

Introduced by: Community Development Department thru the Mayor
Drafted by: Community Development Director
Introduced on: 01/10/2022
Public Hearing Date: 02/03/2022
Adopted on:02/03/2022

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2022-08**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH REZONING
COMMERCIAL TRACT 1 & 2 OF TRACT S-5A-1, BEING A PORTION U.S.S. 3218 & 3467 &
3469, PLAT 93-34, FROM SPLIT ZONE I-INDUSTRIAL AND B-BUSINESS DISTRICT TO B-
BUSINESS DISTRICT (P&Z CASE NO. 22-006)**

WHEREAS, as a second-class borough, the Kodiak Island Borough exercises planning, platting, and land use regulations on an area wide basis pursuant to Chapter 29.40 Alaska Statutes; 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 Split Zone I-Industrial and B-Business District to B-Business District on November 10, 2021; and

WHEREAS, at an advertised public hearing, consistent with Kodiak Island Borough Code 17.205.040, the Planning and Zoning Commission considered the merits of the rezone request on December 15, 2021; and

WHEREAS, the Planning & Zoning Commission voted to recommend to the Borough Assembly that the site be rezoned from Split Zone I-Industrial and B-Business District to B-Business District 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: Commercial Tract 1 & 2 of Tract S-5A-1, Being a portion U.S.S. 3218 & 3467 & 3469, PLAT 93-34 from Split Zone I-Industrial and B-Business District to B-Business District.

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

1. The rezone would be consistent with the land use goals and policies of the 2008 Comprehensive Plan.
2. The rezone would implement a 2008 comprehensive plan action to mitigate confusion in zoning.
3. The rezone would assist the owner's ability to develop commercial property and alleviate the conflicts from having split zone Industrial and Business District zoning regulations.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS THIRD DAY OF FEBRUARY, 2022.**

KODIAK ISLAND BOROUGH


Aimee Williams, Deputy Presiding Officer

ATTEST:


Lina Cruz, Borough Deputy Clerk

VOTES:

Ayes: Arndt, Delgado, Smiley, Smith, Turner, and Williams

Noes: