

Introduced by: KIB Manager  
Drafted by: P&Z Commission  
Introduced on: 10/19/2017  
Public Hearing Date: 11/02/2017  
Postponed to: 12/21/2017  
Adopted on: 12/21/2017

**KODIAK ISLAND BOROUGH  
ORDINANCE NO. FY2018-15**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH REZONING  
EMERALD ISLE ESTATES TRACT FROM R3-MULTIFAMILY RESIDENTIAL DISTRICT TO  
R1-SINGLE-FAMILY RESIDENTIAL DISTRICT (P&Z CASE NO. 18-002)**

**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. FY2008-10) 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**, the Planning and Zoning Commission received a request to rezone Emerald Isle Estates Tract from R3-Multifamily Residential District to R1-Single-Family Residential District; and

**WHEREAS**, at an advertised public hearing, consistent with Kodiak Island Borough Code 17.205.040, the Planning and Zoning Commission considered the merits of the rezone request; and

**WHEREAS**, the Planning and Zoning Commission voted to recommend to the Borough Assembly that Emerald Isle Estates Tract be rezoned from R3-Multifamily Residential District to R1-Single-Family Residential District, finding that the public necessity, convenience, general welfare, and good zoning practice would be enhanced by such action; and

**WHEREAS**, at an advertised public hearing, consistent with Kodiak Island Borough Code 17.205.040, the Borough Assembly considered the merits of the rezone request.

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

**Section 1:** This ordinance is NOT of permanent nature and shall NOT become a part of the Kodiak Island Borough Code of Ordinances.

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**Section 2:** Emerald Isle Estates Tract is hereby rezoned from R3-Multifamily Residential District to R1-Single-Family Residential District.

**Section 3:** By this ordinance, the Borough Assembly adopts the following findings of fact in support of their approval of this rezone.

1. The applicant desires to limit development of Emerald Isle Estates Tract, and any lots that may be created by subdivision of the tract, to single-family dwellings and associated incidental and subordinate uses. Rezoning the parcel from R3-Multifamily Residential District to R1-Single-Family Residential District will facilitate the desired development.
2. The parcel is situated in a longstanding neighborhood that is generally residential in character and zoning. Rezoning the parcel from R3-Multifamily Residential District to R1-Single-Family Residential District will maintain that residential character and be consistent with the surrounding zoning.
3. The parcel is capable of providing multiple building sites and parking areas that can accommodate the full range of uses permitted in the R1-Single-Family Residential District.
4. The rezone is consistent with the Urban Residential Comprehensive Plan Future Land Use Designation assigned to the lot. The rezone is also consistent with, and will further implement, various land use and economic goals, policies, and implementation actions identified in the adopted Comprehensive Plan.
5. The Planning and Zoning Commission recommends that the Borough Assembly approve this rezone.

**Effective Date:** This ordinance shall become effective upon verification by the Community Development Department that all structures and uses on Emerald Isle Estates Tract have been brought into compliance with the requirements of Title 17 (Zoning) of the Borough Code. Should all structures and uses not be brought into compliance within 36 months of Assembly approval, this approval shall become null and void.


**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS TWENTY FIRST DAY OF NOVEMBER, 2017.**

KODIAK ISLAND BOROUGH



Daniel A. Rohrer, Mayor

ATTEST:

  
Nova M. Javier, MMC, Clerk

**VOTES:**

Ayes: Kavanaugh, Schroeder, Skinner, Symmons, Van Daele

Noes: Crow

Absent: Smiley