

Introduced by: Mayor
Date: 06/05/12
Hearing: 07/03/12
Action: Enacted as Amended
Vote: 7 Yes, 0 No, 2 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-20**

**AN ORDINANCE APPROVING WIDGEON WOODS R-1, SINGLE-RESIDENTIAL
LOCAL OPTION ZONING DISTRICT, AND AMENDING KPB 21.46.040**

- WHEREAS**, KPB Chapter 21.44 provides owners of property within the rural district an opportunity to petition the assembly for the formation of a local option zoning district (LOZ), in order to place greater restrictions on land than is otherwise provided by borough code; and
- WHEREAS**, KPB 21.44.030(C) provides that an LOZ may be proposed at the time of preliminary or final plat approval; and
- WHEREAS**, on August 21, 2007, the KPB assembly adopted Resolution 2007-053, which classified as residential the parent parcel on which the Widgeon Woods Subdivision was developed; and
- WHEREAS**, the Widgeon Woods Subdivision plat, KPB File Number 2008-254, was approved by unanimous consent by the KPB plat committee; and
- WHEREAS**, the Kenai Peninsula Borough and Cook Inlet Region, Inc. (CIRI) are the current and sole owners of the subject property and the developers of the Widgeon Woods Subdivision; and
- WHEREAS**, the KPB land management division and CIRI have submitted a petition for the formation of an R-1, Single-Family Residential LOZ within Widgeon Woods Subdivision; 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**, 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 a public hearing on June 11, 2012, and recommended enactment 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 Widgeon Woods local option zoning district (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.

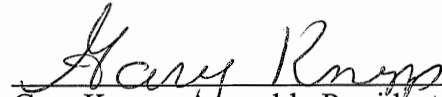
A. The following Single-Family Residential (R-1) districts and official maps are hereby adopted:

1. Ten Mar Ranch, described as a subdivision of the S ½ NE ¼, S ½ NW ¼, N ½ SW ¼, and W ½ SE ¼ including Gov't. Lots 3 and 6, Mary Miller Subdivision (Plat No. 97-90 KRD) excluding Hollingsworth Subdivision. Located within Section 18, T5N, R9W, S.M., Kenai Recording District, Kenai Peninsula Borough Alaska. Containing 311.893 acres.
2. Grande View Heights One, described as Grande View Heights Subdivision Phase 1, Plat 2004-68, Kenai Recording District, Kenai Peninsula Borough, Alaska, containing 56.912 acres.
 - a. The local option zoning applies to any further replats of Grande View Heights Phase 1 Subdivision.
3. Funny River Grove, described as Funny River Grove Subdivision, KPB File No. 2007-294, located within the SW ¼ of Section 24, T5N, R9W, Seward Meridian, Kenai Recording District, State of Alaska, containing 52.622 acres.
 - a. The local option zoning applies to any further replats of Funny River Grove Subdivision.
4. Widgeon Woods, described as Widgeon Woods Phase Two Subdivision, located within the SE1/4 of Section 13 T5N, R11W S.M., Kenai Recording District, Kenai Peninsula Borough, Alaska, KPB File No. 2008-254, excluding Lot 14 Block 4, and Tract B.
 - a. The local option zoning applies to any further replats of Widgeon Woods Subdivision, except Lot 14 Block 4, and Tract B.

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

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

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF JULY, 2012.

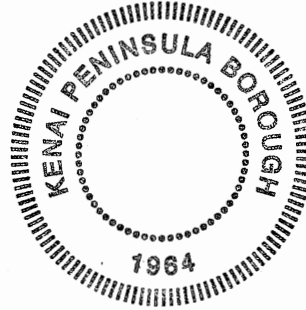


Gary Knopp, Assembly President

ATTEST:



Johni Blankenship, Borough Clerk



Yes: Haggerty , McClure, Murphy, Pierce, Smalley, Smith, Knopp
No: None
Absent: Johnson, Tauriainen