

Introduced by: Tauriainen, Smith
Date: 12/04/12
Hearing: 01/08/13
Action: Enacted as Amended
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-39**

**AN ORDINANCE ENACTING KPB 21.04.020 AND AMENDING KPB 21.11.030 TO
REQUIRE NOTICE BY MAIL TO OWNERS OF PROPERTY LOCATED IN A
ZONING DISTRICT PROPOSED TO BE CREATED, AMENDED, OR ABOLISHED**

- WHEREAS,** KPB 21.11.030 provides for direct notification by mail of planning commission and advisory planning commission hearings to property owners within a 300-foot periphery of the parcel affected by a proposed action; and
- WHEREAS,** this provision currently excludes direct notification for proposed zoning ordinance amendments involving a change in the text or major district boundary changes and instead only requires notices to be displayed in at least 3 public places; and
- WHEREAS,** applying this notice requirement to the rural district would potentially be difficult and costly to implement as that district includes all property in the borough outside of the cities and is likely to include many properties not affected by the proposed changes; and
- WHEREAS,** surrounding property owners are directly notified in the case of planning commission issues such as material sites, plat, and vacation applications, and street renaming resolutions; and
- WHEREAS,** zoning amendments can often result in significant impacts on affected property owners; and
- WHEREAS,** Goal 6.5, Objective 1, Implementation Action (C) of the borough's comprehensive plan is to provide advance notice to all affected property owners of land use regulation changes involving their property, allowing sufficient time for comments; and
- WHEREAS,** providing such notice for assembly hearings instead of planning commission hearings would be appropriate as the assembly is the final decision-maker on such zoning changes; and
- WHEREAS,** implementation of this notification requirement for property owners in the affected zoning district is appropriate and reasonable;

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

SECTION 1. That the Kenai Peninsula Borough Code of Ordinances is hereby amended by adding a new section to be numbered 21.04.020, which shall read as follows:

21.04.020 – Notification of proposed zoning district creation or change and hearing.

- A. When a public hearing is to be held by the Assembly concerning the creation, amendment, or abolishment of a zoning district other than the rural district, a notice containing the following information shall be published at least twice in a newspaper of general circulation in the subject zoning district during each of the 2 calendar weeks prior to the public hearing date. Additionally a copy of the notice shall be mailed to all real property owners of record on the borough assessor's records of property located in the specific district proposed to be created, amended, or abolished. If the subject district is an overlay district this notice by mail requirement shall not apply to owners of property in other districts that is not located in the subject overlay district.
- B. Where an amendment to an existing zoning district involves only increasing or decreasing the size of the district the administration is only required to mail the notice set forth in KPB 21.04.020(A) to the owners of record of parcels with a changed status.
- C. The notice shall contain at least the following information:
 - 1. A brief summary of the proposal on which the public body is to act including a description of what the proposal would allow and disallow.
 - 2. A legal and common description of the property involved.
 - 3. Date, time and place of the public hearing.
 - 4. Borough staff contact information from whom the public may obtain more detailed information.

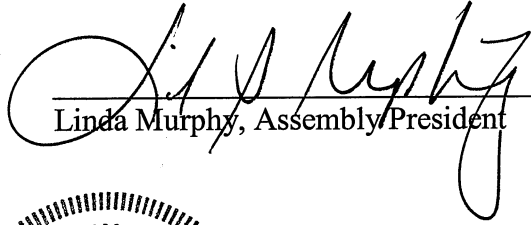
SECTION 2. That KPB 21.11.030 is hereby amended as follows:

21.11.030 – Notification of neighboring property owners.

A copy of the aforementioned newspaper notification shall be mailed to real property owners on record on the borough assessor's records within a 300-foot periphery of the parcel affected by the proposed action. This provision does not apply [w]hen a public hearing is to be held about a proposed zoning ordinance amendment involving a change in the text or major district boundary changes[, NO NOTIFICATION OF NEIGHBORING PROPERTY OWNERS SHALL BE REQUIRED, BUT NOTICES SHALL BE DISPLAYED IN AT LEAST 3 PUBLIC PLACES]. Instead, notice in such cases is governed by KPB 21.04.020.

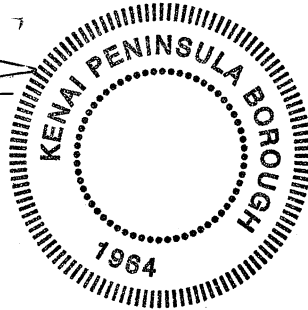
SECTION 3. That this ordinance shall take effect on July 1, 2013.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 8TH DAY OF JANUARY, 2013.


Linda Murphy, Assembly President

ATTEST:


Johni Blankenship, MMC, Borough Clerk



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