

Introduced by: Community Development Department
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. FY2021-20**

AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH REZONING LOTS 1, 2 & 3, BLOCK 13, ALEUTIAN HOMES SUBDIVISION, FROM R2-TWO-FAMILY RESIDENTIAL TO B-BUSINESS.

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 owned applied for a rezone of this property from R2-Two-Family Residential to UNC – Urban Neighborhood Commercial on July 7, 2020; and

WHEREAS, in the staff report dated 8/24/2020, staff recommended a change in the rezone request from UNC - Urban Neighborhood Commercial to B-Business, and the applicant agreed; and

WHEREAS, staff finds that while the request is not consistent with the future residential land used designation presented in the 2008 KIB Comprehensive Plan, it is consistent with the future commercial/business land use designation trend along the commercial corridor that runs the length of Mill Bay Road from the West Rezanof Intersection to the East Rezanof Intersection and with the goals and objectives of the 2008 KIB Comprehensive Plan; 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 September 16, 2020; and

WHEREAS, the Planning & Zoning Commission voted to recommend to the Borough Assembly that the lots be rezoned from R2-Two-Family Residential to B-Business, finding that the public necessity, convenience, general welfare, and good zoning practice would be enhanced by such action.

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

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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: That Lots 1, 2 and 3, Block 13, Aleutian Homes Subdivision is hereby rezoned from R2-Two-Family Residential to B-Business.

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

1. Rezoning these parcels is consistent with the overall commercial corridor trend seen in the current zoning along Lower Mill Bay Road and Mill Bay Road;
2. This rezone will provide for new commercial and housing opportunities in the immediate area;
3. The rezone will increase the borough's tax base;
4. The rezone is consistent with the goals and objectives of the 2008 Kodiak Island Borough Comprehensive Plan.

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 FIFTH DAY OF November, 2020.**

KODIAK ISLAND BOROUGH



William Roberts, Mayor

ATTEST:



Alise L. Rice, Borough Clerk

VOTES:

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

Noes:

