

Introduced by: Borough Manager
Requested by: Planning & Zoning Commission
Drafted by: Community Development Department
Introduced on: 08/06/2020
Public Hearing Date: 08/20/2020
Adopted on: 08/20/2020

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2021-15**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH REZONING
LOTS 1 AND 2, ISTHMUS BAY FROM RR2 – RURAL RESIDENTIAL TWO DISTRICT TO C –
CONSERVATION DISTRICT (P&Z CASE NO. 20-007).**

WHEREAS, as a second-class borough, the Kodiak Island Borough exercises planning, platting, and land use regulations on an area wide basis pursuant to A.S. Chapter 29.40; 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 owner applied for a rezone of this property from RR2 – Rural Residential Two District to C – Conservation District on June 4, 2020; and

WHEREAS, at an advertised public hearing, consistent with KIBC 17.205.040, the Planning and Zoning Commission considered the merits of the rezone request on July 15, 2020; and

WHEREAS, a condition of approval from Rezone Case 20-007 requires the applicant to modify lot lines so that rezoned lots meet the C – Conservation District 5-acres minimum lot area requirement; and

WHEREAS, the Planning & Zoning Commission voted to recommend to the Borough Assembly that the site be rezoned from RR2 – Rural Residential Two District to C – Conservation 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 and 2, Isthmus Bay Subdivision, are hereby rezoned from RR2 – Rural Residential Two District to C – Conservation District.

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

1. Lodge-type businesses are prohibited in RR2 - Rural Residential Two Zoning District.
2. The rezone would be consistent with the objectives of the comprehensive plan.
3. The requested zoning district, C – Conservation, requires a minimum lot area of 5 acres. The area of Lot 1 is 4.47 acres.

Effective Date: This ordinance takes effect upon satisfaction of the condition of approval.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS TWENTIETH DAY OF AUGUST 2020.**

KODIAK ISLAND BOROUGH

ATTEST:



William Roberts, Mayor

Alise L. Rice, Borough Clerk

VOTES:
Ayes: Turner, Arndt, Kavanaugh, Schroeder, Skinner
Noes: Dvorak