

**SELDOVIA
PLANNING COMMISSION**

Wednesday
November 6, 2019

REGULAR MEETING
6:00pm
MULTI-PURPOSE ROOM

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**AGENDA FOR THE SELDOVIA PLANNING COMMISSION
REGULAR MEETING
MULTI-PURPOSE ROOM
Wednesday
November 6, 2019
6:00PM**

LETHIN GRUBER FORSBERG CARLUCCIO

Swearing in of new Planning Commission Member

- A. Call to order;
- B. Roll Call;
- C. Approval of the Agenda;
- D. Approval of Minutes from September 04, 2019
- E. Public Comments Regarding Items Not on the Agenda;
- F. Public Hearings, Prior Notice;
- G. Consideration of Site Plans;
 - 1. Discussion- Title 18 Land Use Matrix and Definitions
 - A. Presentation by Staff or Commission
 - B. Public Presentation or Hearing
 - C. Commission Discussion
 - D. Action/Disposition
 - 2. Discussion- Rezoning Application/Amendment Procedures
 - A. Presentation by Staff or Commission
 - B. Public Presentation or Hearing
 - C. Commission Discussion
 - D. Action/Disposition
- H. Commission Business:
- I. Staff Reports:
 - 1. The Cole/Warburton Variance Permit Application has been postponed until the 11/26/2019 council meeting for more information.
 - 2. Ordinance 20-03 Amending Building Permits was approved and became effective upon its adoption by the Seldovia City Council on September 9, 2019.
 - 3. The Seldovia City Council is looking to schedule a Commercial Marine Work Session mid-November.
- J. Informational Items Not Requiring Action:
- K. Comments of the Public:
- L. Comments of the Commission:
- M. Next Meeting: Regular scheduled meeting, December 4, 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.**

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**Seldovia
Planning Commission
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November 6, 2019**

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Pages 37-38	Kenai Municipal Code 14.20.270 Amendment procedures.
Page 39	Seward Municipal Code 15.01.035 Amendments.

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**MINUTES FROM THE SELDOVIA PLANNING COMMISSION
REGULAR MEETING
MULTI-PURPOSE ROOM
Wednesday
September 4, 2019
6:00PM**

BATES FORSBERG CARLUCCIO GRUBER

- A. Call to order; MEETING CALLED TO ORDER 6:05PM BY COMMISSIONER CARLUCCIO
- B. Roll Call; IN ATTENDANCE; BATES, FORSBERG, CARLUCCIO, and GRUBER
- C. Approval of the Agenda;
BATES/GRUBER MOVED TO APPROVE THE AGENDA
NO OBJECTION/ MOTION CARRIED
- D. Approval of Minutes from August 07, 2019
GRUBER/BATES MOVED TO APPROVE THE MINUTES
NO OBJECTION/ MOTION CARRIED
- E. Public Comments Regarding Items Not on the Agenda; None
- F. Public Hearings, Prior Notice; None
- G. Consideration of Site Plans;
 - 1. Consideration of Replat Seldovia Island 2019 and Vacation of Backer's Island Lane
 - A. Presentation by Staff or Commission
CLERK GEAGEL- Presented correspondence with the surveyor, a response from the borough, the replat, the petition to vacate, and the current plat in the packet.
 - B. Public Presentation or Hearing
None
 - C. Commission Discussion
GRUBER- Spoke in support of moving forward and in appreciation for Mr. Huffs comments.
CARLUCCIO- Discussed that Mr. Huffs role in the borough and that he had answered their questions.
FORSBERG- Inquired if the delay had caused any problems.
 - D. Action/Disposition

MAIN MOTION- CARLUCCIO CALLED FOR A MOTION TO RECOMMEND APPROVAL OF THE REPLAT AND THE VACATION OF BACKER'S ISLAND LANE
BATES/FORSBERG SO MOVED

FINDINGS-

- 1. Questions were answered by Mr. Huff.
- 2. Since the owner is removing the lot lanes and making it one parcel again the lane is no longer needed.

AMENDMENT MOTION- BATES/FORSBERG MOVED TO ATTACH THE FINDINGS
NO OBJECTION/ MOTION CARRIED

MAIN MOTION- NO OBJECTION/ MOTION CARRIED

- H. Commission Business:

CLERK GEAGEL- Received letter of resignation from Planning Commissioner Bates.

I. Staff Reports:

CLERK GEAGEL- Commercial Marine work session September 11, 2019 at 6pm.

J. Informational Items Not Requiring Action:

K. Comments of the Public: None

L. Comments of the Commission:

FORSBERG- Commented that the meeting was short and sweet.

BATES- Commented that it was good to sign off on one thing.

GRUBER- Commented that it was a good and short meeting.

CARLUCCIO- Thanked the commission for attending, apologized for being late, and noted that it was a short meeting.

M. Next Meeting: Regular scheduled meeting, October 2, 2019

N. Adjournment:

CARLUCCIO CALLED FOR ADJOURNMENT

BATES SO MOVED

CARLUCCIO SO ORDERED AT 6:20PM

I certify the above represents accurate minutes of City of Seldovia Planning and Zoning Commission meeting of September 04, 2019.

Heidi Geagel, City Clerk

Approved by Commission _____

UNAPPROVED MINUTES

Title 18 Matrix Overview

1. Separate dwelling unit- nightly rentals, bed and breakfasts, hostels, and cabin rentals or keep on the same line? Both examples are shown in the current matrix.
2. Should the different marijuana practices be separated? Currently they are all on one line in the matrix.
3. Service could be removed and replaced with Business/Consumer Services and Business/Personal Services to be more detailed. There is also a retail business type and professional business type.
4. The different types of nightly rentals, service types, commercial recreation, garage types, motel/hotel and lodge type are currently not in the code and would be new additions if approved.
5. There are three different transportation types currently in the code. Are they still applicable? What are they trying to represent?
6. Warehouse could be separated from transportation facilities; storage yard and mini-storage facilities have been added.
7. Can we remove access to waterfront areas as a permitted use? It would be left as part of the public lands description but would no longer be a use type.
8. Playgrounds could be removed as a use type and incorporated under parks and recreation.
9. Schools needs to be simplified; either private schools and public schools, or just schools as currently defined, and recreation needs to be separated and included in parks.
10. Terms that still need defined:
 - a. Entertainment
 - b. Hostel
 - c. Equipment Sales/Heavy Equipment
 - d. Gas station
 - e. Marine Equipment sales, service, repair, construction
 - f. Seafood processing
 - g. Transportation and storage
 - h. Private School (if kept)

Red- for additions
 Yellow Highlights- Questions

Seldovia Land Matrix Example

Key:	P- Permitted Use			S - Secondary Use			C - Conditional Use			N- Not Permitted		
	RG	RSM	WCR	C	I	CM	CR	A	P			
Residential Land Use Types												
Accessory Structure on an Unoccupied lot (without main structure)	C	N	P	P	P	N	P	N	P			
Accessory Use or Structure	P	P	P	P	P	P	P	N	P			
Dwelling Unit, Attached Residential (apartment in a commercial building (limited to one unit))	N	N	P	P	P	S	P	N	N			
Dwelling Unit, Attached multi-residential (apartment in a commercial building (two or more unit))	N	N	P	P	P	S	P	N	N			
Dwelling Units, structures containing four or less units	P	C	P	C	N	N	P	N	N			
Dwelling Units, structures containing five or more units	C	P	C	P	N	N	P	N	N			
Mobile Homes	P	N	P	C	N	N	P	N	N			
Mobile Home Parks	C	N	N	N	N	N	N	N	N			

Red- for additions
 Yellow Highlights- Questions

Seldovia Land Matrix Example

Key:	P- Permitted Use			S - Secondary Use			C - Conditional Use			N- Not Permitted		
	RG	RSM	WCR	C	I	CM	CR	A	P			
Commercial Land Use Types												
Dwelling unit- nightly rentals, Bed and Breakfasts, Hostels, cabin rentals												
Should these be	P	N	P	C?	N	P?	P	N	N			
Bed and Breakfasts	P	N	P	C?	N	P?	P	N	N			
Business/Consumer Services												
Business/Personal Services(other than a home occupation)	N	P	P	P	P	P	P	N	N			
Cabin Rentals	P	N	P	C?	N	P?	P	N	N			
Commercial Recreation												
Entertainment	N	N	P	P	P	P	P	N	N			
Garage, Private												
Garage, Public												
Home Occupation	P	P	P	P	P	S	P	N	N			
Hostels	P	N	P	C?	N	P?	P	N	N			
Marijuana Cultivation Facility, manufacturing facilities, retail facilities, and testing facilities as defined by state law, SMC 18.78 and SMC Ord. 16-09												
Should marijuana lines be	C	C	C	C	C	C	C	N	N			
Motel/Hotel (five or more units considered motel/hotel)	C	P	C	P	N	N	C	N	N			
Lodge(contains five or fewer units)	C	P	C	P	N	N	C	N	N			
Professional Offices	S	P	P	P	S	S	P	S	N			
Restaurant	N	N	C	C	N	P	P	N	N			
Retail Business(other than a home	N	N	P	P	P	P	P	N	N			
Service (other than a home occupation)	N	P	P	P	P	P	P	N	N			
Wholesale Business	N	N	C	P	P	C	C	N	N			

Red- for additions

Seldovia Land Matrix Example

Yellow Highlights- Questions

	Key: P- Permitted Use		S - Secondary Use			C - Conditional Use			N- Not Permitted	
	RG	RSM	WCR	C	I	CM	CR	A	P	
Industrial Land Use Types										
Equipment sales, repairs and service (Heavy equip, or machine?)	N	N	N	P	P	N	C	N	N	
Extraction of natural resources for sale not incidental to development of the area for a permitted use (surface or subsurface)	N	N	N	N	N	N	N	N	N	
Gas Station	N	N	N	C	C	N	N	N	N	
Junkyard					P					
Lumberyard	N	N	N	P	P	N	N	N	N	
Manufacturing/Fabricating/Assembly	N	N	N	C	P	N	N	N	N	
Marine equipment sales, service, repair, construction and storage	N	N	P	P	P	P	C	N	N	
Mini-Storage Facility										
Motor vehicle sales and services (Automotive Repair and Sales)	N	N	C	P	P	C	C	N	N	
Public utility plants??? (Utility, public facility)					P					
Public Utilities and approved fuel storage (gas manufacturer/Storage)	C									
Seafood Processing	N	N	C	P	P	C	C	N	N	
Storage Yard										
Transportation and storage except for flammable, explosive or corrosive materials not for use on the site (like freight?)									P?	
Transportation and storage of flammable, explosive or corrosive materials	N	N	N	N	C	N	N	N	N	
Warehouses and transportation facilities (separate?)				C						
Wholesale outlets and warehouses (warehouse)					P					

Red- for additions
 Yellow Highlights- Questions

Seldovia Land Matrix Example

Key:	P- Permitted Use		S - Secondary Use			C - Conditional Use		N- Not Permitted			
	RG	RSM	WCR	C	I	CM	CR	A	P		
PUBLIC/INSTITUTIONAL/OTHER											
Airport and Related Services (Compatible Uses instead of related)	C	C	P	P	P	C	P	P			
Access to waterfront areas???										P	
Churches	C	C	P	P	C	C	P	C			
Clinics	C	C	C	P	C	P	P	C			
Fraternal Organizations	C	C	C	C	C	C	C	C			
Parks and Recreation?	C	C	P	P	P	C	P	C		P	
Playground			Does playground fall under parks								P
Private schools	C										
Public schools and recreation facilities (separate?)	C	Remove schools if already a public and private									
Schools				C							
Hospitals	C	C	C	C	C	C	C	C			
Public buildings (requirements same as commercial district) (Government Buildings instead)	C	C	P	P	P	P	P	P		P	
Signage uses in excess of those specified in Section 18.36.080, Subsection A.	C	C	C	C	C	C	C	C		C	
Keeping of Livestock may be permitted provided the provisions set forth are satisfied	C	C	C	C	C	C	C	C		N	
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	N	N	C	N	N	C	N	N		N	

Red- for additions

Seldovia Land Matrix Example

Yellow Highlights- Questions

Any use which causes excessive noise, odors, effluent, smoke, dust, vibrations, electrical interference, bright of flashing light, or other non-objectionable conditions which would interfere with the quiet enjoyment of a residential neighborhood	N	N	N	C?	C?	N	N	N	N
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Chapter 18.20 Definitions

Sections:

- 18.20.010 Definitions and Construction of Terms Generally.
- 18.20.012 Specific definitions.
- 18.20.015 Abandoned Sign.
 - Accessory Building
- 18.20.020 Accessory Use or Structure.
 - Airport.
 - Airport Compatible Use.
- 18.20.023 At Large.
 - Automobile Sales.
 - Automobile Service Station.
 - Automotive Repair.
 - Bed and Breakfast.
- 18.20.024 Bee Keeping
- 18.20.025 Below Grade Walls.
- 18.20.030 Building.
- 18.20.040 Building Height.
 - Building, principal or main.
- 18.20.050 Building Setback.
 - Business/Consumer Services.
 - Business/Personal Services.
- 18.20.053 Business Specific Office
 - Cabin Rentals.
 - Campground. (check with camping ordinance)
 - Cemetery.
 - Centerline.
 - Church.
 - City.
 - Clinic.
- ~~18.20.035 Temporary Structure (move down the line)~~
- 18.20.055 Combined Signage.
 - Commercial Recreation.
 - Commercial Use.
 - Commission.
 - Conditional Use.
- 18.20.060 Dwelling.
- 18.20.070 Dwelling Unit.
 - Essential Service.
- 18.20.080 Family.
 - Fraternal Organization.
 - Garage, Private.
 - Garage, Public.
 - Gas Manufacturer/Storage.

- Governmental Building.
- 18.20.090 Home Occupation.
- Hotel.
- 18.20.095 Incidental Secondary Uses.
- 18.20.250 Intertidal Zone.
- 18.20.260 Intersections.
- Junkyard.
- Library.
- 18.20.096 Livestock (check sewards farm animal)
- 18.20.100 Loading Space.
- Lodge.
- 18.20.110 Lot.
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- Manufacturing/Fabricating/Assembly.
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- Marijuana Cultivation Facility.
- Marijuana Commercial Establishment.
- Marijuana Products.
- Marijuana Product Manufacturing Facility.
- Marijuana Retail Store.
- Marijuana Testing Facility.
- Mini-Storage Facility.
- 18.20.140 Mobile Home.
- 18.20.150 Mobile Home Park.
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- Museum.
- 18.20.160 Nonconforming Lot, Use and Structure. (separate)
- Noxious use.
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- 18.20.170 Open Space.
- Park.
- Parking, Public Lots.
- 18.20.180 Parking Area.
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- 18.20.200 Planned Unit Development.
- 18.20.210 Principal Use or Structure.
- Principal Use.
- Profession.
- Professional Office.
- Property owner.

Public.
 Recreation.
 Recreational vehicle (RV).
 Recreation or Youth Center.
 Residence. (check that it matches title 13)
 Restaurant.
 Retail Business.
 Right-of-way.
 School.
 Setback.
 Secondary Use.
 18.20.220 Service Station.
 18.20.230 Sign.
 State Highway.
 Storage Yard.
 Street.
 18.20.235 Street frontage.
 18.20.240 Structure.
 Subsurface Extraction of Natural Resources.
 Surface Extraction of Natural Resources.
~~18.20.250 Intertidal Zone.~~
~~18.20.260 Intersections.~~
 18.20.035 Temporary Structure (moved down)
 Transient merchant. (check with title 17)
 Use.
 Utility, public facility.
 Variance.
 Vending. (check with title 13)
 Warehouse.
 Wholesale Business.
 Zoning Ordinance or Ordinances.

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)

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.
- 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.

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

Airport. 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. 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 Seldovia Municipal Code, the Federal Aviation Administration's regulations, and compatible with the Comprehensive Plan.

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)

Automobile Sales. 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.

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.

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.

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)

"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.

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.

"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.

"Business, personal service." The conduct of business providing services involving the care of a person or his or her apparel; i.e., dressmaking, tailoring, barbers and beauty, etc.

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)

"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.

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. (check with camping ordinance)

"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 Seldovia, 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.

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

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

Commercial Use. An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

"Commission" means the Seldovia Planning and Zoning Commission.

"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.

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.

"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.

18.20.080 Family. "Family" means one or more persons occupying a dwelling unit. means any number of individuals living together as a single housekeeping unit in a dwelling unit.

"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.

"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.

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)

"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.

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)

18.20.250 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)

"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.

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)

18.20.100 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.

"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.

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.

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

"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 Commercial Establishment" means any Retail Marijuana Store, Marijuana Cultivation Facility, Marijuana Product Manufacturing Facility, and Marijuana Testing Facility.

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 Retail 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.

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.

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.

"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.

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.

Noxious Use. A use which is injurious or harmful to health, highly disagreeable or offensive.

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

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.

"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.

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)

"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.

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.

"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.

Professional Office. The office of a member of a recognized profession maintained for the conduct of that profession.

"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.

"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.

Residence. A home, abode or place where an individual is actually living at a specific point in time. **Check with title 13...**

"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.

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.

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.

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.

"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.

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)

"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.

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.

"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.

~~**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)~~

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)

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 door-to-door, street corner or similar basis; or from no fixed locations 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. (check with title 17)

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.

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.

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.

Vending. (check with title 13) 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

1. a licensed vehicle or cart capable of movement; or
2. 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. 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 door-to-door, street corner or similar basis; or from no fixed locations 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.

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.

Zoning Ordinance or Ordinances. Means the zoning ordinance of the City of Seldovia and the Seldovia Municipal Code Title 18.

Chapter 18.80 Contract Zoning

Sections:

- 18.80.010 Intent.
- 18.80.020 Procedures.

18.80.010 Intent. It is the intent of this section to provide a means of insuring that the type of land use proposed in a rezoning request is the one which occurs if the rezoning is granted. "Contract zoning" means a zoning reclassification to a less restricted use when the owner of the rezoned property, either through an agreement with the Council or a covenant in favor of the City, places restrictions on the use of the land beyond the zoning requirements generally attaching to the new district in which the property has been placed.

18.80.020 Procedures. A. A petition for contract zoning shall be submitted to the City Manager. The applicant's petition shall contain detailed information on the proposed development and use of the land. Proposed covenants, guarantees or other forms of agreement to assure the development and use of the land as proposed shall also be submitted. A time schedule for the development and use shall be included with the petition.

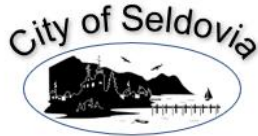
B. The City Manager shall present the petition to the City Planning Commission. The City Planning Commission may consider the petition upon finding that:

1. The proposed land use is beneficial to the public interest and can be developed in a manner to be compatible with development in adjacent zoning districts.
2. Existing public facilities, services and utilities can accommodate the proposed use without any detrimental effect on adjacent zoning districts.
3. Rezoning accomplished under this section does not constitute "spot zoning."
4. Unrestricted rezoning to a district ordinarily permitting the proposed use would permit other uses that would not be compatible with the adjacent land use.

C. The City Planning Commission may reject, modify or accept the applicant's proposals submitted under subsection A of this section. If the applicant agrees, in writing, to the City Commission's acceptance or modification of the

applicant's proposal, the Commission shall initiate an ordinance for amendment to the City Council. Action taken by the Commission pursuant to this section shall not be construed to limit the Commission's authority to reject or modify the applicant's proposal during the zoning ordinance amendment process.

D. The applicant may appeal a City Planning Commission action pursuant to subsection C of this section as provided in Chapter 18.92.



www.cityofseldovia.com

P.O. Drawer B Seldovia, Alaska 99663 Phone: (907) 234-7643, Fax: (907) 234-7430 email: cityclerk@cityofseldovia.com

**CONTRACT ZONING
REZONING APPLICATION
FEE: \$150.00**

Name of Owner(s)/Petitioner(s): _____

Legal description of lot/lots covered by this application (use additional sheets if necessary) : _____

Request District Change: From Zone: _____
To _____ zone.

Description of neighboring land use: _____

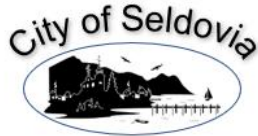
Reason for Request: _____

Description of proposed use and development (include proposed covenants, guarantees or other forms of agreement to assure the development and use of the land as proposed): _____

Time schedule for development and/or use: _____

Please provide written narrative explaining the following (use additional sheets if necessary):

1. How is the proposed change beneficial to the public interest? _____



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2. How is the proposed change compatible with surrounding zoning districts and the established land use pattern? Would it permit uses not compatible with adjacent land use? _____

3. Are public facilities such as schools, utilities and streets adequate to support the proposed change? _____

4. How does the proposed use not constitute spot zoning? _____

Petitioners:

Signature: _____
Name: _____
Address: _____

Signature: _____
Name: _____
Address: _____

Owner of: _____

Owner of: _____

Signature: _____
Name: _____
Address: _____

Signature: _____
Name: _____
Address: _____

Owner of: _____

Owner of: _____

Date Received: _____ For City Office use only
Receipt No: _____ P&Z Approval: _____
Public Hearing: _____ Attest: _____

Chapter 18.97 Amendment Procedures

Sections:

18.97.010 Amendment Procedure.

18.97.010 Amendment Procedure. A. Amendments to this Zoning Code shall be adopted by the City Council in accordance with procedures and provisions as provided in Chapter 18.96.

B. The City Planning Commission shall study any application for an amendment and will consider and determine:

1. The need and justification of the proposed amendment;
2. Whether the proposed amendment is in conformance with the Comprehensive Plan or will further the purposes of the Plan;
3. The effect of the proposed change on surrounding properties or the area; and
4. The amount of undeveloped land in the general area having the same district classification as that requested by the proposed amendment.

Chapter 21.95 LEGISLATIVE PROCEDURES AND AMENDMENTS¹

Sections:

- [21.95.010](#) Initiating code amendment.
- [21.95.020](#) Initiating zoning map amendment.
- [21.95.030](#) Restriction on repeating failed amendment proposals.
- [21.95.040](#) Planning Department review of code amendment.
- [21.95.050](#) Planning Department review of zoning map amendment.
- [21.95.060](#) Review by Planning Commission.
- [21.95.070](#) Review by City Council.

21.95.010 Initiating code amendment.

An amendment to this title may be initiated by any of the following:

- a. A member of the City Council;
- b. A member of the [Planning Commission](#);
- c. The City Manager;
- d. The City Planner; or
- e. A petition bearing the signatures, and the printed names and addresses, of not less than 50 qualified City voters. [Ord. [10-58](#), 2011].

21.95.020 Initiating zoning map amendment.

An amendment to the official zoning map may be initiated by any of the following:

- a. A member of the City Council;
- b. A member of the [Planning Commission](#);
- c. The City Manager;
- d. The City Planner; or
- e. A petition of property owners meeting the following requirements:
 1. The proposed amendment would either:
 - a. Apply to an area not less than two acres, including half the width of any abutting [street](#) or [alley](#) rights-of-way; or
 - b. Reclassify the area to a [zoning district](#) that is contiguous to the area or separated from the area only by a [street](#) or [alley](#) right-of-way.
 2. The petition represents [lots](#) that include more than 50 percent of the area (excluding rights-of-way) that is the subject of the proposed amendment. A [lot](#) is represented on the petition only if the petition bears the signatures, and the printed names and addresses, of all record owners of the [lot](#).
 3. The petition also shall include the following:
 - a. The following statement on each page of the petition: "Each person signing this petition represents that the signer is a record owner of the [lot](#) whose description accompanies the signature; that the signer is familiar with the proposed zoning map amendment and the current [zoning district](#) of the [lot](#); and that the signer supports the City Council's approval of the amendment."
 - b. The name of each record owner, the legal description and the Borough tax parcel number of each [lot](#) that is the subject of the proposed amendment.
 - c. A map showing the [lots](#) comprising the area that is the subject of the proposed amendment, all [lots](#) contiguous to the boundary of that area, and the present zoning and proposed zoning of each such [lot](#).
 - d. A statement of the justification for the proposed amendment. [Ord. [10-58](#), 2011].

21.95.030 Restriction on repeating failed amendment proposals.

No proposal by qualified voters to amend this title, or by property owners to amend the official zoning map, shall be reviewed by the [Planning Department](#), or submitted to the [Planning Commission](#) or the Council, if it is substantially the same as any other amendment that the Council rejected within the previous nine months. [Ord. [10-58](#), 2011].

21.95.040 Planning Department review of code amendment.

The [Planning Department](#) shall evaluate each amendment to this title that is initiated in accordance with HCC [21.95.010](#) and qualified under HCC [21.95.030](#), and may recommend approval of the amendment only if it finds that the amendment:

- a. Is consistent with the [Comprehensive Plan](#) and will further specific goals and objectives of the plan.
- b. Will be reasonable to implement and enforce.
- c. Will promote the present and future public health, safety and welfare.
- d. Is consistent with the intent and wording of the other provisions of this title. [Ord. [10-58](#), 2011].

21.95.050 Planning Department review of zoning map amendment.

The [Planning Department](#) shall evaluate each amendment to the official zoning map that is initiated in accordance with HCC [21.95.020](#) and qualified under HCC [21.95.030](#), and may recommend approval of the amendment only if it finds that the amendment:

- a. Is consistent with the [Comprehensive Plan](#) and will further specific goals and objectives of the plan.
- b. Applies a [zoning district](#) or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.
- c. Is in the best interest of the public, considering the effect of [development](#) permitted under the amendment, and the cumulative effect of similar [development](#), on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land [use](#) patterns. [Ord. [10-58](#), 2011].

21.95.060 Review by Planning Commission.

- a. The [Planning Commission](#) shall review each proposal to amend this title or to amend the official zoning map before it is adopted by the City Council.
- b. Within 30 days after determining that an amendment proposal is complete and complies with the requirements of this chapter, the [Planning Department](#) shall present the amendment to the [Planning Commission](#) with the Planning Department's comments and recommendations, accompanied by proposed findings consistent with those comments and recommendations.
- c. The [Planning Department](#) shall schedule one or more public hearings before the [Planning Commission](#) on an amendment proposal, and provide public notice of each hearing in accordance with Chapter [21.94](#) HCC.
- d. After receiving public testimony on an amendment proposal and completing its review, the [Planning Commission](#) shall submit to the City Council its written recommendations regarding the amendment proposal along with the Planning Department's report on the proposal, all written comments on the proposal, and an excerpt from its minutes showing its consideration of the proposal and all public testimony on the proposal. [Ord. [16-57](#) § 1, 2017; Ord. [10-58](#), 2011].

21.95.070 Review by City Council.

City Council shall consider an amendment proposal to this title in accordance with the ordinance enactment procedures in the Homer City Code but shall not adopt an amendment proposal under this title without considering the recommendations of the [Planning Commission](#) regarding an amendment proposal. When City Council is considering an amendment proposed by the [Planning Commission](#), the City Council may adopt the proposed amendment as submitted or with amendments, or reject the proposed amendment. [Ord. [16-57](#) § 2, 2017; Ord. [10-58](#), 2011].

¹Ordinance [08-29](#) repealed and reenacted by Ordinance [10-58](#), January 24, 2011.

The Homer City Code is current through Ordinance 19-41, passed September 23, 2019.

Disclaimer: The City Clerk's Office has the official version of the Homer City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.cityofhomer-ak.gov/> (<http://www.cityofhomer-ak.gov/>)
 City Telephone: (907) 235-8121
 Code Publishing Company (<https://www.codepublishing.com/>)

14.20.270 Amendment procedures.

- (a) *Intent.* This section shall govern any amendment to the Kenai Zoning Code and Official Map.
- (b) *Initiation of Zoning Code and Official Map Amendments.*
- (1) Amendments to the Kenai Zoning Code and Official Map may be initiated by:
 - (A) Kenai City Council;
 - (B) Kenai Planning and Zoning Commission;
 - (C) Submission of a petition by a majority of the property owners in the area to be rezoned;
 - (D) Submission of a petition bearing the signatures of fifty (50) registered voters within the City of Kenai to amend the ordinance text;
 - (E) Submission of a petition as provided by the Home Rule Charter of the City of Kenai.
 - (2) Amendments to the Official Zoning Map shall be considered only if the area to be rezoned contains a minimum of one (1) acre (excluding street or alley rights-of-way) unless the amendment enlarges an adjacent district boundary.
 - (3) A proposed amendment to the zoning ordinance which is substantially the same as any other proposed amendment submitted within the previous nine (9) months and which was not approved shall not be considered.
 - (4) The zoning amendment request shall include the names and addresses of the applicant, a map showing the area involved, the present and proposed zoning, a nonrefundable fee as set forth in the City's schedule of fees adopted by the City Council, and any other pertinent information requested by the City.
- (c) *Amendment Procedure.*
- (1) A completed application, as described in this section, shall be submitted to the administrative official. The administrative official shall schedule a public hearing and make notification arrangements.
 - (2) The Commission shall hold a public hearing in accordance with the requirements of this chapter.
 - (3) The Commission shall, upon public hearing, forward its written recommendation to the Kenai City Council, along with all certified minutes and public records relating to the proposed amendment.
 - (4) The Kenai City Council in accordance with the provisions of the Kenai Municipal Code, may or may not adopt the amendment as a City ordinance.

(Ords. 925, 1179, 1461-91, 2528-2011, 2565-2011)

The Kenai Municipal Code is current through Ordinance 3082-2019, passed September 4, 2019.

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.kenai.city](http://www.kenai.city)

City Telephone: (907) 283-7535

[Code Publishing Company](#)

15.01.035 - Amendments.

- (a) Generally. Whenever the public necessity, convenience or general welfare requires, the City Council may, under the procedure set forth in this section and by ordinance, amend or repeal these regulations or change zoning and land use district boundaries.
- (b) Initiation.
 - (1) Changes in this title may be initiated by the following means:
 - a. By the City Council on its own motion;
 - b. By the commission on its own motion;
 - c. By petition of a majority of the property owners in the area to be amended;
 - d. By petition bearing the signatures of 50 registered voters within the City; or
 - e. By petition as provided by the home rule charter of the City.
 - (2) A proposed amendment which is substantially the same as any other proposed amendment submitted within the previous nine months and which was not approved shall not be considered.
 - (3) Except for an ordinance altering the boundaries of existing, contiguous zoning districts or an ordinance which brings a parcel into conformance with the land use plan, no ordinance altering zoning within the City shall be considered if the area encompassed by the proposed ordinance contains less than one acre, not including street or alley rights-of-way.
 - (4) The amendment request shall include the name and address of the applicant, a map showing the area involved, the present and proposed land use designation, the reason for the proposed change, the appropriate application fee as set by City Council resolution and other pertinent information requested by the City.
- (c) Amendment procedure.
 - (1) A completed application, as described in this section, shall be submitted to the administrative official. The administrative official shall schedule a public hearing pursuant to the provision of section 15.01.040.
 - (2) The commission shall hold a public hearing in accordance with the requirements of this chapter.
 - (3) The commission shall, upon public hearing, forward its written recommendation to the City Council, along with all certified minutes and public records relating to the proposed amendment.
 - (4) The City Council, in accordance with the provisions of the City code, may or may not adopt the amendment as a City ordinance.
 - (5) A copy of all proposed and adopted amendments to the land use plan shall be submitted to the Kenai Peninsula Borough planning commission for information.

(Ord. 626, § 3, 1989)