

Introduced by: Mayor, at Request of Planning Comm.
Date: Dec. 2, 1980
Hearing: Jan. 6, 1981
Vote: Unanimous
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 80-58

AMENDING THE HOMER MUNICIPAL DISTRICT ZONING CODE TO PROVIDE FOR ALTERED PARKING AND LOADING REQUIREMENTS AND ZONING APPEAL PROCEDURES AND PROVIDING FOR THE SUBMISSION OF A SITE AND ACCESS PLAN IN CERTAIN INSTANCES.

WHEREAS, the Borough has enacted a comprehensive zoning code for that portion of the Borough within the boundaries of the City of Homer; and

WHEREAS, the City of Homer and Homer Advisory Planning Commission have proposed that the Assembly enact certain amendments to that code; and

WHEREAS, the Borough Planning Commission, after public hearing, has recommended that the Assembly enact the amendments to the Homer Municipal District Zoning Code;

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

Section 1: That Section 21.40.030 of the Borough Code is amended to read:

21.40.030 Number of Buildings per Lot. Not more than one structure containing a permitted principal use may be erected on a single lot except by submission and approval of a (CONDITIONAL USE PERMIT AS SPECIFIED IN SECTIONS 21.61.010 THROUGH 21.61.050) site and access plan by the Advisory Planning Commission.

Section 2. That Section 21.40.040 of the Borough Code of Ordinances is amended to read:

21.40.040. Parking and Loading Facilities (PARKING, GARAGE, AND LOADING FACILITIES) Every building hereafter erected, enlarged or converted to a use shall conform to the parking and loading requirements of (CHAPTERS 21.28 THROUGH 21.70 AND) the City of Homer ordinances.

Section 3. That Chapter 21.56 of the Borough Code of Ordinances is repealed.

Section 4. That Section 21.61.050 of the Borough Code of Ordinances is amended to read:

21.61.050. Time Limitations. Failure to meet any time limits proposed by the conditional use permit granted by the Advisory Planning Commission shall void the conditional use permit provided that an extension of time may be granted by the Advisory Planning Commission following a public hearing on the matter. The Advisory Planning Commission may grant an extension of time solely for good cause shown.

Section 5. That subsection 21.68.040(b) of the Borough Code is amended to read:

(THE CITY CLERK SHALL UPON RECEIPT OF ALL APPLICATIONS FOR APPEAL IMMEDIATELY TRANSMIT A COPY TO THE BOROUGH PLANNING DIRECTOR. THE PERIOD FOR DECISION BY THE BOROUGH PLANNING COMMISSION SPECIFIED IN SECTION 21.68.060 B SHALL NOT BEGIN TO RUN UNTIL A COPY OF ANY NOTICE OF APPEAL HAS BEEN RECEIVED BY THE BOROUGH PLANNING DIRECTOR). The period for decisions specified in Section 21.68.060 B shall begin immediately upon receipt of the appeal by the City Clerk.

Section 6. That the chapter reference 21.10 shall be substituted wherever reference is currently made to repealed Chapter 21.70, in the Borough Code of Ordinances.

Section 7. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 6th DAY OF January, 1980.

Paula Turk
Assembly President

ATTEST:

Fraunce Byrner
Borough Clerk

Kenai Peninsula Borough
Ord. 80-58
Page 2 of 2 Pages