

Introduced by: Mayor  
Date: August 24 , 1973  
Hearing: DECLARED ILLEGAL: 9-4-73

KENAI PENINSULA BOROUGH

ORDINANCE 73-43

AN EMERGENCY ORDINANCE TO REMOVE ANY RESTRICTION OF USE UNDER THE ZONING ORDINANCES OF THE KENAI PENINSULA BOROUGH WHERE THE AREA DEVOTED TO THE USE IS SITUATED 300 FEET OR OVER FROM THE NEAREST PROPERTY LINE OF THE LAND.

WHEREAS, it is the opinion of this assembly that where a landowner owns sufficient land in one parcel so that uses he may desire to make of such land may be separated from land owned by any other party or parties by a distance of 300 feet or more, he should not be prohibited by zoning ordinances from making any desired use of said land; and

WHEREAS, the situation has now arisen where such a use would be prohibited by the zoning ordinance and which might be harmful and adverse to the public welfare in that it might cause a lengthy delay in construction of the bridge across the Kenai River, and in addition might cause financial losses of approximately \$250,000.00 to the Kenai Peninsula Borough or the State of Alaska.

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

Section 1: That Chapter 20.10 of the Kenai Peninsula Borough Code of Ordinances is hereby amended by adding a new section to read as follows:

Section 20.10.12. Notwithstanding any other provisions of the zoning ordinances of the Kenai Peninsula Borough, no restriction of use thereunder shall be applicable to any area of land where the owner of said land owns a large enough tract of land so that the area devoted to such use is situated 300 feet or more from his nearest property line.

Section 2: The assembly hereby finds and declares that due to a threat of stoppage of work on the

1400

Kenai River Bridge at Kenai and possible resulting financial loss caused thereby to the public, an emergency exists and that this ordinance shall be introduced, hearings held thereon, and adopted to be effective immediately on adoption for a period of 60 days thereafter.

\* ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 24th DAY OF August, 1973.

*E. Cooper*  
Assembly President

ATTEST:

*Frances Byrnes*  
Borough Clerk

\*Ordinance was declared adopted August 24, 1973 by a 2/3 majority vote of the assembly. Later it was discovered a 3/4 majority vote is necessary for Emergency ordinances and this ordinance was declared illegal September 4, 1973.