

Introduced by: Assembly Member Arndt  
Drafted by: Assembly Member Arndt  
Introduced on: 06/20/2019  
Public Hearing Date:09/05/2019  
Public Hearing Date:10/03/2019  
Adopted on: 10/03/2019

**KODIAK ISLAND BOROUGH  
ORDINANCE NO. FY2019-20**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH AMENDING CHAPTER 17.160 KIBC (ACCESSORY BUILDINGS AND ACCESSORY DWELLING UNITS), AND RELATED CHAPTERS 17.65 KIBC (RR – RURAL RESIDENTIAL) AND CHAPTER 17.70 (RR1 – RURAL RESIDENTIAL ONE DISTRICT) TO CHANGE PERMITTED USES, CONDITIONAL USES AND DEVELOPMENT STANDARDS RELATED TO PARKING AND SIZE LIMIT**

**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 public necessity and general welfare of the community may be better served by amending the code to include development standards and zoning requirements for accessory dwelling units and to list them as a permitted use in certain residential zoning districts; and

**WHEREAS**, the amendments to Chapters 17.160 KIBC (Accessory Buildings and Accessory Dwelling Units), 17.65 KIBC (RR-Rural Residential), and 17.70 (RR1-Rural Residential One), of Title 17 will accomplish the stated public need.

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

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

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

**Chapter 17.65  
RR – RURAL RESIDENTIAL DISTRICT**

...  
**17.65.030 Permitted accessory uses and structures.**  
A. Accessory buildings.

- 49 B. Home occupations.  
50 C. Hoop houses. [Ord. FY2012-10 §7, 2012; Ord. 89-31-O §2, 1989. Formerly §17.16.030].  
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52 **17.65.040 Conditional uses.**

53 The following land uses may be permitted by obtaining a conditional use permit in accordance  
54 with Chapter 17.200 KIBC:

- 55 A. Firework stands;  
56 B. Recreational vehicle parks;  
57 C. Accessory dwelling units (ADUs). [Ord. FY2017-21 §2, 2017; Ord. 2016-07 §2, 2016; Ord.  
58 89-31-O §2, 1989. Formerly §17.16.040].  
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60 **Chapter 17.70**

61 **RR1 – RURAL RESIDENTIAL ONE DISTRICT**

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63 **17.70.020 Permitted uses.**

64 The following land uses are permitted in the rural residential one district:

- 65 A. Accessory buildings;  
66 B. Agricultural buildings and activities;  
67 C. Churches;  
68 D. Fishing activities when an owner-occupied dwelling is present on the premises;  
69 E. Greenhouses;  
70 F. Horticultural buildings and activities;  
71 G. Single-family dwellings;  
72 H. Home occupations;  
73 I. Vacation homes;  
74 J. Bed and breakfasts;  
75 K. Recreational cabins;  
76 L. Hoop houses; and  
77 M. Accessory dwelling units (ADUs) (attached). [Ord. FY2017-21 §2, 2017; Ord. FY2012-10 §8,  
78 2012; Ord. FY2007-08-O §8, 2006; Ord. 84-59-O §1, 1984; Ord. 83-15-O §2, 1983. Formerly  
79 §17.17.020].  
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81 **17.70.030 Conditional uses.**

82 The following land uses may be allowed by obtaining a conditional use permit in accordance  
83 with

84 the provisions of Chapter 17.200 KIBC:

- 85 A. Fireworks stands;  
86 B. Recreational vehicle parks;  
87 C. Marijuana cultivation, limited (lots equal to or greater than 40,000 square feet); and  
88 D. Accessory dwelling units (ADUs) (detached). [Ord. FY2017-21 §2, 2017; Ord. FY2017-27 §2,  
89 2017; Ord. FY2016-07 §2, 2016; Ord. 84-59-O §1, 1984; Ord. 83-15-O §2, 1983. Formerly  
90 §17.17.030].

91 **Chapter 17.160**

92 **ACCESSORY BUILDINGS AND ACCESSORY DWELLING UNITS**

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94 **17.160.070 Accessory dwelling units.**

- 95 A. Intent. Accessory dwelling units (ADUs) 46 add options and housing choice in residential  
96 neighborhoods and can be an effective way to add affordable housing to existing  
97 neighborhoods. ADUs also provide a flexible way to address family needs for additional

98 housing. ADUs are not intended for use as transient housing and shall not be permitted for use  
99 as a bed and breakfast.

- 100 1. ADUs are not intended to allow a two-family residence in any single-family residential  
101 zoning district.  
102 2. ADUs are not intended to circumvent the parking requirements for a two-family  
103 dwelling (duplex) in the R-2 zoning district.

104 B. Permitted Uses.

- 105 1. ADUs are a permitted use in the following residential zoning districts:  
106 a. Chapter 17.50 KIBC, C – Conservation District;  
107 b. Chapter 17.60 KIBC, RR2 – Rural Residential Two District;  
108 c. Chapter 17.70 KIBC, RR1 – Rural Residential One District (attached);  
109 d. Chapter 17.75 KIBC, R1 – Single-family Residential District (attached);  
110 e. Chapter 17.80 KIBC, R2 – Two-family Residential District.

111 C. Conditional Uses.

- 112 1. ADUs are a conditional use in the following residential zoning districts:  
113 a. Chapter 17.65 KIBC, RR – Rural Residential District;  
114 b. Chapter 17.70 KIBC, RR1 – Rural Residential One District (detached);  
115 c. Chapter 17.75 KIBC, R1 – Single-family Residential District (detached).

116 D. Development Standards for ADUs.

- 117 1. Only one ADU shall be permitted on a lot.  
118 2. Location. An ADU may be attached to or located within a single-family residence or  
119 within a detached accessory building on the same lot as the single-family residence or  
120 as a separate structure on that lot. If the ADU is located within a single-family dwelling,  
121 there shall only be one entrance to the front of the house. Separate entrances to an ADU  
122 located within the principal dwelling or attached to it are permitted at the side or the rear  
123 of the principal dwelling unit.  
124 3. ADUs are required to comply with all applicable building and fire code requirements.  
125 4. Water Supply and Wastewater Disposal. The accessory dwelling unit must have a  
126 bathroom and shall share the same sewage disposal and water supply systems (e.g., a  
127 well and septic system or connection to public water and sewer) as the principal dwelling  
128 unit unless separate sewer and water connections are required by the city of Kodiak,  
129 ADEC, or the communities of Ahkiok, Karluk, Larsen Bay, Old Harbor, Ouzinkie, or Port  
130 Lions.  
131 5. ~~One additional parking space is required with an ADU.~~ Parking.  
132 a. Five off-street parking spaces are required for any lot with an ADU that is  
133 600 square feet or less (3 for the existing dwelling unit and 2 for the ADU).  
134 b. Six off-street parking spaces are required for any lot with an ADU that is  
135 greater than 600 square feet (3 for the existing dwelling unit and 3 for the  
136 ADU).  
137 6. Size Limit.  
138 ~~a. An ADU shall be limited to 480 square feet or less.~~ An ADU shall be limited  
139 to 575 square feet or less in the R1 and R2 Districts. In all other districts an  
140 ADU shall be limited to 725 square feet or less.  
141 b. Mobile homes, recreational vehicles, campers, and travel trailers are not  
142 permitted to be used as an ADU.  
143 7. The owner of the property shall live in the principal dwelling or the ADU.  
144 8. No new access points or driveways shall be created or installed for access to the  
145 ADU.  
146 9. Nonconforming Structures.  
147 a. ADUs may be located within an existing single-family detached dwelling that is  
148 nonconforming with respect to required setbacks, provided the ADU requirement

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for off-street parking is met.

b. ADUs are prohibited in any accessory structure that is nonconforming with respect to required setbacks.

10. Access for Emergency Services Providers.

a. The zoning compliance permit and site plan for an ADU must show the location of an unobstructed route of travel from the street to the ADU entrance.

b. Exterior doors and openings required by this code or the IBC shall be maintained readily accessible for emergency access by the fire department. An approved access walkway leading from the apparatus access roads to exterior openings shall be provided when required by the fire code official.

11. Variances

Nothing in this section guarantees any property owner the right to create an accessory dwelling unit unless it conforms to all provisions in this section and in the section for the zoning designation of the specified lot. Limitations due to natural features, lot size, lot dimensions, building layout, or other physical or environmental factors shall not be reasons for granting a variance from the standards and provisions of this section and the section for the zoning designation of the specified lot. No variances shall be granted for the creation of an attached or detached accessory dwelling unit.

**Effective Date:** This ordinance takes effect upon adoption. (Note: KIBC 2.30.070 states an ordinance takes effect upon adoption or at a later date specified in the ordinance.)

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS THIRD DAY OF OCTOBER, 2019.**

KODIAK ISLAND BOROUGH

ATTEST:



Daniel A. Rohrer, Mayor



Tara Welinsky, Clerk

**VOTES:**

Ayes: Schroeder, Smiley, Turner, Arndt

Noes: