

Introduced by: Borough Manager
Drafted by: CDD Director
Introduced on: 01/18/2018
Public Hearing Date: 02/01/2018
Adopted on: 02/01/2018

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2018-13**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH AMENDING
VARIOUS CHAPTERS OF TITLE 17 CLARIFYING SETBACK REQUIREMENTS IN VARIOUS
ZONING DISTRICTS.**

WHEREAS, as a second class borough, the Kodiak Island Borough exercises planning, platting, and land use regulations on an area wide basis pursuant to Chapter 29.40 Alaska Statutes; and

WHEREAS, in accordance with AS 29.40, the Kodiak Island Borough adopted the 2008 Comprehensive Plan update on December 6, 2007 (Ordinance No. FY 2008-10) to replace the 1968 Comprehensive Plan; and

WHEREAS, the Kodiak Island Borough has adopted KIBC Title 17 (Zoning) in accordance with AS 29.40 to implement the Kodiak Island Borough Comprehensive Plan; and

WHEREAS, KIBC 17.205.010 provides that “Whenever the public necessity, convenience, general welfare or good zoning practice requires, the assembly may, by ordinance and after report thereon by the commission and public hearing as required by law, amend, supplement, modify, repeal or otherwise change these regulations and the boundaries of the districts”; and

WHEREAS, Title 17 (Zoning) has not been comprehensively updated since the early 1980s and presents yard setback requirements in an inconsistent manner; and

WHEREAS, creating uniformity in format and terminology will allow for greater community understanding of, and consistent interpretation of, zoning regulations relating to yard setbacks; and

WHEREAS, the Community Development Department has requested modifications to the language relating to yard setbacks to provide consistency and clarification; and

WHEREAS, the Community Development Department is not proposing any changes to the numeric requirements of yard setbacks in any zoning districts; and

WHEREAS, the Planning and Zoning Commission reviewed the proposed changes at a work session on October 18, 2017; and

46 **WHEREAS,** the Planning and Zoning Commission, following a public hearing on October 25,
47 2017, voted to transmit their recommendations for revisions to Title 17 to the Borough Assembly;
48 and

49
50 **WHEREAS,** the Borough Assembly reviewed the proposed changes at work sessions on
51 January 11, 2018 and January 18, 2018; and

52
53 **WHEREAS,** the Borough Assembly held a public hearing on February 1, 2018.

54
55 **NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND**
56 **BOROUGH THAT:**

57
58 **Section 1:** This ordinance is of a general and permanent nature and shall become a part of the
59 Kodiak Island Borough Code of Ordinances.

60
61 **Section 2:** That Title 17 of the Kodiak Island Borough Code of Ordinances is amended to read
62 as follows:

63
64 **Chapter 17.35**
65 **W – WATERSHED DISTRICT**
66

67 Sections:

- 68 17.35.010 Description and intent.
- 69 17.35.020 Permitted uses.
- 70 17.35.030 Conditional uses.
- 71 17.35.040 Area and **setbackyard** requirements.
- 72 17.35.050 Performance standard.

73 ...

74
75 **17.35.040 Area and **setbackyard** requirements.**

76 There are no lot area, lot width, front yard, side yard or rear yard requirements for this district.

77
78 **Chapter 17.40**
79 **WH – WILDLIFE HABITAT DISTRICT**
80

81 Sections:

- 82 17.40.010 Description and intent.
- 83 17.40.020 Permitted uses.
- 84 17.40.030 Conditional uses.
- 85 17.40.040 Prohibited use.
- 86 17.40.050 Area requirements.
- 87 17.40.060 Setbacks **from property lines** requirements.

88 ...

89
90 **17.40.060 Setbacks **from property lines** requirements.**

91 A. Setbacks from Property Lines.

92
93 1. There is a required front yard setback of 25 feet, except that lots fronting on marine waters are
94 exempt from any front yard setback.

95
96 2. There is a required side yard setback of 25 feet.

97
98 3. There is a required rear yard setback of 25 feet.

99
100 B. Setbacks from Anadromous Fish Water Bodies.

101
102 1. There is a required setback (preventing clearing, filling, excavation, or structural development)
103 of 50 feet from the bank vegetation of anadromous fish water bodies that are specified pursuant
104 to AS 16.05.870(a) and 5 AAC 95.010, except in the case of timber harvesting activities, whose
105 required setback will be regulated by AS 41.17.010 through 41.17.950, as amended, and the
106 regulations enacted thereunder. This provision shall not prevent removal in the setback area
107 associated with a habitable residential, or recreational structure of:

108
109 a. Up to 50 percent of the trees; and

110
111 b. Other vegetation if a suitable ground cover (such as grass) is planted.

112
113 **Chapter 17.60**

114 **RR2 – RURAL RESIDENTIAL TWO DISTRICT**

115
116 Sections:

117 17.60.010 Description and intent.

118 17.60.020 Permitted uses.

119 17.60.030 Conditional uses.

120 17.60.040 Area requirements.

121 17.60.050 Setbacks from property lines. ~~Yards.~~

122 17.60.060 Building height limit.

123 ...

124
125 **17.60.050 Setbacks from property lines. ~~Yards.~~**

126 A. Front Yard. The minimum front yard required is 50 feet.

127
128 B. Side Yard. The minimum side yard required, ~~on each side of a principal building,~~ is 20 feet.

129
130 C. Rear Yard. The minimum rear yard required is 20 feet.

131
132 **Chapter 17.65**

133 **RR – RURAL RESIDENTIAL DISTRICT**

134 ...

136 **17.65.080 Setbacks from property lines.**

137 ~~A. Setbacks from Property Lines.~~

138
139 ~~A.1. Front Yard. The minimum front yard required is 25 feet. There is a required front yard~~
140 ~~setback of 25 feet;~~

141
142 ~~B.2. Side Yard. The minimum side yard required is 15 feet. There is a required side yard~~
143 ~~setback of 15 feet; and~~

144
145 ~~C.3. Rear Yard. The minimum rear yard required is 20 feet. There is a required rear yard~~
146 ~~setback of 20 feet.~~

147
148 **Chapter 17.70**
149 **RR1 – RURAL RESIDENTIAL ONE DISTRICT**

150 ...

151
152 Sections:

153 17.70.010 Description and intent.

154 17.70.020 Permitted uses.

155 17.70.030 Conditional uses.

156 17.70.040 Area requirements.

157 17.70.050 Setbacks from property lines. ~~Yards.~~

158 17.70.060 Building height limit.

159 ...

160
161 **17.70.050 Setbacks from property lines. ~~Yards.~~**

162 A. Front Yard.

163
164 1. The minimum front yard required is ~~shall be~~ 25 feet, unless a previous building line less than
165 this has been established, in which case the minimum front yard for interior lots shall be the
166 average of the setbacks of the main structures on abutting lots on either side if both lots are
167 occupied.

168
169 2. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot
170 plus one-half the remaining distance to the required 25-foot setback.

171
172 3. If neither of the abutting side lot or tracts are occupied by a structure, the setback shall be 25
173 feet.

174
175 B. Side Yard.

176
177 1. The minimum side yard required ~~on each side of a principal building~~ is 15 feet for lots not
178 served by water and sanitary sewer service from a certified public utility or municipal
179 system. ~~The minimum side yard required on the street side of a corner lot is 15 feet.~~

181 2. The minimum side yard required is 10 feet for ~~In the case of~~ lots served by water and
182 sanitary sewer service from a certified public utility or municipal system, ~~the minimum side yard~~
183 ~~required is 10 feet. The minimum side yard required on the street side of a corner lot is 10 feet.~~

184
185 C. Rear Yard. The minimum rear yard required is 20 feet.

186
187 **Chapter 17.75**
188 **R1 – SINGLE-FAMILY RESIDENTIAL DISTRICT**

189 ...

190
191 **Sections:**

192 17.75.010 Description and intent.

193 17.75.020 Permitted uses.

194 17.75.030 Conditional uses.

195 17.75.040 Area requirements.

196 17.75.050 Setbacks from property lines. ~~Yards.~~

197 17.75.060 Building height limit.

198 17.75.070 Public service requirement.

199 ...

200
201 **17.75.050 Setbacks from property lines. ~~Yards.~~**

202 A. Front Yard.

203
204 1. The minimum front yard required is ~~shall be~~ 25 feet unless a previous building line less than
205 this has been established, in which case the minimum front yard for interior lots shall be the
206 average of the setbacks of the main structures on abutting lots on either side if both lots are
207 occupied.

208
209 2. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot
210 plus one-half the remaining distance to the required 25-foot setback.

211
212 3. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 25
213 feet.

214
215 B. Side Yard. The minimum side yard required, ~~on each side of a principal building,~~ is five feet.
216 The minimum ~~required~~ side yard required on the street side of a corner lot is 10 feet.

217
218 C. Rear Yard. The minimum rear yard required is 10 feet.

219
220 **Chapter 17.80**
221 **R2 – TWO-FAMILY RESIDENTIAL DISTRICT**

222 ...

223
224 **Sections:**

225 17.80.010 Description and intent.

- 226 17.80.020 Permitted uses.
- 227 17.80.025 Conditional uses.
- 228 17.80.030 Area requirements.
- 229 17.80.040 Setbacks from property lines. ~~Yards.~~
- 230 17.80.050 Building height limit.
- 231 17.80.060 Public service requirement.
- 232 ...
- 233
- 234 **17.80.040 Setbacks from property lines. ~~Yards.~~**
- 235 A. Front Yards.
- 236
- 237 1. The minimum front yard required is ~~shall be~~ 25 feet unless a previous building line less than
- 238 this has been established, in which case the minimum front yard for interior lots shall be the
- 239 average of the setbacks of the main structures on abutting lots on either side if both lots are
- 240 occupied.
- 241
- 242 2. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot
- 243 plus one-half the remaining distance to the required 25-foot setback.
- 244
- 245 3. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 25
- 246 feet.
- 247
- 248 B. Side Yards. The minimum side yard required, ~~on each side of a principal building,~~ is five feet.
- 249 The minimum side yard required on the street side of a corner lot is 10 feet.
- 250
- 251 C. Rear Yards. The minimum rear yard required is 10 feet.

Chapter 17.85
R3 – MULTIFAMILY RESIDENTIAL DISTRICT

Sections:

- 257 17.85.010 Description and intent.
- 258 17.85.020 Permitted uses.
- 259 17.85.025 Conditional uses.
- 260 17.85.030 Area requirements.
- 261 17.85.040 Setbacks from property lines. ~~Yards.~~
- 262 17.85.050 Building height limit.
- 263 17.85.060 Public service requirement.
- 264 17.85.070 Group housing.
- 265 17.85.080 Site plan requirement.
- 266 ...
- 267
- 268 **17.85.040 Setbacks from property lines. ~~Yards.~~**
- 269 A. Front Yards.
- 270

271 1. The minimum front yard required is ~~shall be~~ 25 feet unless a previous building line less than
272 this has been established, in which case the minimum front yard for interior lots shall be the
273 average of the setbacks of the main structures on abutting lots on either side if both lots are
274 occupied.

275
276 2. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot
277 plus one-half the remaining distance to the required 25-foot setback.

278
279 3. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 25
280 feet.

281
282 B. Side Yards. The minimum side yard required, ~~on each side of a principal building,~~ is five feet.
283 The minimum side yard required on the street side of a corner lot is 10 feet.

284
285 C. Rear Yards. The minimum rear yard required is 10 feet.

286
287 **Chapter 17.95**
288 **RNC – RURAL NEIGHBORHOOD COMMERCIAL**

289 ...

290
291 **17.95.080 Setbacks from property lines.**

292 A. Front Yard. The minimum front yard required is ~~There is a required front yard setback of~~
293 25 feet.;

294
295 B. Side Yard. The minimum side yard required is ~~There is a required side setback of~~ 15 feet.;

296 and

297
298 C. Rear Yard. The minimum rear yard required is ~~There is a required rear setback of~~ 20 feet.

299
300 **Chapter 17.100**
301 **UNC – URBAN NEIGHBORHOOD COMMERCIAL**

302 ...

303
304 **17.100.080 Setbacks from property lines.**

305 A. Front Yard. The minimum front yard required is ~~There is a required front yard setback of~~
306 25 feet.;

307
308 B. Side Yard. The minimum side yard required is ~~There is a required side yard setback of~~ five
309 feet.;

and

310
311 C. Rear Yard. The minimum rear yard required is ~~There is a required rear yard setback of~~ 10
312 feet.

313
314 **Chapter 17.105**
315 **I – INDUSTRIAL DISTRICT**

316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360

Sections:

- 17.105.005 Description and intent.
- 17.105.010 Permitted uses.
- 17.105.020 Conditional uses.
- 17.105.030 Lot requirements.
- 17.105.040 Setbacks from property lines. ~~Yards.~~
- 17.105.050 Building height limit.
- 17.105.060 Performance standards.

...

17.105.040 Setbacks from property lines. ~~Yards.~~

A. Front Yards.

1. The minimum front yard required is ~~There shall be a front yard of not less than~~ 30 feet.
2. The minimum front yard required is ~~The front yard, when facing a state highway, shall be not less than~~ 50 feet when facing a state highway.

B. Side Yards. ~~1. There shall be a side yard on each side of a principal building of not less than~~ The minimum side yard required is 20 feet, except that approved fire wall installations between adjoining structures provide for construction on the lot line.

C. Rear Yards. ~~1. There shall be a rear yard of not less than~~ The minimum rear yard required is 20 feet, except that approved fire wall installations between adjoining structures provide for construction on the lot line.

D. Exemptions. Waterfront industries are exempt from the requirements of this section.

**Chapter 17.130
PL – PUBLIC USE LANDS DISTRICT**

Sections:

- 17.130.010 Description and intent.
- 17.130.020 Permitted uses.
- 17.130.030 Conditional uses.
- 17.130.035 Temporary uses.
- 17.130.040 Area requirements.
- 17.130.050 Setbacks from property lines. ~~Yards.~~
- 17.130.060 Building height limit.

...

17.130.050 Setbacks from property lines. ~~Yards.~~

A. Front Yard. The minimum front yard required is 25 feet.

361 B. Side Yard. The minimum side yard required ~~on each side of a principal building~~ is 10 percent
362 of the lot's width or 25 feet, whichever is less ~~but need not exceed 25 feet~~. The minimum side
363 yard required ~~side yard~~ on the street side of a corner lot is 25 feet.

364
365 C. Rear Yard. The minimum rear yard required is 25 percent of the lot's depth or 25 feet,
366 whichever is less ~~but need not exceed 25 feet~~.

367
368 **Effective Date:** This ordinance takes effect upon adoption.

369
370 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**
371 **THIS FIRST DAY OF FEBRUARY, 2018.**
372

KODIAK ISLAND BOROUGH



Daniel A. Rohrer, Mayor

ATTEST:


Nova M. Javier, MMC, Clerk

373

374

VOTES:

375

Ayes: Kavanaugh, Schroeder, Skinner, Smiley, Crow

376

Absent: Symmons, Van Daele