

Introduced by: Mayor @
Req. of Planning Commission
Date: March 21, 1989
Action: Enacted
Vote: Unanimous

KENAI PENINSULA BOROUGH

ORDINANCE 89-17 (SUBSTITUTE II)

AMENDING KENAI PENINSULA BOROUGH CODE SECTION 21.01.025 TO ALLOW CITIES TO MAKE LAND USE PLAN AMENDMENTS TO CITY COMPREHENSIVE PLANS

WHEREAS, pursuant to AS 29.40.010(b), a borough may, by assembly ordinance, delegate land use regulatory power to cities, who by council ordinance request such delegation; and

WHEREAS, the Kenai Peninsula Borough has enacted Kenai Peninsula Borough 21.01.020(a) which allows cities to assume zoning powers, with assembly approval, if the city requests this power by a city council ordinance; and

WHEREAS, delegated zoning power is often unwieldy to cities holding such power without holding concurrent delegated power to make land use plan amendments to their comprehensive plans;

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

Section 1. That section 21.01.025 of the Kenai Peninsula Borough Code of Ordinances entitled "Comprehensive Plans" is hereby repealed.

Section 2. That the Kenai Peninsula Borough Code of Ordinances is hereby amended by adding a new section to be numbered 21.01.025 which shall read as follows:

21.01.025 City Comprehensive Plans -- Amendments

A. All amendments to a comprehensive plan for a city must be adopted by assembly ordinance except for land use plan amendments made by the city council in accordance with this section.

B. A city that has the delegated authority to provide zoning regulations is authorized to make land use plan amendments, as defined in this section, to their adopted comprehensive plan.

C. A city shall accept delegation of authority to make land use plan amendments by an ordinance which shall provide the following:

(1) a clear statement of acceptance of the authority;

(2) that all amendments shall be made by an ordinance;

(3) that the borough planning commission be notified in writing of all proposed and adopted amendments;

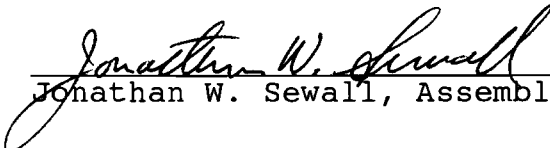
D. The assembly, acting upon recommendations of the borough planning commission, shall delegate the authority to make land use plan changes to a city comprehensive plan by ordinance. This authority may be revoked by ordinance upon a finding that a city has not complied with the terms of this ordinance.

E. Cities requesting extensive comprehensive plan amendments and cities without the power to make land use plan amendments, may recommend to the Borough Planning Commission a change to the city comprehensive plan.

F. The assembly, acting upon recommendations of the borough planning commission, and finding that no significant negative impacts occur outside the municipal district, shall make extensive comprehensive plan amendments by ordinance.

Section 3. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 2nd DAY OF May, 1989.


Jonathan W. Sewall, Assembly President

ATTEST:


Joanne Grindley
Borough Clerk


Maxine J. Kelace, Dep Clerk