

1 CITY OF HOMER
2 ORDINANCE 14-45

3 City Manager

4
5 AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING
6 HOMER CITY CODE 21.93.060 STANDING – APPEAL TO BOARD
7 OF ADJUSTMENT AND 21.93.500 PARTIES ELIGIBLE TO
8 APPEAL TO BOARD OF ADJUSTMENT – NOTICE OF
9 APPEARANCE, PROVIDING FOR THE CITY PLANNER OR
10 DESIGNEE TO PARTICIPATE IN APPEALS TO THE BOARD OF
11 ADJUSTMENT.

12
13 THE CITY OF HOMER ORDAINS:

14
15 Section 1. Homer City Code 21.93.060, Standing – Appeal to Board of Adjustment, is
16 amended to read as follows:

17
18 21.93.060 Standing – Appeal to Board of Adjustment. Only the following have standing
19 to appeal an appealable action or determination of the Planning Commission to the Board of
20 Adjustment:

21 a. Applicant for the action or determination, or the owner of the property that is the
22 subject of the action or determination under appeal.

23 b. The City Manager, ~~or~~ **the** City Planner **or the City Planner’s designee**, or any
24 governmental official, agency, or unit.

25 c. Any person who actively and substantively participated in the proceedings before the
26 Commission and is aggrieved by the action or determination.

27 d. Any person who actively and substantively participated in the proceedings before the
28 Commission and would be aggrieved if the action or determination being appealed were to be
29 reversed on appeal.

30
31 Section 2. Homer City Code 21.93.500, Parties eligible to appeal to Board of
32 Adjustment – Notice of appearance, is amended to read as follows:

33
34 21.93.500 Parties eligible to appeal to Board of Adjustment – Notice of appearance. a.
35 Only persons who actively and substantively participated in the matter before the Commission
36 and who would be qualified to appeal under HCC 21.93.060 may participate as parties in an
37 appeal from the Commission to the Board of Adjustment.

38 b. Any person so qualified who desires to participate in the appeal as a party, other than
39 the appellant, the City Planner or the City Planner’s designee, the applicant for the action or
40 determination that is the subject of the appeal and the owner of the property that is the
41 subject of the action or determination, must, not less than 14 days before the date set for the
42 appeal hearing, file with the City Clerk a written and signed notice of appearance containing
43 that party’s name and address, and proof that the person would be qualified under HCC
44 21.93.060 to have filed an appeal.

[**Underlined added.** Deleted language stricken through.]

45 Section 3. This Ordinance is of a permanent and general character and shall be
46 included in the City Code.

47
48 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of
49 _____, 2014.

50
51 CITY OF HOMER

52
53
54 _____
55 MARY E. WYTHE, MAYOR

56
57 ATTEST:
58
59
60 _____
61 JO JOHNSON, MMC, CITY CLERK

62
63
64 AYES:
65 NOES:
66 ABSTAIN:
67 ABSENT:

68
69
70 First Reading:
71 Public Hearing:
72 Second Reading:
73 Effective Date:

74
75
76 Reviewed and approved as to form:

77
78
79 _____
80 Walt Wrede, City Manager

Thomas F. Klinkner, City Attorney

81
82 Date: _____

Date: _____