

Introduced by: Mayor
Date: August 24, 1973
Hearing:
Not accepted: See note at back

KENAI PENINSULA BOROUGH

ORDINANCE 73-44

AN EMERGENCY ORDINANCE TO ALLOW REMOVAL OF SAND, GRAVEL, OR OTHER MATERIALS 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 OR IF NOT SO SITUATED WHERE THE OPERATION IS SCREENED IN A MANNER APPROVED BY EITHER THE MAYOR OR THE PLANNING DIRECTOR.

WHEREAS, it is the opinion of this assembly that where a landowner owns sufficient land in one parcel so that extractions from a portion thereof may be separated from land owned by any other party or parties by a distance of 300 feet or more, or where such operation is screened in a manner approved by the Mayor or the Planning Director, he should not be prohibited by zoning ordinances from removing sand, gravel, or other material from 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 loss to the State of Alaska or the Kenai Peninsula Borough in the approximate amount of \$250,000.00.


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, sand, gravel, or other material may be removed from 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, or in the alternative where the removal operations are screened in a manner approved by the Mayor or the Planning Director.

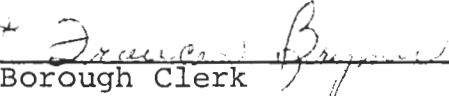
Section 2: The assembly hereby finds and declares that due to a threat of stoppage of work on the Kenai River Bridge at Kenai and possible resultant financial loss caused thereby to the public, an emergency exists and that this ordinance shall be introduced, hearings held thereon, and adopted to be effective immediately on adoption for a period of 60 days thereafter.

* ~~ADOPTED~~ BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
THIS _____ DAY OF _____, 1973.



Assembly President

ATTEST:

* 

Borough Clerk

*This ordinance was provided for an alternative to Ord. 73-43 at the same time it was provided. This ordinance was not accepted. *Frances Byrnes, Clerk*