

Chapter 21.95 Legislative Procedures and Amendments

Chapter 21.95

LEGISLATIVE PROCEDURES AND AMENDMENTS

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21.95.010 Initiating code amendment. An amendment to this title may be initiated by any of the following:

- a. A member of the City Council;
- b. A member of the Planning Commission;
- c. The City Manager;
- d. The City Planner; or
- e. A petition bearing the signatures, and the printed names and addresses, of not less than 50 qualified City voters. (Ord. 10-58, 2011).

21.95.020 Initiating zoning map amendment. An amendment to the official zoning map may be initiated by any of the following:

- a. A member of the City Council;
- b. A member of the Planning Commission;
- c. The City Manager;
- d. The City Planner; or
- e. A petition of property owners meeting the following requirements:
 1. The proposed amendment would either:
 - i. Apply to an area not less than two acres, including half the width of any abutting street or alley rights-of-way; or
 - ii. Reclassify the area to a zoning district that is contiguous to the area or separated from the area only by a street or alley right-of-way.
 2. The petition represents lots that include more than 50 percent of the area (excluding rights-of-way) that is the subject of the proposed amendment. A lot is represented on the petition only if the petition bears the signatures, and the printed names and addresses, of all record owners of the lot.

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21.95.020(e)(3)—21.95.050(a)

3. The petition also shall include the following:

- i. The following statement on each page of the petition: "Each person signing this petition represents that the signer is a record owner of the lot whose description accompanies the signature; that the signer is familiar with the proposed zoning map amendment and the current zoning district of the lot; and that the signer supports the City Council's approval of the amendment."
- ii. The name of each record owner, the legal description and the Borough tax parcel number of each lot that is the subject of the proposed amendment.
- iii. A map showing the lots comprising the area that is the subject of the proposed amendment, all lots contiguous to the boundary of that area, and the present zoning and proposed zoning of each such lot.
- iv. A statement of the justification for the proposed amendment. (Ord. 10-58, 2011).

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21.95.030 Restriction on repeating failed amendment proposals. No proposal by qualified voters to amend this title, or by property owners to amend the official zoning map, shall be reviewed by the Planning Department, or submitted to the Planning Commission or the Council, if it is substantially the same as any other amendment that the Council rejected within the previous nine months. (Ord. 10-58, 2011).

21.95.040 Planning Department review of code amendment. The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

- a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.
- b. Will be reasonable to implement and enforce.
- c. Will promote the present and future public health, safety and welfare.
- d. Is consistent with the intent and wording of the other provisions of this title. (Ord. 10-58, 2011).

21.95.050 Planning Department review of zoning map amendment. The Planning Department shall evaluate each amendment to the official zoning map that is initiated in accordance with HCC 21.95.020 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

- a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

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21.95.050(b)—21.95.070

- b. Applies a zoning district or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.
- c. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development, on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns. (Ord. 10-58, 2011).

21.95.060 Review by Planning Commission. a. The Planning Commission shall review each proposal to amend this title or to amend the official zoning map before it is submitted to the City Council.

b. Within 30 days after determining that an amendment proposal is complete and complies with the requirements of this chapter, the Planning Department shall present the amendment to the Planning Commission with the Planning Department's comments and recommendations, accompanied by proposed findings consistent with those comments and recommendations.

c. The Planning Department shall schedule one or more public hearings before the Planning Commission on an amendment proposal, and provide public notice of each hearing in accordance with HCC Chapter 21.94.

d. After receiving public testimony on an amendment proposal and completing its review, the Planning Commission shall submit to the City Council its written recommendations regarding the amendment proposal along with the Planning Department's report on the proposal, all written comments on the proposal, and an excerpt from its minutes showing its consideration of the proposal and all public testimony on the proposal. (Ord. 10-58, 2011).

21.95.070 Review by City Council. After receiving the recommendations of the Planning Commission regarding an amendment proposal, the City Council shall consider the amendment proposal in accordance with the ordinance enactment procedures in the Homer City Code. The City Council may adopt the proposed amendment as submitted or with amendments, or reject the proposed amendment. (Ord. 10-58, 2011).

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