

Introduced by: Mayor
Date: 02/24/15
Hearing: 04/07/15
Action: Failed to Enact as Amended
Vote: 0 Yes, 9 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2015-06**

**AN ORDINANCE APPROVING GOODRICH - JACKSON
SINGLE-FAMILY RESIDENTIAL R-1 LOCAL OPTION ZONING DISTRICT
AND AMENDING KPB 21.46.040**

WHEREAS, KPB 21.44.030(A) provides that the record owners of at least three-fourths of the parcels within a described area of the rural district may petition the assembly for a greater restriction on land uses and development standards than otherwise provided; and

WHEREAS, a petition has been submitted by property owners of 19 parcels for the formation of an R-1, Single-Family Residential local option zoning district (LOZ), which is more than three-fourths of the 25 parcels within the described area; and

WHEREAS, KPB 21.44.040(A) requires that two-thirds of the parcels within the proposed district must be of the average size prevailing within the proposed district; and

WHEREAS, KPB 21.44.230 states that average size means the mathematical mean of the lot sizes within the proposed local option zoning district and that for a lot to qualify as average size, it must be within 50 percent, plus or minus, of the mathematical mean of all lots within the proposed local option zoning district; and

WHEREAS, the mean size of the parcels within the proposed local option zoning district is 1.78 acres; and

WHEREAS, 24 of the 25 parcels within the proposed district are within 50 percent of the mathematical mean of all lots within the proposed local option zoning district; and

WHEREAS, Goal 6.5, Objective 1, of the 2005 KPB Comprehensive Plan is "to ensure that land use regulations adopted by the Borough are necessary to control public and private land uses that affect public health and safety, address adverse impacts on the rights of adjacent property owners, or further the goals and objectives of the Comprehensive Plan"; and

WHEREAS, the 2005 KPB Comprehensive Plan notes that residents support local option zoning and recommend broader use of it as a way to address land use conflicts; and

WHEREAS, public notice of the proposed LOZ was distributed to all property owners within 300 feet of the boundaries of the proposed district, pursuant to KPB 21.44.050; and

WHEREAS, the Kenai Peninsula Borough Planning Commission held public hearings on February 9, 2015, and March 23, 2015, and recommended denial of the formation of the local option zoning district by unanimous consent;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the Assembly finds the adoption of the Goodrich - Jackson LOZ to be consistent with surrounding land uses and the KPB Comprehensive Plan.

SECTION 2. That KPB 21.46.040 is hereby amended as follows:

21.46.040. - Single-Family Residential (R-1) Districts.

A. The following Single-Family Residential (R-1) districts and official maps are hereby adopted:

...

7. Goodrich - Jackson, described as follows:

Tract 1, Mott's Farm Subdivision, according to Plat 2000-67;

Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 1, E. L. Jackson Subdivision, according to Plat K-1609;

Lots 5, 6, 7, 8, 9, and 10, Block 1, and Lots 1, 2, 3, and 4, Block 2, Goodrich Subdivision, according to Plat K-1701; and Lots 11 and 12, Block 1, and Lots 5, 6, 7, & 8, Block 2, Goodrich Subdivision No. 1, according to Plat 75-73;

all located in the Kenai Recording District, Third Judicial District, State of Alaska.

a. The local option zoning applies to any further replats within the Goodrich - Jackson LOZ.

SECTION 3. That this LOZ shall be recorded in the proper recording district.

SECTION 4. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF APRIL, 2015.

Dale Bagley, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes: None

No: Cooper, Haggerty, Gilman, Johnson, McClure, Ogle, Welles, Wolf, Bagley

Absent: None