

## **Ordinance 13-11(A) Amending the Definition of Lodging in Marine Commercial and Marine Industrial Zoning Districts**

**Ordinance ID:** 13-11(A)

**Ordinance Status:** Adopted

**Ordinance Summary:**

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code §21.03.040 to Add a Definition of Lodging; Amending Homer City Code §§21.28.020, 21.28.030, 21.28.040 and 21.28.070, Regarding the Marine Commercial Zoning District; Amending Homer City Code §§21.30.020, 21.30.030, 21.30.040 and 21.30.070, Regarding the Marine Industrial Zoning District; and Adopting Homer City Code §21.50.040, Site Development Standards - Level 3, to Implement the Homer Spit Comprehensive Plan. Planning.

CITY OF HOMER  
HOMER, ALASKA  
Planning  
ORDINANCE 13-11(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE §21.03.040 TO ADD A DEFINITION OF LODGING; AMENDING HOMER CITY CODE §§21.28.020, 21.28.030, 21.28.040 AND 21.28.070, REGARDING THE MARINE COMMERCIAL ZONING DISTRICT; AMENDING HOMER CITY CODE §§21.30.020, 21.30.030, 21.30.040 AND 21.30.070, REGARDING THE MARINE INDUSTRIAL ZONING DISTRICT; AND ADOPTING HOMER CITY CODE §21.50.040, SITE DEVELOPMENT STANDARDS - LEVEL 3, TO IMPLEMENT THE HOMER SPIT COMPREHENSIVE PLAN.

THE CITY OF HOMER ORDAINS:

Section 1. HCC §21.03.040, Definitions, is amended by adding a definition of “lodging” to read as follows:

“Lodging” means any building or portion of a building that does not contain a dwelling unit and that contains no more than five guest rooms that are used, rented or hired out to be occupied for sleeping purposes by guests.

Section 2. HCC §21.28.020, Permitted uses and structures, is amended to read as follows:

21.28.020 Permitted uses and structures. The following uses are permitted outright in the Marine Commercial 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. Offices for tourism related charter and tour businesses, such as fishing, flightseeing, day excursions and boat charters and tours ;
- b. Marine equipment sales, rentals, service, repair and storage ;
- c. Retail stores limited to the sale of seafood products, sporting goods, curios, and arts and crafts;
- d. Business offices for water-dependent and water related activities such as fish brokers, off-shore oil and gas service companies, and stevedores;
- e. Customary accessory uses that are clearly subordinate to the main use of the lot or building such as piers or wharves, provided that separate permits shall not be issued for the construction of an accessory structure prior to that of the main structure;
- f. Mobile food services;
- g. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this zoning district;
- h. Recreational vehicle parks, provided they shall conform to the standards in HCC Chapter 21.54;
- i. Restaurants;
- j. Cold-storage facilities;
- k. Campgrounds;
- l. Manufacturing, processing, cooking, and packing of seafood products;
- m. Parks;
- n. Boat launching or moorage facilities, marinas;
- o. Caretaker, business owner or employee housing as an accessory use to a primary use, and limited to no more

than 50% of the floor area of a building and for use by an occupant for more than 30 consecutive days;

p. Lodging as an accessory use, limited to no more than 50% of the floor area of a building;

q. As an accessory use, one small wind energy system per lot.

Section 3. HCC §21.28.030, Conditional uses and structures, is amended to read as follows:

21.28.030 Conditional uses and structures. The following uses may be permitted in the Marine Commercial District when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:

a. Drinking establishments;

b. Public utility facilities and structures;

c. Heliports;

d. Hotels and motels;

e. Lodging;

f. More than one building containing a permitted principal use on a lot;

g. Planned unit developments, limited to water-dependent and water-related uses, with no dwelling units except as permitted by HCC §21.28.020(o);

h. Indoor recreational facilities;

i. Outdoor recreational facilities;

j. The location of a building within a setback area required by HCC §21.28.040(b). In addition to meeting the criteria for a conditional use permit under HCC §21.71.030, the building must meet the following standards:

1. Not have a greater negative affect on the value of the adjoining property than a building located outside the setback area; and

2. Have a design that is compatible with that of the structures on the adjoining property.

Section 4. HCC §21.28.040, Dimensional requirements, is amended to read as follows:

21.28.040 Dimensional requirements. The following dimensional requirements shall apply to all structures and uses in the marine commercial district:

a. The minimum lot size is 20,000 square feet, except for lots lawfully platted before December 12, 2006. The minimum lot width is 150 feet, except for lots lawfully platted before December 12, 2006.

b. Setbacks. No building may be located in a required setback area without an approved conditional use permit.

1. Buildings shall be set back 20 feet from all dedicated rights-of-way. Alleys are not subject to a 20 foot setback requirement. The setback requirements from any lot line abutting an alley will be determined by the dimensional requirements of subparagraph (2) below.

2. Buildings shall be set back five feet from all other lot boundary lot lines.

c. The maximum building height is 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 70 percent of the lot area without an approved conditional use permit.

e. Building Area and Dimensions ? Retail and Wholesale.

1. The total floor area of retail and wholesale business uses within a single building shall not exceed 25,000 square feet.

2. In no event may a conditional use permit, Planned Unit Development, or variance be granted that would allow a building to exceed the limits of subparagraph (e)(1) and no nonconforming use or structure may be expanded in any manner that would increase its nonconformance with the limits of subparagraph (e)(1).

Section 5. HCC §21.28.070, Site development requirements, is amended to read as follows:

21.28.070 Site development requirements. All development on lands in this district shall conform to the level three site development standards set forth in HCC §21.50.040 and the following requirements:

a. Development shall not impair public use of adjacent publicly-owned tidelands.

b. Buildings and roadways shall be located to minimize alteration to the natural terrain.

c. Grading and filling shall not alter the storm berm except as necessary to correct unsafe conditions.

d. Point source discharges to a waterway shall conform to the applicable regulations of the Alaska Department of Environmental Conservation.

Section 6. HCC §21.30.020 Permitted uses and structures, is amended to read as follows:

21.30.020 Permitted uses and structures. The following uses are permitted outright in the Marine Industrial 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. Port and harbor facilities;
- b. Manufacturing, processing and packing of sea products;
- c. Cold-storage;
- d. Dry docks;
- e. Wharves and docks, marine loading facilities, ferry terminals, marine railways;
- f. Marine equipment sales, rentals, service, repair and storage;
- g. Boat launching or moorage facilities, marinas, boat charter services;
- h. Warehouse and marshaling yards for storing goods awaiting transfer to marine vessels or off-loaded from a marine vessel and awaiting immediate pickup by land-based transportation;
- i. Mobile food services;
- j. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this zoning district;
- k. Recreational vehicle parks, provided they shall conform to the standards in HCC § 21.54.
- l. Caretaker, business owner or employee housing as an accessory use to a primary use, and limited to no more than 50% of the floor area of a building and for use by an occupant for more than 30 consecutive days;
- m. More than one building containing a permitted principal use on a lot;
- n. Restaurant as an accessory use;
- o. Parks;
- p. As an accessory use, one small wind energy system per lot.

Section 7. HCC §21.30.030 Conditional uses and structures, is amended to read as follows:

21.30.030 Conditional uses and structures. The following uses may be permitted in the Marine Industrial District when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:

- a. Planned unit development, limited to water-dependent or water-related uses and excluding all dwellings;
- b. Boat sales, rentals, service, repair and storage, and boat manufacturing;
- c. Extractive enterprises related to other uses permitted in the district;
- d. Campgrounds;
- e. Bulk petroleum storage;
- f. Heliports;
- g. Indoor recreational facilities;
- h. Outdoor recreational facilities;
- i. Public utility facilities and structures.
- j. The location of a building within a setback area required by HCC §21.28.040(b). In addition to meeting the criteria for a conditional use permit under HCC §21.71.030, the building must meet the following standards:
  1. Not have a greater negative affect on the value of the adjoining property than a building located outside the setback area; and
  2. Have a design that is compatible with that of the structures on the adjoining property.

Section 8. HCC §21.30.040 Dimensional requirements, is amended to read as follows:

21.30.040 Dimensional requirements. The following dimensional requirements shall apply to all structures and uses in the marine industrial district:

- a. Lot Size. The minimum lot size is 6,000 square feet.
- b. Setbacks. No building may be located in a required setback area without an approved conditional use permit.
  1. Buildings shall be set back 20 feet from all dedicated rights-of-way. Alleys are not subject to a 20 foot setback requirement. The setback requirements from any lot line abutting an alley will be determined by the dimensional requirements of subparagraph (2) below.
  2. Buildings shall be set back five feet from all other lot boundary lot lines.
- c. The maximum building height is thirty-five 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 70 percent of the lot area without an approved conditional use permit.
- e. Building Area and Dimensions ? Retail and Wholesale.
  1. The total floor area of retail and wholesale business uses within a single building shall not exceed 25,000 square feet.
  2. In no event may a conditional use permit or variance be granted that would allow a building to exceed the limits of subparagraph (d)(1) and no nonconforming use or structure may be expanded in any manner that would increase its nonconformance with the limits of subparagraph (d)(1).

Section 9. HCC §21.30.070 Site development requirements, is amended to read as follows:

21.30.070 Site development requirements. All site development shall conform to the level three site development standards contained in HCC §21.50.040 and the following requirements:

- a. Development shall not impair public use of adjacent publicly-owned tidelands.
- b. Buildings and roadways shall be located to minimize alteration to the natural terrain.
- c. Grading and filling shall not alter the storm berm except as necessary to correct unsafe conditions.
- d. Point source discharges to a waterway shall conform to the applicable regulations of the Alaska Department of Environmental Conservation.

Section 10. HCC §21.50.040 Site Development standards - Level 3, is adopted to read as follows:

21.50.040 Site Development standards - Level 3. This section establishes level three site development standards. Level three standards apply when specified by the applicable zoning district regulations or by another provision of the code.

a. Site Development.

1. Development shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, or root damage to neighboring trees, or other adverse effects.

2. Upon completion of earthwork, all exposed slopes, and all cleared, filled, and disturbed soils shall be protected against subsequent erosion by methods, such as, but not limited to, landscaping, planting, and maintenance of vegetative cover.

b. Landscaping Requirements. Landscaping shall include the retention of native vegetation to the maximum extent possible and shall include, but is not limited to, the following:

1. A buffer of three feet minimum width along all lot lines where setbacks permit; except where a single use is contiguous across common lot lines, such as, but not limited to, shared driveways and parking areas. Whenever such contiguous uses cease the required buffers shall be installed.

2. In addition to the types of plantings listed in the definition of landscaping in HCC §21.03.040, landscaping may include planter boxes and hanging basket plantings. Amenities for public use such as bike racks, benches, trash receptacles and information kiosks, may be substituted for an equal area of required landscaping.

Section 11. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 13th day of May, 2013.

CITY OF HOMER

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FRANCIE ROBERTS, MAYOR PRO TEMPORE

ATTEST:

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JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

**Ordinance 13-11(A) Amending the Definition of Lodging in Marine Commercial and Marine Industrial Zoning**

Published on City of Homer Alaska Official Website (<http://www.cityofhomer-ak.gov>)

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Second Reading:

Effective Date:

Reviewed and approved as to form:

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

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

**Ordinance Dates****Ordinance Introduction Date:** Mon Apr 22nd, 2013

**Ordinance Public Hearing Date:** Mon May 13th, 2013

**Ordinance Second Reading Date:** Mon May 13th, 2013

**Ordinance Effective Date:** Tue May 14th, 2013

Ordinance Files  [Ordinance 13-11\(A\)](#)

**Source URL (retrieved on 2015-01-28 09:28):**

<http://www.cityofhomer-ak.gov/ordinance/ordinance-13-11a-amending-definition-lodging-marine-commercial-and-marine-industrial-zonin>