

Introduced by: Mayor, at request of Planning
Commission
Date: January 16, 1979
Hearing: February 20, 1979
Vote: 108 "Yes", 36 "No"
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 79-4

PROVIDING PROCEDURES FOR THE AMENDMENT OF ZONING ORDINANCES.

WHEREAS, the Borough exercises by ordinance planning and zoning powers on an areawide basis; and

WHEREAS, it is desirable that a standard procedure be established for the initiation of amendments to zoning ordinances; and

WHEREAS, it is desirable to encourage maximum local participation in the amendment of the zoning ordinances;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That Title 21 of the Borough Code of ordinances is hereby amended by adding a new chapter to be numbered 21.10, which shall read as follows:

CHAPTER 21.10

Zoning Ordinance Amendment Procedures

21.10.010 Initiation of Municipal District Zoning Ordinance Amendments. A. Amendment of boundaries of zoning districts, or creation of any districts, within a municipal district may be initiated by the Borough Assembly, by the City Council, or by the City Advisory Planning Commission.

B. Any person may request a zoning ordinance amendment if the following conditions are met:

1. An ordinance altering the boundaries of a zoning district or creating a new district must be requested by a petition bearing the signatures of a majority of the property owners within the area to be rezoned unless the person requesting the rezoning owns all property within the area for which rezoning is requested;

2. An amendment to the text of the municipal district zoning ordinance must be requested by a petition bearing the signatures of at least fifty (50) voters registered within the municipal district.

C. Except for an ordinance altering the boundaries of existing, contiguous zoning districts, no ordinance altering zoning within the municipal district shall be considered if the area encompassed by the proposed ordinance contains less than one (1) acre, not including street or alley rights-of-way.

D. A proposed zoning ordinance amendment shall not be considered if the proposed amendment is substantially the same as any other proposed amendment which has been submitted within the previous nine months and which has been rejected.

E. The request for rezoning shall include the names and addresses of the applicant or applicants, a map showing the area rezoned, the present zoning classification, the proposed zoning classification, and any other pertinent information requested by the city or borough.

F. A fee in amount to be determined by resolution of the Borough Planning Commission shall accompany the submission of the request for rezoning.

21.10.020 Municipal District Amendment Procedure.

A. A request to initiate an ordinance rezoning land within the municipal district shall be submitted to the administrative officer for that municipal district. The administrative officer shall forward immediately the request to the Borough Planning Director.

B. A public hearing on any proposed rezoning shall be held by the Advisory Planning Commission for that municipal district. After public hearing, the Advisory Planning Commission shall send its written recommendations to the Borough Clerk, together with all certified copies of minutes and public records relating to the proposed ordinance.

C. The Borough Planning Commission shall hold a public hearing on the proposed ordinance amending zoning within the municipal district. The public hearing shall be limited to the issue of whether the proposed ordinance has a

significant impact on land use and transportation in the area outside the municipal district. The Borough Planning Commission shall review the application and other records to determine if enactment would likely create significant impacts upon land use and transportation in the area outside the municipal district. If the Borough Planning Commission finds in the affirmative, it shall recommend approval, rejection or modification of the proposed ordinance. If the Borough Planning Commission finds that the proposed ordinance will have no significant impact in the area outside the municipal district, then the Borough Planning Commission shall recommend to the Borough Assembly that the Assembly take the action recommended by the Advisory Planning Commission.

D. The Borough Assembly shall consider and act upon the proposed ordinance at the assembly's earliest convenient time.

21.10.030 Amendment Procedure Outside Municipal Districts.

A. The Borough Assembly or the Borough Planning Commission may initiate changes to those portions of this title which control the area outside the municipal districts. Changes initiated by the assembly which primarily affect the areas of the Borough outside the municipal districts shall be referred to the Borough Planning Commission for consideration and comment.

B. A public hearing shall be held by the Borough Planning Commission on proposed ordinances referred to or initiated by them. After public hearing, the Commission shall send its written recommendations to the assembly, together with copies of the minutes and public records relating to the proposed ordinance.

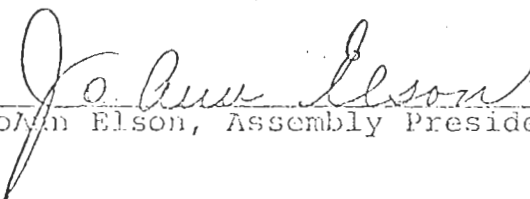
C. The assembly shall consider and act upon the proposed ordinance at the assembly's earliest convenient time.

Section 2. That Chapter 21.70 of the Borough Code of ordinances is hereby repealed.


Section 3. That Sections 21.08.060, 21.78.570 and Section 21.78.580 of the Borough Code of ordinances are hereby repealed.

Section 4. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
ON THIS 20 DAY OF February, 1979.


Johan Elson, Assembly President

ATTEST:


Borough Clerk