

## **Ordinance 12-10 Enacting Homer City Code Chapter 21.27, East End Mixed Use District**

**Ordinance ID:** 12-10

**Ordinance Status:** Adopted

**Ordinance Summary:**

An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 21.27, East End Mixed Use District, Amending Homer City Code 21.10.010, Zoning Districts, and Amending the Homer Zoning Map to Rezone Portions of the Rural Residential, General Commercial One and General Commercial Two Zoning Districts to East End Mixed Use. Planning.

CITY OF HOMER  
HOMER, ALASKA

Planning

ORDINANCE 12-10

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ENACTING HOMER CITY CODE CHAPTER 21.27, EAST END MIXED USE DISTRICT, AMENDING HOMER CITY CODE 21.10.010, ZONING DISTRICTS, AND AMENDING THE HOMER ZONING MAP TO REZONE PORTIONS OF THE RURAL RESIDENTIAL, GENERAL COMMERCIAL ONE AND GENERAL COMMERCIAL TWO ZONING DISTRICTS TO EAST END MIXED USE.

WHEREAS, Chapter 4 Goal 1 Objective C of the Homer Comprehensive Plan states: Develop clear and well-defined land use regulations and update the zoning map in support of the desired pattern of growth; and

WHEREAS, Chapter 4 Goal 1 Objective B of the Homer Comprehensive Plan calls for the establishment of an E-MU zoning district to accommodate a wide variety of commercial and industrial uses with access to the marina and airport; and

WHEREAS, Chapter 4 Goal 4 Objective D of the Homer Comprehensive Plan states, "Introduce new commercial districts to better encourage and accommodate commercial land uses in appropriate locations, and allow new types of commercial activities to take place.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. HCC Chapter 21.27, East End Mixed Use District, is adopted to read as follows:

Chapter 21.27

EAST END MIXED USE DISTRICT

Sections:

21.27.010 Purpose.

21.27.020 Permitted Uses and Structures.

21.27.030 Conditional Uses and Structures.

21.27.040 Dimensional requirements.

21.27.050 Site and Access Plans.

21.27.060 Traffic Requirements.

21.27.070 Site Development Requirements.

21.27.080 Nuisance standards.

21.27.090 Lighting Standards.

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21.27.010 Purpose. The East End Mixed Use (EEMU) District is primarily intended to provide sites for businesses that require direct motor vehicle access and may require larger land area. The district is meant to accommodate a mixture of existing and accessory residential with non-residential uses. When a conflict exists between residential and nonresidential uses conflicts shall be resolved in favor of non-residential uses.

21.27.020 Permitted uses and structures. The following uses are permitted outright in the East End Mixed Use District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this chapter.

- a. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service and repair;
- b. Drive-in car washes;
- c. Building supply and equipment sales and rentals;
- d. Garden supplies and greenhouses;
- e. Boat and marine equipment sales, rentals, manufacturing, storage yard, service and repair;
- f. Welding and mechanical repair;
- g. Restaurants, including drive-in restaurants, clubs and drinking establishments;
- h. Religious, cultural, and fraternal assembly;
- i. Studios;
- j. Personal services;
- k. Agricultural activities, including general farming, truck farming, nurseries, tree farms and greenhouses;
- l. Private stables;
- m. Storage of heavy equipment, vehicles or boats;
- n. Plumbing, heating and appliance service shops;
- o. Home occupations on a lot whose principal permitted use is residential, provided they conform to the requirements of HCC § 21.51.010;
- p. Mortuaries and crematoriums;
- q. Open air businesses;
- r. Parking lots and parking garages, in accordance with HCC Chapter 21.55;
- s. Manufacturing, fabrication and assembly;
- t. Retail businesses;
- u. Trade, skilled or industrial schools;
- v. Wholesale businesses, including storage and distribution services incidental to the products to be sold;
- w. Parks and open space;
- x. Warehousing, commercial storage and mini-storage;
- y. Recreational vehicles, subject to the standards in HCC § 21.54.320(a), (b) and (c);
- z. Dry cleaning, laundry, and self-service laundries;
- aa. Mobile food services;
- bb. As an accessory use, one small wind energy system per lot;
- cc. Production, processing, assembly and packaging of fish, shellfish and seafood products;
- dd. Research and development laboratories;
- ee. Storage and distribution services and facilities, including truck terminals, warehouses and storage buildings and yards, contractors' establishments, lumberyards and sales, or similar uses;
- ff. Cold storage facilities;
- gg. Mobile commercial structures;
- hh. Single family and duplex dwellings, only as an accessory use incidental to a permitted principal use, provided that no permit shall be issued for the construction of an accessory dwelling prior to the establishment of the principal use;
- ii. The repair, replacement, reconstruction or expansion of a single family or duplex dwelling, including a mobile home, that existed lawfully before its inclusion in the GC1, GC2 or EEMU zoning districts, notwithstanding any provision of HCC Chapter 21.61 to the contrary, provided that a mobile home may not be used to replace or expand such a dwelling ;
- jj. Customary accessory uses to any of the uses permitted in the EEMU district that are clearly subordinate to the main use of the lot or building, including without limitation wharves, docks, storage facilities, restaurant or cafeteria facilities for employees; or caretaker or employee dormitory residence if situated on a portion of the same lot as the principal use, provided that no permit shall be issued for the construction of any type of accessory building prior to the establishment of the principal use;
- kk. Taxi operation;
- ll. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this zoning district;
- mm. More than one building containing a permitted principal use on a lot;
- nn. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory use to a residential use in a

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manner consistent with the requirements of all other provisions of the Homer City Code and as long as such animals are pets of the residents of the dwelling and their numbers are such as not to unreasonably annoy or disturb occupants of neighboring property.

21.27.030 Conditional uses and structures. The following conditional uses may be permitted in the East End Mixed Use District when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:

- a. Construction camps;
- b. Extractive enterprises, including crushing of gravel, sand and other earth products and batch plants for asphalt or concrete;
- c. Auto fueling stations;
- d. Bulk petroleum product storage;
- e. Planned unit developments;
- f. Junk yard;
- g. Kennels;
- h. Public utility facilities and structures;
- i. Impound yards;
- j. Indoor recreational facilities;
- k. Outdoor recreational facilities;
- l. Other uses approved pursuant to HCC § 21.04.020.

21.27.040 Dimensional requirements. The following dimensional requirements shall apply to all structures and uses in the East End Mixed Use District:

a. Lot Size.

1. The minimum area of a lot that is not served by public sewer or water shall be 40,000 square feet.
2. The minimum area of a lot that is served by either a public water supply approved by the State Department of Environmental conservation, or a public or community sewer approved by the State Department of Environmental Conservation, shall be 20,000 square feet.
3. The minimum area of a lot that is served by both a public water supply approved by the State Department of Environmental conservation, and a public or community sewer approved by the State Department of Environmental Conservation, shall be 10,000 square feet.

b. Building Setbacks.

1. All buildings shall be set back 20 feet from all dedicated rights-of-way other than alleys, except that adjacent to rights-of-way that lead to Kachemak Bay and have been determined to be unsuitable for road construction by resolution of the City Council, all buildings shall be set back from the boundary of the right-of-way according to the number of stories as follows:

Number of Stories Setback (in feet)

- |    |   |
|----|---|
| 1  | 5 |
| 1½ | 6 |
| 2  | 7 |
| 2½ | 8 |

2. The setback requirements from any lot line abutting an alley will be determined by the dimensional requirements of subparagraphs (b)(3) and (4);

3. Buildings shall be set back five feet from all other lot boundary lot lines unless adequate firewalls are provided and adequate access to the rear of the building is otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire Marshal;

4. Any attached or detached accessory building shall maintain the same yards and setbacks as the main building.

c. Building Height. The maximum building height shall be 35 feet.

d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor shall any lot contain building area in excess of 30 percent of the lot area without an approved conditional use permit.

e. Building Area and Dimensions Retail and Wholesale. The total floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet. No conditional use permit, Planned Unit Development, or variance may be granted that would allow a building to exceed the limits of this subparagraph, and no nonconforming use or structure may be expanded in any manner that would increase its nonconformity with the limits of this subparagraph.

f. Screening.

1. When one or more side or rear lot lines abut land within an RO, RR, or UR district or when a side or rear yard area is to be used for parking, loading, unloading or servicing, then those side and rear yard areas shall be

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effectively screened by a wall, fence, or other sight-obscuring screening. Such screening shall be of a height adequate to screen activity on the lot from outside view by a person of average height standing at street level.

2. Outside storage of materials, equipment and trash/dumpsters adjacent to East End Road and Kachemak Drive shall be screened. Screening may consist of walls, fences, landscaped berms, evergreen plantings, or any combination thereof.

21.27.050 Site and Access Plans. a. A zoning permit for any use or structure within the East End Mixed Use District shall not be issued by the City without a level two site plan approved by the City under HCC Chapter 21.73.

b. No zoning permit may be granted for any use or structure without a level two right-of-way access plan approved by the City under HCC § 21.73.100.

21.27.060 Traffic Requirements. A conditional use permit is required for every use that:

a. Is estimated to generate more than 100 vehicle trips during any hour of the day based on the proposed land use and density, or calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers (current edition),

b. Is estimated to generate more than 500 vehicle trips per day based on the proposed land use and density, or calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers (current edition);

c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during any hour of the day due to a change in land use or intensity of use;

d. Is expected to generate traffic that will detract from the safety of, or degrade by one level of service, the highway, road, street, alley or intersection.

21.27.070 Site Development Requirements. All development on lands in this district shall conform to the level two site development standards set forth in HCC § 21.50.030.

21.27.080 Nuisance standards. The nuisance standards of HCC § 21.59.010(a) through (g)(1) apply to all development, uses, and structures in this zoning district. Open storage of materials and equipment is permitted, subject to the requirement that when a lot abuts a residential zoning district any outdoor storage of materials and equipment on the lot must be screened from the residential district by a wall, fence, or other sight-obscuring material. The screen must be a minimum of eight feet in height.

21.27.090 Lighting Standards. The level one lighting standards of HCC § 21.59.030 apply to all development, uses, and structures in this zoning district.

Section 2. Homer City Code 21.10.010, Zoning districts, is amended to read as follows:

21.10.010 Zoning districts. a. The city is divided into zoning districts. Within each zoning district only uses and structures authorized by this title are allowed.

b. The following zoning districts are hereby established:

Zone Abbreviated

Designation

Residential office RO

Rural residential RR

Urban residential UR

Central business district CBD

Town center district TCD

Gateway business district GBD

General commercial 1 GC1

General commercial 2 GC2

East end mixed use EEMU

Marine commercial MC

Marine industrial MI

Open space--Recreational OSR

Conservation district CO

c. The zoning district boundaries shall be as shown on the official Homer Zoning Map.

Section 3. The Homer Zoning Map is amended to transfer from the Rural Residential (RR), General Commercial 1

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(GC1) and General Commercial 2 (GC2) zoning districts, to the East End Mixed Use (EEMU) district as shown on the attached Exhibit A, the parcels listed on attached Exhibit B

Section 4. The City Planner is authorized to sign the amended Homer Zoning Map and adhere to the requirements set forth in the Homer City Code, Section 21.10.030(b).

Section 5. Sections 1 and 2 of this Ordinance are of a permanent and general character and shall be included in the City Code. Section 3 is a non Code Ordinance of a permanent Nature and shall be noted in the Ordinance history of HCC 21.10.030.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

CITY OF HOMER

\_\_\_\_\_ JAMES C. HORNADAY, MAYOR

ATTEST:

\_\_\_\_\_ JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

\_\_\_\_\_ Walt E. Wrede, City Manager Thomas F. Klinkner, City Attorney

Date: \_\_\_\_\_ Date: \_\_\_\_\_

Ordinance Dates **Ordinance Introduction Date:** Mon Feb 13th, 2012

**Ordinance Public Hearing Date:** Mon Feb 27th, 2012

**Ordinance Second Reading Date:** Mon Feb 27th, 2012

**Ordinance Effective Date:** Tue Feb 28th, 2012

Ordinance Files  [Ordinance 12-10](#)

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