

CITY OF HOMER
ORDINANCE 14-45

City Manager

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

THE CITY OF HOMER ORDAINS:

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

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

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

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

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

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

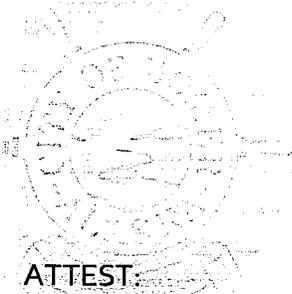
Section 2. Homer City Code 21.93.500, Parties eligible to appeal to Board of Adjustment – Notice of appearance, is amended to read as follows:

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

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

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

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48 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 22nd day of September,
49 2014.



CITY OF HOMER

Mary E. Wythe
MARY E. WYTHE, MAYOR

57 ATTEST:

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59 *[Signature]*
60 _____
61 JO JOHNSON, MMC, CITY CLERK

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64 AYES: 6
65 NOES: 0
66 ABSTAIN: 0
67 ABSENT: 0

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70 First Reading: 8/25/14
71 Public Hearing: 9/22/14
72 Second Reading: 9/22/14
73 Effective Date: 9/23/14

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76 Reviewed and approved as to form:

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78 *Walt Wrede*
79 _____
80 Walt Wrede, City Manager

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82 Date: 9/26/14

Thomas F. Klinkner

Thomas F. Klinkner, City Attorney

Date: 9-30-14