

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

**KODIAK ISLAND BOROUGH  
ORDINANCE NO. FY2023-19**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH AMENDING  
KODIAK ISLAND BOROUGH CODE SECTION 17.175.050, OFF-STREET PARKING -  
LOCATION**

**WHEREAS**, the Kodiak Island Borough Code 17.175.050 permits parking requirements under KIBC 17.175.040 to be satisfied by securing parking on another lot based upon common ownership, long term easement, license, or permit; and as necessary to describe the reasons for the ordinance; and

**WHEREAS**, the Kodiak Island Borough routinely recommends a condition that any parking encumbrance used to satisfy the parking requirements KIBC 17.175.040 on a separate lot be recorded in order to provide notice to potential future buyers; and

**WHEREAS**, the Kodiak Island Borough Code does not currently require recording of notice of a parking encumbrance where parking on a separate lot is required to comply with KIBC 17.175.040; and as necessary to describe the reasons for the ordinance; and

**WHEREAS**, the Kodiak Island Borough Assembly finds that, where off-street parking requirements for a building use are met by an easement, license or permit for parking on another lot, the public interest supports memorializing the parking encumbrance so that potential buyers are aware of the scope of the parking encumbrance and are bound by its terms.

**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 Section 17.175.050 of the Kodiak Island Borough Code of Ordinances is amended to read as follows:

17.175.050 Off-street parking – Location.


All parking spaces required under KIBC 17.175.040 shall be on the same lot as, or any contiguous lot in common ownership as, the principal building or use that they serve; provided, that if the commission finds that it is impractical to locate the spaces on such a lot, it may permit them to be located on any lot within 600 feet of the principal building or use. The lot must be in common ownership or a long-term easement, license, or permit for use of the alternative parking shall be secured. Where parking spaces required for compliance with this Chapter are not located on the same lot as the principle Business use that they serve a notice shall be recorded identifying the benefitted lot and the burdened lot and memorializing the scope of the

45 parking encumbrance on the lot on which the required parking spaces are located. Once  
46 accepted as satisfying the requirements of KIBC 17.175.040, the approved parking  
47 encumbrance may not be modified unless the modification is reviewed and approved as  
48 provided in KIBC 17.175.100.

49  
50 All parking spaces required under KIBC 17.175.040 shall be located in a use district permitting  
51 the use which they serve.

52  
53 **Effective Date:** This ordinance takes effect upon adoption.

54  
55 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
56 **THIS SEVENTH DAY OF SEPTEMBER, 2023.**  
57

KODIAK ISLAND BOROUGH  
  
Scott Arndt, Mayor

ATTEST:  
  
Nova M. Javier, MMC | Borough Clerk

58  
59 Introduced by: Assembly  
60 First reading: 08/17/2023  
61 Second reading/public hearing: 09/07/2023  
62

63 VOTES:  
64 Ayes: Griffin, LeDoux, Sharratt, Smiley, Turner, Delgado  
65 Absent: Smith  
66  
67  
68