

Introduced by: Mayor, on behalf  
of Planning Commission  
Date: March 20, 1979  
Hearing: April 17, 1979  
Vote: Unanimous  
Action: Enacted as Amended

KENAI PENINSULA BOROUGH

ORDINANCE 79-14

PROVIDING FOR THE CONTRACT ZONING OF CERTAIN PARCELS OF REAL PROPERTY LYING WITHIN THE HOMER MUNICIPAL DISTRICT.

WHEREAS, the owners of certain parcels of real property lying within the Homer Municipal District have requested that the parcels be zoned by contract from "Residential" use to "Commercial" use, so long as the provisions of a certain agreement between the Borough and the owners be faithfully performed; and

WHEREAS, Chapter 21.63 of the Borough Code of Ordinances provides for contract zoning in the Homer Municipal District; and

WHEREAS, the Homer Advisory Planning Commission, after public notice and hearing, has approved the petition for contract zoning of these parcels of real property, subject to the execution of another contract embodying the underlying agreements between the municipalities and the owners; and

WHEREAS, the Homer Advisory Planning Commission has found that the proposed land use is compatible with development in adjacent zones, that existing public facilities, services and utilities can accomodate the proposed use without detrimental effect upon adjacent zoning districts; and that the proposed contract zoning does not constitute "spot zoning"; and

WHEREAS, the Borough Planning Commission has approved the contract zoning of the parcels subject to the execution of a contract embodying the agreement between the municipalities and the owners in placing certain restrictions upon the uses of the subject properties; and

WHEREAS, the proposed use of the property will be beneficial to the Homer Municipal District if the conditions

undersigned does hereby certify that the Ord 79-14 is a true and correct copy of the official records of the Kenai Peninsula Borough on file in the Clerk's office.

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Soldotna, Alaska 8 day of May, 19 79  
Frances Bryner  
Borough Clerk

of the contract between the municipalities and the owners are faithfully performed:

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

Section 1. That the following real property parcels shall be zoned by contract to permit a "Commercial" use in the "Residential" district, subject to execution within thirty (30) days of the date of enactment of this ordinance of a contract between the Borough, the City of Homer and all owners of the parcels to be contract zoned, which contract shall be executed upon the terms of the contract annexed as Attachment A to this ordinance. The parcels to be zoned by this contract are commonly described as Baycrest Motel, lying within the City of Homer, and surrounding lands, which are legally described as follows:

A.) Lot 5, Abbot Subdivision, Plat No. 77-29, Homer Recording District, Comprising about 1.67 acres;

B.) A parcel of land known as Baycrest Motel, lying in the SW1/4, Section 14, T6S, R14W, S.M., whose boundaries are described as:

Beginning at the Witness Corner to the 1/4 Section Corner Common to Sections 14 and 23 of T6S, R14W, S.M., traverse North a distance of 446.4 feet to point; thence North 60°14' West a distance of 1416.8 feet, more or less, to a 2" iron pipe which is Corner No. 1 and the true point of beginning; thence North 75°44' West a distance of 278.2 feet to Corner No. 2; thence North 0°01' West a distance of 145.0 feet to Corner No. 3; thence South 87°00' East a distance of 141 feet, more or less, to the point of intersection with the centerline of the Sterling Highway, which is also Corner No. 4; thence

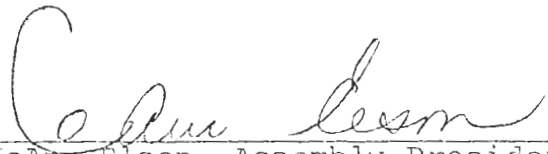
Southeasterly along said centerline on a curve to the left a distance of 237 feet, more or less, to Corner No. 5; thence South 25° West a distance of 25 feet, more or less, to the point of beginning;

C.) That portion of the S1/2SW1/4NE1/4SW1/4 lying between the New Sterling Highway and the Old Sterling Highway.

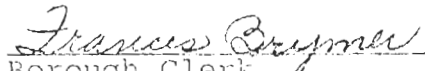
Section 2. That the parcels hereby authorized to be contract zoned "Commercial" shall be subject to all conditions and restrictions set forth in the executed contract, and the Borough assembly reserves the right to rescind the contract zoning upon a finding by the Borough Planning Commission that a breach of contract has occurred. In that event, the parcels affected by this ordinance shall immediately revert to the "Residential" zoning district and the nonconforming uses created by this contract zoning shall be abated immediately.

Section 3. That this ordinance takes effect immediately upon its enactment provided, however, that it shall be deemed repealed if the contract required by Section 1 is not fully executed by all the owners within thirty (30) days after enactment of this ordinance.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH  
THIS 17 DAY OF April, 1979.

  
JoAnn Elson, Assembly President

ATTEST:

  
Borough Clerk

