



Sponsored by: Vice Mayor Knackstedt

**CITY OF KENAI
ORDINANCE NO. 3392-2024**

AN ORDINANCE AMENDING THE KENAI ZONING CODE TO ADD A NEW ZONING DISTRICT, WORKING WATERFRONT (WW) AND AMENDING THE OFFICIAL ZONING MAP FOR CERTAIN PARCELS FROM HEAVY INDUSTRIAL (IH) TO WORKING WATERFRONT (WW) OR CONSERVATION (C) ZONING DISTRICT.

WHEREAS, the Imagine Kenai 2030 Comprehensive Plan (“Comprehensive Plan”), identified a Land Use objective to review revitalization strategies for the area adjacent to Bridge Access Road beginning at Millennium Square to the boat landing; and,

WHEREAS, in 2021, the City funded the Kenai Waterfront Revitalization Assessment (“Assessment”) for revitalization strategies to maximize the potential of the waterfront area to support a thriving business, residential, recreational, and cultural community; and,

WHEREAS, within the “Assessment”, it outlined recommended next steps to address the dire planning needs by preparing a Waterfront Master Plan and conducting a Civic Center Market Assessment and Feasibility Analysis; and,

WHEREAS, due to the emerging interests in the waterfront area from the public engagement conducted for the Assessment, there is a sense of urgency for the waterfront rezone to promote new development or redevelopment that is consistent with the vision and findings in the Assessment; and,

WHEREAS, the Comprehensive Plan acknowledges the decline for demand of large industrial sites and the commercial fishing industry but indicated the need to maintain the viability of existing industry as a land use and economic priority; and,

WHEREAS, the creation of a new zoning district, Working Waterfront (WW) would allow certain commercial uses by-right and protect existing uses that align with the vision of the waterfront development, as identified in the Assessment; and,

WHEREAS, the proposed rezone from Heavy Industrial (IH) to WW Zone would be consistent with Ordinance 3391-2024, amending the Comprehensive Plan to reclassify the future land use of the proposed rezone area from Industrial (IN) to Mixed Use (MU), which envisions a compatible mix of residential, retail, service, office, public, institutional, and recreational uses; and,

WHEREAS, the proposed rezone includes parcels outside of the designated waterfront development area, which are primarily wetlands parcels to Conservation (C) Zone for compatibility with the surrounding area and consistency with the Land Management Plan and Comprehensive Plan; and,

WHEREAS, the Harbor Commission and the Planning and Zoning Commission held a joint work session on February 12, 2024 to discuss the proposed ordinance to create a waterfront zoning district and amend the Comprehensive Plan; and,

WHEREAS, the Planning and Zoning Commission at its regularly scheduled meeting of February 14, 2024 recommended approval with amendments on amending the Kenai Municipal Code (KMC) to add a new zoning district and rezone the waterfront area; and,

WHEREAS, the Harbor Commission at its regularly scheduled meeting of February 12, 2024 recommended approval on amending the KMC to add a new zoning district and rezone the waterfront area; and,

WHEREAS, at its meeting on February 21, 2024, City Council postponed the public hearing to March 20, 2024 and scheduled a joint work session with the Planning and Zoning Commission on March 20, 2024 before the regular meeting; and,

WHEREAS, it is the best interest of the City of Kenai to amend KMC to add the Working Waterfront Zone and amend other KMC Sections, which are consistent with the waterfront land uses identified in the Assessment; and,

WHEREAS, it is in the best interest of the City of Kenai to amend the Official Zoning Map to rezone certain parcels from Heavy Industrial to Working Waterfront zoning district to promote opportunities for economic development, redevelopment, and use of land that do not impact the existing uses in the area; and,

WHEREAS, it is in the best interest of the City of Kenai to amend the Official Zoning Map to rezone certain parcels south of the waterfront redevelopment area from Heavy Industrial to Conservation zoning district to preserve the open areas, watershed, and wildlife reserves.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, AS FOLLOWS:

Section 1. Amendment of Subsection 14.20.030(a) of Kenai Municipal Code: That Kenai Municipal Code, Subsection 14.20.030(a) *Adoption of Zones and Zoning Map* is hereby amended as follows:

(a) *Adoption of Zones and Zoning Map.* The City of Kenai is divided into the following zones:

Conservation	C Zone
Rural Residential	RR Zone
Suburban Residential	RS Zone
Rural Residential	RR-1 Zone
Suburban Residential	RS-1 Zone
Suburban Residential	RS-2 Zone
Urban Residential	RU Zone
Central Commercial	CC Zone
General Commercial	CG Zone
Limited Commercial	LC Zone
Light Industrial	IL Zone
Heavy Industrial	IH Zone
Recreational	R Zone

Townsite Historic	TSH Zone
Education Zone	ED Zone
Central Mixed Use	CMU Zone
<u>Working Waterfront</u>	<u>WW Zone</u>

These zones shall be bounded and defined as shown on the official zoning map, which shall be kept on file at Kenai City Hall. This official zoning map, together with all explanatory matter thereon, as exhibited at the time of public hearing, is hereby adopted by reference and declared to be a part of this chapter.

Section 2. Amendment of Chapter 14.20 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 14.20 *Kenai Zoning Code* is hereby amended as follows:

14.20.128 Working Waterfront Zone (WW Zone).

(a) Intent. The WW Zone is established to provide the following purposes:

- (1) To encourage, protect and maintain water-dependent and water-related uses;
- (2) To encourage development of park space, pedestrian connections, and public recreational space;
- (3) To provide appropriately located areas for commercial/economic enterprises, tourism, or recreation for the convenience of the public and in mutually beneficial relationships to each other;
- (4) To provide space for community facilities and institutions that appropriately may be located in areas;
- (5) To provide adequate space to meet the needs of commercial development, including off-street parking and truck loading areas;
- (6) To minimize traffic congestion and create a safe and continuous pedestrian connection;
- (7) To protect non-industrial uses from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to industrial uses;
- (8) To encourage new development to maintain a certain relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks; and
- (9) To protect and maintain certain industrial uses that require waterfront locations.

(b) Principal Permitted Uses. As allowed in the Land Use Table.

(c) Conditional Uses. As allowed in the Land Use Table and subject to the provisions of this chapter.

(d) Accessory Uses. As defined in this chapter.

(e) Home Occupations. Uses as allowed in this chapter.

(f) Parking Requirements. As required by this chapter.

(g) Development Requirements. As required by this title.

(h) Landscaping. As required in KMC [14.25](#).

Section 3. Amendment of Section 14.22.010 of Kenai Municipal Code: That Kenai Municipal Code, Section 14.22.010 *Land Use Table* is hereby amended as follows:

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

ZONING DISTRICTS																		
LAND USES	ALI	C	RR	R R- 1	RS	RS -1	RS-2	R U	CC	C G	IL	IH	E D	R	TS H	LC	CMU	<u>WW</u>
RESIDENTIAL																		
One-Family Dwelling	N	C ¹⁸	P	P	P	P	P	P	P ²¹	S ¹	S ²	S ²	C ² ₂	P	P	P	S ¹ /C ²¹	<u>S³³/C</u>
Two-, Three-Family Dwelling	N	C ¹⁸	P	P	P	P	P	P	P ²¹	S ¹	C	C	C ² ₂	P	P	P	S ¹ /C ²¹	<u>P</u>
Four-Family Dwelling	N	C ¹⁸	P	C ³ _{,29}	P	N	N	P	P ²¹	S ¹	C	C	C ² ₂	N	P	C	S ¹ /C ²¹	<u>P</u>
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	<u>P</u>
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	<u>P</u>
Mobile Home Parks ⁶	N	N	C	N	C	C	C	C	C	C	C	C	N	C	N	N	C	<u>N</u>
Planned Unit Residential Development ⁷	N	C ¹⁸	C	C ² ₉	C	C	C	C	C	C	C	C	N	C	C	C	C	<u>P</u>
Townhouses ⁴	N	C ¹⁸	C ³	C ³ _{,29}	C ³	C ³	C ³	C ³	C	C	C	C	C ² ₂	C	C	C	C	<u>C</u>

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	<u>N</u>
COMMERCIAL																		
Airport Compatible Uses	P	N	N	N	N	N	N	N	C	C	C	C	N	N	N	C	C	<u>C</u>
Adult Businesses	N	N	N	N	N	N	N	N	P ³¹	P ³¹	P ³¹	P ³¹	N	N	N	N	N	<u>N</u>
Automotive Sales	C	N	C	N	N	N	N	C	P	P	P	P	N	N	N	N	P	<u>N</u>
Automotive Service Stations	C	N	C	N	N	N	N	C	P	P	P	P	N	C	N	N	P	<u>C</u>
Banks	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P	<u>P</u>
Business/Consumer Services	C	N	C	C	C	N	N	C	P	P	P	C	N	C	C	C	P	<u>P</u>
Commercial Recreation	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P	<u>P</u>
Guide Service	C	N	C	N	C	N	N	C	P	P	P	P	N	P	P	C	P	<u>P</u>
Hotels/Motels	C	N	C	N	C	N	N	C	P	P	P	C	N	C	P	C	P	<u>P</u>
Lodge	C	N	C	N	C	N	N	C	P	P	P	C	N	P	P	C	P	<u>P</u>
Marijuana Cultivation Facility, Limited ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	N	<u>N</u>
Marijuana Cultivation Facility, Standard ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	N	<u>N</u>
Marijuana Product Manufacturing Facility ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N	N	<u>N</u>
Marijuana Testing Facility ³⁰	N	N	N	N	N	N	N	N	C	C	P	P	N	N	N	C	C	<u>N</u>

Professional Offices	C	N	C	C	C	N	N	P	P	P	P	P	N	C	P	P	P	<u>P</u>
Restaurants	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P	<u>P</u>
Retail Business	C	N ²⁶	C	N	C	N	N	C	P	P	P	P	S ₄ ²	S ₄ ²	C	C	P	<u>P</u>
Retail Marijuana Store ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	C	<u>C</u>
Theaters	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P	<u>P</u>
Wholesale Business	C	N	C	N	C	N	N	C	C	P	P	P	N	S ₄ ²	C	C	N	<u>N</u>
INDUSTRIAL																		
Airports	C	P ²⁰	C	N	C	N	N	C	C	C	C	C	N	C	N	N	C	<u>C</u>
Necessary Aviation Facilities	P	P	C	C	C	C	C	C	P	P	P	P	C	P	C	P	P	<u>C</u>
Automotive Repair	P	N	C	N	C	N	N	C	P	P	P	P	N	N	N	N	P	<u>C</u>
Gas Manufacturer/Storage	C ⁹	N	N	N	C	N	N	N	N	N	C ⁹	C ⁹	N	N	N	N	N	<u>C</u>
Manufacturing/Fabricating/Assembly	P	N	C	N	C	N	N	C	C	P	P	P	N	C	C	N	C	<u>C</u>
Mini-Storage Facility	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N	C	C	<u>N</u>
Storage Yard	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N	N	C	<u>C³²</u>
Warehouses	C	N	C	N	C	N	N	C	N	P	P	P	N	C	N	N	N	<u>C</u>
PUBLIC / INSTITUTIONAL																		
Assisted Living	N	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	<u>C</u>
Churches*	N	C	P ¹⁰	P ₀ ¹	P ¹⁰	P ¹⁰	P ¹⁰	P ₀ ¹	P ¹⁰	P ₀ ¹	C	C	P	P ₀ ¹	P	P	P	<u>P</u>

Clinics	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C	P	P	<u>P</u>
Colleges*	N	C	C	C ² ₉	C	C	C	C	P	P	C	C	P	C	C	C	P	<u>P</u>
Elementary Schools*	N	C	C	C ² ₉	C	C	C	C	P	P	C	C	P	C	C	C	P	<u>P</u>
Governmental Buildings	P	C	C	C ² ₉	C	C	C	C	P	P	P	C	P	C	C	P	P	<u>P</u>
High Schools*	N	C	C	C ² ₉	C	C	C	C	P	P	C	C	P	C	C	C	P	<u>P</u>
Hospitals*	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C	C	P	<u>C</u>
Libraries*	N	C	C	C ² ₉	C	C	C	C ¹ ₂	P	P	P	C	P	C	P	C	P	<u>P</u>
Museums	C	C	C	C ² ₉	C	C	C	C	P	P	P	C	P	C	P	C	P	<u>P</u>
Parks and Recreation	N	P	C	C ² ₉	C	C	C	C	P	P	P	P	P	P	P	C	P	<u>P</u>
MISCELLANEOUS																		
Animal Boarding/Commercial Kennel ¹³	C	C	C	N	C	C	N	N	C	C	C	C	N	C	N	C	C	<u>C</u>
Assemblies ¹⁵ (Large: Circuses, Fairs, etc.)	P	C	C	N	C	C	C	C	P ¹⁵	P ¹ ₅	P ¹ ₅	P ¹ ₅	P ¹ ₅	C	P	N	P ¹⁵	<u>P</u>
Bed and Breakfasts	N	C	C	C	C	C	C	C	C	C	C	C	N	P	C	C	P	<u>C</u>
Cabin Rentals	N	C	C	N	C	N	N	N	P	P	P	C	N	P	P	C	P	<u>P</u>
Cemeteries	P	C	C	N	C	N	N	N	N	C	C	C	N	C	C	N	N	<u>N</u>
Communications Towers and Antenna(s), Radio/TV Transmitters/Cell Sites** ²⁸	C	P	C	N	C	C	C	C	P	P	P	P	P	C	C	C	C	<u>C</u>

Crematories/Funeral Homes	N	N	C	N	C	N	N	C	C	C	C	C	N	C	C	C	C	<u>N</u>
Day Care Centers ¹²	N	C	C	C ² ₉	C	C	C	C	P	P	P	C	C	C	C	P	P	<u>C</u>
Dormitories/Boarding Houses	N	C	C	N	C	C	C	P	P ²¹	S	C	P	P ² ₃	C	C	C	P	<u>P</u>
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>
Farming/General Agriculture***	N	P	P	N	N	N	N	N	N	N	N	P	N	P	N	N	N	<u>C</u>
Fraternal Organizations/ Private Clubs/Social Halls and Union Halls	N	N	C	N	C	C	C	C	P	P	P	C	N	C	P	C	P	<u>P</u>
Greenhouses/Tree Nurseries ¹³	N	C	C	N	C	C	C	C	P	P	P	C	N	C	C	C	P	<u>P</u>
Gunsmithing, Taxidermy	N	N	C	C	C	C	C	C	P	P	P	P	N	C	P	P	P	<u>P</u>
Nursing, Convalescent or Rest Homes	N	N	C	N	C	C	C	C	P	P	C	C	C	C	C	C	P	<u>P</u>
Parking, Public Lots ¹²	C	C	C	N	C	C	C	C	C	C	C	C	C	C	C	C	C	<u>C</u>
Personal Services ²⁵	N	C	C	N	C	C	C	C	P	P	P	P	C	C	P	P/C ²⁷	P	<u>P</u>
Recreational Vehicle Parks	N	C	C	N	C	N	N	C	C	C	C	C	N	C	C	N	C	<u>C</u>
Subsurface Extraction of Natural Resources ¹⁶	C	C	C	C	C	C	C	C	C	C	C	C	N	C	N	N	N	<u>C</u>
Surface Extraction of Natural Resources ¹⁷	C	C	C	N	C	N	N	C	N	C	C	C	N	C	N	N	N	<u>N</u>

* See 42 U.S.C. Sec. 2000cc (Religious Land Use and Institutionalized Persons Act of 2000)

** See 42 U.S.C. 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.

Limited Commercial Zone		
Personal Services	Permitted (P)	Conditional Use (C)
Art Studios	X	
Barbers	X	
Beauticians	X	
Dressmakers	X	
Dry Cleaners		X
Fitness Centers	X	
Massage Therapist		X
Photographic Studios	X	
Self-Service Laundries		X
Tailors	X	
Tanning Salons	X	
Tattoo Parlors		X

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.

30 See marijuana regulations, KMC [14.20.230](#)—Home Occupations, [14.20.320](#)—Definitions, [14.20.330](#)—Standards for commercial marijuana establishments.

31 See KMC [14.20.175](#)—Adult businesses; no adult business may be located within one thousand (1,000) feet of another adult business, or sensitive use. “Sensitive use” means a church or other place of worship, a public or private school (licensed pre-K through twelfth grade) or businesses where or areas

where youth are likely to be present (limited to public parks, youth recreational centers, public playgrounds, public libraries).

32 Allowed as a conditional use; provided, it is a maritime-related use to accommodate recreational boating activities, recreational facilities, accessory uses, and service facilities.

33 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.

Section 4. Amendment of Chapter 14.24 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 14.24 *Development Requirements Tables* are hereby amended as follows:

14.24.010 Minimum lot area requirements.

Table 14.24.010. DEVELOPMENT REQUIREMENTS TABLE

ZONING DISTRICTS										
USES	C/RR	RR-1	RS	RS-1	RS-2	RU/ SH	ALI/IL/IH/ CC/CG/CMU/ WW	R	ED	LC
MINIMUM LOT AREA (square feet)							See individual sections of Code for requirements.			
Single/Two/Three Family Dwelling	20,000	20,000	7,200	12,500	7,200	7,200		20,000	20,000	12,500
Four Family Dwelling	20,000	22,400	9,600	N	N	7,200		N	N	12,500
Five Family Dwelling	22,400	N	12,000	N	N	7,200		N	N	12,500
Six Family Dwelling	24,800	N	14,400	N	N	7,200		N	N	12,500
Seven or More Family Dwelling	27,200 + 2,400 for each unit over 7	N	16,800 + 2,400 for each unit over 7	N	N	7,200		N	N	12,500
Maximum Height (feet)	35	35	35	35	35					35

Key: N = Not allowed.

Footnotes:

- 1 Listed square footages are the minimum required for each zone.
- 2 Greater lot square footages may be required to satisfy Alaska Department of Environmental Conservation (ADEC) requirements where on-site water supply and/or sewer is necessary.
- 3 Minimum lot size for non-residential uses in ED zone is 40,000 square feet.
- 4 Minimum lot size for residential uses in the CMU zone is 7,200 square feet.

14.24.020 General Requirements.

Table 14.24.020. DEVELOPMENT REQUIREMENTS TABLE

ZONING DISTRICTS										
USES	C/RR	RR-1	RS	RS-1	RS-2	RU/TSH	ALI/IL/IH/CC/CG/ CMU/WW	R	ED	LC
MINIMUM LOT WIDTH (feet)	90	90	60	60	60	60	See individual sections of Code for requirements	90	90	90
MINIMUM LOT SIZE (feet)										
Front Setback ¹	20	20	20	20	20	10	20	20	20	20
Side Setback ²										
One-Story ³	15	15	5	5	5	5	10	15	15	15
Daylight Basement/Split Level ³	15	15	10	10	10	5	10	15	15	15
Two-Story ³	15	15	15	15	15	5 ⁴	10	15	15	15
Rear Setback	20	20	20	20	20	10 ⁴	10	20	20	20
Maximum Lot Coverage	30%	30%	30%	30%	30%	40%		30%	30%	30%
Maximum Height (feet)	35	35	35	35	35					35

Footnotes:

- 1 Provided that the minimum front setback is measured from any right-of-way or access easement.

2 Side setbacks are determined based on the primary vehicular access of the structure. Plot plan/as-built will distinguish single and two-story portions of building to verify setback distances are met.

3 Story is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above or the ceiling or roof above.

One-story is defined as a story having direct access from grade level without a lower story. A structure having a lower story situated below a one-story is considered a one-story structure in its entirety.

Two-story is defined as one-story plus more than one-half (1/2) the height of the lower story all situated above grade.

Daylight basement/split level is defined as one-story plus less than one-half (1/2) the height of the lower story all situated above grade.

For purposes of these footnotes, Grade is defined as the lowest point of elevation of the finished surface of the ground between the building and a line five (5) feet from the building.

4 Except that for each story over two (2) stories, each side and rear yard shall be increased three (3) feet, but need not exceed fourteen (14) feet for each side yard and nineteen (19) feet for the rear yard.

5 Side setbacks for parcels within the airport perimeter fence situated along aircraft movement areas, ramps, taxiways, or parking aprons are exempt from the side setback requirements of this title. The building restriction line identified on the Airport Layout Plan must be maintained.

6 All structures in aircraft-approach zones and within eight thousand feet (8,000') of the main runway shall be subject to height limitation on the basis of obstruction criteria as shown on the current FAA-approved Kenai Airport Layout Plan.

14.24.030 Addendum to development requirements tables.

Section 5. Amendment of City of Kenai Official Zoning Map: That City of Kenai, Official Zoning Map is hereby amended as follows: Rezone the following parcels from Heavy Industrial (IH) to Working Waterfront (WW) zoning district.

<u>Legal Description</u>	<u>Parcel ID</u>
Tract E, Daubenspeck Property Subdivision	04705703
Portion of Alaska Tidelands Survey 98	04705702
Tract C, US Survey 104, Amended Tracts A, B, & C	04901113
Tract C, US Survey 104, Amended Tracts A, B, & C	04901112
Tract A, Kenai Tidelands Survey No. 1	04901121
Portion of Govt Lot 10 Lying Southwest of Bridge Access Rd & Lying North & Northwest & Northeast of US Survey 4563 Amended, Section 4, T5N R11W	04901131
Lot 3, US Survey 4563 Amended	04901123
Lot 2, US Survey 4563 Amended	04901124

Alaska Tidelands Survey 82	04901125
Portion of Govt Lot 10 Lying Southeasterly of US Survey 4563 Amended, Section 4, T5N R11W	04901130
Lot 1, Kristine Subdivision No. 1	04901133
Lot 2, Kristine Subdivision No. 1	04901134
Tract B, Kenai Tidelands Survey No. 2	04901132
Tract C, Kenai Tidelands Survey No. 2	04901404
Lot 3A, Kristine Subdivision Jahrig Addition	04901136
Lot 3B, Kristine Subdivision Jahrig Addition	04901137
Lot 3C, Kristine Subdivision Jahrig Addition	04901138
Lot 1, Baron Wood Subdivision	04901312
Lot 2, Baron Wood Subdivision	04901313
US Survey 678 Amended	04901401
Alaska Tidelands Survey No. 770	04901403
Alaska Tidelands Survey No. 114	04901402
Lot 3, Baron Wood Subdivision No. 2	04901314
Lot 4A, Baron Wood Subdivision No. 2	04901321
Lot 5A, Baron Wood Subdivision No. 2	04901322
Lot 8, Baron Wood Subdivision	04901320
Tract E, Boat Ramp Subdivision	04945009
Tract F-1, Alaska State Land Survey No. 2012-04	04945011
Tract F-2, Alaska State Land Survey No. 2012-04	04945012
Tract A, City of Kenai Boat Ramp & ROW Dedication (Northern Half)	04945002

Attached is Exhibit "A" illustrating the area of the proposed zone change.

Section 6. Amendment of City of Kenai Official Zoning Map: That City of Kenai, Official Zoning Map is hereby amended as follows: Rezone the following parcels from Heavy Industrial (IH) to Conservation (C) zoning district.

<u>Legal Description</u>	<u>Parcel ID</u>
Tract A, City of Kenai Boat Ramp & ROW Dedication (Southern Half)	04945002

Tract B, City of Kenai Boat Ramp & ROW Dedication	04945003
Tract C, City of Kenai Boat Ramp & ROW Dedication	04945004
Tract D, City of Kenai Boat Ramp	04945005
Govt Lots 6, 7, 10 and SE1/4 SE1/4 in Section 8 & Govt Lot 6 and SE1/4 NE1/4 and SE1/4 and NE1/4 SW1/4 and S1/2 SW1/4 Section 9 & Govt Lots 1, 4-6 and NE1/4 NE1/4 Section 17 excluding the Kenai River crossing ROW, T5N R11W (West Side of Bridge Access Road)	04910014

Attached is Exhibit "A" illustrating the area of the proposed zone change.


Section 7. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 8. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 20TH DAY OF MARCH, 2024.



Brian Gabriel Sr., Mayor

ATTEST:


Michelle M. Sauer, MMC, City Clerk

Introduced: January 17, 2024
Enacted: March 20, 2024
Effective: April 19, 2024



KENAI

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MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Vice Mayor Knackstedt

DATE: January 10, 2024

SUBJECT: **Ordinance No. 3392-2024 - Amending the Kenai Zoning Code to Add a New Zoning District, Working Waterfront (WW) and Amending the Official Zoning Map for Certain Parcels from Heavy Industrial (IH) to Working Waterfront (WW) or Conservation (C) Zoning District**

This Ordinance seeks to amend the Kenai Zoning Code and Official Zoning Map in response to the efforts and vision that resulted from the Kenai Waterfront Revitalization Assessment. This is a first step towards the long-term planning efforts of redeveloping the waterfront area. The Ordinance will add a new zoning district, Working Waterfront (WW) Zone to the Kenai Zoning Code with corresponding code amendments to the land use table and development requirements tables. In addition, it will amend the Official Zoning Map of the waterfront development area for certain parcels from Heavy Industrial (IH) to WW Zone. With staff's recommendation, wetlands parcels to the south of the waterfront development area will be rezoned from IH to Conservation (C) Zone for compatibility with the surrounding area and consistency with the Land Management Plan and Comprehensive Plan.

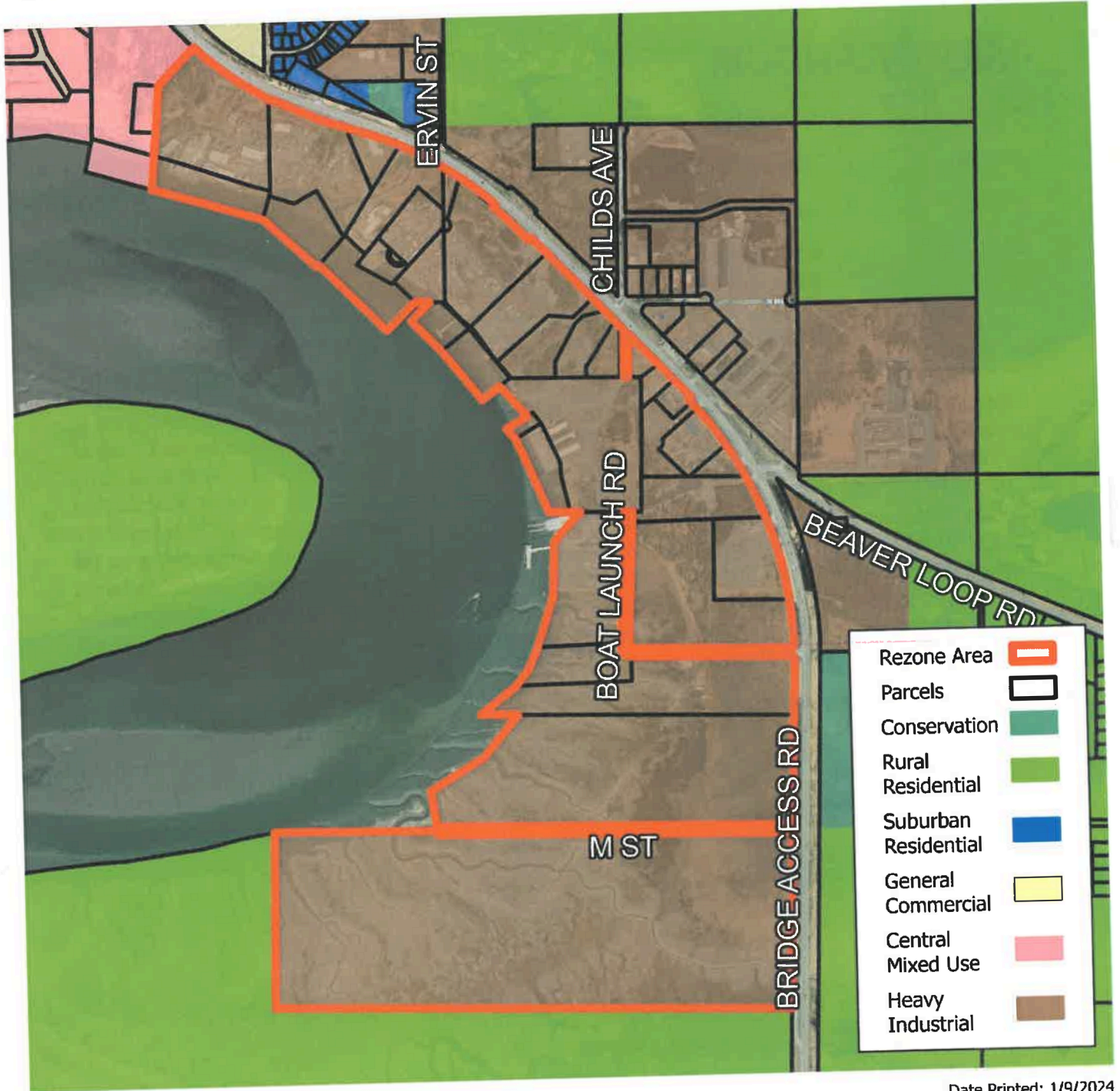
Your consideration is appreciated.

Attachments

Existing Zoning Map
Proposed Zoning Map

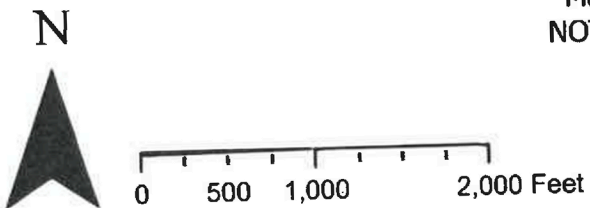


Ordinance 3392-2024 Existing Zoning



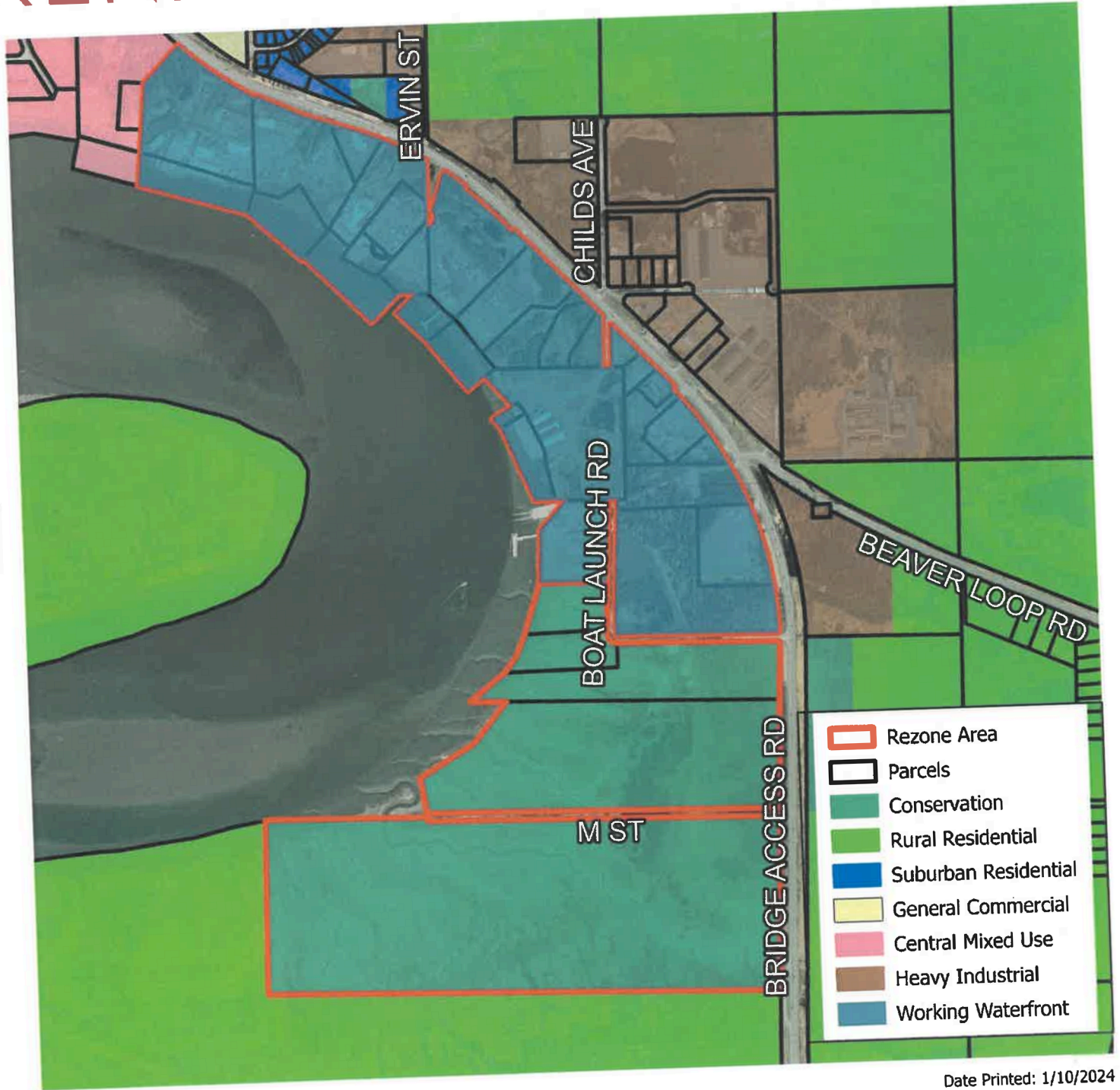
Date Printed: 1/9/2024

Map for Reference Only
NOT A LEGAL DOCUMENT





Ordinance 3392-2024 Proposed Zoning



Date Printed: 1/10/2024

Map for Reference Only
NOT A LEGAL DOCUMENT

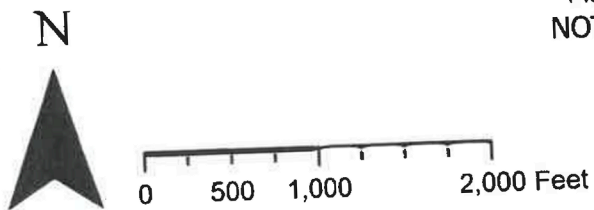
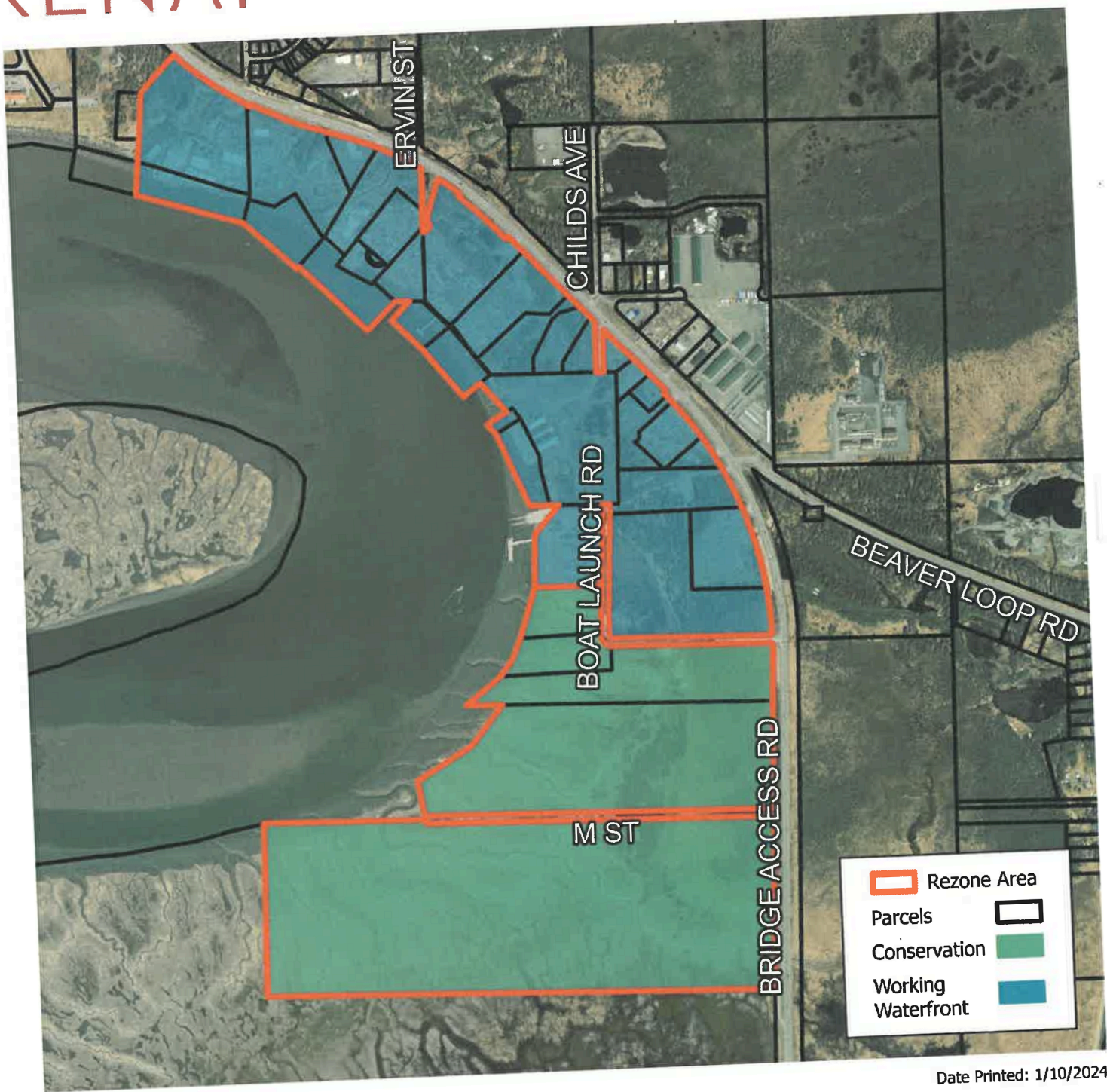




EXHIBIT A

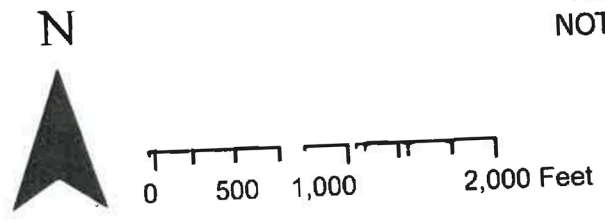
Ordinance 3392-2024

Zoning Map Amendment



Date Printed: 1/10/2024

Map for Reference Only
NOT A LEGAL DOCUMENT





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MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Linda Mitchell, Planning Director

DATE: February 21, 2024

SUBJECT: Ordinance 3392-2024 Requested Postponement

This memo requests postponement of Ordinance 3392-2024 until the March 6, 2024 City Council Meeting. This postponement will allow for a joint work session with Planning and Zoning Commission to be scheduled on March 6, 2024 from 4:30 p.m. to 5:30 p.m. before the regular meeting.

The joint work session will provide an overview of the proposed Ordinance and discuss the proposed amendments from Planning and Zoning Commission at its regularly scheduled meeting of February 14, 2024.

Thank you for your consideration.



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MEMORANDUM

TO: Mayor Gabriel and Council Members
FROM: Henry Knackstedt, Vice Mayor
DATE: March 14, 2024
SUBJECT: Ordinance No. 3392-2024 – Potential Amendments

Ordinance No. 3392-2024 was created with the intent to allow land uses consistent with visions and findings of the Kenai Waterfront Revitalization Assessment (“Assessment”) **to promote development of the waterfront while protecting the existing industry and businesses in the area. This Ordinance seeks to be inclusive of uses to allow for opportunities of growth, development, and innovation as the City continues to refine the vision of the Assessment.**

At their February 14, 2024 Planning and Zoning (P&Z) Commission Regular Meeting, the P&Z Commission requested several amendments for recommendation to City Council on Ordinance No. 3392-2024. After careful review and discussion with Administration, the following are my position on P&Z Commission’s recommended amendments to the proposed land use table for the Working Waterfront (WW) Zoning District.

- “Storage Yard” use is listed as a Conditional Use (C) to protect the existing businesses. A change to Not Permitted (N) would make the existing businesses that operate a storage yard non-conforming, subject to Kenai Municipal Code (KMC) Section 14.20.050 *Nonconforming lots, structures, and uses*.
- “Assisted Living” is listed as a Conditional Use (C) in all zoning districts, except in the Airport Light Industrial (ALI). For consistency, the use should be allowed as a Conditional Use (C). The use should not be prohibited but remain as proposed, Conditional Use (C).
- “Governmental Buildings” is listed as Principal Permitted Use (P). The City and State own several properties in the area and to change the land use table to Not Permitted (N) would prohibit the construction of government buildings, which is defined as “*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*”. The use is allowed by right or conditionally in all zoning districts. The use should be listed as Principal Permitted Use (P) or Conditional Use (C).
- “Hospitals” is listed as Principal Permitted Use (P). A hospital is in the best interest of the City and it is allowed in all commercial and mixed-use zoning districts with the exception

of Limited Commercial (LC). The use should be listed as Principal Permitted Use (P) or Conditional Use (C).

- “Day Care Centers” is listed as Principal Permitted Use (P) and it is allowed in all commercial and mixed-use zoning districts. For consistency, the use should be listed as Principal Permitted Use (P).
- “Communications Towers and Antenna(s), Radio/TV Transmitters/Cell Sites” is listed as Conditional Use (C) and it is only prohibited in the Rural Residential 1 (RR-1) zoning district. To prohibit telecommunication facility would deter wireless service expansion in area. If there are concerns on aesthetic and visibility, then it can be address through public hearing process. The use should not be prohibited but remain as proposed, Conditional Use (C).
- “One-Family Dwelling” is listed as Conditional Use (C) to allow all residential density but it is acknowledged that a single-family dwelling should be reviewed for compatibility with the surrounding area. The use is allowed by right or conditionally in all zoning districts, except the Airport Light Industrial (ALI). The use should not be prohibited but remain as proposed, Conditional Use (C).
- “Two-, Three-Family Dwelling” is listed as Principal Permitted Use (P) to all residential density. Similar to the one-family dwelling, it is allowed by right or conditionally in all zoning districts, except in the Airport Light Industrial (ALI). The use should not be Conditional Use (C) but remain as proposed, Principal Permitted Use (P).
- “Retail Marijuana Store” is listed as Conditional Use (C) and it is allowed by right or conditionally in all commercial and mixed-use zoning districts. For consistency, the use should be listed as Conditional Use (C).
- The following defined uses are listed as Principal Permitted Use (P) and P&Z Commission is recommending it be listed as Not Permitted (N). It is open for discussion.
 - “Elementary School” means any school usually consisting of grades pre-kindergarten through grade six (6) or any combination of grades within this range.
 - “High School” means a secondary school usually consisting of grades nine (9) through twelve (12) or any appropriate combination of grades within this range.
 - Fraternal Organizations/Private Clubs/Social Halls and Union Halls
 - “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.



- “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.



MEMORANDUM

TO: Mayor Gabriel and Council Members
THROUGH: David Ross, Acting City Manager
FROM: Linda Mitchell, Planning Director
DATE: March 20, 2024
SUBJECT: Ordinance 3392-2024 Requested Amendment

This memo requests amendments to fill in the blanks and add a new WHEREAS paragraph within the Ordinance.

The following amendments are respectfully requested.

Motion

Amend the ninth whereas clause by inserting the date of the Joint Work Session, to read:

- "WHEREAS, the Harbor Commission and the Planning and Zoning Commission held a joint work session on February 12, 2024 to discuss the proposed ordinance to create a waterfront zoning district and amend the Comprehensive Plan; and,"

Amend the tenth whereas clause by inserting the date of the meeting and the recommendation of the commission, to read:

- "WHEREAS, the Planning and Zoning Commission at its regularly scheduled meeting of February 14, 2024 recommended approval with amendments on amending the Kenai Municipal Code (KMC) to add a new zoning district and rezone the waterfront area; and,"

Amend the eleventh whereas clause by inserting the date of the meeting and the recommendation of the commission, to read:

- "WHEREAS, the Harbor Commission at its regularly scheduled meeting of February 12, 2024 recommended approval on amending the Kenai Municipal Code (KMC) to add a new zoning district and rezone the waterfront area; and,"

Add a twelfth WHEREAS that reads:

- At its meeting on February 21, 2024, City Council postponed the public hearing to March 20, 2024 and scheduled a joint work session with Planning and Zoning Commission on March 20, 2024 before the regular meeting; and,

New Text Underlined

Thank you for your consideration.



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MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: David Ross, Acting City Manager

FROM: Linda Mitchell, Planning Director

DATE: March 20, 2024

SUBJECT: Ordinance 3392-2024 Requested Housekeeping Amendment

This memo requests housekeeping amendments to remove certain references of footnote 32 from Section 3, KMC 14.22.010 *Land use table*.

The following amendments are respectfully requested.

Motion

Amend Section 3, KMC 14.22.010 *Land use table* for Residential - Townhouses, Commercial - Automotive Service Stations, and Industrial - Automotive Repair under the Working Waterfront (WW) zoning district by deleting the reference to footnote 32.

LAND USES	WW
RESIDENTIAL	
Townhouses ⁴	C ^[32]
COMMERCIAL	
Automotive Service Stations	C ^[32]
INDUSTRIAL	
Automotive Repair	C ^[32]

[DELETED TEXT BRACKETED]

Thank you for your consideration.



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MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: David Ross, Acting City Manager

FROM: Linda Mitchell, Planning Director

DATE: March 19, 2024

SUBJECT: Ordinance No. 3392-2024 – Requested Amendments from Planning and Zoning Commission

At the February 14, 2024 Planning and Zoning (P&Z) Regular Meeting, the P&Z Commission requested for the following amendments for recommendation to City Council on Ordinance No. 3392-2024.

The following amendments are respectfully requested.

Motion 1

Amend Section 3, KMC 14.22.010 *Land use table* for Residential, Townhouses under the Working Waterfront (WW) zoning district by removing the reference to footnote 32.

LAND USES	WW
RESIDENTIAL	
Townhouses ⁴	C ^[32]

New Text Underlined; [DELETED TEXT BRACKETED]

Motion 2

Amend Section 3, KMC 14.22.010 *Land use table* for Commercial, Retail Marijuana Store under the Working Waterfront (WW) zoning district, by deleting C for Conditional Use and inserting N for Not Permitted.

LAND USES	WW
COMMERCIAL	
Retail Marijuana Store ³⁰	N[C]

New Text Underlined; [DELETED TEXT BRACKETED]

Motion 3

Amend Section 3, KMC 14.22.010 *Land use table* for Industrial, Storage Yard under the Working Waterfront (WW) zoning district, by deleting C for Conditional Use; deleting reference to footnote 32, and inserting N for Not Permitted.

LAND USES	WW
INDUSTRIAL	
Storage Yard	<u>N</u> [C ³²]

New Text Underlined; [DELETED TEXT BRACKETED]

Motion 4

Amend Section 3, KMC 14.22.010 *Land use table* for Public/Institutional, Assisted Living under the Working Waterfront (WW) zoning district, by deleting C for Conditional Use and inserting N for Not Permitted.

LAND USES	WW
PUBLIC/INSTITUTIONAL	
Assisted Living	<u>N</u> [C]

New Text Underlined; [DELETED TEXT BRACKETED]

Motion 5

Amend Section 3, KMC 14.22.010 *Land use table* for Public/Institutional, Elementary Schools under the Working Waterfront (WW) zoning district, by deleting P for Principal Permitted Use and insert N for Not Permitted.

LAND USES	WW
PUBLIC/INSTITUTIONAL	
Elementary Schools*	<u>N</u> [P]

New Text Underlined; [DELETED TEXT BRACKETED]



Motion 6

Amend Section 3, KMC 14.22.010 *Land use table* for Public/Institutional, Governmental Buildings under the Working Waterfront (WW) zoning district, by deleting P for Principal Permitted Use and inserting N for Not Permitted.

LAND USES	WW
PUBLIC/INSTITUTIONAL	
Governmental Buildings	<u>N</u> [P]

New Text Underlined; [DELETED TEXT BRACKETED]

Motion 7

Amend Section 3, KMC 14.22.010 *Land use table* for Public/Institutional, High Schools under the Working Waterfront (WW) zoning district, by deleting P for Principal Permitted Use and inserting N for Not Permitted.

LAND USES	WW
PUBLIC/INSTITUTIONAL	
High Schools*	<u>N</u> [P]

New Text Underlined; [DELETED TEXT BRACKETED]

Motion 8

Amend Section 3, KMC 14.22.010 *Land use table* for Public/Institutional, Hospitals under the Working Waterfront (WW) zoning district, by deleting P for Principal Permitted Use and inserting N for Not Permitted.

LAND USES	WW
PUBLIC/INSTITUTIONAL	
Hospitals*	<u>N</u> [P]

New Text Underlined; [DELETED TEXT BRACKETED]



Motion 9

Amend Section 3, KMC 14.22.010 *Land use table* for Miscellaneous, Communication Towers and Antenna(s), Radio/TV Transmitters/Cell Sites under the Working Waterfront (WW) zoning district, by deleting C for Conditional Use and inserting N for Not Permitted.

LAND USES	WW
MISCELLANEOUS	
Communications Towers and Antenna(s), Radio/TV Transmitters/Cell Sites** 28	<u>N</u> [C]

New Text Underlined; [DELETED TEXT BRACKETED]

Motion 10

Amend Section 3, KMC 14.22.010 *Land use table* for Miscellaneous, Day Care Centers under the Working Waterfront (WW) zoning district, by deleting P for Principal Permitted Use and inserting C for Conditional Use.

LAND USES	WW
MISCELLANEOUS	
Day Care Centers ¹²	<u>C</u> [P]

New Text Underlined; [DELETED TEXT BRACKETED]

Motion 11

Amend Section 3, KMC 14.22.010 *Land use table* for Residential, One-Family Dwelling under the Working Waterfront (WW) zoning district, by deleting C for Conditional Use and inserting N for Not Permitted.

LAND USES	WW
RESIDENTIAL	
One-Family Dwelling	<u>N</u> [C]

New Text Underlined; [DELETED TEXT BRACKETED]



Motion 12

Amend Section 3, KMC 14.22.010 *Land use table* for Residential, Two-,Three-Family Dwelling under the Working Waterfront (WW) zoning district, by deleting P for Principal Permitted Use and inserting C for Conditional Use.

LAND USES	WW
RESIDENTIAL	
Two-, Three Family Dwelling	<u>C</u> [P]

New Text Underlined; [DELETED TEXT BRACKETED]

Motion 13

Amend Section 3, KMC 14.22.010 *Land use table* for Miscellaneous, Fraternal Organizations/Private Clubs/Social Halls and Union Halls under the Working Waterfront (WW) zoning district, by deleting P for Principal Permitted Use and inserting N for Not Permitted.

LAND USES	WW
MISCELLANEOUS	
Fraternal Organizations/ Private Clubs/Social Halls and Union Halls	<u>N</u> [P]

New Text Underlined; [DELETED TEXT BRACKETED]

Motion 14

Amend Section 3, KMC 14.22.010 *Land use table* for Miscellaneous, Nursing, Convalescent or Rest Homes under the Working Waterfront (WW) zoning district, by deleting P for Principal Permitted Use and inserting N for Not Permitted.

LAND USES	WW
MISCELLANEOUS	
Nursing, Convalescent or Rest Homes	<u>N</u> [P]

New Text Underlined; [DELETED TEXT BRACKETED]

Thank you for your consideration.



