

**KENAI HARBOR COMMISSION
REGULAR MEETING
FEBRUARY 12, 2024 - 6:00 P.M.
KENAI CITY HALL
210 FIDALGO AVE., KENAI, AK 99611
Telephonic/Virtual Information Below
<http://www.kenai.city>**

- A. CALL TO ORDER**
 - 1. Pledge of Allegiance
 - 2. Roll Call
 - 3. Agenda Approval

- B. SCHEDULED PUBLIC COMMENTS - None.**
(Public comment limited to ten (10) minutes per speaker)

- C. UNSCHEDULED PUBLIC COMMENT** *(Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated)*

- D. APPROVAL OF MINUTES**
 - 1. November 6, 2023.....**Pg. 2**
 - 2. January 8, 2024**Pg. 5**

- E. UNFINISHED BUSINESS**

- F. NEW BUSINESS**
 - 1. **Discussion/Recommendation** - Recommending City Council Adoption of Proposed Amendments to KMC Chapter’s 11.10 Harbor Commission and KMC 1.90 Standard Procedures for Boards, Commissions and Committees.**Pg. 7**
 - 2. **Discussion/Recommendation** - Recommending City Council Enact Ordinance 3391-2024 - Amending the Imagine Kenai 2030 Comprehensive Plan Land Use Plan Map for Certain Parcels from Industrial to Mixed-Use.....**Pg. 9**
 - 3. **Discussion/Recommendation** - Recommending City Council Enact Ordinance 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.....**Pg. 20**

- G. REPORTS**
 - 1. Public Works Director
 - 2. Commission Chair
 - 3. City Council Liaison.....**Pg. 42**

- H. ADDITIONAL PUBLIC COMMENT**

- I. NEXT MEETING ATTENDANCE NOTIFICATION** - March 11, 2024

- J. COMMISSION QUESTIONS AND COMMENTS**

- K. ADJOURNMENT**

- L. INFORMATIONAL ITEMS**

Join Zoom Meeting
<https://us02web.zoom.us/j/82225854222>
Meeting ID: 822 2585 4222
Passcode: 712646

OR
Dial In: (253) 215-8782 or (301) 715-8592
Meeting ID: 822 2585 4222
Passcode: 712646

**KENAI HARBOR COMMISSION – REGULAR MEETING
NOVEMBER 6, 2023
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611**

ACTION MINUTES

A. CALL TO ORDER

A Regular Meeting of the Harbor Commission was held on November 6, 2023, in City Hall Council Chambers, Kenai, AK following the adjournment of their 6:00 p.m. Work Session. The meeting was called to order at approximately 6:42 p.m.

1. Pledge of Allegiance

Director Curtin led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Nate Berga, Vice Chair
John Coston
David Peck
Jeanne Reveal

Lisa Gabriel
Bob Peters
Matthew Moffis

A quorum was present.

Also in attendance were:

Scott Curtin, Public Works Director
Lisa List, Public Works Administrative Assistant
Victoria Askin, City Council Liaison

3. Election of Chair and Vice Chair

MOTION:

Commissioner Peck **MOVED** to nominate Commissioner Berga as Chair. Commissioner Peters **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

VOTE: There being no objection; **SO ORDERED.**

MOTION:

Commissioner Peters **MOVED** to nominate Commissioner Gabriel as Vice Chair. Commissioner Reveal **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

VOTE: There being no objection; **SO ORDERED.**

4. Agenda Approval

MOTION:

Commissioner Peters **MOVED** to approve the agenda as written. Vice Chair Gabriel **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

VOTE: There being no objection; **SO ORDERED.**

- B. SCHEDULED PUBLIC COMMENTS** - None.
- C. UNSCHEDULED PUBLIC COMMENTS** - None.
- D. APPROVAL OF ACTION MINUTES**

1. August 8, 2022
2. November 7, 2022
3. April 10, 2023
4. August 17, 2023

MOTION:

Commissioner Peters **MOVED** to approve the August 8, 2022; November 7, 2022; April 10, 2023; and August 17, 2023 Minutes. Commissioner Coston **SECONDED** the motion.

VOTE: There being no objection; **SO ORDERED.**

- E. UNFINISHED BUSINESS** – None.

F. NEW BUSINESS

1. **Discussion/Recommendation** - Recommending Council Consideration of the Harbor Commission FY2025-FY2029 Capital Improvement Project Priority List

MOTION:

Commissioner Peck **MOVED** to recommend Council Consideration of the Harbor Commission FY2025-FY2029 Capital Improvement Project Priority List as presented, with no new projects added. Vice Chair Gabriel **SECONDED** the motion.

VOTE: There being no objection; **SO ORDERED.**

G. REPORTS

5. Public Works Director – Director Curtin reported on the following:
 - Bluff Project – November 20th release of bid
 - Paving project has been completed.
 - Discussion on parking signage
6. Commission Chair – No report.
7. City Council Liaison – Council Member Askin reported on the actions of the November 1, 2023 City Council meeting.

- H. ADDITIONAL PUBLIC COMMENTS** – None.

- I. NEXT MEETING ATTENDANCE NOTIFICATION** - February 12, 2024.

J. COMMISSION QUESTIONS AND COMMENTS

New commission members and Council Member Askin were welcomed.

Vice Chair Gabriel asked about how to add an item to future Commission agendas.

K. ADJOURNMENT

L. INFORMATIONAL ITEMS

There being no further business before the Harbor Commission, the meeting was adjourned at 7:15 p.m.

I certify the above represents accurate minutes of the Harbor Commission meeting of November 6, 2023.

Meghan Thibodeau
Deputy City Clerk

DRAFT

**KENAI HARBOR COMMISSION – SPECIAL MEETING
JANUARY 8, 2024
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611**

ACTION MINUTES

A. CALL TO ORDER

A Special Meeting of the Harbor Commission was held on January 8, 2024, in the Kenai City Council Chambers, Kenai, AK. Director Curtin called the meeting to order at 6:17 p.m.

1. Pledge of Allegiance

Director Curtin led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Bob Peters
John Coston
Jeanne Reveal

David Peck
Matthew Moffis

A quorum was present.

Absent:

Lisa Gabriel

Also in attendance were:

Scott Curtin, Public Works Director
Lisa List, Public Works Administrative Assistant
Victoria Askin, City Council Liaison
Meghan Thibodeau, Deputy City Clerk

3. Election of Chair and Vice Chair

MOTION:

Commissioner Peters **MOVED** to appoint Commissioner Peck as Chair. Commissioner Coston **SECONDED** the motion.

The nomination was declined.

MOTION:

Commissioner Peck **MOVED** to appoint Commissioner Gabriel as Chair. Commissioner Moffis **SECONDED** the motion.

VOTE: There being no objection; **SO ORDERED.**

MOTION:

Commissioner Peck **MOVED** to appoint Commissioner Reveal as Vice Chair. Commissioner Peters **SECONDED** the motion.

VOTE: There being no objection; **SO ORDERED.**

4. Agenda Approval

MOTION:

Commissioner Coston **MOVED** to approve the agenda as presented. Commissioner Peters **SECONDED** the motion.

VOTE: There being no objection; **SO ORDERED.**

B. UNSCHEDULED PUBLIC COMMENTS - None.

C. NEW BUSINESS

1. **Discussion/Recommendation** - Recommendations as Discussed During the Commission Review – Work Session Held Immediately Prior.

Commissioner Peters stated that during the prior work session, the documents presented in the packet were reviewed and the Commission was given the opportunity to provide input and discuss concerns; it was noted that this feedback would be taken into consideration by Administration when drafting changes to bring back to the Commission at their next meeting for recommendation to Council.

D. ADDITIONAL PUBLIC COMMENTS – None.

E. NEXT MEETING ATTENDANCE NOTIFICATION – February 12, 2024

F. COMMISSION QUESTIONS AND COMMENTS

Commissioner Peck noted that it was a useful work session.

Council Member Askin reviewed the actions of the November 15 and December 20, 2023 City Council meetings.

G. ADJOURNMENT

There being no further business before the Harbor Commission, the meeting was adjourned at 6:32 p.m.

I certify the above represents accurate minutes of the Harbor Commission meeting of January 8, 2024.

Meghan Thibodeau
Deputy City Clerk



KENAI

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MEMORANDUM

TO: Harbor Commission
FROM: Scott Bloom, City Attorney
DATE: February 5, 2024
SUBJECT: **Proposed Amendments to KMC Chapter 11.10 and KMC Chapter 1.90**

On January, 8, 2024 Terry Eubank, City Manager, Shellie Saner, City Clerk, and I met with your Commission in a work session to discuss possible code changes to KMC Chapter 11.10 - Harbor Commission and KMC Chapter 1.90- Standard Procedures for Board, Commissions and Committees, as well as other procedures (such as an annual work plan) with the goal of improving the efficiency of your commission and making sure your valuable time as a commissioner is used wisely.

Attached to this Memorandum in Attachment A are the code changes we discussed. The changes are shown in legislative format. Underlined words are new suggestions while words in all caps are suggested for removal. In addition, comments regarding each change are provided in red. These comments are for discussion purposes only for this Commission.

If the Commission wishes to recommend Council approve the proposed amendments to code, a motion will be needed. For example, "I move to recommend that the City Council adopt the proposed amendments to KMC Chapter 11.10 and Chapter 1.90 as provided in attachment A". After the main motion has been made and seconded the subject will be before the commission for discussion and additional amendments. If additional amendments are proposed they must be made in the form of a motion, be seconded and voted on. Once discussion is complete and no additional amendments are proposed, the main motion will be voted on. All proposed amendment(s) that are approved by a majority of the Commission will be forwarded by the Administration to the Council in the form of an Ordinance, the Ordinance will also likely include recommended changes from other City Commissions that are relevant to their code sections.

The Administration may also recommend moving code provisions pertaining to the Harbor Commission into a different section of code, from KMC 11.10 into KMC 1.90, for organizational purposes only, but a final recommendation on this change is still in the works. It would not have any material effect on the Commission.

Thank you for your consideration.

Attachment A

Chapter 11.10 HARBOR COMMISSION

Sections:

<u>11.10.005</u>	<u>Purpose.</u>
11.10.010	Duties and powers.

11.10.005 Purpose.

The purpose of the Harbor Commission is to advise the Council and administration on issues involving City harbor facilities and tidal or submerged lands owned by the City. This proposed new section of code is intended just to clearly state the purpose of the commission.

11.10.010 Duties and powers.

(a) The Harbor Commission shall [BE REQUIRED TO DO THE FOLLOWING]:

(1) [DEVELOP, ADOPT, ALTER, OR REVISE, SUBJECT TO APPROVAL BY THE CITY COUNCIL, A] Review and provide recommendations on any master plans for the [PHYSICAL] development of harbor or port facilities for the City. [SUCH MASTER PLAN WITH ACCOMPANYING MAPS, PLATS, CHARTS, DESCRIPTIVE, AND EXPLANATORY MATTER, SHALL SHOW THE HARBOR COMMISSION'S RECOMMENDATIONS FOR THE DEVELOPMENT OF THE CITY HARBOR FACILITIES] This may include, among other things:

- (i) Development of the type, location, and sequence of all public harbor facilities;
- (ii) The relocation, removal, extension, or change of use of existing harbor facilities;

As discussed previously, these changes reflect that the commission itself is not independently responsible for any master plans, but that the Commission's role to provide recommendations on such plans as they are developed.

(2) Submit annually to the City Manager and Council, not less than ninety (90) days prior to the beginning of the budget year, a list of the recommended capital improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming [THREE (3)] five-year period. Such list shall be arranged in order of preference, with recommendations as to which projects [SHALL BE] are recommended for constructed in which year. The changes in this section are intended to reflect the actual timeline utilized by the City in its capital planning and that these are recommendations dependent on funding.

(3) Act in an advisory capacity to the Council and administration [MAKE INVESTIGATIONS] regarding [ANY] matters related to City harbor facilities, tide or submerged lands. Make recommendations to the Council and administration relative to the care, control, and development of tide and submerged lands. This change is recommended to reflect that the commission really doesn't have a budget or authority to independently carry out investigations, but instead its role is to advise and make recommendations to administration and the City Council.

(4) Review all City leases of City-owned tide[,] and submerged lands [, AND LANDS OR NAVIGABLE WATERS WITHIN THE CITY, AND AS TO THE PLANNED IMPROVEMENTS PROPOSED] and make recommendations to the City Council and administration. **These are just housekeeping changes**

(5) Provide information and recommendations as requested by the City Council. [MAKE AND PREPARE REPORTS AND PLANS FOR APPROVAL BY THE CITY COUNCIL **This change again reflects that the role of the Harbor Commission is to advise the Council, as opposed to independently acting.**

(6) COORDINATE PUBLIC EFFORTS, INDIVIDUAL AND GROUP, TO THE EFFECTUATION OF APPROVED PLANS.] **This language is recommended for removal as City Administration generally carries out plans approved by the Council as opposed to advisory bodies.**

[(6)] Advise and provide recommendations to the administration as requested on the qualifications for a Harbor Master. [SHALL ACT IN ADVISORY CAPACITY IN THE SELECTION OF A HARBOR MASTER SHOULD SUCH A POSITION BE CREATED BY THE CITY COUNCIL.] **Because this role is unique in current code to this Commission and the parks and Recreation it is the City Manager's preference that this be removed entirely, but with the new language the City manager is not strongly opposed to it.**

Chapter 1.90 STANDARD PROCEDURES FOR BOARDS, COMMISSIONS AND COMMITTEES

Sections:

- 1.90.010** **Creation.**
- 1.90.020** **Duties.**
- 1.90.030** **Qualifications.**
- 1.90.040** **Terms.**
- 1.90.050** **Proceedings.**
- 1.90.060** **Specific requirements of boards, commissions and committees.**

1.90.010 **Creation.**

All boards, commissions and committees created by the Council of the City of Kenai, [SHALL] unless otherwise specified, will consist of seven [(7)] members who shall be nominated by the Mayor and confirmed by the City Council from applications submitted to the City Clerk. A chair and vice-chair shall be selected annually and shall be elected from and by the appointed members. At the organizational meeting of Council, or as soon thereafter as practicable, the Mayor, after consultation with Council, shall nominate Council Members as a council liaison to any board, commission or committee. After confirmation by Council, the council liaison may attend all meetings of the board, commission or committee. A council liaison is not a member of, and shall have no voting power or any other rights of membership on, the board, commission or committee. The Mayor and other Council Members may attend meetings of boards, commissions or committees when serving as an alternate for the Council liaison, or in their capacity as elected officials. City administrative staff shall attend and supply staff support to all meetings of boards, commissions and committees. **This change is just to reflect that the Council on Aging can have a different number of members.**

1.90.020 Duties.

- (a) Members of boards, commissions and committees shall be required to establish policies relating to their respective organization. They shall act in an advisory capacity to City Council and administration unless otherwise specified in the City Code. **This change reflects that commission advise administration and not just the City Council.**
- (b) If the board, commission or committee has income stated within the City of Kenai annual budget, said board, commission or committee shall work with the City Manager to establish expenses projected for the year for approval by the City Council.

1.90.030 Qualifications.

- (a) A member of a board, commission or committee must be a resident of the City of Kenai, unless the board, commission or committee is specifically exempted by Council from this requirement. The member cannot be an officer or employee of the City of Kenai. If any member should move his or her residence from the corporate limits of the City of Kenai (if applicable), is an officer or employee of the City of Kenai, or shall be elected or appointed as an officer or employee of the City of Kenai, the service of such member shall terminate immediately. He or she should be aware that he or she will serve without salary, but will be reimbursed for all reasonable expenses incurred in connection with this service, only after approval by Council.
- (b) The Beautification Committee, and Harbor, Library, and Parks and Recreation Commissions may at the discretion of the Council have up to two (2) non-resident members each.
- (c) The Planning and Zoning Commission may have up to one member that is not a resident of the City if they have a controlling ownership interest in a business physically located in the City. This provision specifically does not create a designated seat for a non-resident.

1.90.040 Terms.

- (a) A member of a board, commission or committee shall serve for a term of three (3) years, unless the board, commission or committee is specifically exempted by Council from this requirement. At renewal date, the Mayor, with consent of the Council, can reappoint the member or recommend a replacement.
- (b) The terms of the initial board, commission or committee member shall be staggered so that three (3) members will be appointed for one (1) year; two (2) members will be appointed for two (2) years; and two (2) members will be appointed for three (3) years. Terms shall commence on January 1st of each year.

1.90.050 Proceedings.

- (a) All boards, commissions and committees will have regularly scheduled meetings which shall be open to the public. Exceptions to the meeting requirements shall be established by Council. Permanent records or minutes shall be kept of all proceedings and such minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the office of the City Clerk and shall be a public record open to inspection by any person. All acts of boards, commissions and committees are subject to the paramount authority of the City Council.

(b) If the commission, committee or board member shall be absent, without the body excusing the absence for good cause, from more than one-half of all the meetings of his or her committee, commission or board, regular and special, held within any period of three (3) consecutive calendar months, he or she shall thereupon cease to hold the seat. A commission, committee or board member may not have more than three (3) excused absences during a twelve (12) month calendar year.

(c) In all matters of parliamentary procedure, the most current edition of Robert's Rules of Order Newly Revised shall be applicable and govern all meetings, unless as specified in KMC [1.15.060](#), motions; KMC [1.15.100](#), speaking; and KMC [1.15.110](#), voting.

(d) The responsibility of insuring that all members of boards, commissions and committees receive a copy of the Standard Procedures of Boards, Commissions and Committees lies with the City Clerk.

1.90.060 Specific requirements of boards, commissions and committees.

Requirements of boards, commissions and committees as set forth in KMC [1.90](#) are general requirements and shall be followed to the extent that they do not conflict with specific requirements found in code sections specifically pertaining to individual boards, commissions and committees.



KENAI

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MEMORANDUM

TO: Harbor Commission

FROM: Linda Mitchell, Planning Director

DATE: February 6, 2024

SUBJECT: **Discussion/Recommendation** – Recommending City Council Enact Ordinance No. 3391-2024 - Amending the Imagine Kenai 2030 Comprehensive Plan Land Use Plan Map for Certain Parcels from Industrial to Mixed-Use.

At their regular meeting held on January 17, 2024, City Council referred Ordinance No. 3391-2024 to the Harbor Commission and Planning and Zoning Commission for a recommendation. Ordinance No. 3391-2024 is an amendment to Kenai 2030 Comprehensive Plan (“Comprehensive Plan”) Land Use Map to align with the vision of the waterfront development area as identified in the Kenai Waterfront Revitalization Assessment Report. This Ordinance seeks to change the existing land use classification shown on the Future Land Use Map in the Comprehensive Plan from Industrial (IN) to Mixed Use (MU). Within the waterfront development area, there are tidelands. For this reason, your Commission’s recommendation is requested.

Please find the attached memo from Vice Mayor Knackstedt on Ordinance No. 3391-2024, the Ordinance that would make this amendment.

The commission may recommend council enact the ordinance, or propose council amend and enact it with modifications recommended by the commission, or to not enact the ordinance.

The commission is not making a final decision, so the commission action is not subject to appeal.

Attachment

Memo from Vice Mayor Knackstedt
Ordinance No. 3391-2024



KENAI

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MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Vice Mayor Knackstedt

DATE: January 10, 2024

SUBJECT: **Ordinance No. 3391-2024 - Amending the Imagine Kenai 2030 Comprehensive Plan Land Use Plan Map for Certain Parcels from Industrial to Mixed-Use**

This Ordinance seeks to amend the Land Use Plan Map in the Imagine Kenai 2030 Comprehensive Plan (“Comprehensive Plan”) to align with the vision of the waterfront development area. In the Waterfront Redevelopment and Vision Assessment, the community shared a vision for the waterfront revitalization to be authentic, protective of the river and natural environment, assessable year-round and to provide economic opportunities. In the Comprehensive Plan, the waterfront development area has an Industrial (IN) land use classification, which does not align with the vision for the waterfront revitalization. The Ordinance will amend the Land Use Plan Map of the waterfront development area for certain parcels from Industrial (IN) to Mixed Use (MU) Land Use Classification to support the rezone of the waterfront development area.

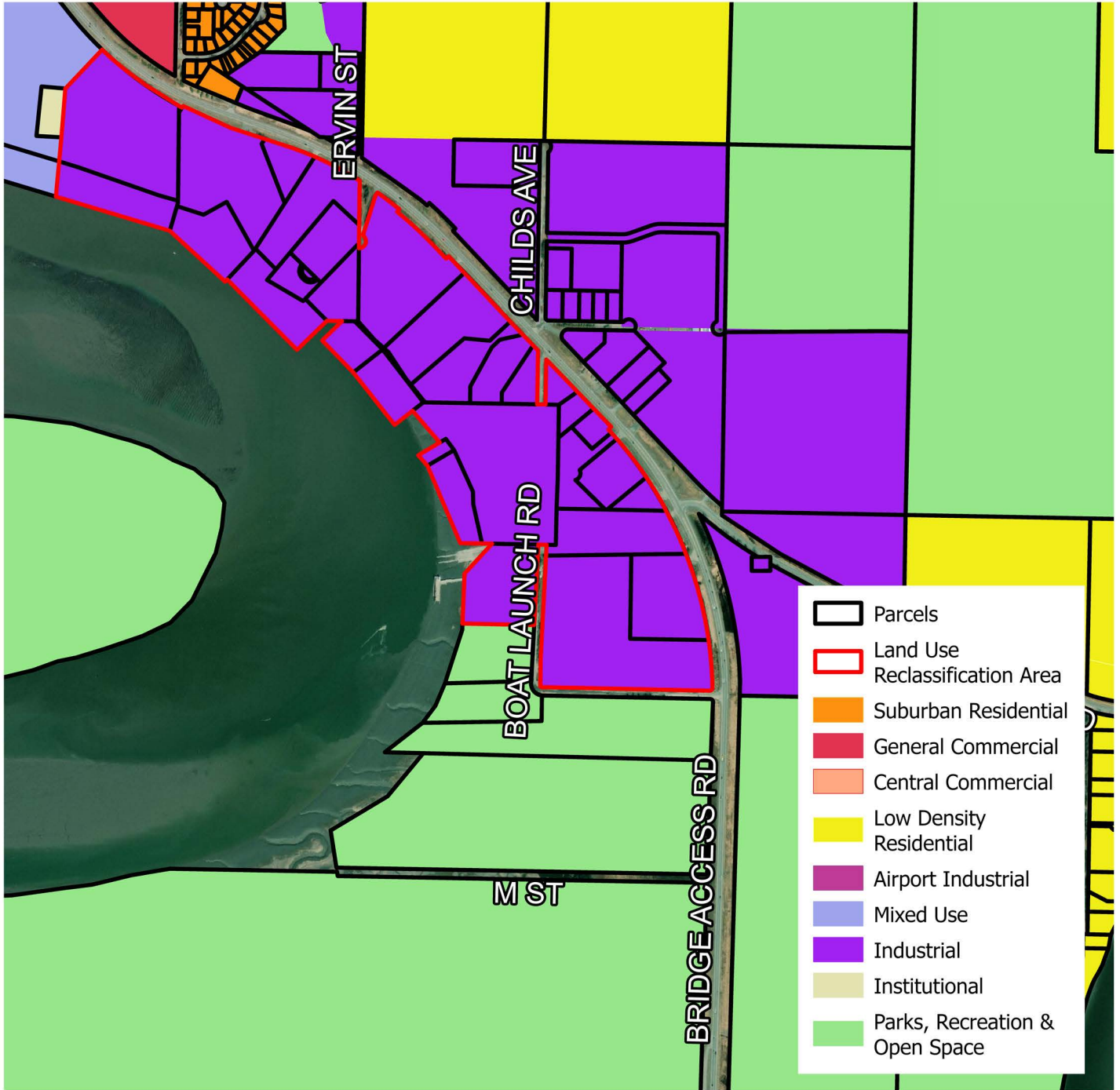
Your consideration is appreciated.

Attachments

Existing Land Use Map
Proposed Land Use Map

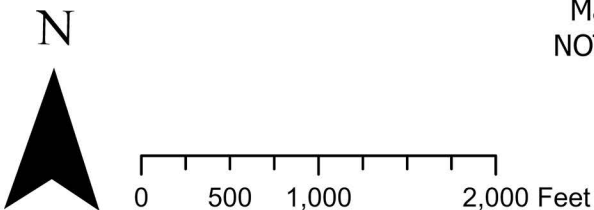


Ordinance 3391-2024 Existing Land Use Map



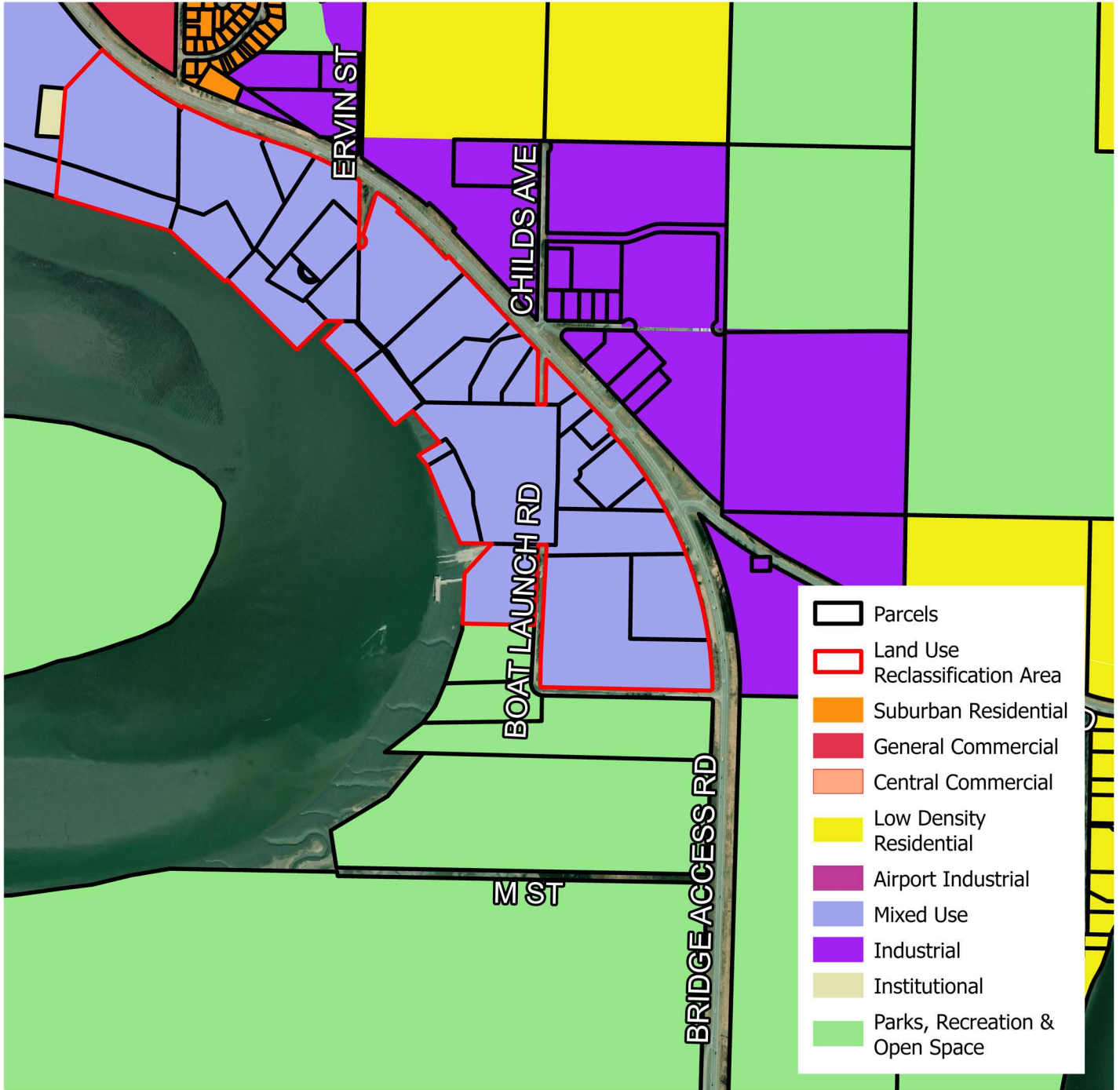
Date Printed: 1/10/2024

Map for Reference Only
NOT A LEGAL DOCUMENT





Ordinance 3391-2024 Proposed Land Use Map



Date Printed: 1/10/2024

Map for Reference Only
NOT A LEGAL DOCUMENT

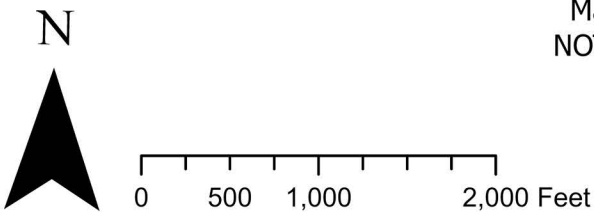
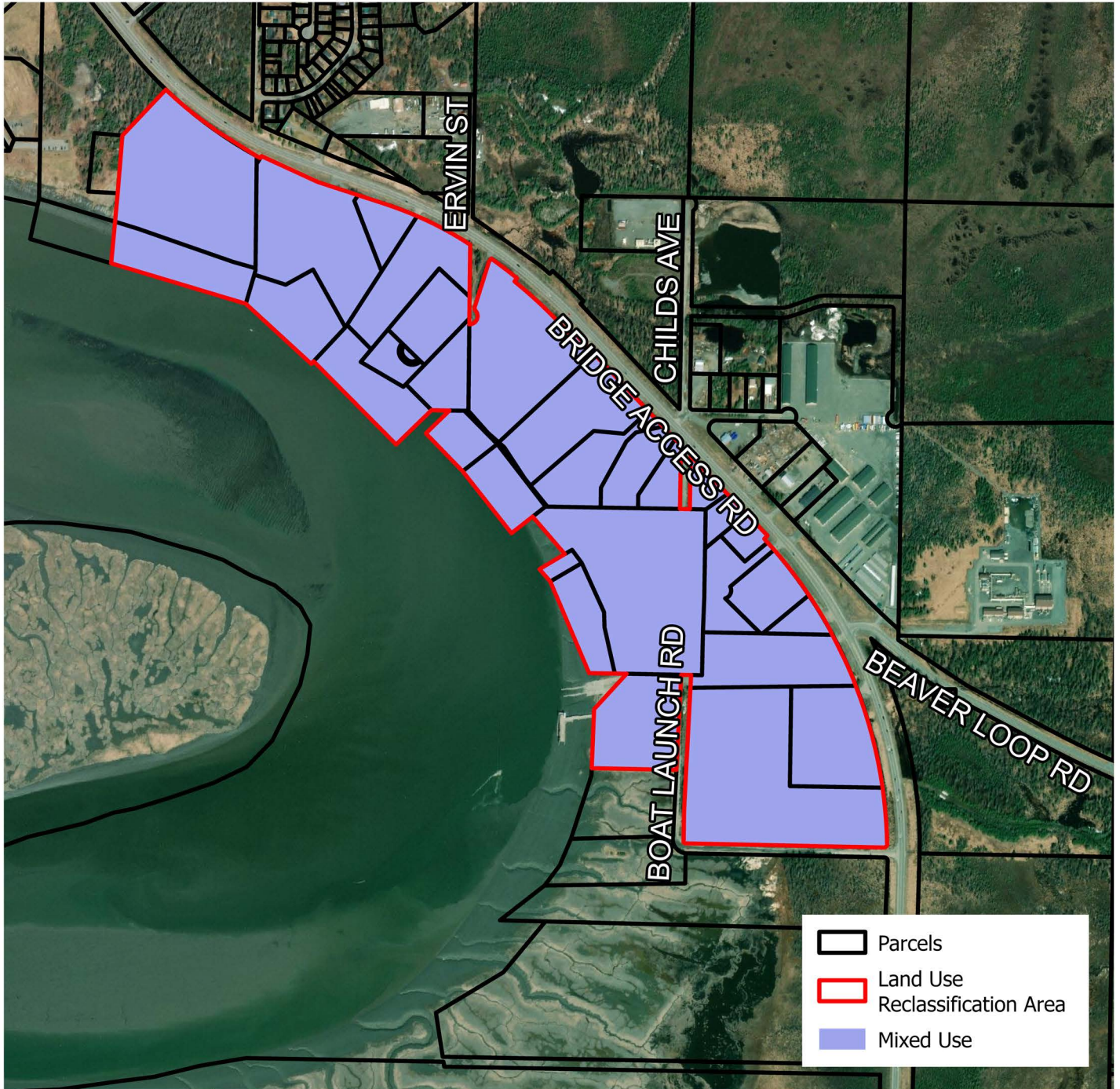


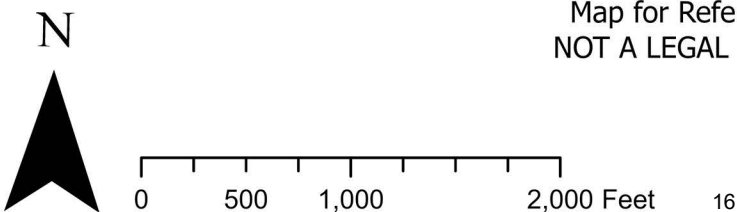


Exhibit A
Ordinance 3391-2024
Land Use Map Amendment



Date Printed: 1/10/2024

Map for Reference Only
NOT A LEGAL DOCUMENT





**CITY OF KENAI
ORDINANCE NO. 3391-2024**

AN ORDINANCE AMENDING THE IMAGINE KENAI 2030 COMPREHENSIVE PLAN LAND USE PLAN MAP FOR CERTAIN PARCELS FROM INDUSTRIAL TO MIXED-USE.

WHEREAS, the City of Kenai as a Home Rule City has been delegated authority by Kenai Peninsula Borough Ordinance 90-31 to make land use plan amendments to the City of Kenai Comprehensive Plan; and,

WHEREAS, the Imagine Kenai 2030 Comprehensive Plan (“Comprehensive Plan”) contains the goal to support a vision for the City to implement a forward-looking approach to community growth and development by establishment of several different zoning districts that reflect the needs of each district and suited to current and probable future growth; and,

WHEREAS, the City contracted with McKinley Research Group, LLC (consultant) to provide a Waterfront Redevelopment and Vision Assessment of properties between the Kenai River and Bridge Access Road beginning at Millennium Square to the Boat Launch; and,

WHEREAS, the consultant coordinated public vision work sessions and held meetings that established a preferred concept which provides for the greatest build-out and the most opportunities for economic development in the area; and,

WHEREAS, the study team found that the community of Kenai supports new development in the project area but not at the expense of impacting the existing uses, primarily seafood plant operations; and,

WHEREAS, the community shared a vision for the waterfront revitalization to be authentic, protective of the river and natural environment, assessable year-round and to provide economic opportunities; and,

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

WHEREAS, the current land use designation for the waterfront area is Industrial (IN); and,

WHEREAS, in the Comprehensive Plan, Mixed Use (MU) is intended for a compatible mix of residential, retail, service, office, public, institutional, and recreational uses; furthermore, uses are co-located in an integrated way that supports sustainable forms of transportation such as public transport, walking and biking, and increases neighborhood amenities while compatibility issues are addressed through careful site layout and building design; and,

WHEREAS, it is the best interest of the City of Kenai to amend the Comprehensive Plan Land Use Designation from IN to MU to support the rezoning of the waterfront area; and,

WHEREAS, the Harbor Commission and the Planning and Zoning Commission held a joint work session on _____ 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 _____, 2024 recommended _____ on amendment of the Comprehensive Plan Land Use Designation.

WHEREAS, the Harbor Commission at its regularly scheduled meeting of _____, 2024 recommended _____ on amending the Comprehensive Plan Land Use Designation.

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

Section 1. Amendment of the Land Use Plan Map in the Comprehensive Plan: That Imagine Kenai 2030 Comprehensive Plan Land Use Plan Map is hereby amended as follows: Reclassify the following parcels from Industrial (IN) to Mixed Use (MU) land use classification.

<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 proposed land use reclassification area.

Section 2. 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 3. 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 21ST DAY OF FEBRUARY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced:	January 17, 2024
Enacted:	February 21, 2024
Effective:	March 22, 2024



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

MEMORANDUM

TO: Harbor Commission

FROM: Linda Mitchell, Planning Director

DATE: February 6, 2024

SUBJECT: **Discussion/Recommendation** – Recommending City Council Enact 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

At their regular meeting held on January 17, 2024, City Council referred Ordinance No. 3392-2024 to the Harbor Commission and Planning and Zoning Commission for a recommendation. Ordinance No. 3392-2024 is an amendment to Kenai Zoning Code and Official Zoning Map in response to the efforts and vision that resulted from the Kenai Waterfront Revitalization Assessment. This Ordinance seeks to change the existing zoning district as shown on Official Zoning Map from Heavy Industrial (IH) to a new zoning district, Working Waterfront (WW), which includes amendments to the Kenai Zoning Code to reflect this new zoning district. Within the waterfront development area, there are tidelands. For this reason, your Commission's recommendation is requested.

Please find the attached memo from Vice Mayor Knackstedt on Ordinance No. 3392-2024, the Ordinance that would make these amendments, along with the Ordinance itself.

The commission may recommend council enact the ordinance, or propose council amend and enact it with modifications recommended by the commission, or to not enact the ordinance.

The commission is not making a final decision, so the commission action is not subject to appeal.

Attachment

Memo from Vice Mayor Knackstedt
Ordinance No. 3392-2024



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

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.

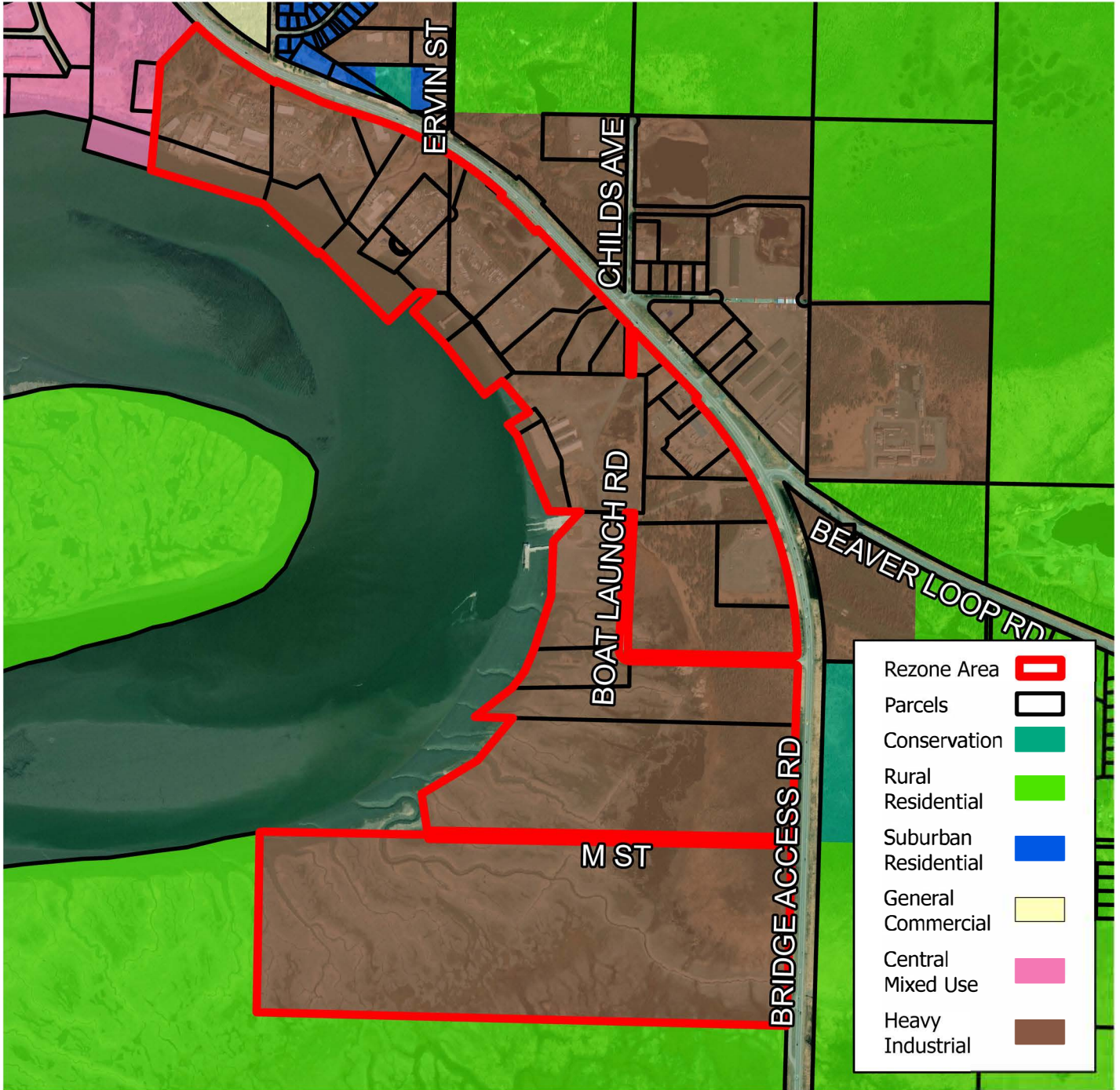
Your consideration is appreciated.

Attachments

Existing Zoning Map
Proposed Zoning Map

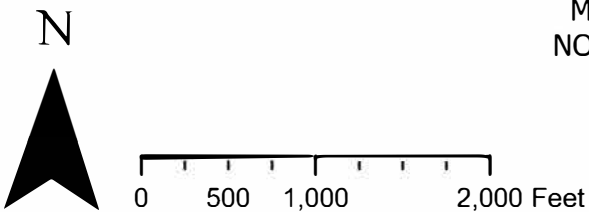


Ordinance 3392-2024 Existing Zoning



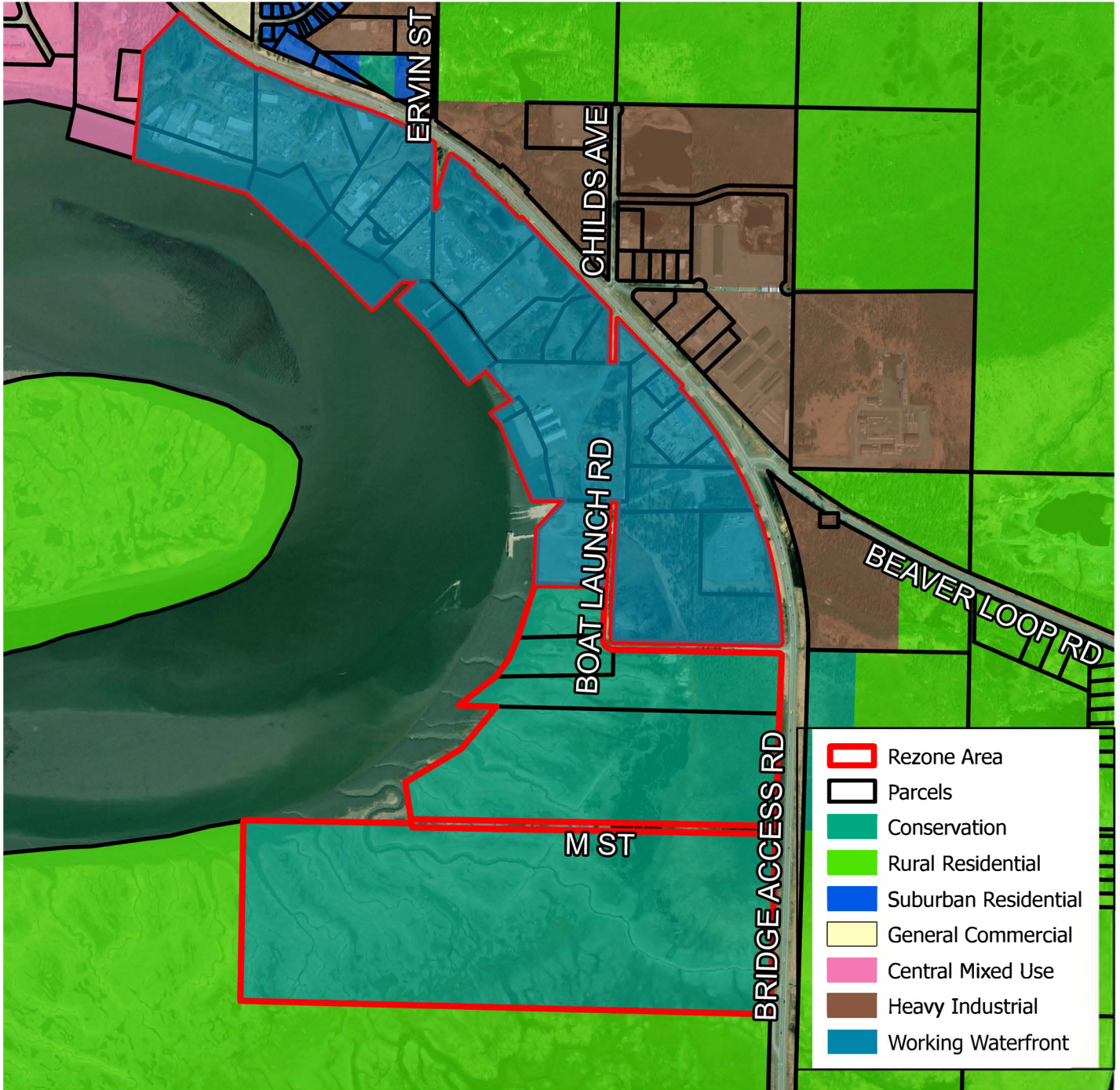
Date Printed: 1/9/2024

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

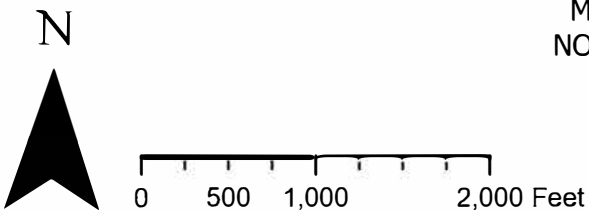
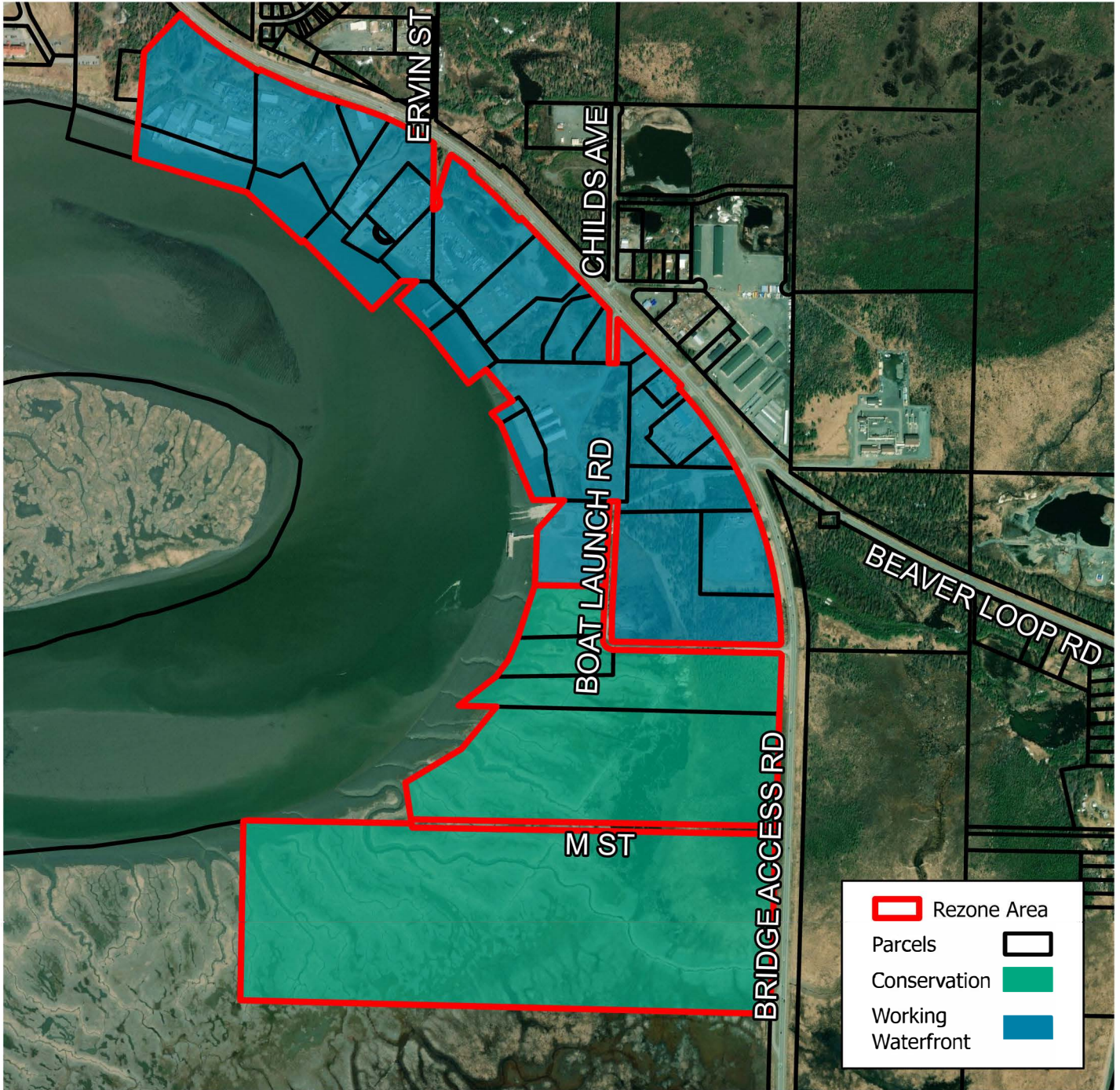


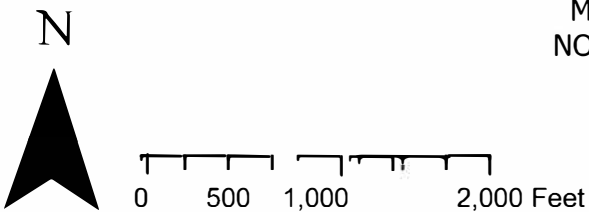


EXHIBIT A
Ordinance 3392-2024
Zoning Map Amendment



Date Printed: 1/10/2024

Map for Reference Only
NOT A LEGAL DOCUMENT





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 _____ 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 _____, 2024 recommended _____ 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 _____, 2024 recommended _____ on amending the KMC to add a new zoning district and rezone the waterfront area; 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>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>C³²</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 ³ ₁	P ³ ₁	P ³ ₁	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>C³²</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>C³²</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 ₉ ²	C	C	C	C	P	P	C	C	P	C	C	C	P	<u>P</u>
Elementary Schools*	N	C	C	C ₉ ²	C	C	C	C	P	P	C	C	P	C	C	C	P	<u>P</u>
Governmental Buildings	P	C	C	C ₉ ²	C	C	C	C	P	P	P	C	P	C	C	P	P	<u>P</u>
High Schools*	N	C	C	C ₉ ²	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>P</u>
Libraries*	N	C	C	C ₉ ²	C	C	C	C ₂ ¹	P	P	P	C	P	C	P	C	P	<u>P</u>
Museums	C	C	C	C ₉ ²	C	C	C	C	P	P	P	C	P	C	P	C	P	<u>P</u>
Parks and Recreation	N	P	C	C ₉ ²	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 ₅ ¹	P ₅ ¹	P ₅ ¹	P ₅ ¹	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>P</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>P</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>
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* 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.

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/T SH	ALI/IL/IH/ CC/CG/CMU/ <u>WW</u>	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	N	16,800 + 2,400 for each	N	N	7,200		N	N	12,500	

ZONING DISTRICTS										
USES	C/RR	RR-1	RS	RS-1	RS-2	RU/T SH	ALI/IL/IH/ CC/CG/CMU/ <u>WW</u>	R	ED	LC
	unit over 7		unit over 7							
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/ <u>WW</u>	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

ZONING DISTRICTS										
USES	C/RR	RR-1	RS	RS-1	RS-2	RU/TSH	ALI/IL/IH/CC/CG/ CMU/WW	R	ED	LC
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 21ST DAY OF FEBRUARY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced:	January 17, 2024
Enacted:	February 21, 2024
Effective:	March 22, 2024



Kenai City Council - Regular Meeting

January 17, 2024 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

****Telephonic/Virtual Information on Page 3****

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

All items listed with an asterisk () are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the General Orders.

B. SCHEDULED ADMINISTRATIVE REPORTS

C. SCHEDULED PUBLIC COMMENTS (*Public comments limited to ten (10) minutes per speaker*)

D. UNSCHEDULED PUBLIC COMMENTS (*Public comments limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

E. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3385-2024** - Accepting and Appropriating a Donation to the Kenai Community Library for the Purchase of Library Materials and Software for Room and Event Scheduling. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3386-2024** - Increasing Estimated Revenues and Appropriations in the General Fund and Municipal Roadway Improvements Capital Fund to Conduct an Assessment of City Street Lighting. (Administration)
3. **ENACTED UNANIMOUSLY. Ordinance No. 3387-2024** - Increasing Estimated Revenues and Appropriations in the General Fund and Public Works Department's Street Division's Professional Services Budget to Review and Update the City's Roadway Improvements Standards. (Administration)
4. **ADOPTED UNANIMOUSLY. Resolution No. 2024-03** - Adopting Goals to Guide the Preparation of the Fiscal Year 2025 Annual Budget. (Administration)
5. **ADOPTED AS AMENDED. Resolution No. 2024-04** - Requesting the State of Alaska Make a Meaningful Increase to the Base Student Allocation for Public Schools. (Douthit, Daniel)

F. MINUTES

1. *Regular Meeting of January 3, 2024. (City Clerk)

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Ordinance No. 3388-2024** - Increasing Estimated Revenues and Appropriations in the General Fund for the City's Joint Participation in the Kenai Peninsula Borough's Safe Streets and Roads for All Action Plan Grant Through the United States Department of Transportation. (Administration)
3. ***Ordinance No. 3389-2024** - Accepting and Appropriating Donations from Kenai Senior Connection, Inc., to the Kenai Senior Center. (Administration)
4. ***Ordinance No. 3390-2024** - Increasing Estimated Revenues and Appropriations in the Airport Fund to Purchase Air Service Development Professional Services at the Kenai Municipal Airport for Costs in Excess of Budgeted Amounts. (Administration)
5. **INTRODUCED AND REFERRED TO THE PLANNING & ZONING COMMISSION AND HARBOR COMMISSION. *Ordinance No. 3391-2024** - Amending the Imagine Kenai 2030 Comprehensive Plan Land Use Plan Map for Certain Parcels from Industrial to Mixed-Use. (Knackstedt)
6. **INTRODUCED AND REFERRED TO THE PLANNING & ZONING COMMISSION AND HARBOR COMMISSION. *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. (Knackstedt)
7. **Discussion** - Public Meetings Remote Participation Update. (City Clerk)

I. COMMISSION / COMMITTEE REPORTS

1. Council on Aging
2. Airport Commission
3. Harbor Commission
4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Committee

J. REPORT OF THE MAYOR

K. ADMINISTRATION REPORTS

1. City Manager
2. City Attorney
3. City Clerk

L. ADDITIONAL PUBLIC COMMENTS

1. Citizens Comments (*Public comments limited to five (5) minutes per speaker*)
2. Council Comments

M. EXECUTIVE SESSION

N. PENDING ITEMS

O. ADJOURNMENT

P. INFORMATION ITEMS

The agenda and supporting documents are posted on the City's website at www.kenai.city. Copies of resolutions and ordinances are available at the City Clerk's Office or outside the Council Chamber prior to the meeting. For additional information, please contact the City Clerk's Office at 907-283-8231.

Join Zoom Meeting

<https://us02web.zoom.us/j/89109732128>

Meeting ID: 891 0973 2128 **Passcode:** 785524

OR

Dial In: (253) 215-8782 or (301) 715-8592

Meeting ID: 891 0973 2128 **Passcode:** 785524