

Chapter 21.22 Gateway Business District

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21.22.010 Purpose. The purpose of the Gateway Business District is primarily to promote mixed-use development, with an emphasis on visitor-oriented business. Conflicts between residential and business uses are resolved in favor of business. Among the goals of the Gateway Business District regulations are the minimization of future traffic congestion along the Sterling Highway corridor, and preservation of the favorable experience residents and visitors have when entering Homer by way of the Sterling Highway. (Ord. 08-29, 2008).

21.22.020 Permitted uses and structures. The following uses are permitted outright in the Gateway Business 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. Retail business;
- b. General business offices and professional offices;
- c. Restaurants and clubs;
- d. Hotels and motels;
- e. Single family, duplex, and multiple family dwellings, including townhouses, but not including mobile homes;
- f. Open space;
- g. Financial institutions;
- h. Home occupations, provided they conform to the standards in HCC § 21.51.010;
- i. Dwelling units and non-residential uses (if otherwise allowed by this chapter) in the same building;
- j. Religious, cultural, and fraternal assembly;
- k. Entertainment establishments;
- l. Museums and libraries;
- m. Public and private schools;
- n. Studios;
- o. Rooming house and bed and breakfast;
- p. Personal service establishments;
- q. Customary accessory uses to any of the permitted uses listed in the GBD district, provided that separate permit shall not be issued for the construction of any type of accessory building prior to that of the main building. (Ord. 08-29, 2008).

21.22.030 Conditional uses and structures. The following conditional uses may be permitted in the Gateway Business District when authorized in accordance with HCC Chapter 21.71:

- a. More than one building containing a permitted principal use on a lot.
- b. One wind energy system having a rated capacity exceeding 10 kilowatts, provided that it is the only wind energy system of any capacity on the lot.
- c. Other uses approved pursuant to HCC § 21.04.020. (Ord. 09-34(A) §15 (part), 2009; Ord. 08-29, 2008).

21.22.040 Dimensional requirements. The following dimensional requirements shall apply to all structures and uses in the Gateway Business District:

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a. Lot size.

1. The minimum lot area shall be 20,000 square feet. Lawfully existing smaller lot sizes may be newly developed and used subject to the provision of off-site parking as specified in the City parking code, HCC Chapter 7.12;
2. Multiple family dwellings shall meet the standards in HCC § 21.14.040(a)(2);
3. Townhouses shall meet the standards in HCC § 21.53.010.

b. Building Setbacks.

1. Buildings shall be set back 20 feet from all dedicated rights-of-way, except as allowed by subsection (b)(4).
2. Commercial buildings shall be set back five feet from all other lot boundary lines, except the minimum setback shall be two feet from all other boundary lines when firewalls are provided and 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.
3. Residential buildings shall be set back five feet from all other lot boundary lines.
4. If approved by a conditional use permit, the setback from a dedicated right-of-way may be reduced.
5. Alleys are not subject to a 20-foot setback requirement from dedicated rights-of-way. The setback requirements from any lot line abutting an alley will be determined by the dimensional requirements of subparagraphs (b)(2) and (3) above.
6. 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% of the lot area, without an approved conditional use permit.

e. Building Area and Dimensions – Retail

1. The total floor area of retail business uses within a single building shall not exceed 8,000 square feet.
2. In buildings with more than 8,000 square feet of building area retail business use (not including the area for stocking and warehousing) is limited to no more than 8,000 square feet of floor area.
3. No retail business use, no wholesale business use, and no building the main use of which is retail business or wholesale business that is made nonconforming by this chapter may be expanded or enlarged in any manner beyond the size and intensity that existed on September 26, 2006. (Ord. 08-29, 2008).

21.22.050 Nonconforming lots, uses and structures. Any use, lot or structure that is made nonconforming by adoption or amendment of this chapter shall not be expanded in any manner that would in any way increase the nonconformity. (Ord. 08-29, 2008).

21.22.060 Architectural standards. a. All development will contain variation in detail to provide visual interest and to avoid monotony. Use of pitched roofs, breaks in roofs and wall lines and other architectural features will be utilized. Building materials must simulate quality traditional building materials such as wood, stone and brick.

b. Architecture based upon generic franchise design is prohibited. Rather, where franchise buildings of national chains are proposed, architects will comply with the Community Design Manual.

c. Architecturally integrated artwork is encouraged. (Ord. 08-29, 2008).

21.22.070 Site and Access Plan. a. A zoning permit for a building or structure within the Gateway Business District shall not be issued by the City without a level one site plan approved under HCC Chapter 21.73.

b. No zoning permit for a building or structure may be issued without a level three right-of-way access plan approved by the City under HCC Chapter 21.73. (Ord. 08-29, 2008).

21.22.080 Site Development Requirements. a. All development in the GBD shall conform to the level two site development standards contained in HCC § 21.50.030.

b. All parking lots and vehicular ways in a development will be paved. (Ord. 08-29, 2008).

21.22.090 Nuisance Standards. All uses and structures in the GBD shall conform to the nuisance standards contained in HCC § 21.59.010. (Ord. 08-29, 2008).

21.22.100 Lighting Standards. All uses and structures in the GBD shall conform to the level one lighting standards contained in HCC § 21.59.030. (Ord. 08-29, 2008).

21.22.110 Traffic Requirements. A conditional use permit is required for every use that is estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060. (Ord. 08-29, 2008).

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