

Introduced By: Mayor
Date: November 18, 1975 Reset to:
Hearing: December 16, 1975 1-20-76
Action: Adopted as amend. Postponed
Vote: 117 "Yes"; 9 "No" To: 2-3-76
 9 "Abstaining"

KENAI PENINSULA BOROUGH

ORDINANCE 75-63

AN ORDINANCE REPEALING ORDINANCE 75-43 AND REZONING LOTS 21, 22 AND 23 IN BLOCK 30 OF ORIGINAL TOWNSITE OF SEWARD

WHEREAS, petition to rezone Lots 21, 22, the S $\frac{1}{2}$ of 23, 24, 25, 26, Block 30, Original Townsite of Seward from R-2 to CG was received by the Kenai Peninsula Borough Planning Department June 11, 1975, from Herbert A. & Gwendolyn I Stetson, Jr., the owners of Lots 21, 22 and the S $\frac{1}{2}$ of 23, Block 30, Original Townsite of Seward; and

WHEREAS, notice of the public hearings, a vicinity map and a copy of the assessor's map book 148, page 13, were sent on June 19, 1975, to 34 property owners within 300 feet of the area petitioned and/or other interested parties; and

WHEREAS, the public notice concerning this rezoning petition was published in the June 26 and July 3, 1975, issues of the Seward Phoenix Log; and

WHEREAS, the City of Seward Advisory Planning and Zoning Commission held its public hearing on July 9, 1975, and tabled action on this rezoning petition until its next meeting, noting the N $\frac{1}{2}$ of Lot 23 needed to be included if the rezoning were to be approved; and

WHEREAS, Ordinance 75-43 concerning this rezoning petition was introduced by the Mayor at the July 15, 1975, Kenai Peninsula Borough Assembly meeting; and

WHEREAS, the Kenai Peninsula Borough Planning Commission held its public hearing July 21, 1975, and recommended to the assembly the rezoning be granted subject to the City of Seward Advisory Planning & Zoning Commission recommendations and subject to the N $\frac{1}{2}$ of Lot 23 being included in the rezoning; and

WHEREAS, the City of Seward Advisory Planning & Zoning Commission tabled the rezoning on August 13, 1975, until such time as the ownership of the property involved was settled; and

WHEREAS, the Kenai Peninsula Borough Assembly held its hearing August 19, 1975, on Ordinance 75-43, amending the ordinance to include the N $\frac{1}{2}$ of Lot 23, and adopted the ordinance by unanimous vote; and

WHEREAS, the petitioner, Mrs. Stetson, came to the Kenai Peninsula Borough Planning Department October 16, 1975, and inquired if the rezoning was valid; and

WHEREAS, upon investigation the planning staff found that the petitioners were not the owners of the entire petitioned area nor were they the owners of the majority of the lots petitioned for rezoning; and

WHEREAS, the planning staff also found that notice had not been sent by certified mail to the three owners of the six lots which were rezoned, nor to the City of Seward; and

WHEREAS, upon conferring with the Borough Attorney the planning staff was advised to inform the petitioner the rezoning from R-2 to CG was invalid and that Ordinance 75-43 should be repealed for the aforementioned reasons; and

WHEREAS, a petition to rezone Lots 21, 22 and 23, Block 30, Original Townsite of Seward, from R-2 to CG was received by the Kenai Peninsula Borough Planning Department November 12, 1975:

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

Section 1. Ordinance 75-43, as amended, is hereby repealed.


Section 2. The following described area located within the City of Seward and the Municipal Zoning District is hereby rezoned:

Lots 21, 22 and 23, Block 30, Original Townsite of Seward within the City of Seward from Two Family Residence (R-2) District to Neighborhood Commercial (CN) District.

Section 3. The official zoning map of the City of Seward is hereby amended to reflect the changes provided in Section 2.

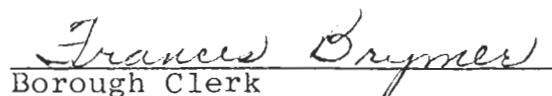
Section 4. This ordinance shall be effective immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
THIS 3 DAY OF February, 1976.



Assembly President

ATTEST:



Borough Clerk