

Introduced by: Borough Manager  
Drafted by: CDD Director  
Introduced on: 08/16/2018  
Public Hearing Date: 09/06/2018  
Amended: 09/06/2018  
Adopted on:09/06/2018

**KODIAK ISLAND BOROUGH  
ORDINANCE NO. FY2019-08**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH PLACING A  
TEMPORARY MORATORIUM ON THE ENFORCEMENT OF EXISTING VIOLATIONS OF  
TITLE 17 (ZONING) OF THE BOROUGH CODE FOR ALL PROPERTIES LOCATED WITHIN  
THE CORPORATE LIMITS OF THE CITY OF LARSEN BAY**

**WHEREAS,** an investigation into a May 25, 2016 complaint confirmed allegations that three long-standing commercial lodge operations were operating on eight R1-Single-Family Residential zoned parcels in the City of Larsen Bay; and

**WHEREAS,** that substantiated complaint prompted two lodge owners to attempt to bring their lodges into compliance by submitting requests to rezone five of the parcels from R1-Single-Family Residential District to B-Business District; and

**WHEREAS,** the Borough Assembly approved a rezone of one of these parcels and denied rezones for four of these parcels; and

**WHEREAS,** to currently comply with Kodiak Island Borough Code Title 17 (Zoning), the affected lodge owners must cease and desist all lodge related activities taking place on their R1-Single-Family Residential zoned properties; and

**WHEREAS,** the affected commercial lodge owners have not completed their 2018 season and have booked clients through the end of that season; and

**WHEREAS,** placing a temporary moratorium on the enforcement of existing violations of Kodiak Island Borough Code Title 17 (Zoning) will allow those affected lodge owners to continue to operate their lodges through the end of the 2019 season; and

**WHEREAS,** at the August 9, 2018 Work Session the Borough Assembly discussed the need for a moratorium on the enforcement of existing violations of Title 17 (zoning) of the Borough Code for properties located within the corporate limits of the city of Larsen Bay until the final decision on adopting the plan is rendered; and

**WHEREAS,** after those discussions, the Borough Assembly directed staff to draft this moratorium ordinance for introduction at the August 16, 2018 Regular Meeting; and

46 **WHEREAS,** at the August 16, 2018 Regular Meeting the Borough Assembly reviewed this  
47 moratorium ordinance and approved a motion to advance it to public hearing at the next Regular  
48 Meeting; and

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50 **WHEREAS,** at the August 30, 2018 Work Session, the Borough Assembly further considered  
51 the need for this moratorium; and

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53 **WHEREAS,** At the September 6, 2018 Regular meeting, the Borough Assembly held a public  
54 hearing on this moratorium ordinance.

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

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

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62 **Section 2:** A temporary moratorium is hereby placed on the enforcement of Kodiak Island  
63 Borough Code Title 17 (Zoning) violations that occurred on any property within the corporate limits  
64 of the City of Larsen Bay prior to the adoption of this ordinance (existing violations).

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66 **Section 3:** This temporary moratorium shall not apply to any Kodiak Island Borough Code Title  
67 17 (Zoning) violations that occurred on any property within the corporate limits of the City of  
68 Larsen Bay after the date of adoption of this ordinance (new violations).

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70 **Section 4:** This temporary moratorium shall take effect upon adoption and shall sunset on  
71 December 31, 2019.

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73 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
74 **THIS SIXTH DAY OF SEPTEMBER, 2018.**

75  
76 KODIAK ISLAND BOROUGH

ATTEST:

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80 Daniel A. Rohrer, Mayor

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Nova M. Javier, MMC, Clerk

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82 **VOTES:**

83 Ayes: Crow, Schroeder, Skinner, and Van Daele

84 Noes: Kavanaugh, Smiley, and Symmons  
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