional use permit extend to the new property owners. The adjoining property is primarily residential. 
         CM CAMERON- Clarified that the Cameron’s previously owned the home. 
         CARLUCCIO- Discussed the letter from the new property owner and that the comments from the minutes where the conditional use permit was discussed did not state a time limit, nor did the signed permit that was given to Ruth. She discussed that the property was not in the middle of a commercial or industrial zone and was bordered by residential properties. She spoke in support of extending the conditional use and letting it go with the property. She stated that there were not enough members present for a vote that needed a majority plus one so they would need to make a recommendation to council. 
      D. Action/Disposion 
         CARLUCCIO- Asked for a motion to recommend to city council that they extend the conditional permit, that it should follow with the house. She cited the following findings: 
            1. The adjoining properties are residential. 
            2. The adjoining properties will not be significantly impaired. 
            3. Adequate facilities are provided for the purpose.
2. Discussion- Right of Way Use Permits Ordinance DRAFT
   A. Presentation by Staff or Commission
      CLERK GEAGEL- Presented a draft amending Title 11 to include right of way use permits.
   B. Public Presentation or Hearing
      COMMISSIONER CARLUCCIO- called for public comment and none was offered.
   C. Commission Discussion
      CARLUCCIO- Inquired if the city manager was happy with the ordinance and discussed the appeal procedures as written in the ordinance.
      CM CAMERON- Discussed that she was happy with the ordinance, it was presented to legal and they were happy with it as well.
   D. Action/Disposition

      CARLUCCIO- Asked for motion to recommend approval of the City of Seldovia ordinance 19-xx an ordinance of the city council of the city of Seldovia adopting chapter 11.10 right of way.
      BATES/PATRICK SO MOVED
      NO OBJECTION/ MOTION CARRIED

3. Discussion- Commercial Marine Ordinance DRAFT
   A. Presentation by Staff or Commission
      CLERK GEAGEL- Presented a draft ordinance amending Title 18’s Commercial Marine Chapter, changing the name to Commercial Business, updating the intent, adding language that prohibits a residence without a primary use, motor vehicles were moved from prohibited to conditional use to allow the commission to be able to define a confined space, and penalties were added in paragraph form following the example of other communities. She asked the commission to consideration of what language the wanted added for the conditional use for annual rentals as a primary use?
   B. Public Presentation or Hearing
      COMMISSIONER CARLUCCIO- called for public comment and none was offered.
   C. Commission Discussion
      BATES- Spoke in support of the draft ordinance and having motor vehicles as a conditional use instead of prohibited. He inquired if any of the fines had been enforced in the past and if there had been any kind of study to look at what kind of revenue could be made from fines.
      CARLUCCIO- Inquired if the residential rate definition in the fee schedule would be affected by the annual rental conditional use and if a conditional use would be needed every time a business wanted to offer long term rentals. She discussed defining a confined space at the time of the conditional use since it could be in a building, parking space, etc.
      CM CAMERON- Discussed that fines had been enforced from time to time but nothing regularly and there had not been a formal study of the revenue that could be made from enforcement.
   D. Action/Disposition

      BATES/PATRICK MOVE TO RECOMMEND ADOPTION OF ORDINACE 19-XX
      NO OBJECTION/ MOTION CARRIED

H. Commission Business:
   CM CAMERON- Stated that they were still looking for more planning members.
CLERK GEAGEL- Asked the commission if they wanted to have a workshop to discuss what part of the zoning code they wanted to review next, and discussed formulating the zoning code into a matrix such as Kenai and Seward.
CARLUCCIO- Discussed not needing to have a workshop and spoke in agreement with reviewing the matrix and a presentation starting with just one or two items from title 18.
PATRICK- Spoke in agreement that they could not do all of title 18 at once.

I. Staff Reports: None
J. Informational Items Not Requiring Action: None
K. Comments of the Public: None

L. Comments of the Commission:
PATRICK- Stated that this was a learning experience for her.
CARLUCCIO- Commented that she knew some of these things were moving onto the next council meeting and asked when that was going to be. There is nothing on the agenda for the KPB Planning Commission meeting September 10th and she has to work that day so she will not be attending the meeting and can help present Sensenig if they want, but she won’t be able to be at the council meeting on the 24th. She asked when AML was and thanked Heidi, she knows no one is there but she really appreciates how things are put together it makes their lives easier.
CM CAMERON- Discussed that the ROW and Commercial Marine Ordinance would not be on the September 10 agenda, but would be a discussion topic on the September 24 agenda, and then if approved introduced at the next meeting and passed at the following meeting. In November and December there is only one meeting a month because of the holiday in December and AML in November starting the 11th, Veteran’s Day.

M. Next Meeting: Regular scheduled meeting, October 3, 2018
N. Adjournment:
CARLUCCIO CALLED FOR ADJOURNMENT

BATES SO MOVED/CARLUCCIO SO ORDERED AT 8:00PM

I certify the above represents accurate minutes of City of Seldovia Planning and Zoning Commission meeting of September 05, 2018.

___________________________________________
Heidi Geagel, City Clerk

Approved by Commission ____________________
Petition to Vacate Public Right-of-Way/Easement/Platted Public Area
Public Hearing Required

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

☐ $500 non-refundable fee to help defray costs of advertising public hearing.
☐ City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
☐ Name of public right-of-way proposed to be vacated is dedicated by the plat of East Addition Subdivision, filed as Plat No. 66-28 in Seldovia Recording District.
☐ Are there associated utility easements to be vacated?  ☐ Yes  ☐ No
☐ Are easements in use by any utility company? If so, which company
☐ Easement for public road or right-of-way as set out in (specify type of document) as recorded in Book Page of the Recording District. (Copy of recorded document must be submitted with petition.)
☐ Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way, the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
☐ Has right-of-way been fully or partially constructed?  ☐ Yes  ☐ No
☐ Is right-of-way used by vehicles / pedestrians / other?  ☐ Yes  ☐ No
☐ Is alternative right-of-way being provided?  ☐ Yes  ☐ No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:


The petition must be signed (written signature) by owners of the majority of land facing the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By:
Name: Ray Watchman
Address: 397 Rocky St
Seldovia AK
Phone: 907-202-6964

Petitioners:

Signature
Name: KEVIN VANDEGREEFF
Address: 152 N Augustine
Seldovia AK
Owner of:

Signature
Name: KEITH SWICK
Address: 397 Rocky St
Seldovia AK
Owner of:

Signature
Name: 
Address:
Owner of:

Signature
Name:
Address:
Owner of:

ROW Easement Vacation Petition & Procedures
Revised 2/31/14
Petition to Vacate Public Right-of-Way/Easement/Platted Public Area

Public Hearing Required

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

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☐ Name of public right-of-way proposed to be vacated is dedicated by the plat of √

☐ East Addition

☐ Recording District.

☐ Are there associated utility easements to be vacated? ☐ Yes ☒ No

☐ Are easements in use by any utility company? If so, which company?

☐ Easement for public road or right-of-way as set out in (specify type of document) as recorded in Book Page of the √

☐ Recording District. (Copy of recorded document must be submitted with petition.)

☐ Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way, the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.

☐ Has right-of-way been fully or partially constructed? ☒ Yes ☐ No

☐ Is right-of-way used by vehicles / pedestrians / other? ☒ Yes ☐ No

☐ Is alternative right-of-way being provided?

The petitioner must provide reasonable justification for the vacation. Reason for vacating:

 Majority of road is not constructed; constructed portion is currently used as a private driveway.

 All adjacent lots have existing access.

 House expansion plans cannot move forward without vacation due to house currently encroaching on right-of-way.

The petition must be signed (written signature) by owners of the majority of land fronting the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By: ±

Name: KEITH SWICK ± Petitioner ☐ Representative

Address: PO BOX 193 ±

SOLDOTNA, AK 99663 ±

Phone: 907-374-7193 / 907-374-7404 ±

Petitioners:

Signature ±

Name: HUGH SMITH ±

Address: 2-40 HACKMAN DR ±

SOLDOTNA, AK 99663 ±

Signature ±

Name: ALFRED J. WAGLINSKI ±

Address: 135 (CRISPY LA) FRANK RABBY ±

Owner of Lot 6 ±

Owner of Lot 1 ±

Signature ±

Name: RICHARD HILL ±

Address: 103 NORTH VIEW ±

Owner of 439 ROCKY ST ±

Owner of

ROW Easement Vacation Petition & Procedures
Revised 2/21/14
Minutes from the July 27, 2016 Council Meeting

3. Council Comments on Notice of Public Hearing for the Vacation Request by Raymond Waterbury
   a. Presentation by Staff or Council
      CLERK/STANISH- Informed the Council the notice of public hearing has come to the City as they are owners of land within 300’ of the proposed vacation. This is the time for Council to make comment on the vacation prior to it going to the local P&Z.
   b. Public Presentation
      RONDA ROBERTSON- Spoke on the utility in the ROW and the need for the City to set up a utility easement prior to the vacation.
   c. Council Discussion
      ROJAS- Would like the staff to look into the utility and an easement
      MORRISON- Is for the vacation if sewer is not an issue.
   d. Action/Disposition
      CONSENSUS OF THE COUNCIL TO SUBMIT A LETTER TO PLANNING WITH THE SUGGESTION THEY ESTABLISH AN EASEMENT IN THE 10’ ROW PRIOR TO VACATION

Minutes from the September 7, 2016 Planning Commission Meeting

2. Vacation Request from Ray Waterbury for the ROW adjacent to Lot 1A, 2, 3, 4A and 4B of Blk 44
   A. Presentation by Staff or Commission
      CLERK/STANISH- Informed the Commission Notice of Public Hearing letters have gone out. The City received one letter of support for the vacation which is in the packet. This also went to Council who have submitted a letter concerning the establishment of a utility easement for the existing HEA power across the ROW during the vacation process. She spoke with HEA who is in favor of establishing a utility easement in this process of vacation with the Borough. Speaking with the Borough on the process of establishing the easement, if the Commission would like to move in that direction, it should be reflected in the comments from Seldovia when all the paperwork is submitted to Borough Planning for consideration of this vacation.
   B. Public Presentation or Hearing
      WALTER MCINNES- Spoke in favor of the vacation.
   C. Commission Discussion
      Commission discussion on the vacation covered the history of the ROW.
      CAMPBELL - This ROW serves no purpose. He spoke in favor of establishing the utility easement and has no objection to the vacation request.
      HILTS- Spoke in favor of the vacation.

CAMPBELL/HILTS MOVED TO APPROVE THE VACATION REQUEST FROM RAY WATERBURY FOR THE RIGHT OF WAY ADJACENT TO LOT 1A, 2, 3, 4A AND 4B OF BLK 44

CARLUCCIO- We need to amend that at this time to include the utility easement.

CAMPBELL/HILTS MOVED TO INCLUDE A DEDICATED UTILITY EASEMENT IN THAT MOTION

CARLUCCIO- Before we go forward, is the utility easement for the whole ROW of just between Waterbury’s and Swicks?
   Between what lots are we establishing the easement?
   SENSENIG- Between 1A, 2 and 3.
   CARLUCCIO- We also need to indicate the vacated property will be evenly divided.

CAMPBELL/HILTS MOVED TO APPROVE THE VACATION REQUEST FROM RAY
WATERBURY FOR THE RIGHT OF WAY ADJACENT TO LOT 1A, 2, 3, 4A AND 4B OF BLK 44, TO INCLUDE A 10’ UTILITY EASEMENT ACROSS VACATED ROW BORDERING LOTS 1A, 2, AND 3 OF BLOCK 44, AND DIVIDE THE VACATED ROW EVENLY BETWEEN ANY EFFECTED ADJACENT LOTS TO THIS RIGHT OF WAY

D. Action/Disposition

NO OBJECTION/ MOTION PASSED

CARLUCCIO- Just for clarification this will go to the Borough for approval and then will need to be replatted.
Petition to Vacate East Addition right-of-way

Minutes from the July 19, 2017 Planning Commission Meeting

2. Petition to Vacate East Addition right-of-way
   A. Presentation by Staff or Commission
      DEPUTY CLERK/SWICK- Discussed the petition to vacate the half of Frank Raby that is suppose to go back to A street. Her house is currently in the right of way and there are no utility easement issues with the vacation. Hopkins is no longer interested in seeking an easement back to his property. She discussed all the surrounding properties access to their lots. The only issue she sees is that the edge of the vacation is city limits and she is unsure if when the street is split whether the other property would own five feet of city property? She knows this will not be quick, believes Hopkins is in more of a hurry, they can wait and work together with him.
   B. Public Presentation or Hearing
      WALT SONEN- Asked if there was access to all properties if this ROW was vacated?
   C. Commission Discussion
      CARLUCCIO- Requested to be shown on the map where these properties were located. Requested to review the Vahalla plans from a previous meeting before deciding. Even though Hopkins signed the petition they still need to make sure he has access. Even if it is recommended and goes to the borough, they probably will not accept it unless it can be shown that these other properties have other access. She recommends postponing until more information is obtained. It would be a great thing to present Hopkins subdivision at the same time. She was on the commission when they needed a variance, because the builder had built their garage three feet in the right of way. If you look at the right of way there is essentially a wall there that would need to be blasted to create the road.
      SENSENIG- Asked Carluccio if she was in favor because she has stated in the past that she is against vacation as a rule? Is there an urgent deadline?
      BATES- Agrees they need to wait and get more documentation.
   D. Action/Disposition
      SENSENIG/BATES MOVED TO POSTPONE ACTION UNTIL BROUGHT BACK BY STAFF.
Minutes from the September 6, 2017 Planning Commission Meeting

1. Petition to Vacate East Addition right-of-way

A. Presentation by Staff or Commission

JEN SWICK- Discussed Hopkins plan to access his property through the corner of Hugh Smith’s lot, where the driveway is now, and he will access his back lot through his other property. Hugh Smith is not aware of this plan yet, but she believes they already have some sort of deal worked out for the use of the property. Hopkins has spoken with Kenton with Seabright Surveys and they are formulating an official plan to present to Hugh. If he can not access his property through Hugh Smith, he plans to get to permission to access through the next property up. A street is his only legal access at this point. If given permission to vacate they will replat the whole area, nine lots, and vacate the row in front of her house. Nothing has gone to the borough yet, they were waiting to do it simultaneously with Hopkins. If his access with Hugh does not work it will halt the process. Hopkins and Hugh are both outside of city limits. The vacation would be split down the middle and when she asked the surveyor, Scott with Integrity, he had told her that the property outside city limits would just own 10ft of city property and would have to abide by city rules on that part of their property.

B. Public Presentation or Hearing

C. Commission Discussion

CARRLUCIO- Discussed that without a written plan from Hopkins, when the petition to vacate reached the borough it would be knocked down because he does not have access to the property. She clarified Ray Waterbury’s vacation was approved, and asked how long after an approval can it still be submitted to the borough. She suggested they could discuss and sign off on the preliminary vacation subject to replat. If Hopkins is going to replat his property then all lots will have access. She discussed how wide A street was and that it was not feasible to turn it into a road for the City. She discussed the properties in the area and clarified where their access was located. She verified that the surrounding property owners had signed off on the petition and had other access. SENSENIG- Asked if they were separate issues and about the timing. She suggested that if all the owners have signed off on the vacation and the neighbors are okay and potentially have access, that it should be considered if no one has a reason not too. She clarified that the vacation would be split down the middle, and asked if the other property would own 10 feet of city property.

BATES- Spoke in agreement, he stated that the vacation looked pretty straightforward, just as long as there was access. In the past it was discussed that it was not feasible for the City to make it a street because it was a rock wall.

STONE- Spoke in agreement that it was pretty straightforward. She inquired about Hugh not knowing Hopkins plan yet.

LARSON- A street is thirty (30) feet.

D. Action/Disposition

SENSENIG/BATES MOVED TO APPROVE THE VACATION, SUBJECT OF THE APPROVAL OF THE REPLAT.

NO OBJECTION/ MOTION CARRIED

CARLUCCIO- Asked to attach two findings-

1. Every parcel adjacent to Frank Raby Drive has access either platted or real.
2. Completion of Frank Raby is not feasible because of a rock wall.

SENSENIG/STONE MOVED TO ADOPT THE FINDINGS.

NO OBJECTION/ MOTION CARRIED
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Keeping of livestock may be permitted provided the provisions set forth are satisfied.
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<td>Building of decks and docks within the Seldovia Small Boat Harbor (as defined by SMC 18.52.070 D) beyond the mean high tide may be permitted if provisions set forth are met.</td>
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<td>Any use which causes excessive interference, bright or flashing light, or other non-objectionable conditions which would interfere with the quiet neighborhood environment of a residential neighborhood or other non-residential use.</td>
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**KEY:**
- **P** - Principal Permitted Use
- **S** - Secondary Use
- **C** - Use Requires Conditional Use Permit
- **N** - Not Permitted

**PUBLIC/INSTITUTIONAL/OTHER (continued):**
- Building of decks and docks.
18.20.010 Definitions and Construction of Terms Generally. A. When used in this zoning code, the following words used herein shall be interpreted or defined as set forth in this chapter.
A. When not inconsistent with the context, words used in the present tense shall include the future; the singular number includes the plural; and the word "person" includes a firm, partnership or corporation as well as an individual; the word "lot" includes the words "plot," "piece," "parcel"; the term "shall" is always mandatory; and the words "used" or "occupied" shall be construed to include the words "intended," "arranged," or "designed" to be used or occupied.

18.20.015 Abandoned Sign. Any sign containing copy that refers to a business or activity that is no longer being conducted or pursued. (Ord. 01-01)

18.20.020 Accessory Use or Structure. "Accessory use or structure" means a use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

18.20.023 At large. At large means an animal is at large when it is off the premises of the owner or keeper and is not in the company of or under the control of the owner or keeper, a member of his family or other person to which the animal has been entrusted, by leash, cord or chain; provided, however, that such animal shall be deemed to be under control when under competent voice control while actively engaged in an organized activity which requires that the animal not be physically restrained. (Ord. 17-05)

18.20.024 Bee Keeping. Bee Keeping means the keeping of stinging winged insects that collect nectar and pollen, produce wax and honey, and are kept in large communities (hives). (17-05)

18.20.025 Below Grade Walls. Any area or space which falls below grade. (Ord. 06-10)

18.20.030 Building. "Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind, containing walls on at least three sides.

18.20.035 Temporary Structure. "Temporary Structure" means any structure constructed or erected on the ground, on skids or movable with the assistance of a vehicle, piece of equipment or suitable winch system. A temporary structure is treated as if it were a building, see SMC 18.20.030. (Ord. 16-10)

18.20.040 Building Height. "Building height" means a vertical distance from the specified reference point to the highest point of the structure not including venting. (Ord. 06-10)
18.20.050 Building Setback. "Building setback" means the distance from a lot line or right-of-way centerline, whichever is specified, that a principal and accessory structure must be located.

18.20.053 Business Specific Office. “Business Specific Office” means office space directly pertaining to the retail or service business use of the building. (Ord. 06-10)

18.20.055 Combined Signage. The total square footage of all signs on any lot. (Ord. 01-01)

18.20.060 Dwelling. "Dwelling" means a structure containing one or more dwelling units and designed to be affixed to a permanent foundation. This term includes prefabricated structures that are not constructed on a chassis that is an integral part of the structure.

18.20.070 Dwelling Unit. "Dwelling unit" means one or more rooms in addition to a bathroom, which include kitchen facilities and are arranged, designed or used for living quarters by a family.

18.20.080 Family. "Family" means one or more persons occupying a dwelling unit.

18.20.090 Home Occupation. "Home occupation" means any use entirely within a dwelling or accessory structure and carried on by the occupants of the dwelling, which is clearly incidental to the use of the dwelling and lot for residential purposes and does not change the character thereof. It shall not cause any noise, odors, effluent, smoke, dust, vibrations, electrical interference, bright or flashing light, or other objectionable conditions which would interfere with the quiet enjoyment of a residential neighborhood. A home occupation shall not include automobile or machinery repair, welding, sheet metal, or other similar work, and shall not require regular or frequent deliveries of goods or materials of such bulk or quantity, nor the parking of customer or client vehicles in numbers or frequency over and above the normal traffic associated with the dwelling as a residence. It allows for one exterior sign and display or stock in trade is limited to local articles and produce. (Ord. 01-01)

18.20.096 Livestock. Livestock is generally accepted as large (over 250 pounds) and small (under 250 pounds) outdoor farm animals (i.e., cows, goats, horses, pigs, barnyard fowl, etc.). This definition does not include cats, dogs, other common household pets, or bee keeping. (Ord. 17-05)

18.20.095 Incidental Secondary Uses. "Incidental Secondary Uses“ means additional uses of the building of a subordinate or ancillary nature, i.e. second floor apartment. Not the main reason for the building. (Ord. 06-10)
18.20.100 Loading Space. "Loading space" means an off-street space on the same lot with a building or contiguous to a group of buildings, designated or intended for the temporary parking of commercial vehicles while loading and unloading, and which abuts upon a street, alley or other appropriate means of access.

18.20.110 Lot. "Lot" means a legally described land parcel or combination thereof that meets the minimum size and design requirements of this zoning code for the type and number of principal and accessory uses and structures proposed.

18.20.120 Lot Area. "Lot area" means the total horizontal net area within the lot lines exclusive of streets, highways, roads and other rights-of-way.

18.20.130 Lot Coverage. "Lot coverage" means the amount of land covered by principal and accessory structures exclusive of open porches and patios as well as parking area.

18.20.140 Mobile Home. "Mobile home" means a factory-assembled structure or combination thereof which contains the necessary service connections to support one or more dwelling units, is made so as to be readily movable as a unit or units on individual chassis and running gear, and which is designed to be used without a permanent foundation.

18.20.150 Mobile Home Park. "Mobile home park" means a parcel of land which has been designated and improved so that it contains three or more mobile home spaces available for rent or purchase.

18.20.160 Nonconforming Lot, Use and Structure. "Nonconforming lot, use and structure" shall be any lot, use or structure that does not conform to the requirements for the zoning district in which it is located.

18.20.170 Open Space. "Open space" means the ground area and the space above which is unimpeded from the ground to the sky by any structure except as provided in this zoning code. Open space does not include area used for parking or outside storage.

18.20.180 Parking Area. "Parking area" means an off-street area containing one or more parking spaces with aisles and driveways necessary for maneuvering without use of public rights-of-way. In general, there shall be an average of at least 350 square feet of parking area per parking space to insure adequate maneuvering area.

18.20.190 Parking Space. "Parking Space" means an area, enclosed or unenclosed, sufficient in size to store a motor vehicle. At a minimum, each space shall contain 200 square feet measuring 10 feet by 20 feet. (Ord. 00-02)
18.20.200 Planned Unit Development. "Planned unit development" means a group or combination of certain specified residential, commercial or industrial uses developed as a functional and integral unit in a district where some or all the uses might not otherwise be permitted.

18.20.210 Principal Use or Structure. "Principal use or structure" means the uses or structures for which the district is primarily designed.

18.20.220 Service Station. "Service station" means any building, structure, premises or other space used primarily for the retail sale and dispensing of motor fuels, tires, batteries and other small accessories.

18.20.230 Sign. "Sign" means any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trademarks, by which anything is made known; such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from any public street or highway and used to attract attention, either attached to a structure or free-standing. (Ord. 01-01)

18.20.235 Street frontage. The length of a property line that borders a public right of way which provides the principal means of access: Alleys, public parking lots, emergency access and/or pedestrian easements are not considered as public rights-of-way for the purposes of this definition. (Ord. 01-01)

18.20.240 Structure. "Structure" means anything constructed or erected on the ground or which is attached to something located on the ground including but not limited to buildings, radio and TV towers, sheds and permanent signs, and excluding fences.

18.20.250 Intertidal Zone. The intertidal zone, also known as the foreshore and seashore and sometimes referred to as the littoral zone, is the area that is above water at low tide and under water at high tide (in other words, the area between tide marks). (Ord. 17-06)

18.20.260 Intersections. An intersection is any point where one road meets another. Types of intersections include four-way intersections including offset approaches and three-way intersections which includes T junctions and Y junctions and includes both sides of the road of the intersecting streets. (Ord. 18-12)
### 14.22.010 Land use table.

**LAND USE TABLE**

**KEY:**
- **P** = Principal Permitted Use
- **C** = Conditional Use
- **S** = Secondary Use
- **N** = Not Permitted

**NOTE:** Reference footnotes on following pages for additional restrictions.

<p>| ZONING DISTRICTS | LAND USES | ALI | C | RR | RR-1 | RS | RS-1 | RS-2 | RU | CC | CG | IL | IH | ED | R | TSH | LC | CMU |
|------------------|-----------|-----|---|----|------|----|------|------|----|----|----|----|----|----|----|----|----|----|----|
| <strong>RESIDENTIAL</strong>  |           |     |   |    |      |    |      |      |    |    |    |    |    |    |    |    |    |    |    |
| One-Family Dwelling | N | C(^{18}) | P | P | P | P | P | P | p(^{21}) | S(^1) | S(^2) | C(^{22}) | P | P | P | S(^1/C(^{21}) | |
| Two-, Three-Family Dwelling | N | C(^{18}) | P | P | P | P | P | P | p(^{21}) | S(^1) | C | C | C(^{22}) | P | P | P | S(^1/C(^{21}) | |
| Four-Family Dwelling | N | C(^{18}) | P | C (^{3,29}) | N | N | N | P | p(^{21}) | S(^1) | C | C | C(^{22}) | N | P | C | S(^1/C(^{21}) | |
| Five-, Six-Family Dwelling | N | C(^{18}) | C (^{3}) | N | P | N | N | P | p(^{21}) | S(^1) | C | C | N | N | P | C | S(^1/C(^{21}) | |
| Seven- or More Family Dwelling | N | C(^{18}) | C (^{3}) | N | C (^{3}) | N | N | P | p(^{21}) | S(^1) | C | C | N | N | P | C | S(^1/C(^{21}) | |
| Mobile Home Parks(^6) | N | N | C | N | C | C | C | C | C | C | C | N | C | N | N | C | |
| Planned Unit Residential Development(^7) | N | C(^{18}) | C | C (^{29}) | C | C | C | C | C | C | C | N | C | C | C | C | |
| Townhouses(^4) | N | C(^{18}) | C (^{3,29}) | C (^{3}) | C (^{3}) | C (^{3}) | C (^{3}) | C | C | C | C | C | C | C | C | C | |
| Accessory Building on Parcel Without Main Building or Use (See KMC 14.20.200) | N | N | C | C | C | C | C | C | N | N | N | N | N | N | C | N | N | |</p>
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<td>Recreational Vehicle Parks</td>
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<td>Subsurface Extraction of Natural Resources</td>
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<td>Surface Extraction of Natural Resources</td>
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* See 42 USCA Sec. 2000cc (Religious Land Use and Institutionalized Persons Act of 2000)
** See 42 Telecommunications Act of 1996, Sec. 704(a)
*** See, however, the limitations imposed under KMC 3.10.070

Footnotes:

1. Allowed as a secondary use except on the ground floor of the part of the building fronting on collector streets and major highways. Commercial or industrial which falls under the landscaping/site plans requirements of KMC Chapter 14.25 shall include any secondary uses in the landscaping and site plans.
2. One (1) single-family residence per parcel, which is part of the main building.
3. Allowed as a conditional use, subject to satisfying the following conditions:
   a. The usable area per dwelling unit shall be the same as that required for dwelling units in the RS Zone;
   b. The site square footage in area must be approved by the Commission;
c Yards around the site, off-street parking, and other development requirements shall be the same as for principal uses in the RR Zone;

d Water and sewer facilities shall meet the requirements of all applicable health regulations;

e The proposed dwelling group will constitute a residential area of sustained desirability and stability, will be in harmony with the character of the surrounding neighborhood, and will not adversely affect surrounding property values;

f The buildings shall be used only for residential purposes and customary accessory uses, such as garages, storage spaces, and recreational and community activities;

g There shall be provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population;

h The development shall not produce a volume of traffic in excess of the capacity for which the access streets are designed;

i The property adjacent to the proposed dwelling group will not be adversely affected.

4 See “Townhouses” section.

5 See “Mobile Homes” section.

6 Allowed as a conditional use, subject to “Mobile Homes” section; and provided, that any mobile home park meets the minimum Federal Housing Authority requirements.

7 See “Planned Unit Residential Development” section.

8 Allowed as a conditional use; provided, that the proposed location and the characteristics of the site will not destroy the residential character of the neighborhood.

9 Allowed as a conditional use; provided, that all applicable safety and fire regulations are met.

10 Provided that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line.

11 Allowed as a conditional use; provided, that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line; and provided further, that the proposed location and characteristics of the use will not adversely affect the commercial development of the zone.

12 Allowed as a conditional use; provided, that the following conditions are met:

   a The proposed location of the use and the size and characteristics of the site will maximize its benefit to the public;

   b Exits and entrances and off-street parking for the use are located to prevent traffic hazards on public streets.

13 Allowed as a conditional use; provided, that setbacks, buffer strips, and other provisions are adequate to assure that the use will not be a nuisance to surrounding properties. The Commission shall specify the conditions necessary to fulfill this requirement. Animal boarding and commercial kennels require a kennel license (see KMC Chapter 3.15).
14 Allowed as a conditional use; provided, that no indication of said use is evident from the exterior of the mortuary.

15 Allowed; provided, that the following conditions are met:
   a An uncleared buffer strip of at least thirty (30) feet shall be provided between said use and any adjoining property in a residential zone.
   b Exits and entrances and off-street parking for the use shall be located to prevent traffic hazards on the public streets.

16 See “Conditional Uses” section.

17 See “Conditional Use Permit for Surface Extraction of Natural Resources” section.

18 **Conditional use allowed only on privately held property.** Not allowed on government lands.

19 Reserved.

20 The airport related uses allowed under this entry are aircraft approach and departure zones pursuant to KMC 14.20.070(a), except that for properties contained inside the airport perimeter fence or having access to aircraft movement areas, taxiways or parking aprons, FAA authorized uses are allowed.

21 Developments for use shall be the same as those listed in the Development Requirements Table for the RU/TSH Zones.

22 **Allowed as a conditional use in conjunction with a permitted use in the ED Zone.** For example, housing for teachers or students for a school in the zone.

23 **Allowed as an accessory use in conjunction with a permitted use in the ED Zone.** For example, a dormitory used to house students for a school or educational facility.

24 Retail businesses allowed as a secondary use in conjunction with the primary use (e.g., a gift shop or coffee shop within another business).

25 Art studios, barbers, beauticians, tattoo parlors, dressmakers, dry cleaners and self-service laundries, fitness centers, photographic studios, tailors, tanning salons and massage therapists.

26 Food services are allowed on a temporary or seasonal basis of not more than four (4) months per year.

27 Personal services not set forth in the below matrix are conditional uses.

<table>
<thead>
<tr>
<th>Limited Commercial Zone</th>
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<tbody>
<tr>
<td><strong>Personal Services</strong></td>
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<tr>
<td>Art Studios</td>
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<tr>
<td>Barbers</td>
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<td>Beauticians</td>
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<td>Dressmakers</td>
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<td>Dry Cleaners</td>
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<td>Limited Commercial Zone</td>
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<tr>
<td>Personal Services</td>
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<tr>
<td>Permitted (P) Conditional Use (C)</td>
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<tr>
<td>Fitness Centers X</td>
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<tr>
<td>Massage Therapist X</td>
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<tr>
<td>Photographic Studios X</td>
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<tr>
<td>Self-Service Laundries X</td>
</tr>
<tr>
<td>Tailors X</td>
</tr>
<tr>
<td>Tanning Salons X</td>
</tr>
<tr>
<td>Tattoo Parlors X</td>
</tr>
</tbody>
</table>

28 Communications tower/antenna(s) allowed as a principal permitted (P) use if the applicable conditions set forth in KMC 14.20.255 are met or a conditional use (C) if the applicable conditions set forth in KMC 14.20.150 and 14.20.255 are met.

29 Use allowed only for those parcels that abut the Kenai Spur Highway. The access to any such parcel must be either from: (a) driveway access on the Kenai Spur Highway; or (b) driveway access from a dedicated right-of-way and that driveway access is not more than two hundred seventy-five (275) feet as measured from the constructed centerline of the Kenai Spur Highway to the center of the driveway access as shown on an as-built drawing/survey of the parcel.


The Kenai Municipal Code is current through Ordinance 3044-2018, passed December 5, 2018.

Disclaimer: The City Clerk has the official version of the Kenai Municipal Code. Users should contact the City Clerk for ordinances passed subsequent to the ordinance cited above.

City Website: www.ci.kenai.ak.us
City Telephone: (907) 283-8231
Code Publishing Company
14.20.320 Definitions.

(a) General Interpretation.

(1) Words used in the present tense include the future tense.

(2) The singular number includes the plural.

(3) The word “person” includes a corporation as well as an individual.

(4) The word “lot” includes the word “plot” or “parcel.”

(5) The term “shall” is always mandatory.

(6) The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended,” “arranged” or “designed to be used or occupied.”

(b) Specific Definitions.

“Accessory Building” means a detached building or structure, the use of which is appropriate, subordinate, and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot as the main building or use, except as allowed by a conditional use permit. An accessory building shall be considered to be a part of the main building when joined to the main building by a common wall or when any accessory building and the main building are connected by a breezeway.

“Accessory Use” means a use customarily incidental and subordinate to the principal use of the land, building, or structure and located on the same lot or parcel of land.

“Administrative Official” means the person charged with the administration and enforcement of this chapter.

“Agricultural Building” means a building or structure used to shelter farm implements, hay, grain, poultry, livestock, or other farm produce, in which there is no human habitation and which is not used by the public.

“Agriculture” means the science, art, and business of cultivating soil, producing crops, and raising livestock; farming.

“Airport” means a location where aircraft such as fixed-wing aircraft, helicopters, and blimps take off and land. Aircraft may be stored or maintained at an airport. An airport consists of at least one (1) surface such as a paved or gravel runway, a helicopter touchdown and lift off (TLOF) area, helipad, or water runway for aircraft takeoffs and landings, and often includes buildings such as control towers, hangars and terminal buildings.

“Airport Compatible Uses” means uses which include, but are not limited to: Hangars, Fixed Base Operators, Aircraft Repair and Manufacturing, Aircraft Sales, and other uses approved by the Ordinance of the City of Kenai, and the Federal Aviation Administration’s regulations, and compatible with the current Airport Master Plan, the Airport Layout Plan and the Comprehensive Plan.
“Alley” means a public way designed and intended to provide only a secondary means of access to any property abutting thereon.

“Alteration” means any change, addition, or modification in construction, location, or use classification.

“Animal Boarding” means any building or structure and associated premises in which animals are fed, housed, and/or exercised for commercial gain.

“Apartment House,” see “Dwelling, multiple-family.”

“Area, Building” means the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of steps.

“Assemblage” means a large gathering of people for an event such as a concert, fair, or circus.

“Assisted Living” means a living arrangement in which people with special needs, especially seniors with disabilities, reside in a facility that provides help with everyday tasks such as bathing, dressing, and taking medication.

“Automobile Sales” means the use of any building or structure and associated premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles and including any warranty repair work and other repair service conducted as an accessory use.

“Automobile Service Station” means the use of any building or structure and associated premises or other space used primarily for the retail sale and dispensing of motor fuels, tires, batteries, and other small accessories; the installation and servicing of such lubricants, tires, batteries, and other small accessories; and such other services which do not customarily or usually require the services of a qualified automotive mechanic.

“Automobile Wrecking” means the dismantling of used motor vehicles or trailers or the storage or sale of parts from dismantled or partially dismantled, obsolete, or wrecked vehicles.

“Automotive Repair” means the use of any building or structure and associated premises on which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

“Bank” means any establishment or building or structure used for a financial institution that provides financial services for its clients or members. The term “bank” includes savings and loan.

“Bed and Breakfast” means a residential, owner-occupied dwelling in which rooms are rented to paying guests on an overnight basis with no more than one (1) meal served daily.

“Boarding House” means a dwelling where the principal use is a dwelling by the owner or keeper and where the owner or keeper provides lodging for three (3) or more persons who are not members of the owner’s or keeper’s family and the lodgers pay compensation to use one (1) or more rooms. The common parts of the building or structure are maintained by the owner or keeper who may also provide lodgers with some
services, such as meals, laundry, and cleaning. Boarding houses are not motels or hotels and are not open to transient guests.

“Building” means any structure built for the support, shelter, or enclosure of persons, animals, or property of any kind.

“Building Code” means the building code and/or other building regulations applicable in the City.

“Building, Existing” means a building erected prior to the adoption of the ordinance codified in this chapter or one for which a legal building permit has been issued.

“Building Height” means the vertical distance from the “grade,” as defined herein, to the highest point of the roof.

“Building, Principal or Main” means a building or structure in which is conducted the principal or main use on the lot which said building is situated.

“Business/Consumer Services” means the provision of services to others on a fee or contract basis, such as advertising and mailing; building maintenance; employment service; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.

“Cabin Rentals” means the renting out of one (1) or more individual, detached dwelling units or buildings to provide overnight sleeping accommodations for a period of less than thirty (30) consecutive days.

“Cemetery” means any property used to inter the dead in buried graves or in columbarium, stacked vaults, or similar structures.

“Centerline” means the line which is in the center of a public right-of-way.

“Church” means a building or structure in which persons regularly assemble for worship, ceremonies, rituals, and education pertaining to a particular system of beliefs. The term “church” includes a synagogue or temple.

“City” means the City of Kenai, Alaska.

“Clinic” (or outpatient clinic or ambulatory care clinic) means a health care facility that is primarily devoted to the care of outpatients. Clinics can be privately operated or publicly managed and funded, and typically cover the primary health care needs of populations in local communities, in contrast to larger hospitals which offer specialized treatments and admit inpatients for overnight stays.

“Collector Street” means a street located and designed for the primary purpose of carrying through traffic and of connecting major areas of the City. Unless otherwise designated by the Commission, collector street shall be defined on the plan for streets and community facilities in the comprehensive development plan.

“College” means an educational institution providing postsecondary (after high school) education.

“Commercial Kennel” has the same meaning given in KMC 3.05.010.
“Commercial Marijuana Establishment” means any Retail Marijuana Store, Marijuana Cultivation Facility, Marijuana Product Manufacturing Facility, and Marijuana Testing Facility.

“Commercial Recreation” means a recreation facility operated as a business and open to the public for a fee.

“Commission” means the Kenai Planning and Zoning Commission.

“Communication Antenna” has the same meaning given in KMC 14.20.255.

“Communication Tower” has the same meaning given in KMC 14.20.255.

“Conditional Use” means a use which is permitted under the terms of this chapter provided that under the specified procedures, the Commission finds that certain conditions, specified in this chapter are fulfilled. Conditional uses are listed in the Land Use Table.

“Condominium” means a common interest ownership dwelling in which:

1. Portions of the real estate are designated for separate ownership;

2. The remainder of the real estate is designated for common ownership solely by the owners of those portions;

3. The undivided interests in the common elements are vested in the unit owners. In the Land Use Table (KMC 14.22.010), “condominiums” shall be treated as two (2) or more family dwellings. For example, a four (4) unit condominium building would be treated as a four (4) family dwelling.

“Coverage” means that percentage of the total lot area covered by the building area.

“Crematory/Funeral Home” means building or structure used for preparation of the deceased for display and/or interment and may also be used for ceremonies connected with interment. Preparation may include cremation, which is the process of reducing dead bodies to basic chemical compounds in the form of gases and bone fragments. This is accomplished through burning—high temperatures, vaporization, and oxidation.

“Day Care Center” means an establishment where child care is regularly provided for children for periods of less than twenty-four (24) hours, including the building housing the facility and adjoining areas, and where tuition, fees, or other compensation for the care of the children is charged.

“Dormitory” means a building, whether public or private, associated with a school, college or university and designed, used, and arranged for private sleeping, studying, and living accommodation for students.

“Dwelling” means a building or any portion thereof designed or used exclusively for residential occupancy including one-family, two-family and multiple-family dwellings, but not including any other building wherein human beings may be housed.

“Dwelling, One-Family” means any detached building containing only one (1) dwelling unit.

“Dwelling, Two-Family” means any building containing only two (2) dwelling units.

“Dwelling, Multiple-Family” means any building containing three (3) or more dwelling units.
“Dwelling Unit” means one (1) or more rooms and a single kitchen in a dwelling designed as a unit for occupancy by not more than one (1) family for living or sleeping purposes.

“Elementary School” means any school usually consisting of grades pre-kindergarten through grade 6 or any combination of grades within this range.

“Essential Service” means the erection, construction, alteration, or maintenance by public utility companies or municipal departments or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith. This definition shall not be interpreted to include public buildings.

“Family” means any number of individuals living together as a single housekeeping unit in a dwelling unit.

“Farming” means a tract of land cultivated for the purpose of commercial agricultural production.

“Fence, Height” means the vertical distance between the ground directly under the fence and the highest point of the fence.

“Floor Area” means the total of each floor of a building within the surrounding outer walls but excluding vent shafts and courts.

“Fraternal Organization” means a group of people formally organized for a common object, purpose, or interest (usually cultural, religious or entertainment) that conducts regular meetings and has written membership requirements.

“Frontage” means all the property fronting on one (1) side of a street between intersection streets.

“Garage, Private” means an accessory building or any portion of a main building used in connection with residential purposes for the storage of passenger motor vehicles.

“Garage, Public” means any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, or equipping of automobiles or other vehicles.

“Gas Manufacturer/Storage” means the surface use of lands used in the production, the mechanical transformation, or the chemical transformation of hydrocarbon gas and includes uses for gas conditioning/compressor stations. “Storage” means surface uses necessary for storage of produced or non-native natural gas.

“Governmental Building” means a building or structure owned and operated by any department, commission, or agency of the United States or of a state or municipality and used to conduct official business of government.
“Grade (Ground Level)” means the average level of the finished ground at the center of all walls to a building. In case walls are parallel to and within five (5) feet of a public sidewalk, the ground level shall be measured at the sidewalk.

“Greenhouse” means a building or structure, usually a glassed or clear plastic enclosure, used for the cultivation and protection of plants.

“Guest Room” means any room in a hotel, dormitory, boarding, or lodging house used and maintained to provide sleeping accommodations for one (1) or more persons.

“Guide Service” means any activity on any premises used for collecting or returning persons from recreational trips when remuneration is provided for the service.

“Gunsmith” means a person who repairs, modifies, designs, or builds firearms.

“High School” means a secondary school usually consisting of grades 9 through 12 or any appropriate combination of grades within this range.

“Home Occupation” means an accessory use carried out for remuneration by a resident in the resident’s dwelling unit.

“Hospital” means an institution that provides medical, surgical, or psychiatric care and treatment for the sick or the injured.

“Hotel” means a building or group of buildings containing more than five (5) guest rooms used for the purpose of offering public lodging on a day-to-day basis with or without meals.

“Junkyard” means any space one hundred (100) square feet or more of any lot or parcel of land used for the storage, keeping, or abandonment of junk or waste material, including scrap metals or other scrap materials, or for the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or any parts thereof.

“Library” means a collection of sources, resources, and services, and the structure in which it is housed; it is organized for use and maintained by a public body, an institution, or a private individual.

“Licensed Premises For Commercial Marijuana Establishment” means any and all designated portions of a building or structure, or rooms or enclosures in the building or structure, at the specific address for which a Commercial Marijuana Establishment license is issued, and used, controlled, or operated by the Commercial Marijuana Establishment to carry out the business for which it licensed.

“Loading Space” means an off-street space or berth on the same lot with a building or structure to be used for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

“Lodge” means a building or group of buildings containing five (5) or fewer guest rooms used for the purpose of offering public lodging on a day-to-day basis with or without meals.
“Lot” means a parcel of land occupied or to be occupied by a principal use and having frontage on a public street.

“Lot, Corner” means a lot situated at the junction of, and bordering on, two (2) intersecting streets, two (2) platted rights-of-way, two (2) government easements, or any combination thereof.

“Lot Coverage” means that portion of the lot covered by buildings or structures that require a building permit.

“Lot Depth” means the horizontal distance separating the front and rear lot lines of a lot and at right angles to its width.

“Lot Line, Front-Corner Lot” means the shortest street line of a corner lot.

“Lot Line, Front-Interior Lot” means a line separating the lot from the street.

“Lot Line, Rear” means a line that is opposite and most distant from the front lot line, and in the case of irregular, triangular, or gore shaped lot, a line not less than ten feet (10’) in length, within a lot, parallel to and at the maximum distance from the front lot line.

“Lot Line, Side” means any lot boundary line not a front lot line or a rear lot line.

“Lot Width” means the mean horizontal distance separating the side lot lines of a lot and at right angles to its depth.

“Manufactured Housing” means a dwelling unit that meets Department of Housing and Urban Development Standards for manufactured housing and is wider than sixteen feet (16’), has a roof pitch of 4:12 or greater with roofing and siding common to standard residential construction and is transported to the site and placed on a permanent foundation.

“Manufacturing/Fabricating/Assembly” means the mechanical or chemical transformation of materials or substances into new products including assembling of components parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

“Marijuana” means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. The term does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

“Marijuana Concentrate” means resin, oil, wax, or any other substance derived from the marijuana plant by any method which isolates the Tetrahydrocannabinol (THC)-bearing resins of the plant.

“Marijuana Cultivation Facility” means any entity with a state license registered to cultivate, prepare, and package marijuana and to sell marijuana to Marijuana Retail Facilities, Marijuana Products Manufacturing Facilities, Marijuana Testing Facilities, but not to consumers.
“Marijuana Cultivation Facility, Standard” means an entity registered to cultivate in an area greater than 500 square feet under cultivation, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

“Marijuana Cultivation Facility, Limited” means an entity registered to cultivate in an area of 500 square feet or less of cultivation, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

“Marijuana Products” means concentrated marijuana and marijuana products that are comprised of Marijuana and other ingredients and are intended for use or consumption, such as, but not limited to edible products, ointments, and tinctures.

“Marijuana Product Manufacturing Facility” means a state licensed fully enclosed secure indoor facility registered to purchase marijuana, manufacture, prepare and package marijuana products, and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

“Marijuana Testing Facility” means a state licensed commercial marijuana testing facility that is registered to analyze and certify the safety and potency of Marijuana and Marijuana Products.

“Mini-Storage Facility” means a completely enclosed structure containing three (3) or more areas or rooms available for lease or rent for the purpose of the general storage of household goods, vehicles or personal property; where the lessee of the unit is provided direct access to deposit or store items and where vehicles do not fill the majority of the allowed storage space.

“Mobile Home” means a structure, which is built on a permanent chassis in accordance with Department of Housing and Urban Development Standards and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities. A mobile home is subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided.

“Mobile Home Park” means a site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for the residents.

“Modular Home” means a dwelling constructed in modules or sections at a place other than the building site, built to conform to Title 4 of the Kenai Municipal Code, is transported to the site and then assembled and placed on a permanent foundation.

“Motel” means a group of one (1) or more detached or semi-detached buildings containing two (2) or more individual dwelling units and/or guest rooms designed for, or used temporarily by, automobile tourists or transients, with a garage attached or parking space conveniently located to each unit, including groups designated as auto courts, motor lodges, or tourist courts.
“Museum” means a building or structure that houses and cares for a collection of artifacts and other objects of scientific, artistic, or historical importance and makes them available for public viewing through exhibits that may be permanent or temporary.

“Necessary Aviation Facilities” means any air navigation facility, airport visual approach aid, airfield lighting and signage, meteorological device or any type of device approved by the Federal Aviation Administration (FAA), the location and height of which is fixed by its functional purpose.

“Nonconforming Lot” means a lot lawfully existing at the time this chapter became effective, which by reason of area or dimensions, does not meet the development requirements for the zone in which it is located.

“Nonconforming Structure” means a structure or portion thereof, lawfully existing at the time this chapter became effective, which by reason of its yards, coverage, height, or other aspects of design, does not meet the development requirements of this zone.

“Nonconforming Use” means a use of a structure of land, or of a structure and land in combination, lawfully existing at the time this chapter became effective, or established on the premises of a previous nonconforming use as specified in this chapter, which is not in conformity with the uses permitted in the zone in which it exists.

“Nursing, Convalescent or Rest Home” means a building or structure used as a residence for people who require constant nursing care and/or have significant deficiencies with activities of daily living.

“Office” means a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

“Park” means a tract of land, designated by a public entity for the enjoyment of the public and generally used for active and passive recreational activities.

“Parking, Public Lots” means a parking area available to the public, whether or not a fee for use is charged.

“Parking Space, Private” means any automobile parking space, excluding garages, not less than nine feet (9’) wide and one hundred eighty (180) square feet in total area.

“Parking Space, Public” means an area of not less than one hundred eighty (180) square feet exclusive of drives or aisles giving access thereto in area accessible from streets and alleys for the storage of passenger motor vehicles operated by individual drivers.

“Person” means a natural person, his or her heirs, executors, administrators, or assigns, and also including firm, partnership, or corporation, or their successors and/or assigns or the agent of any of the aforesaid.

“Personal Services” mean establishments engaged in providing services involving the care of a person or his or her apparel.

“Planned Unit Residential Development” means an alternative method of development of a residential neighborhood under more flexible conditions than otherwise required in a specific zoning district.
“Principal Use” means the major or predominant use of a lot or parcel of land.

“Profession” means an occupation or calling requiring the practice of a learned art through specialized knowledge based on a degree issued by an institution of high learning, e.g., Doctor of Medicine.

“Property Owner” means the owner shown on the latest tax assessment roll.

“Public” means a place to which the public or a substantial group or persons has access and includes highway, rivers, lakes, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, hallways, lobbies and other parts of apartments houses and hotels not constituting rooms or apartments designed for actual residence.

“Recreation” means leisure activities sometimes requiring equipment and taking place at prescribed places, sites, parks, or fields. It can include active recreation, such as structured individual or team activities requiring the use of special facilities, courses, fields or equipment or passive recreation, such as activities that do not require prepared facilities such as wildlife and bird viewing, observing and photographing nature, picnicking, and walking.

“Recreational Vehicle” means a vehicular-type unit, primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. Recreational vehicles include, but are not limited to, travel trailers, camping trailers, truck campers, and motor homes.

“Recreational Vehicle Park” means an area established by a conditional use permit for the parking of two (2) or more recreational vehicles on a temporary basis.

“Recreation or Youth Center” means a building, structure, athletic playing field, or playground, run or created by a local government or the state to provide athletic, recreational, or leisure activities for minors, or operated by a public or private organization, licensed to provide shelter, training, or guidance for persons under 21 years of age.

“Restaurant” means an establishment where food and drink is prepared, served, and consumed primarily within the principal building.

“Retail Business” means establishments engaged in selling goods or merchandise to the general public for business or personal/household consumption and rendering services incidental to the sale of such goods.

“Retail Marijuana Store” means a state licensed entity registered to purchase marijuana from a marijuana cultivation facility, to purchase marijuana and marijuana products from a marijuana manufacturing facility, and sell marijuana and marijuana products to consumers.

“Secondary Use” means a use allowed on a lot or parcel of land only if there is also an allowed principal use on the property.

“Sign” means any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names, or trademarks by which anything is made known, such as are used to designate an individual,
firm, association, corporation, profession, business, or a commodity or product, which are visible from any public street or highway and used to attract attention.

“Square Feet Under Cultivation” means an area of the licensed premises of a standard or limited cultivation facility that is used for growing marijuana, measured on the perimeter of the floor or growing space for marijuana. “Square Feet Under Cultivation” does not include hallways, equipment storage areas, or other areas within the licensed premises that are not used for growing marijuana such as an office, or a processing or storage area.

“State Highway” means a right-of-way classified by the State of Alaska as a primary or secondary highway.

“Storage Yard” means a lot used primarily for the storage of operational vehicles, construction equipment, construction materials or other tangible materials and equipment.

“Street” means a public right-of-way used as a thoroughfare and which is designed and intended to provide the primary means of access to property abutting thereon.

“Structure” means that which is built or constructed, an edifice or a building of any kind, composed of parts joined together in some definite manner.

“Subsurface Extraction of Natural Resources” means removing valuable minerals or other geological materials from the earth, from an ore body, vein or (coal) seam. Materials recovered could include gas, oil, base metals, precious metals, iron, uranium, coal, diamonds, limestone, oil shale, rock salt and potash.

“Surface Extraction of Natural Resources” means removal of material, usually soil, gravel, or sand for use at another location.

“Taxidermy” means the act of mounting or reproducing dead animals, fish, and/or birds for display.

“Theater” means a building or structure, or part thereof, devoted to the indoor exhibition of motion pictures and/or of live dramatic, speaking, musical, or other presentations.

“Townhouse” means single-family dwelling units constructed in a series or group of two (2) or more units separated from an adjoining unit by an approved party wall or walls, extending from the basement of either floor to the roof along the linking lot line.

“Tree Nursery” means a place where trees/plants are propagated and grown to usable size.

“Use” means the purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

“Variance” means the relaxation of the development requirements of this chapter to provide relief when the literal enforcement would deprive a property owner of the reasonable use of his or her real property.

“Warehouse” means a building or structure used for the storage of goods, wares and merchandise that will be processed, sold or otherwise disposed of off of the premises.
“Wholesale Business” means business conducted primarily for the purpose of selling wares or merchandise in wholesale lots to retail merchants for resale.

“Yard” means an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this chapter, on the same lot on which a building is situated.

“Yard, Front” means a yard extending across the full width of the lot between the front lot line of the lot and the nearest exterior wall of the building which is the nearest to the front lot line.

“Yard, Rear” means a yard extending across the full width of the lot between the most rear main building and the rear lot line.

“Yard, Side” means a yard on each side of a main building and extending from the front lot line to the rear lot line. The width of the required side yard shall be measured horizontally from the nearest point of a side lot line to the nearest part of the main building.

“Zoning Change” means the alteration or moving of a zone boundary; the reclassification of a lot, or parcel of land, from one zone to another; and the change of any of the regulations contained in this chapter.

“Zoning Ordinance or Ordinances” mean the zoning ordinance of the City of Kenai and Kenai Municipal Code Chapter 14.


The Kenai Municipal Code is current through Ordinance 3044-2018, passed December 5, 2018.

Disclaimer: The City Clerk has the official version of the Kenai Municipal Code. Users should contact the City Clerk for ordinances passed subsequent to the ordinance cited above.

City Website: www.ci.kenai.ak.us
City Telephone: (907) 283-8231
Code Publishing Company
14.20.230 Home Occupations.

(a) Intent. It is the intent of this chapter to permit home occupations that are compatible with other permitted uses and with the residential character of a neighborhood, and that are clearly secondary or incidental to the residential use of the main building. In general, a home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances would not be aware of its existence other than for a sign as permitted in this chapter. Home occupations are permitted accessory uses only so long as all the development requirements listed in this section are observed.

(b) Uses Permitted. Subject to the development requirements of this section, home occupations include, but are not limited to, the following uses:

1. Art Studio;
2. Day care of no more than eight (8) children under the age twelve (12), including children related to the caregiver;
3. Dressmaking;
4. Sewing and tailoring;
5. Barbers and beauticians; and
6. Tutoring and musical instruction.

(c) Uses Prohibited. The following uses are prohibited as home occupations:

1. Commercial auto, small machine, and boat repair;
2. Commercial kennels or similar uses;
3. Convalescent homes for the care of more than two (2) patients;
4. Mortuaries;
5. Private schools with organized classes;
6. Real estate office;
7. Restaurants; and

(d) Development Requirements.

1. Not more than one (1) person outside the family shall be employed in the Home occupation.
2. No more than thirty percent (30%) of the gross floor area of all buildings on the lot shall be used for the home occupation.
(3) The home occupation shall be carried on wholly within the principal building, or other buildings which are accessory thereto. Any building used for a home occupation shall be wholly enclosed.

(e) Permit Application.

(1) An application for a home occupation permit shall be filed in writing with the City Planning and Zoning Department and signed by the person requesting to operate the home occupation.

(2) If the administrative official finds the application meets the criteria of KMC 14.20.230 and recommends that the Commission should grant the permit, the official shall place consideration of the application on the consent agenda of the Planning and Zoning Commission. Otherwise, the administrative official shall place consideration of the application as a regular new business item on the Commission's agenda. Applications listed on the consent agenda are considered routine and will be approved by one (1) motion. There will be no separate discussion of the application unless a member of the Commission so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the general orders.

(3) A finding by the Planning and Zoning Commission that an application does not meet the criteria of KMC 14.20.230 may be appealed in accordance with KMC 14.20.290.

(4) Notice of the consideration by the Commission of a home occupation permit application shall be published once at least two (2) days prior to the meeting in a paper of general circulation in the City of Kenai.

(f) Permits Nontransferable. A home occupation permit granted under this section is not transferable to another person or location.

(g) Exemption. No home occupation permit shall be required for:

(1) Activities or business which are carried on solely by use of phones, computers and mail or delivery services; or

(2) A State-approved relative home day care provider that provides care to no more than five (5) children (including the caregiver's own children) under the age of twelve (12) of which no more than two (2) may be under thirty (30) months of age and who are the caregiver's grandchildren, great-grandchildren, sibling (only if living in a separate residence), niece or nephew (not a great niece or nephew), and which involve no outside sign, little or no increase in traffic, and with only occasional visits by members of the public to the home.

(h) Fire Code Inspections.

(1) Day care facilities shall be inspected by the Fire Marshal for compliance with the Fire Code (KMC 8.05) prior to approval of the permit. Thereafter, they shall be inspected every other year by the Fire Marshal. Failure to comply with the Fire Code (KMC 8.05) shall be grounds for the suspension or revocation of the facilities' home occupation permit.
(2) Residences which are the subject of a home occupation permit application (other than day care facilities) may be required to be inspected by the Fire Marshal for compliance with the Fire Code (KMC 8.05) prior to approval of the permit, if the Fire Marshal determines it is necessary for public safety.


14.20.235 Wind turbines.

(a) Definitions. For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(1) “Wind energy system” means a system designed as a secondary, accessory use to existing principal uses and to existing buildings or facilities on a parcel, wherein the power generated is used primarily for consumption on the same parcel on which it is located. The system consists of a wind turbine and associated controls and may include a tower.

(2) “Hub height” means the distance measured from ground level to the center of the wind turbine hub.

(3) “Total height” means the distance measured from ground level to the highest point of any blade of the turbine.

(4) “Wind turbine” means a device which converts the kinetic energy of the wind into a rotational energy transmitted through a drive train to a generator and where the generated electricity can be connected directly to the load or feed.

(b) Lot and Zoning Requirements.

(1) Wind energy systems shall be allowed as secondary uses on lots that are a minimum of twenty thousand (20,000) square feet. Any deviation from the lot size restriction may be approved through the issuance of a conditional use permit.

(2) The following types of wind energy systems are allowed as a secondary use in the associated zoning districts:

(A) Monopole, roof, and vertical access systems in the RR, RR-1, RS, RS1, RS2, RU, CC, LC, CMU, and TSH Districts. In these zoning districts, no more than one (1) wind energy system shall be permitted per parcel unless the owner applies for and is granted a conditional use permit.

(B) Monopole, guyed, lattice, vertical access, and roof systems in the CG, ED, R, IL, IH, and C Districts. In these zoning districts, no more than two wind energy systems shall be permitted per parcel unless the owner applies for and is granted a conditional use permit.

(c) Building Permit Application Requirements. Building permits shall be obtained for any wind energy system prior to construction and installation of the system. Building permit applications are reviewed under Title 4 of this code. The Planning Department shall review each permit application for compliance with the requirements of

The Kenai Municipal Code is current through Ordinance 3044-2018, passed December 5, 2018.
Table 15.10.226. Land Uses Allowed

**KEY:**

- **O** - Use Permitted Outright
- **H** - Home Occupation
- **C** - Use Requires Conditional Use Permit
- **P** - Use Requires Administrative Permit
- **Blank** - Use Prohibited

<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>Principally Residential</th>
<th>Principally Commercial</th>
<th>Principally Public</th>
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<tr>
<td>Uses</td>
<td>RR R1 R2 R3 UR OR AC HC CB I RM INS</td>
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<td>Accessory building</td>
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<td>Adult entertainment</td>
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<td>Agency, i.e., travel, insurance, title, real estate, etc.</td>
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<td>Agriculture</td>
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<td>Airport and related services</td>
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<td>Amusement or recreation facility</td>
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<td>Animal shelter</td>
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<td>Antenna, personal TV, satellite dish</td>
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<td>Art gallery</td>
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<td>Attraction, permanent major visitor</td>
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<td>Auditorium</td>
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<td>Auto repair, i.e., mechanic, glass body, upholstery</td>
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<td>Business Type</td>
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<td>Bulk material, i.e., concrete, gravel, sand, asphalt</td>
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<td>Car/boat wash</td>
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<td>Cemetery</td>
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<td>Center, community/civic</td>
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<td>Center, mariner's</td>
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<tr>
<td>Center, senior or teen</td>
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<tr>
<td>Child care, licensed center</td>
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<tr>
<td>Child care, licensed home</td>
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<td>Church</td>
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<tr>
<td>Clinic, medical</td>
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<td>Use</td>
<td>Zoning</td>
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<td>Clubs, fraternal/lodges/social/veterans</td>
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<td>Cluster subdivision</td>
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<td>Communications, commercial satellite dishes, towers, poles, and antennas less than 16 feet diameter or 75 feet in height</td>
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<td>Correctional/prison facility</td>
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<td>Crematory</td>
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<td>Docks/wharves, industrial cargo</td>
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<td>Dock, passenger</td>
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<td>Drive-in facility—Fast food, banking, etc.</td>
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<td>Dwelling, apartment in a commercial building (limited to one unit)</td>
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<td>Dwelling, apartment in a commercial building (two or more units)</td>
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<td>Dwelling, condominium</td>
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<td>Dwelling, detached single-family</td>
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<td>Dwelling, group home</td>
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<td>Dwelling, guest house</td>
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<td>Dwelling, multi-family (3 or more units)</td>
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<tr>
<td>Dwelling, two-family or duplex</td>
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<tr>
<td>Dwelling, watchman or caretaker</td>
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<td>Emergency services, pub/vol; i.e., fire, ambulance, rescue</td>
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<td>Financial institution, i.e., bank, S&amp;L</td>
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<td>Flea market, open air retail other than occasional</td>
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<td>Fuels, bulk storage and sales</td>
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<td>Golf course</td>
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<td>Greenhouse/nursery—Commercial</td>
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<td>Grocery, convenience store</td>
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<td>Grocery, supermarket, foodmart</td>
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<td>Health club</td>
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<td>Home occupation</td>
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<td>Hospital</td>
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<td>House rental on a nightly basis</td>
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<td>Housing, bunkhouse</td>
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<td>Housing, dormitory</td>
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<td>Housing, nursing, retirement, convalescent</td>
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<td>Laundry, dry cleaning</td>
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<th></th>
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<th>Livestock, excluding chickens and rabbits</th>
<th>Livestock, chickens and rabbits</th>
<th>Lodging, B&amp;B, rooms, duplex and accessory apartment</th>
<th>Lodging, hostel</th>
<th>Lodging, hotel, motel, lodge, inn</th>
<th>Lodging, multifamily dwelling apartment</th>
<th>Lumber yard/building supply</th>
<th>Manufacturing—noxious, heavy</th>
<th>Manufacturing, light fabrication, assembly</th>
<th>Merchant, transient</th>
<th>Mobile home park</th>
<th>Mobile home, residential, not in park</th>
<th>Mobile home sales</th>
<th>Mobile medical unit</th>
<th>Mobile vendor</th>
<th>Mortuary/funeral home</th>
<th>Museum</th>
<th>Office, boat charter, guide</th>
<th>Office, business or professional</th>
<th>Office, government/quasi-government administration</th>
<th>Office, mobile/temporary on construction site</th>
<th>Office, home, professional</th>
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<td>Recreation, shooting range</td>
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15.10.140 - Definitions.

(a) General interpretation.

1. Words used in the present tense include the future tense.
2. The singular number includes the plural.
3. The word "person" includes a corporation as well as an individual.
4. The word "lot" includes the word "plot" or "parcel."
5. The term "shall" is always mandatory.
6. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."

(b) Specific definitions. (Parenthetical references are for cross-reference only.) In this chapter, unless otherwise provided or the context otherwise requires:

1. **Accessory building.** A detached structure that:
   a. Is clearly incidental to and customarily found in connection with a principal building or use;
   b. Is subordinate to and serves a principal building or use;
   c. Is subordinate in area, extent or purpose to the principal building or use served;
   d. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or use served; and
   e. Is located on the same or adjacent lot under the same ownership as the principal building or use served.

   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.

   (Accessory or mother-in-law apartment. See Dwelling, Efficiency apartment)

2. **Agriculture.** Commercial farming, dairying, pasturage, horticulture, floriculture, viticulture, or animal and poultry husbandry including buildings used to shelter farm implements, hay, grain, poultry, livestock or other farm produce in which there is no human habitation and which is not used by the public.

3. **Airport.** A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, various accommodations for passengers, and business lease sites.

4. **Alley.** A dedicated public way which affords a secondary means of access to abutting property and not intended for general traffic circulation.

5. **Alteration.** Any change, addition or modification in the construction, location or use of a building.

6. **Amusement and recreation facility.** Establishment engaged primarily in providing entertainment for a fee including such activities as bowling alleys, billiards and pool, dance hall, pinball machines, video games or other similar player-operated amusement devices.

7. **Antenna.** A device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbital based structures. Includes satellite dish.

   (Apartment. See Dwelling)

8. **Auto repair station.** A place where a qualified automotive mechanic provides services such as general motor vehicle and engine repair, reconditioning or rebuilding, and collision service including body, frame and fender straightening and repair, painting and undercoating of motor vehicles.

9. **Auto service station.** A place used primarily for the retail dispensing of motor fuels and/or installation of tires, batteries and other accessories and services which do not customarily or usually require the services of a qualified automotive mechanic. Also known as a gas station.

   (Bed and breakfast. See Lodging)

   (Boarding or rooming. See Lodging)

10. **Brewpub.** An establishment that is primarily an eating place which includes the brewing of beer as an accessory use.

11. **Building.** Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

12. **Building area.** A total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of external steps.

13. **Building, existing.** A building erected prior to the adoption of this Code or one for which a legal building permit has been issued.

14. **Building height.** 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, which must be between
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the building and the property line or in a dedicated public right-of-way that is accessible to fire suppression personnel and rescue equipment, shall be selected by either of the following, whichever yields the greater height of the building:

a. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such a sidewalk or ground surface is not more than ten feet above the lowest grade; or
b. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in subsection a., above is more than ten feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

(15) **Building, principal or main.** 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.

(Bunkhouse. See Housing)

(16) **Business, general sales.** A premises where the sale of goods or commodities to the consumer takes place; i.e., groceries; bakeries; hobby, knot or yarn shops, book, gift or apparel shops; fishing equipment, hardware or vehicle sales; restaurants; vehicle rentals or variety stores.

(17) **Business, personal service.** The conduct of business where personal assistance is offered for compensation; i.e., dressmaking, tailoring, barbers and beauty, etc.

(18) **Campground.** A plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units as temporary living quarters for recreational or vacation purposes.

a. **Campground, municipal.** Campgrounds owned or operated by the City and designated as public campgrounds by resolution of the City Council.

b. **Campground, private camper parks.** A privately owned and operated campground on any parcel, or adjacent parcels of land in the same ownership, which is used by two or more camping units.

c. **Campground, employee.** An area operated by an established business with high seasonal employment of transient workers as a housing alternative and not construed to be a construction camp.

(19) **Camper park.** A privately owned and operated campground on any parcel, or adjacent parcels of land in the same ownership, which is used by two or more camping units.

(20) **Camping unit.** A tent or recreational vehicle.

(21) **Child care, licensed home.** In accordance with Alaska Statutes, a private residence where adult care, protection and supervision is provided for children other than the occupant’s. Also called day care, nursery school, preschool and kindergarten.

(22) **Church.** A building, structure or group of buildings or structures primarily intended for conducting organized religious services and associated accessory uses. The definition of a church shall be dependent upon U.S. Internal Revenue Service and the Kenai Peninsula Borough Assessor’s Office interpretation. A standard single-family residence not remodeled for public meetings shall not be considered a church.

(23) **Clinic.** A building or portion thereof containing offices and facilities for providing out-patient medical, dental or psychiatric services, and which may include a dispensary to handle medication and other merchandise prescribed by physicians in connection with their medical practice.

(24) **Club, private.** A building and related facilities owned or operated by a corporation, association or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members, but not primarily for profit, and whose members meet certain prescribed qualifications for membership and pay dues. Includes lodges.

(25) **Cluster subdivision.** A development design technique that permits a reduction in lot area provided there is no increase in the number of lots permitted under a conventional subdivision or increase in overall density of development by concentrating buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive areas.

(Commercial building apartment. See Dwelling)

(26) **Commercial use.** An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

(Condominium. See Dwelling)

(Convalescent or nursing home. See Housing)

(27) **Convenience store.** A small-scale neighborhood grocery establishment offering for sale prepackaged food products, household items and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

(Dormitory. See Housing)

(28) **Drinking establishment.** Any premises wherein the principal purpose is the retail sale of alcoholic beverages for consumption on the premises and minors are excluded therefrom by law. Includes bar, cocktail lounge, tavern and nightclub.

(29) **Drive-in facility.** Any portion of a building or structure which by design permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.
Dwelling. A building designed or used exclusively as living quarters for one or more families.

a. Apartment. Any portion of a building which is designed, built, rented, leased, let or hired out to be occupied or which is occupied as the home or residence of an individual for daily living and doing his own cooking independently of any other individual or family in the same building.

b. Apartment, commercial building. An apartment located within a building designed to accommodate a mix of residential and commercial uses.

c. Apartment, efficiency (also called accessory apartment). A single separate dwelling unit consisting of not more than one habitable room which includes combined kitchen, dining and sleeping areas with accompanying sanitary facilities, and which is located within or shares a common wall with a single-family dwelling.

d. Apartment, owner or manager. An apartment within a building that is designed to be used exclusively as the living quarters for the owner or manager family of that building or a commercial business located in the building.

e. Apartment, studio. A small apartment less than 500 square feet with a fully functional kitchen and bathroom.

f. Condominium. A form of housing ownership by which a person may purchase and own one dwelling unit in a multiunit building or development. Each owner owns a common interest in such things as the underlying land, common walls, stairwells, elevators, lobbies, laundry rooms and recreation rooms.

g. Guest house. An accessory building occupied on a temporary basis solely by nonpaying guests.

h. Mobile home. A factory-built home designed to be used as a year-round residential dwelling and originally designed and mounted on wheels and/or axle supports for transportation by another vehicle.

i. Modular home. A factory-built residential structure that is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. Includes factory-built and manufactured home.

j. Multiple-family. A building designed as a residence for three or more families, with the number of families in residence not exceeding the number of dwelling units provided and each living independently of the other under one roof.

k. Single-family, attached. A building containing two or more dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. Also commonly called townhouse, row house and zero-lot line.

l. Single-family, detached. A building designed and/or used exclusively for occupancy of one family and entirely surrounded by open space on the same lot.

m. Two-family or duplex. A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof or unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

n. Unit, dwelling unit. A building or separate portion thereof containing kitchen, living, sleeping accommodations and at least one bathroom and designed to be occupied exclusively as a residence by one family.

o. Watchman or caretaker dwelling. An accessory dwelling associated with a commercial or industrial building or structure for the purpose of housing a watchman or caretaker and immediate family.

Family. Any number of individuals not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit and distinguished from a group occupying a rooming house, club, fraternity house or hotel.

Farm animal. Any cow, horse, mule, goat, sheep, pig, chicken, or other similar animal commonly kept as livestock.

Flea market. An occasional or periodic sales activity held within a building or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

Floor area, useable. That area used for or intended to be used for the sale of merchandise or services or as leasable office space as measured from the interior surfaces of the walls enclosing that part of the building. Such floor area which is used or intended to be used for the storage or processing of merchandise, hallway or for utilities or sanitary facilities is excluded from this computation of useable floor area.

Fractions. In the determination of density, required parking spaces or other requirements of this Code, computations resulting in a fractional number of 0.50 or above shall be considered the next larger whole number.

Garage, private. An accessory building or portion of a main building designed or used solely for storage of motor vehicles, boats and similar vehicles owned by the occupants of the building to which it is accessory.

Greenhouse, commercial. A light-permeating structure used for cultivating and growing plants in a controlled temperature and humidity environment where such plants are offered for sale either on the premises or at another location.

( Group care home. See Housing)
(Guest house. See Dwelling)

(38) **Guide service.** Any premises used for collecting or returning persons from recreation trips when remuneration is provided for the service. (Halfway house. See Housing)

(39) **Health club.** Includes, but is not limited to, gymnasiums (except public), private clubs (athletic, health or recreational), reducing salons and weight control establishments.

(40) **Historic district.** An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation.

(41) **Home occupation.** Any use customarily conducted entirely within a dwelling, or its accessory building, and carried on by the occupants thereof, which 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 or 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.

(42) **Home professional office.** A home occupation consisting of the office of a practitioner of a recognized profession. (Hostel. See Lodging)

(43) **Housing.** Structures providing housing for groups of people, such as students, employees or nursing home residents.

a. **Bunkhouse.** A building used as living quarters for people such as cannery workers or construction laborers where shower and sanitary facilities are shared and in which there are no individual cooking facilities.

b. **Convalescent or nursing home.** A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

c. **Dormitory.** A building used as residential group living quarters for a student body or religious order as an associated use to a school, orphanage or other similar institutional use, and does not include kitchen facilities except a group kitchen facility to serve all residents.

d. **Group care home.** A dwelling shared by no more than five disabled persons, plus resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling residents to live as independently as possible in order to reach their maximum potential. The term "group care home" shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts or other housing facilities serving as an alternative to incarceration.

e. **Halfway house.** A licensed home for inmates on release from more restrictive custodial confinement, or initially placed in lieu of more restrictive custodial confinement, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the Alaska Department of Corrections.

(44) **Junk.** Dismantled or wrecked automobiles, aircraft, motor vehicles or machinery, mobile homes, trailers, watercraft, used appliances or furniture, scrap building materials, metals, rubber, paper, plastic or other scrap materials.

(45) **Kennel.** Any enclosure, building, shelter, area or establishment used for the purpose of breeding, buying, selling, keeping or boarding five or more dogs over the age of four months, whether for profit, pleasure, or as pets, by any person, individual, corporation, group of people or business entity. Does not include an animal shelter.

(46) **Livestock.** Generally accepted large (over 250 pounds) and small (under 250 pounds) outdoor farm animals (i.e., cows, goats, horses, pigs, barnyard fowl, etc.). Does not include cats, dogs and other common household pets.

(47) **Loading space.** A space located on premises for pickup and delivery at the premises. Required off-street loading space shall not be included as an off-street parking space.

(48) **Lodging.** The renting out of a dwelling, or portion thereof, to provide overnight sleeping accommodations for a period of less than 30 consecutive days. The use includes the providing of meals to overnight guests only. This use includes bed and breakfast, but does not include motel, hotel or hostel.

a. **Bed and breakfast.** An owner occupied and operated single-family residential dwelling where lodging with a meal is provided for compensation on a short-term basis. The term does not include boardinghouses and separate apartments which are leased on a month-to-month or longer basis.

b. **Boarding or rooming.** An owner occupied building which has not more than five rooms available for rent or lease on other than a day-to-day basis and not open to transient guests for residential occupancy and in which no cooking or dining facilities are provided in the individual rooms. Meals may be regularly prepared and served for compensation at a table, family-style, without service or ordering of individual portions from a menu. The term includes lodging house or rooming house but does not include separate apartments with individual kitchen and bath facilities.
c. **Hostel.** A building, or portion thereof, in which temporary or overnight lodging is provided for hikers, cyclists or other travelers not gene

d. **Hotel.** A facility with six or more guest rooms and on-premises management offering transient lodging accommodations to the
general public on a daily rate where access to all sleeping rooms is through a main entrance and which may provide food, entertainment, meeting rooms, recreational facilities or various personal services. Includes lodges and inns.

e. **Motel.** A building, or group of detached or connected buildings, having six or more guest rooms, an on-premises manager and parking conveniently located on the premises, which are designed primarily to offer sleeping accommodations, with or without meals, to the motoring public on a daily rate. Includes designations such as motor lodges, auto courts, tourist courts and similar terms.

(49) **Lot.** 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:

a. A single lot of record;

b. A portion of a lot of record;

c. A combination of complete lots of record, or complete lots of record and portions of lots of record, or portions of lots of record; or

d. 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 chapter and that, in the case of multiple lots or portions thereof, the property be replatted to eliminate interior lot lines.

A. **Lot area.** The total horizontal area within the lot lines of a lot, exclusive of streets and alleys.

B. **Lot, buildable or useable area.** That portion of a lot that a prudent person would use to construct a building and provide required parking. This excludes lakes and rivers, creeks, cliffs, marshes and other similar natural obstacles to development with the property counting toward minimum required size.

C. **Lot, corner.** A lot situated at the intersection of two or more streets having an angle of intersection of not more than 135 degrees.

D. **Lot coverage.** The area of a site covered by building or roofed areas, including covered porches, decks and accessory buildings, but excluding allowed projecting eaves.

E. **Lot depth.** The horizontal distance between the front and rear lot lines measured on the longitudinal centerline.

F. **Lot, interior.** A lot other than a corner lot.

G. **Lot line, front.** 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 met.

H. **Lot line, rear.** 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.

I. **Lot line, side.** Lot boundary not a front lot line or a rear lot line.

J. **Lot line, zero.** The mean horizontal line whereby two adjacent buildings from adjacent lots can be constructed with a common party wall providing a proper fire wall rating. All other aspects are the same as in conventional development.

K. **Lot width.** The average horizontal distance separating side lot lines of a lot and at right angles to its depth.

(50) **Lumberyard.** An establishment that sells sawn timber and other building materials typically stored on the premises.

(51) **Manufacturing, heavy.** A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials; or a use engaged in storage or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

(52) **Manufacturing, light.** A use engaged in the manufacture, predominantly from previously prepared material, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

(53) **Marijuana.** Marijuana means “marijuana” as that term is defined in Alaska Statute 17.38.900 and any amendments thereto.

(54) **Marijuana establishment.** Marijuana establishment means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store as those terms are defined in AS 17.38.900 and any amendments thereto.

a. **Marijuana cultivation facility.** Marijuana cultivation facility means an entity registered to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

   1. **Limited marijuana cultivation facility.** A limited marijuana cultivation facility has the privileges set forth at 3 AAC 305.405(a) and (b), and is subject to the prohibitions at 3 AAC 306.405(c), except that it must have fewer than 500 square feet under cultivation.

b. **Marijuana product manufacturing facility.** Marijuana product manufacturing facility means an entity registered to purchase
marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

c. **Marijuana testing facility.** Marijuana testing facility means an entity registered to analyze and certify the safety and potency of marijuana.

d. **Retail marijuana store.** Retail marijuana store means an entity registered to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.

(55) **Marijuana products.** Marijuana products means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

(56) **Marina.** A facility for storing, servicing, fueling, berthing and securing and launching of boats that may include the sale of fuel and incidental supplies for the boat owners and guests. Also includes harbor.

( Mobile home. See Dwelling)

(57) **Mobile home park.** A parcel or adjacent parcels of land in the same ownership upon which two or more mobile homes are located or for which space is leased or held out for lease or use on a month-to-month or longer basis. This does not include sale lots on which unoccupied mobile homes are parked for inspection and sales and shall not be construed to mean tourist facilities for parking of travel trailers, motor homes or campers.

(58) **Mobile medical unit.** A trailer, motorized coach or van capable of being transported from place to place, containing medical equipment such as a CT scanner, MRI or similarly complex medical diagnostic device or decontamination equipment.

( Modular home. See Dwelling)

( Motel. See Lodging)

( Multiple-family. See Dwelling)

(59) **Nonconforming building.** Any building or portion thereof lawfully existing at the effective date of the ordinance affecting it and which does not conform to all of the use, height and density regulations of the zone in which it is located.

(60) **Nonconforming use.** A use which lawfully occupied a building or land at the effective date of the ordinance affecting it that does not conform to the use provisions of the zoning district in which it is located.

(61) **Noxious use.** A use which is injurious or harmful to health, highly disagreeable or offensive.

(62) **Office.** A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations; i.e., travel, insurance, employment, utility, public service or government agencies.

(63) **Open area.** Open area is any portion of the lot not:
   a. Covered by a structure, or;
   b. Used for parking spaces and maneuvering.

(64) **Owner.** Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land, including the attorney or agent thereof.

(65) **Park.** Any public land available for recreational, educational, cultural or aesthetic use.

(66) **Parking area.** 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.

(67) **Parking requirements as stated in terms of employees.** The maximum number of employees who will be at the site at one time on either a single shift or an overlap of shifts.

(68) **Parking space, off-street.** A designated area sufficient in size to accommodate one motor vehicle, exclusive of maneuvering room, designed with adequate independent access to, but located off, any street, alley or other right-of-way.

(69) **Parking, valet.** Attendant parking provided as a service to patrons of commercial establishments.

(70) **Peddler.** A person who, with no fixed place of business, goes from house to house, place to place, or from store to store transporting goods, wares or merchandise for sale or offering or exposing the same for sale or making sales and delivering articles to purchasers. (See Transient merchant and Vending, Street.)

(71) **Planned unit development.** A land development under unified control that is planned and constructed in its entirety as a single development operation or in a series of programmed stages. The development may include streets, circulation ways, utilities, residences, commercial buildings, open spaces and other site features and improvements some of which may not otherwise be individually permitted.

(72) **Profession.** An occupation or calling requiring the practice of a learned art through specialized knowledge, training, experience or a degree issued by an institute of higher learning; i.e., doctor of medicine, lawyer, engineer or real estate broker.
(73) **Professional office.** The office of a member of a recognized profession maintained for the conduct of that profession.

(74) **Recreational, indoor commercial.** A facility accommodating such indoor recreation activities as skating rinks, bowling lanes or shooting/archery ranges.

(75) **Recreational, outdoor public.** Outdoor recreation facilities such as sports fields, ice rinks, playing fields or miniature golf.

(76) **Recreational vehicle.** A vehicle used or intended to be used as transient living or sleeping quarters for humans and which may be driven, towed or propelled from one location to another without change in structure or design, whether or not the same is supported by wheels or identified by a model, serial or vehicle registration number. Includes travel trailers, camping trailers, tent campers, trailer coaches, motor homes, truck campers and similar vehicles.

(77) **Recreational vehicle (RV) park.** Any parcel of land upon which two or more recreational vehicle sites are located, established or maintained for commercial occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. Includes trailer park and camper park.

(78) **Recycling center.** A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

(79) **Recycling collection point.** An incidental use serving as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas such as churches and schools, as opposed to being allowed on residential or vacant lots.

(80) **Repair service, household/appliance.** A business establishment where repairs are made to appliances and furniture.

(81) **Residence.** A home, abode or place where an individual is actually living at a specific point in time.

(82) **Resource extraction.** Commercial or industrial operations involving the removal of nonrenewable natural resources such as ore, topsoil, sand, gravel, rock, gas, oil or any operations having similar characteristics. Said use includes the use of heavy equipment such as loaders, dozers, backhoes and crushers.

(83) **Restaurant.** An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state and whose principal method of operation includes one or both of the following characteristics:
   a. Customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which the food and beverages are consumed; and/or
   b. A cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

(84) **Restaurant, fast-food.** An establishment whose principal business is the sale of quickly prepared, ready-to-eat food and/or beverages for consumption within the restaurant building, within a motor vehicle parked on the premises, or off the premises as carry-out orders, and whose principal method of operation includes the following characteristics: orders are generally taken at a main counter or drive-up window and food and/or beverages are usually served in disposable wrapping or containers. This includes drive-in and carry-out restaurants.

(85) **Right-of-way.** An area or strip of public land which incorporates or is intended to be occupied by, but not limited to, streets, alleys, sidewalks, bike paths, curbs, gutters, landscaping and/or public utilities.

(86) **Salvage yard (auto wrecking, scrap, junk).** Any area used for the storage, keeping or abandonment of junk or waste material, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, machinery, other vehicles or parts thereof.

(87) **School.** Any public, religious or nonprofit facility providing a general curriculum of academic or vocational instruction serving any or all grades between kindergarten and twelfth grade.

(88) **School, commercial.** A facility providing commercial instruction in such activities as music, dance, arts, crafts and sailing.

(89) **School, adult vocational.** A facility providing a general curriculum of adult academic or vocational instruction.

(90) **Setback.** 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 two feet.

(91) **Shopping center.** A single complex which provides a combination of retail establishments designed in such a manner as to provide convenience for shoppers with common parking facilities. Includes mall.
   (Single-family, attached. See Dwelling)
   (Single-family, detached. See Dwelling)

(92) **Solid waste facility.** A disposal site employing an engineering method for disposing of solid wastes in a manner that minimizes environmental hazards. Includes landfill, compactor, transfer, etc.

(93) **Storage.** A structure or designated area that provides space for storing.
   a. **Container.** An accessory storage use consisting of containers such as semi-tractor vans, shipping containers and conex containers.
original containers, whether temporary or permanent, are considered a structure and must comply with current adopted building codes. Railroad box cars are excluded except in the industrial zone. (See Accessory Use/Building, Building, and Structure)

b. **Outdoor.** The commercial keeping, in an unroofed area and usually enclosed by a fence, of any goods, junk, material, merchandise or vehicles in the same place for an extended period of time. In the harbor commercial area, the use is limited to the storage of boats only.

c. **Self-service.** A building or group of buildings consisting of individual, small, self-contained units that are leased or owned for storage of business and household goods or contractors' supplies. Includes mini warehouses.

d. **Warehouse and distribution.** A building used primarily for the storage and/or distribution of goods, products, materials, supplies and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

94. **Street.** A dedicated public way which affords the principal means of access to abutting property, such as an avenue, place, drive, boulevard, highway or other similar public thoroughfare, except an alley as defined herein.

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

96. **Surface, durable.** Means brick, flag-type stone, gravel, cement, or asphalt.

97. **Temporary structure.** A structure without any foundation or footings as allowed by the adopted building code which must be completely removed from the parcel when the temporary permit for the structure/use expires.

98. **Trailer.** A structure standing on wheels, towed or hauled by another vehicle and used for carrying materials, goods or objects as a temporary office or business.

99. **Transient merchant.** Any person, partnership, firm or corporation, whether a resident of the City or not, who engages in a temporary business, within a period not exceeding 150 consecutive days in a calendar year, of selling and delivering goods and/or services, wares and merchandise for profit or nonprofit within the City by operating on a door-to-door, street corner or similar basis; or from no fixed location or office; or from a location out-of-doors or in quarters that are easily moveable, such as a temporary leased area or space, motor vehicle, trailer or tent. Includes peddlers, solicitors, itinerant merchants and vendors. Does not include vehicles for hire.

(See Two-family or duplex. See Dwelling)

(See Unit, dwelling unit. See Dwelling)

100. **Utility, public facility.** An installation owned by an agency under public franchise or ownership, or under certificate of convenience and necessity, providing the public with electricity, gas, heat, steam, communication, water, sewage collection or other similar service.

101. **Vehicle, motor.** A self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle.

102. **Vending.** The sale of food, services or merchandise.

a. **Hawking.** Is the loud or continuous audible solicitation of business by a vendor to the general public.

b. **Mobile vending cart.** Is a non-motorized structure or unit on wheels that is easily moved and used for vending.

c. **Mobile vendor.** A person or business that sells food or permitted types of goods from City-approved locations using (i) a licensed vehicle or cart capable of movement; or (ii) a licensed trailer pulled behind a motor vehicle.

d. **Pre-packaged food.** Ready-to-eat food that is cooked, wrapped, packaged, processed, or portioned for service, sale or distribution.

e. **Roving vendor.** A person who offers only pre-packaged food items to the public, with or without the use of a licensed motor vehicle, from no fixed location on public property, only on rights of way within designated zoning districts, excluding Fourth Avenue between Port Avenue and Van Buren Street, and also excluding Fourth and Fifth Avenues between Jefferson Street and Railway Avenue.

f. **Transient merchant.** Any person, partnership, firm or corporation, whether a resident of the City or not, who engages in a temporary business, within a period not exceeding 150 consecutive days in a calendar year, of selling and delivering goods and/or services, wares and merchandise for profit or nonprofit within the City by operating from a location out-of-doors or in quarters that are easily moveable, such as a temporary leased area or space, motor vehicle, trailer or tent. Includes peddlers, solicitors, itinerant merchants and vendors. Does not include vehicles for hire. Transient merchants operate exclusively from private property. (Note: Transient merchant definition relocated. Previously 15.10.140. B. 95.)

103. **Veterinary hospital.** A facility, which may include animal runs, in which veterinary services are rendered to animals and domestic pets and which may include clipping, bathing, boarding and other services. Includes veterinary clinic.

(See Watchman or caretaker dwelling. See Dwelling)

104. **Water-dependent.** A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy, production or source of water.
(105) **Water-related.** Uses which are not directly dependent upon access to a water body but which provide goods or services that are directly associated with water-dependent land or waterway use and which, if not located adjacent to water, would result in a public loss of the quality of goods or services offered.

(106) **Yard.** 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.

a. **Front.** 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.

b. **Rear.** 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. In cases of double frontages and corner lots, there are no rear yards, only front and side yards.

c. **Side.** 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.

(107) **Zero-lot line.** The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.