

Introduced by: Borough Manager
Requested by: P&Z Commission
Drafted by: Community Development Department
Introduced on: 03/21/2019
Public Hearing Date: 04/04/2019
Amended on: 04/04/2019
Adopted on: 04/04/2019

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2019-06**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
REZONING LOTS 1 THRU 3, 4A, 6 THRU 11, TRACT B, AND TRACT C, CLIFF POINT
ESTATES OCEANFRONT ADDITION NO. 1 SUBDIVISION AND LOTS 12 THRU 34,
CLIFF POINT ESTATES, OCEANFRONT ADDITION NO. 2 SUBDIVISION FROM C-
CONSERVATION DISTRICT TO RR2-RURAL RESIDENTIAL TWO DISTRICT (P&Z
CASE NO. 19-017)**

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 property owners applied for a rezone of this property from C-Conservation District to RR2-Rural Residential Two 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 on February 20, 2019; and

WHEREAS, the Planning & Zoning Commission voted to recommend to the Borough Assembly that the site be rezoned from C-Conservation District to RR2-Rural Residential Two District finding that the public necessity, convenience, general welfare, and good zoning practice would be enhanced by such action.

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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.

Section 2: Lots 1 thru 3, 4A, 6 thru 11, Tract B, and Tract C, Cliff Point Estates Oceanfront Addition No. 1 Subdivision and Lots 12 thru 34, Cliff Point Estates, Oceanfront Addition No. 2 Subdivision are hereby rezoned from C-Conservation District to RR2-Rural Residential Two District.

Section 3: When further subdivided, the Planning and Zoning Commission, during the platting process, shall require the establishment of a stream buffer—not to exceed 50 feet—for the stream identified in the Anadromous Waters Catalog as Stream No. 259-22-10047.

Section 4: By this ordinance, the Borough Assembly adopts the following findings of fact in support of their approval of this rezone.


1. The site is of sufficient area to be subdivided into multiple lots of two acres or more with all lots being capable of providing suitable building sites, off street parking areas, and access drives to serve most permitted and conditional uses allowed in RR2 zoning.
2. The site's current C-Conservation zoning limits development potential of the available building sites by requiring a minimum lot size of five acres.
3. The rezone to RR2-Rural Residential Two District will increase the development potential and use of available building sites by accommodating further subdivision to create lots as small as two acres.
4. The rezone to RR2-Rural Residential Two will provide the applicant with an increased development potential that better suites their envisioned composition and development density for the site.
5. The rezone satisfactorily addresses certain issues and is consistent with various goals, policies, and implementation actions identified in the adopted Comprehensive Plan.
6. The Planning and Zoning Commission recommends that the Borough Assembly approve this rezone.

Effective Date: This ordinance shall become effective upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS FOURTH DAY OF APRIL, 2019.**

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KODIAK ISLAND BOROUGH


Daniel A. Rohrer, Mayor

ATTEST:


Tara Welinsky, Clerk

VOTES:

Ayes: Arndt, Kavanaugh, Schroeder, Smiley, Symmons, Turner