

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2024-10**

AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH REZONING LOT 1 & 2 ISTHMUS POINT USS 4935, LOT 1A, ISTHMUS BAY, LOT 2A, ISTHMUS BAY, FROM C - CONSERVATION DISTRICT TO RNC – RURAL NEIGHBORHOOD COMMERCIAL AND LOT 12 BROOKERS LAGOON FROM RR1 – RURAL RESIDENTIAL ONE DISTRICT TO RNC – RURAL NEIGHBORHOOD COMMERCIAL DISTRICT (P&Z CASE NO. 24-002)

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 boundaries of the districts”; and.

WHEREAS, the property owners applied for a rezone of these properties from the C-Conservation District and RR1-Rural Residential One District to the RNC-Rural Neighborhood Commercial District on August 16, 2023; and

WHEREAS, the Planning & Zoning Commission voted to recommend to the Borough Assembly that the subject properties be rezoned from C-Conservation and RR1-Rural Residential One 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:

Section 1: This ordinance is not of a general and permanent nature and shall not become a part of the Kodiak Island Borough Code of Ordinances.

Section 2: Lot 1 & 2 Isthmus Point, USS 4935, Lot 1a, Isthmus Bay, Lot 2a, Isthmus Bay, from C-Conservation District to RNC-Rural Neighborhood Commercial District and Lot 12 Brookers Lagoon from RR1-Rural Residential One District to RNC-Rural Neighborhood Commercial District.

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

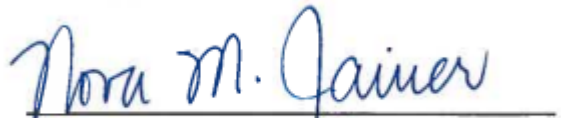
1. All improvements currently located on these subject properties are permitted uses in the RNC-Rural Neighborhood Commercial Zoning District
2. The rezone is consistent with the objectives of the comprehensive plan and in conformance with the future land use map for the Chiniak area.
3. The rezoning of contiguous lots is appropriate and recommended in the RNC-Rural Neighborhood Commercial District.

Effective Date: This ordinance takes effect upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS SECOND DAY OF NOVEMBER, 2023**

KODIAK ISLAND BOROUGH

ATTEST:



Scott Arndt, Mayor

Nova M. Javier, MMC Borough Clerk

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Introduced by: Mayor and Assembly

First reading: 10/19/2023

Second reading/public hearing: 11/02/2023

VOTES:

Ayes: Ames, LeDoux, Sharratt, Smiley, & Turner

Noes: Griffin & Whiteside