

Introduced by: Community Development
Drafted by: Community Development Director
Introduced on: 10/15/2020
Public Hearing Date: 11/05/2020
Adopted on: 11/05/2020

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2021-19**

AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH AMENDING VARIOUS CHAPTERS OF KIBC TITLE 17 (ZONING) TO ADDRESS ISSUES SUCH AS NECESSARY UPDATES, ERRORS AND OMISSIONS AND PROCEDURAL CLARIFICATION.

WHEREAS, as a second-class borough, the Kodiak Island Borough exercises planning, platting, and land use regulation on an area wide basis pursuant to Chapter 29.40 Alaska Statutes; and

WHEREAS, code revision becomes necessary from time to time due to policy changes, procedural updates and discovered errors; and

WHEREAS, the Planning and Zoning Commission and the Community Development Department believe that amendments to Title 17 (Zoning) will provide for necessary updates and procedural clarity; and

WHEREAS, The Planning & Zoning Commission held a work session on September 9, 2020; and

WHEREAS, after a public hearing on September 16, 2020, the Planning and Zoning Commission voted to transmit the proposed amendments to the Assembly for consideration; and

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: That Kodiak Island Borough Code Title 17, Zoning, is amended to read as follows:

38 Chapter 17.15
39 GENERAL PROVISIONS AND USE REGULATIONS
40

41 17.15.060 Zoning compliance.

42 A. A zoning compliance permit is required for site grading (excavation and fill), erection,
43 construction, demolition, establishment, moving, alteration, enlargement, repair, or conversion
44 of any building or structure in any district established by this title, subject to the following:
45

46 1. An application for zoning compliance will be filed with the community development
47 department on a form provided by the department. If the application meets the requirements
48 of this title, as verified in the department, and other applicable regulations, a permit will be
49 issued. An as-built of the property may be required to ensure that applicable requirements
50 can be met, when existing structures are located on the property. Any zoning compliance
51 permit issued is subject to the same expiration, suspension, and revocation provisions as a
52 building permit issued for the same construction project (see Uniform Building Code Section
53 303(d) and (e), as per currently adopted building code (KIBC 15.05.020).

54 2. No building permit shall be issued by a building official until the community development
55 department has verified from the application for zoning compliance for a proposed building
56 that it conforms and will be occupied for a use in conformity with the provisions and
57 regulations of this title, except that this provision shall not apply to building permits for
58 residential structures when no yard or height changes are involved. Any building permit
59 issued in conflict with this title is null and void.
60

61 B. A zoning compliance permit is required for any structure, regardless of type of
62 foundation or base support, including skid-mounted or other movable structure that also
63 requires a building permit. Minor structural developments less than 200 square feet that do
64 not require a building permit are not required to obtain a zoning compliance permit.
65

66 C. A zoning compliance permit is required for any change of use in a structure.
67

68 Chapter 17.25
69 DEFINITIONS
70

71 17.25.030 B definitions.

72 Building, Accessory. "Accessory building" means:
73

74 A. A detached building, the use of which is appropriate, subordinate, and customarily incidental
75 to that of the main building, located on the same lot as the main building which is not designed or
76 intended to be used for living or sleeping purposes.
77

78 B. An accessory building shall be considered to be a part of a main building when joined to the
79 main building by a common wall not less than four feet long or by a roofed passageway which
80 shall not be less than eight feet in width.
81

82 C. Any structure, regardless of type of foundation or base support, including skid-mounted or
83 other movable structure that also requires a building permit for construction (for example,
84 structures where the projected roof area exceeds 120 square feet). A minor structural
85 development that does not require a building permit is not regulated by this chapter.
86

87 "Building code" means the **current adopted** building code and/or other building regulations
88 applicable in the borough and city.

89
90 "Building official" means the officer charged with the administration and enforcement of ~~this title~~
91 **the building code.**

92
93 **17.25.050 D definitions.**

94
95 "Dwelling" means a building, or any portion thereof, designed or used exclusively for residential
96 occupancy including one-family, two-family, and multiple-family dwellings, but not including any
97 other building wherein human beings may be housed.

98 Dwelling, Multiple-Family. "Multiple-family dwelling" means any building containing three or more
99 dwelling units.

100 Dwelling, One-Family. "One-family dwelling" means any detached building containing only one
101 dwelling unit.

102
103 Dwelling, Two-Family. "Two-family dwelling" means any building containing only two dwelling
104 units.

105
106 **Dwelling, Two-Family, Detached. "Detached two-family dwelling" means two detached**
107 **buildings on the same lot, each containing a single dwelling unit and where neither is**
108 **accessory to the other.**

109
110 "Dwelling unit" means one or more rooms and a single kitchen in a dwelling designed as a unit
111 for occupancy by not more than one family for living or sleeping purposes, and in which not more
112 than two persons are lodged for hire.

113
114 **17.25.130 L definitions.**

115
116 **"Lot Width" means the horizontal distance between the side lot** straight lines ~~measured at~~
117 ~~right angles to the lot depth at a point midway between the~~ connecting **front and rear lot lines** at
118 each side of the lot, measured between the midpoints of such lot lines except that such
119 measurement shall not extend outside the lot lines of the lot being measured.

- 120 1. When calculating flag lot width, the narrower extension of the lot that provides access
121 to the public road right-of-way (flat stem) shall be excluded.

122
123 **17.25.140 M definitions.**

124
125 "Motel" means a group of one or more detached or semidetached buildings containing two or
126 more individual dwelling units and/or guest rooms, designed for or used temporarily by automobile
127 tourists or transients. ~~with a garage attached or parking space conveniently located to each unit,~~
128 ~~including groups designated as auto courts, motor lodges, or tourist courts.~~

129
130 **Effective Date:** This ordinance takes effect upon adoption.

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132 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**
133 **THIS FIFTH DAY OF NOVEMBER, 2020.**

135 KODIAK ISLAND BOROUGH

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William Roberts, Mayor

ATTEST:


Alise L. Rice, Borough Clerk

VOTES:

Ayes: Skinner, Symmons, Turner, Arndt, Dvorak, Kavanaugh, and Schroeder

Noes:

