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**CITY OF HOMER  
HOMER, ALASKA**

Planning

**ORDINANCE 10-58**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, REPEALING AND REENACTING HOMER CITY CODE CHAPTER 21.95, LEGISLATIVE PROCEDURES AND AMENDMENTS, REGARDING THE STANDARDS AND PROCEDURES FOR AMENDING TITLE 21 OF THE HOMER CITY CODE AND AMENDING THE OFFICIAL ZONING MAP.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.95, Legislative Procedures and Amendments, is repealed and reenacted to read as follows:

CHAPTER 21.95

LEGISLATIVE PROCEDURES AND AMENDMENTS

21.95.010	Initiating code amendment
21.95.020	Initiating zoning map amendment
21.95.030	Restriction on repeating failed amendment proposals
21.95.040	Planning Department review of code amendment
21.95.050	Planning Department review of zoning map amendment
21.95.060	Review by Planning Commission
21.95.070	Review by City Council

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.

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

48                           ii.       Reclassify the area to a zoning district that is contiguous to the area  
49 or separated from the area only by a street or alley right-of-way.

50                           2.       The petition represents lots that include more than 50 percent of the area  
51 (excluding rights-of-way) that is the subject of the proposed amendment. A lot is represented on  
52 the petition only if the petition bears the signatures, and the printed names and addresses, of all  
53 record owners of the lot.

54                           3.       The petition also shall include the following:

55                           i.       The following statement on each page of the petition: "Each person  
56 signing this petition represents that the signer is a record owner of the lot whose description  
57 accompanies the signature; that the signer is familiar with the proposed zoning map amendment  
58 and the current zoning district of the lot; and that the signer supports the City Council's approval  
59 of the amendment."

60                           ii.       The name of each record owner, the legal description and the  
61 Borough tax parcel number of each lot that is the subject of the proposed amendment.

62                           iii.       A map showing the lots comprising the area that is the subject of  
63 the proposed amendment, all lots contiguous to the boundary of that area, and the present zoning  
64 and proposed zoning of each such lot.

65                           iv.       A statement of the justification for the proposed amendment.

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67                           21.95.030 Restriction on repeating failed amendment proposals. No proposal by  
68 qualified voters to amend this title, or by property owners to amend the official zoning map, shall  
69 be reviewed by the Planning Department, or submitted to the Planning Commission or the  
70 Council, if it is substantially the same as any other amendment that the Council rejected within  
71 the previous nine months.

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73                           21.95.040 Planning Department review of code amendment. The Planning Department  
74 shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010  
75 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it  
76 finds that the amendment:

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

79                           b.       Will be reasonable to implement and enforce.

80                           c.       Will promote the present and future public health, safety and welfare.

81                           d.       Is consistent with the intent and wording of the other provisions of this title.

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83                           21.95.050 Planning Department review of zoning map amendment. The Planning  
84 Department shall evaluate each amendment to the official zoning map that is initiated in  
85 accordance with HCC 21.95.020 and qualified under HCC 21.95.030, and may recommend  
86 approval of the amendment only if it finds that the amendment:

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

89                           b.       Applies a zoning district or districts that are better suited to the area that is the  
90 subject of the amendment than the district or districts that the amendment would replace, because

91 either conditions have changed since the adoption of the current district or districts, or the current  
92 district or districts were not appropriate to the area initially.

93 c. Is in the best interest of the public, considering the effect of development  
94 permitted under the amendment, and the cumulative effect of similar development, on property  
95 within and in the vicinity of the area subject to the amendment and on the community, including  
96 without limitation effects on the environment, transportation, public services and facilities, and  
97 land use patterns

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99 21.95.060 Review by Planning Commission. a. The Planning Commission shall review  
100 each proposal to amend this title or to amend the official zoning map before it is submitted to the  
101 City Council.

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

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

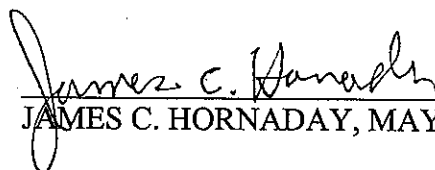
110 d. After receiving public testimony on an amendment proposal and completing its  
111 review, the Planning Commission shall submit to the City Council its written recommendations  
112 regarding the amendment proposal along with the Planning Department's report on the proposal,  
113 all written comments on the proposal, and an excerpt from its minutes showing its consideration  
114 of the proposal and all public testimony on the proposal.

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116 21.95.070 Review by City Council. After receiving the recommendations of the  
117 Planning Commission regarding an amendment proposal, the City Council shall consider the  
118 amendment proposal in accordance with the ordinance enactment procedures in the Homer City  
119 Code. The City Council may adopt the proposed amendment as submitted or with amendments,  
120 or reject the proposed amendment.

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122 Section 2. This Ordinance is of a permanent and general character and shall be included  
123 in the City Code.

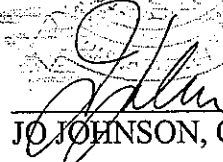
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125 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 24<sup>th</sup> day of  
126 January 2010.

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128 CITY OF HOMER

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132 JAMES C. HORNADAY, MAYOR  
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ATTEST:

  
JO JOHNSON, CMC, CITY CLERK

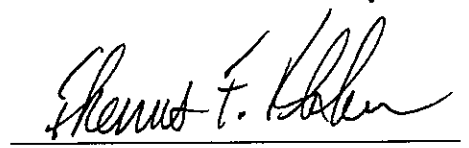
YES: 5  
NO: 0  
ABSTAIN: 0  
ABSENT: 1

First Reading: 12/13/10  
Public Hearing: 1/24/11  
Second Reading: 1/24/11  
Effective Date: 1/25/11

Reviewed and approved as to form:

  
Walt E. Wrede, City Manager

Date: 1/24/11

  
Thomas F. Klinkner, City Attorney

Date: 1-28-11