

Introduced by: Mayor on behalf of
Planning Commission
Date: September 4, 1979
Hearing: October 9, 1979
Vote: 124 "Yes", 9 "No"
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 79-56

PROVIDING FOR THE CONTRACT ZONING OF A CERTAIN PARCEL OF
REAL PROPERTY LYING WITHIN THE SEWARD MUNICIPAL DISTRICT.

WHEREAS, Chester and Lilly Thorne, owners of Lot 5, Block 7, Federal Addition, Seward Townsite, City of Seward, Alaska and lying near the Southwest intersection of Third and B Streets, City of Seward, have requested that the parcels be zoned by contract from one family residential (R1) zone to limited commercial (CL) zone, so long as the provisions of a certain agreement between the Borough and the owners be faithfully performed; and

WHEREAS, Chapter 21.78 of the Borough Code of Ordinances provides for contract zoning in the Seward Municipal District; and

WHEREAS, the Seward Advisory Planning Commission after a public notice and hearing has approved the proposal for contract zoning of these parcels of real property, subject to the execution of a contract embodying the underlying agreements between the Borough and the owners; and

WHEREAS, the Seward 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 accommodate the proposed use without detrimental effect upon adjacent zoning districts; and

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

Kenai Peninsula Borough
Ordinance 79-56
Page 1 of 2 Pages

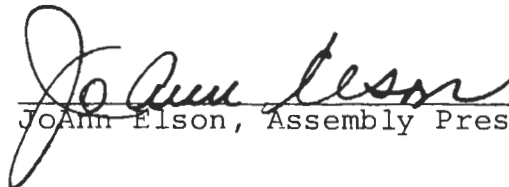
NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE
KENAI PENINSULA BOROUGH:

Section 1. That Lot 5, Block 7, Federal Addition, Seward Townsite, City of Seward, Alaska, shall be zoned by contract to permit a "limited commercial" (CL) use in the "one family residential" (R1) District, subject to the execution within thirty (30) days from the date of this ordinance of a contract between the Borough and Chester and Lilly Thorne, which contract shall be executed in the form of the contract incorporated into this ordinance as Attachment A.

Section 2. That the parcel authorized to be contract zoned for limited commercial use 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 parcel affected by this ordinance shall immediately revert to the "one family residential" (R1) zoning district and the nonconforming use created by this contract zoning shall be abated immediately.

Section 3. That the Mayor is authorized to effectuate this ordinance, which 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 parties within thirty (30) days after enactment of this ordinance.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
ON THIS 9th DAY OF October, 1979.


JoAnn Elson, Assembly President

ATTEST:


Borough Clerk