

1 Introduced by: Borough Manager thru the Mayor
2 Requested By: City of Larsen Bay
3 Drafted by: Community Development
4 Introduced on: 10/15/2020
5 Remanded Back to P-n-Z 11/05/2020
6 Public Hearing Date: 01/07/2021
7 Adopted on: 01/07/2021

8 **KODIAK ISLAND BOROUGH**
9 **ORDINANCE NO. FY2021-18**

10
11 **AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH REZONING A**
12 **PORTION OF TRACT 37, TOWNSHIP 30 SOUTH, RANGE 20 WEST, SECTION 32, SEWARD**
13 **MERIDIAN FROM C – CONSERVATION TO R1 – SINGLE FAMILY RESIDENTIAL AND PL –**
14 **PUBLIC USE LAND (ZONING WILL CORRESPOND TO LOTS CREATED BY ABBREVIATED**
15 **SUBDIVISION S21-002).**

16
17 **WHEREAS,** as a second-class borough, the Kodiak Island Borough exercises planning, platting,
18 and land use regulations on an area wide basis pursuant to A.S. Chapter 29.40; and

19
20 **WHEREAS,** in accordance with AS 29.40, the City of Larsen Bay Comprehensive Plan was
21 adopted by resolution as a subset of the KIB comprehensive plan on November 1, 1984; and

22
23 **WHEREAS,** the Kodiak Island Borough has adopted KIBC Title 17 (Zoning) in accordance with
24 AS 29.40 to implement the Kodiak Island Borough Comprehensive Plan; and

25
26 **WHEREAS,** KIBC 17.205.010 provides that “Whenever the public necessity, convenience,
27 general welfare or good zoning practice requires, the assembly may, by ordinance and after report
28 thereon by the commission and public hearing as required by law, amend, supplement, modify,
29 repeal or otherwise change these regulations and the boundaries of the districts”; and

30
31 **WHEREAS,** the property owner applied for a rezone of this property from C-Conservation to R1
32 – Single Family Residential and PL – Public Use Land on July 30, 2020; and

33
34 **WHEREAS,** staff finds the request to be consistent with the Comprehensive Plan; and

35
36 **WHEREAS,** at an advertised public hearing, consistent with KIBC 17.205.040, the Planning and
37 Zoning Commission considered the merits of the rezone request on September 16, 2020 and on
38 December 16, 2020; and

39
40 **WHEREAS,** the Planning & Zoning Commission voted at both meetings to recommend to the
41 Borough Assembly that the site be rezoned from C – Conservation District to R1 – Single Family
42 Residential and PL – Public Use Lands, finding that the public necessity, convenience, general
43 welfare, and good zoning practice would be enhanced by such action.

44
45 **NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND**
46 **BOROUGH that:**

47
48 **Section 1:** This ordinance is NOT of permanent nature and shall NOT become a part of the
49 Kodiak Island Borough Code of Ordinances.
50

51 **Section 2:** A portion of Tract 37, Township 30 South, Range 20 West, Section 32, Seward
52 Meridian is hereby rezoned from C – Conservation to R1 – Single Family
53 Residential and PL – Public Use Land (per corresponding Subdivision S21-002),
54 subject to one effective clause:
55

- 56 1. Rezone will become effective when the final plat for Abbreviated Case
57 S21-002 is filed.
58

59
60 **Section 3:** By this ordinance, the Borough Assembly adopts the following Findings of Fact in
61 support of their approval of this rezone.
62

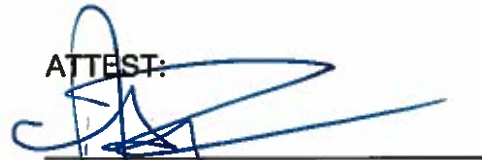
- 63 1. Rezoning the subject parcel is required to facilitate subdivision of the
64 parcel.
65 2. Rezoning the parcel to correspond with the proposed lots granted
66 preliminary approval would bring the parcel/s from non-conforming to
67 conforming in accordance with current use and minimum lot size
68 requirements.
69 3. This rezone request is consistent with the goals and objectives of the 1984
70 Larsen Bay Comprehensive Plan.
71

72
73 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**
74 **THIS SEVENTH DAY OF JANUARY 2021**
75

76 KODIAK ISLAND BOROUGH

77
78 
79
80 William Roberts, Mayor

81
82
83
84
85
86
ATTEST:


Alise L. Rice, Borough Clerk

VOTES:

Ayes: Dvorak, Kavanaugh, Smith, Turner, and Williams

Noes: Arndt

Absent: Symmons

