Chapter 21.28 MC Marine Commercial District

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21.28.010 Purpose. The purpose of the Marine Commercial District is primarily for water-related and water-dependent uses and the business and commercial uses that serve and support them, including but not limited to fishing, marine transportation, off-shore energy development, recreation and tourism. It is recognized that unique natural features of Homer's marine environment contribute significantly to the economic and social environments, therefore performance standards are required to minimize the impact of development on the natural features on which they depend. (Ord. 08-29, 2008).

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. Boat charter offices;
b. Marine equipment and parts sales and services;
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 § 21.54.
i. As an accessory use, one small wind energy system per lot.(Ord. 09-34(A) §18 (part), 2009; Ord. 08-29, 2008).

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. Restaurants and drinking establishments;
b. Cold-storage facilities;
c. Public utility facilities and structures;
d. Dredge and fill when required for construction or maintenance of a structure devoted to one or more uses that are permitted or conditionally permitted in this district;
e. Wholesale outlets for marine products;
f. Pipelines and railroads;
g. Heliports;
h. Hotels and motels;
i. More than one building containing a permitted principal use on a lot.
j. Planned unit developments, limited to water-dependent and water-related uses;
k. Indoor recreational facilities;
l. Outdoor recreational facilities;
m. Campgrounds;
n. Manufacturing, processing, cooking, and packing of seafood products.

o. Other similar uses, if approved after a public hearing by the Planning Commission, including but not limited to those uses authorized in the Marine Industrial district under HCC §§ 21.30.020 and 21.30.030, provided the commission finds the use meets the following standards and requirements:
1. The proposed use is compatible with the purpose of the Marine Commercial District,
2. The proposed use is compatible with the land use development plan for the Homer Spit and the Comprehensive Plan,
3. Public facilities and services are adequate to serve the proposed use, and
4. If City-owned land, the Port and Harbor Commission, after a public hearing, has made a written recommendation to the Planning Commission concerning the proposed use, including specifically whether conditions (1) through (3) of this subsection are or may, with appropriate conditions, be met by the proposed use. (Ord. 08-29, 2008).

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. Buildings shall be setback 20 feet from all dedicated rights-of-way and five feet from all other lot boundary lines. Alleys are not subject to a 20 foot setback requirement.
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 30 percent of the lot area without an approved conditional use permit.
e. Building Area and Dimensions ? Retail and Wholesale.
1. The 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). (Ord. 08-29, 2008).

21.28.050 Site and Access Plan. a. A zoning permit for any use or structure within the Marine Commercial District shall not be issued by the City without a level one site plan approved by the City under HCC Chapter 21.73.
b. A zoning permit for any use or structure shall not be issued without a level one right-of-way access plan approved by the City under HCC Chapter 21.73. (Ord. 08-29, 2008).

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

21.28.070 Site Development Requirements. All development shall conform to the Site Development Requirements contained in HCC § 21.50.030 and the following:
a. Development shall not impair or unnecessarily impede use by the public of adjacent publicly-owned tidelands.
b. The location of buildings and roads shall be planned 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 be in conformance with the Alaska Department of Environmental Conservation regulations. (Ord. 08-29, 2008).

21.28.080 Nuisance Standards. All development and structures shall conform to the Nuisance Standards contained in HCC § 21.24.080. (Ord. 08-29, 2008).

21.28.090 Lighting Standards. All uses and development shall conform to the Lighting Standards contained in HCC § 21.59.030. (Ord. 08-29, 2008).

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