

# Local Option Zoning

## The R-1 Zone: Single-Family Residential

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*This is a partial summary of the Kenai Peninsula Borough's Local Option Zoning ordinance.  
Please refer to KPB 21.44 for further information.*

The purpose of local option zoning is to provide Kenai Peninsula rural property owners the opportunity to petition the Assembly for greater restrictions on land use. This ordinance has been established to separate conflicting land uses, set minimum standards, and to preserve open space.

The R-1 zone, or Single-Family Residential zone, is one of several different zones that may be instituted through local option zoning. It is intended as a zone for single-family homes, while also permitting some secondary uses like playgrounds, parks, schools and certain home occupations.

The R-1 local option zone must have at least 12 parcels in the district. To petition the Assembly for local option zoning districts, the owners of at least three-fourths of the parcels within the proposed district must be in favor of the formation of the district.

Parcels in the zoning district must be contiguous, or separated only by a street, alley, right-of-way, or easement. In addition, two-thirds of the parcels must be of the average size prevailing within the proposed zone.

To meet the purpose of the ordinance, development standards are applied to the R-1 zoning district. Examples of these standards include setbacks, minimum lot size requirements, and buffers. Please refer to KPB ordinance 21.44 for a full description of development standards and rules for pre-existing structures, lots and uses. A "non-conforming" home, structure, or use that exists prior to the adoption of a local option zoning district is allowed to continue as is, as described in KPB 21.44.110.

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Petition sponsors first meet with the planning department to coordinate the petition process. The sponsor is then responsible for gathering petition signatures, and ensuring that property owners have an opportunity to review a map of the proposed district, and the corresponding standards. The sponsor has 60 days to gather signatures before returning the petition to the planning department.

If the petition is in order, the Planning Commission will hold at least one public hearing to consider the proposal. The Planning Commission then makes its recommendation to the Assembly. Because zoning is a law, the petition must be approved by the legislative branch of the borough government – the Assembly.

Below is a table showing the development standards for the R-1 single-family zoning district.

Local Option Zoning District	Permitted Uses	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Shore Setback	Maximum Building Height	Minimum Lot Size**	Forested Buffer Between Road & Site
<b>R-1</b>	<b>Single Family Residential Dwellings</b> Parks, playgrounds, schools, community centers, libraries, churches, home occupations	30'	20'	15'	50'	35*	40,000 sq. ft.	20'

Existing natural drainage ways must be maintained.

Accessory structures commonly associated with residential dwellings (garages, storage sheds, greenhouses, & workshops) and a single noncommercial guesthouse are allowed.

Dog Lots and kennels (5 or more adult dogs) are prohibited.

\* Or 2/12 stories, which ever is less.

\*\* Smaller lots are permitted only with an ADEC approved community water system.

**NOTE: Please see KPB 21.44 for a complete description of all the standards and procedures that apply to the R-1 district.**



# Local Option Zoning

## Home Occupations

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*This publication is intended as a partial summary of the Kenai Peninsula Borough's Local Option Zoning ordinance. Please refer to KPB 21.44.130 for further information.*

Home occupations are an important part of the local economy in rural Alaska. Many homeowners supplement their incomes through the sale of home cooking and canning, crafts, music lessons or by offering consulting and computer services from their homes.

The Kenai Peninsula Borough's Local Option Zoning ordinance facilitates home occupations by allowing the operation of many common home businesses without the hassle of obtaining a special permit. The ordinance sets basic standards, however, to promote peace, quiet and domestic tranquility within residential local option zoning districts.

The following home occupations are allowed in residential LOZ districts without obtaining a permit:

- Accountant/Bookkeeping Services;
- Beauty parlor or salon/barber shop;
- Catering Services;
- Computer programming, software instruction, web page development, and related computer services;
- Consulting services;
- Dressmaking, sewing, millinery and tailoring;
- Event Planning Services;
- In-home adult or child care, or preschool, without regard to floor space restrictions in 21.44.130(7);
- Home cooking and preserving;
- Home crafts, such as model making, rug weaving, lapidary work and cabinet making;
- Photography Studio;

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- Painting, sculpting, writing or other fine arts related crafts;
- Telephone answering, telecommuting, secretarial and administrative services;
- Tutoring and musical instruction.

All other home occupations that aren't specifically listed above (*KPB 21.44.130 (E)*) require an administrative conditional use permit.

The balance of preserving the character of residential neighborhoods while permitting limited home occupations is accomplished through the application of standards to each home occupation. All home occupations within a local option zoning district are subject to the standards referenced in the ordinance (See *KPB 21.44.130 for a full description of all standards*).

Some of the standards include:

- No changes in the outside appearance of a building or parcel;
- Normal residential traffic, parking, water and sewage use must not be exceeded;
- Hazards may not be created;
- Outside storage of anything related to the home occupation is prohibited;
- The home occupation shall not result in noise, vibration, glare, fumes, heat, odor, smoke or electrical interference detectable to the normal senses off the parcel;
- Signs are limited in size to 16 square feet;
- The home occupation must be incidental and subordinate to the residential use of the dwelling unit – it may not exceed more than 30 percent of the floor area.

As noted above, some home occupations require an administrative conditional use permit. Permits are available through the Planning Department, and require information about the home occupation. Permits must be renewed every 5 years, or they will expire. Likewise, a change in the type of use of the home occupation requires approval from the Planning Director.

For a complete description of home occupation requirements see  
Kenai Peninsula Borough Code 21.44.130.