

Introduced by: Mayor
Date: May 4, 1982
Hearing: Jun. 1, 1982
Vote: 12 Yes; 3 No
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 82-40

PROVIDING FOR CONTRACT ZONING OF LOTS 9 AND 10, BLOCK 17;
ORIGINAL TOWNSITE IN THE CITY OF SEWARD.

WHEREAS, the owner of real property in the Seward Urban District has requested the property to be zoned by contract from "limited commercial" (CL) district to one-family residential (R-1) district use, so long as the provisions of an agreement between the Borough, the city of Seward and the owner are faithfully performed; and

WHEREAS, Sections 21.78.620-630 of the Borough Code of ordinances provide for zoning by contract in the Seward Urban District; and

WHEREAS, the lands in question are located at Sixth Avenue between Adams & Jefferson Streets; and

WHEREAS, the Seward Advisory Planning Commission, after public notice and hearing, approved the request for contract zoning of these lots, subject to execution of a contract between the municipality and the owner; and

WHEREAS, the Seward Advisory Planning Commission found that the proposed land uses were compatible with development in adjacent zones, that existing public facilities, services and utilities can accommodate the proposed use; and

WHEREAS, the Borough Planning Commission, after consideration of the proposed contract and the recommendations of the Seward Advisory Planning Commission, recommended that the Assembly zone the land by contract from "limited commercial" (CL) district to residential (R-1) district; and

WHEREAS, the proposed use of the property will not be detrimental to the Seward Urban District plan if the conditions of the proposed contract between the municipality and the owner are faithfully performed;

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


Section 1. That Lots 9 and 10, Block 17, Original Townsite of Seward (Sec. 10, T1S R1W, S.M.) shall be zoned by contract to permit a one-family residential (R-1) use in the "limited commercial" (CL) district, subject to the execution

of a contract between the Borough, the city of Seward and the owner of the parcels to be zoned. The contract shall be executed upon terms substantially in conformity to the approval and terms and conditions of the Seward Advisory Planning Commission and the Borough Planning Commission.

Section 2. That the lots to be zoned by contract shall be subject to all conditions and restrictions set forth in an executed contract, and the Borough Assembly reserves the right to rescind the contract zoning upon a finding by the Borough Planning Commission and the Assembly that a breach of contract has occurred. In that event, the parcels affected by this ordinance shall immediately revert to the regular zoning use, and any nonconforming uses created during the terms of this contract zoning shall be abated.

Section 3. That this ordinance takes effect upon its enactment provided, however, that it shall be deemed repealed if the contract required by Section 1 is not executed by the owners within ninety (90) days after enactment of this ordinance.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
ON THIS 1 DAY OF June, 1982.


John B. Davis, Assembly President

ATTEST:


Francis Beyer
Borough Clerk