

Introduced by: Mayor
Date: 10/14/08
Hearing: 11/18/08
Action: Enacted
Vote: 7 Yes, 0 No, 2 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2008-30**

**AN ORDINANCE APPROVING FUNNY RIVER GROVE LOCAL OPTION ZONING
DISTRICT AS SINGLE FAMILY RESIDENTIAL (R-1) AND
AMENDING KPB 21.46.040**

WHEREAS, Chapter 21.44 of the Kenai Peninsula Borough Code allows property owners the ability to petition the assembly for a greater restriction on land use than is otherwise provided in Title 21 of the code; and

WHEREAS, through the 2005 comprehensive planning process borough residents supported use of local option zoning as a way to address land use conflicts; and

WHEREAS, Goal 6.5 of the Kenai Peninsula Borough Comprehensive Plan is to maintain the freedom of property owners in rural areas of the borough to make decisions and control use of their private land; and

WHEREAS, on July 23, 2008, the Planning Department received a petition from Arvind & Dipali Phukan and Bruce & Nola Sharkey, sole owners of the subject property, requesting greater land restrictions on Funny River Grove Subdivision in compliance with KPB Chapter 21.44; and

WHEREAS, on August 11, 2008, the Planning Commission held a public hearing on the proposed local option zoning district and recommended enactment by unanimous consent;

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

SECTION 1. That KPB 21.46.040 is hereby amended as follows:

21.46.040 Single-Family Residential (R-1) Districts

A. The following Single-Family Residential (R-1) districts and official maps are hereby adopted:

1. Ten Mar Ranch, described as a subdivision of the S 1/2 NE 1/4, S 1/2 NW 1/4, N 1/2 SW 1/4, and W 1/2 SE 1/4 including Gov't. Lots 3 and 6, Mary Miller Subdivision (Plat No. 97-90 KR) excluding Hollingsworth Subdivision. Located within Section 18, T5N, R9W, S.M., Kenai Recording District, Kenai Peninsula Borough Alaska. Containing 311.893 acres.

2. Grande View Heights One, described as Grande View Heights Subdivision Phase 1, Plat 2004-68, Kenai Recording District, Kenai Peninsula Borough, Alaska, containing 56.912 acres.
 - a. The local option zoning applies to any further replats of Grande View Heights Phase 1 Subdivision.

3. Funny River Grove, described as Funny River Grove Subdivision, KPB File No. 2007-294, located within the SW ¼ of Section 24, T5N, R9W, Seward Meridian, Kenai Recording District, State of Alaska, containing 52.622 acres.
 - a. The local option zoning applies to any further replats of Funny River Grove Subdivision.


SECTION 2. That this Local Option Zoning District shall be recorded in the Kenai recording district, and, upon recordation, the Borough Clerk is authorized to insert the recording number of the plat in the appropriate location in Section 1 of this ordinance.

SECTION 3. This ordinance shall become effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18TH DAY OF NOVEMBER, 2008.


 Milli Martin, Assembly President

ATTEST:


 John Blankenship, Borough Clerk



Yes: Knopp, Long, Pierce, Smalley, Sprague, Superman, Martin
 No: None
 Absent: Fischer, Smith