

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager

4 **ORDINANCE 16-57**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE 21.95.060 AND HOMER CITY CODE
8 21.95.070 TO REQUIRE THE HOMER ADVISORY PLANNING
9 COMMISSION TO REVIEW AMENDMENTS TO TITLE 21 OR THE
10 OFFICIAL ZONING MAP BEFORE SUCH AMENDMENTS ARE
11 ADOPTED BY CITY COUNCIL BUT NOT NECESSARILY BEFORE
12 SUCH AMENDMENTS ARE SUBMITTED TO CITY COUNCIL FOR
13 REVIEW.
14

15 WHEREAS, Homer City Council highly values recommendations made by the Homer
16 Advisory Planning Commission (“Commission”) on all ordinances proposing changes to Title
17 21 entitled “Zoning and Planning”; and
18

19 WHEREAS, The Council is dedicated to preserving the Commission’s role in reviewing
20 all ordinances changing Title 21 while also permitting Council greater flexibility regarding
21 when and to what extent Council discusses proposed changes to Title 21; and
22

23 WHEREAS, It is in the City’s best interest to clarify within Title 21 that while the
24 Commission must review any change to Title 21 before it is adopted, Council has authority to
25 consider and review proposed changes to Title 21 concurrently with and even prior to
26 submittal of such changes to the Commission.
27

28 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
29

30 Section 1. Section 21.95.060 is amended to read as follows:

- 31 a. The Planning Commission shall review each proposal to amend this title or
32 to amend the official zoning map before it is **adopted by**~~submitted to~~ the City
33 Council.
34 b. Within 30 days after determining that an amendment proposal is complete
35 and complies with the requirements of this chapter, the Planning Department
36 shall present the amendment to the Planning Commission with the Planning
37 Department’s comments and recommendations, accompanied by proposed
38 findings consistent with those comments and recommendations.
39 c. The Planning Department shall schedule one or more public hearings before
40 the Planning Commission on an amendment proposal, and provide public
41 notice of each hearing in accordance with Chapter 21.94 HCC.

42 d. After receiving public testimony on an amendment proposal and completing
43 its review, the Planning Commission shall submit to the City Council its written
44 recommendations regarding the amendment proposal along with the Planning
45 Department's report on the proposal, all written comments on the proposal,
46 and an excerpt from its minutes showing its consideration of the proposal and
47 all public testimony on the proposal.
48

49 Section 2. Section 21.95.070 is amended to read as follows:

50 ~~After receiving the recommendations of the Planning Commission regarding an~~
51 ~~amendment proposal, the City Council shall consider an the amendment~~
52 ~~proposal~~ **to this title** in accordance with the ordinance enactment procedures
53 in the Homer City Code **but shall not adopt an amendment proposal under**
54 **this title without considering the recommendations of the Planning**
55 **Commission regarding an amendment proposal. When City Council is**
56 **considering an amendment proposed by the Planning Commission, t**~~The~~
57 City Council may adopt the proposed amendment as submitted or with
58 amendments, or reject the proposed amendment.
59

60 Section 3. This ordinance shall take effect upon its adoption by the Homer City
61 Council.
62

63 Section 4. This ordinance is of a permanent and general character and shall be
64 included in the City Code.
65

66 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
67 _____, 2016.
68

69 CITY OF HOMER
70

71 _____
72
73 BRYAN ZAK, MAYOR
74

75 ATTEST:
76

77 _____
78 JO JOHNSON, MMC, CITY CLERK
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80
81
82
83

84 YES:

85 NO:

86 ABSTAIN:

87 ABSENT:

88

89

90

91 First Reading:

92 Public Hearing:

93 Second Reading:

94 Effective Date:

95

96 Reviewed and approved as to form.

97

98 _____

99 Mary K. Koester, City Manager

Holly C. Wells, City Attorney

100

101 Date: _____

Date: _____

102

103

104 Fiscal Note: NA