

Memorandum 11-063 GC1 District Conditional Uses and Structures

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MEMORANDUM 11-063

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL
WALT WREDE, CITY MANAGER

FROM: RICK ABBOUD, CITY PLANNER

DATE: MAY 4, 2011

SUBJECT: An Ordinance of the City Council of the City of Homer, Alaska, amending Chapter 21.24.030 General Commercial 1 District, Conditional uses and structures.

After holding a public hearing February 16th and reconsideration on March 2nd, the Homer Advisory Planning Commission has recommended against adopting the citizen petition requesting a text amendment to the General Commercial 1 District, and have adopted nine findings in support their decision.

The Homer Advisory Planning Commission reviewed a citizen petition requesting a text code amendment to allow for single family and duplex residences to be permitted in the General Commercial District as a Conditional Use according to HCC 21.95.020, "A specific proposal to amend the text of the zoning code will be considered by the Planning Commission and City Council, if requested, in writing and signed by fifty voters registered within the City." During the time in that the City Clerk verified the signatures, Ordinance 10-58 was enacted. The ordinance maintained the previous submittal requirements of a citizen petition for a text amendment while incorporating a new review standard (HCC 21.95.040). The Planning Department and Planning Commission reviewed the petition according to the new codified standards. After receiving a positive recommendation in Staff Report PL 11-15 at the Planning Commission's February 16th meeting, the Commission voted against supporting the proposed amendment 3 to 3. Noting few findings and little on the record to support the decision, the item was reconsidered.

At the March 2nd meeting, the Commission voted 5 to 1 in favor of reconsideration. After a lengthy discussion, the commission voted 5 to 1 not to adopt the recommendations and findings in Staff Report PL 11-15. The Commission then continued to adopt nine findings, all with a unanimous approval, in support their decision.

FINDINGS:

AMENDING GC1 ZONING TO ALLOW SINGLE FAMILY AND DUPLEX DWELLINGS IS NOT CONSISTENT WITH THE INTENT AND WORDING OF OTHER PROVISIONS OF TITLE 21.

GRANTING CUP STATUS WOULD INCREASE CONFLICTS WITH OTHER MORE FAVORED USES LIKE COMMERCIAL AND INDUSTRIAL.

AMENDING GC1 ZONING WILL NOT BE REASONABLE TO IMPLEMENT OR ENFORCE. THE ISSUE IS NONCONFORMING CITY WIDE.

ALLOWING SINGLE FAMILY RESIDENCES AND DUPLEX DWELLINGS AS A CONDITIONAL USE IN GC1 DOES NOT PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE FOR CHILDREN IN THE DISTRICT.

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GRANTING CUP'S FOR NONCONFORMING USES PERPETUATES THE USES INSTEAD OF DISCOURAGING THEM.

AMENDING THE GC1 DISTRICT WILL FURTHER LIMIT AVAILABLE LAND FOR COMMERCIAL ACTIVITIES.

AMENDING THE GC1 DISTRICT TO ALLOW SINGLE FAMILY AND DUPLEX DWELLINGS DOES NOT SOLVE THE PROBLEM OF THE NONCONFORMING ISSUE IN HOMER.

ZONING REGULATIONS THAT GROUP COMPATIBLE USES TEND TO REDUCE THE OCCURRENCE OF CONFLICT.

ALLOWING A CUP IS NOT INTENDED TO RESOLVE CONFLICT OF NONCONFORMING USES.

According to HCC 21.95.070, Review by the City Council, "After receiving the recommendations of the Planning Commission regarding an amendment proposal, the City Council shall consider the amendment proposal in accordance with the ordinance enactment procedures in the Homer City Code. The City Council may adopt the proposed amendment as submitted or with amendments, or reject the proposed amendment." The proposed amendment has been reviewed by the City Attorney.

Recommendation:

The Homer Advisory Planning Commission recommends the Homer City Council reject the proposed amendment.

ATTACHMENTS:

Petition

Draft Ordinance

SR PL 11-15, 11-32

HAPC minutes 2/16, 3/2

Related Ordinances **Memorandum - Related Ordinances:** [Ordinance 11-20 Code Amendment to Allow Single Family and Duplex Dwellings as Conditional Uses in the General Commercial 1 Zoning District](#)

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