

Introduced by:	Mayor
Date:	07/26/16
Hearing:	08/23/16
Action:	Enacted as Amended
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2016-30**

**AN ORDINANCE APPROVING BING'S LANDING
SINGLE-FAMILY RESIDENTIAL (R-1) LOCAL OPTION ZONING DISTRICT
AND AMENDING KPB 21.46.040**

WHEREAS, prior to the enactment of Ordinance 2016-03 (Mayor, Johnson) Substitute on May 3, 2016, KPB 21.44.030(A) provided 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 47 parcels for the formation of an R-1, Single-Family Residential local option zoning district (LOZD), which is more than three-fourths of the 61 parcels within the described area; and

WHEREAS, prior to enactment of Ordinance 2016-03 (Mayor, Johnson) Substitute KPB 21.44.040(A) required 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 formerly stated 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 1.25 acres; and

WHEREAS, 39 of the 42 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 LOZD 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 a public hearing on June 27, 2016 and recommended approval by unanimous consent of the Local Option Zone with the removal of Lots 2, 3, 4, 5, 6, 7, 8, 9 and 10 of the Bing's Landing Archer's Addition;

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

SECTION 1. That the Assembly finds the adoption of the Bing's Landing LOZD to be consistent with surrounding land uses and the KPB Comprehensive Plan.

SECTION 2. Notwithstanding current KPB 21.44.030 – 040 the petition process for Bings Landing LOZD under former KPB 21.44.030 – 040 and associated definitions in KPB 21.44.230 as in effect prior to May 3, 2016 is hereby approved.

SECTION 3. That KPB 21.46.040(A) is hereby amended by adding new subsection 10 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:

...

10. Bing's Landing, described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, Block 3; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, Block 4; and Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 28, and 29, Block 5, Bing's Landing Subdivision Part One, according to 84-199, Kenai Recording District; and

Lot 26A, Bing's Landing Subdivision Part Two, according to 95-8 Recording District; and

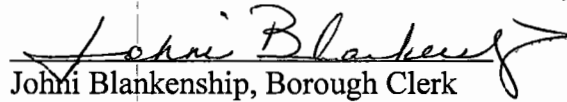
SECTION 4. That this LOZD shall be recorded in the proper recording district.

SECTION 5. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS
23RD DAY OF AUGUST, 2016.


Blaine Gilman, Assembly President

ATTEST:


John Blankenship, Borough Clerk



Yes: Bagley, Cooper, Dunne, Holmdahl, Johnson, Knopp, Ogle, Gilman
No: None
Absent: Welles