

CITY OF HOMER
HOMER, ALASKA

Ordinance 82-15

AN ORDINANCE PROVIDING FOR ZONING
WITHIN THE CORPORATE LIMITS OF THE
CITY OF HOMER.

WHEREAS, the Kenai Peninsula Borough is empowered by Alaska Statute 29.33.070 b (2) to delegate planning and zoning administrative and enforcement responsibilities to the City of Homer; and,

WHEREAS, Kenai Peninsula Borough Ordinance 81-2 provided for delegation of zoning powers to the Cities of the Borough at the option of each municipality; and,

mlc
81-63 WHEREAS, the City of Homer by adoption of Resolution 81-63 (S) clearly established desire to administer and enforce planning and zoning within the corporate limits of the city; and,

WHEREAS, the Homer Advisory Planning Commission has for several years been actively proposing amendments to the Kenai Peninsula Borough zoning ordinance as it pertains to Homer, has developed a comprehensive zoning ordinance for the City of Homer; and,

WHEREAS, the Homer Advisory Planning Commission has held public hearings soliciting public input during the development of the ordinance;

NOW THEREFORE BE IT ORDAINED:

Section 1. The following amendments are hereby enacted to the General Provisions, Title 1 of the Homer City Code:

1) Section 1.76.010 (a) of the Homer City Code of Ordinances is hereby repealed and re-enacted to read:

Section 1.76.010 Homer Advisory Planning Commission established. (a) In order to maximize local involvement in planning, and in the implementation and modification of the Homer Zoning Ordinance, the Homer Advisory Planning Commission is established. Advisory planning commission jurisdiction is limited to the area within the Homer city boundaries.

1
2 2) Section 1.76.010 (b) is hereby enacted reading as
3 follows:

4 (b). The Homer Advisory Planning Commission shall have
5 seven members. No more than 1 of its members may be from
6 outside the city limits of Homer. Members shall be
7 appointed by the Mayor subject to confirmation by the City
8 Council.

9 3) Section 1.76.010 (b) and (c) are hereby re-lettered as
10 (c) and (d) respectively.

11 Section 2. Section 1.76.020 Incorporation of state law is
12 hereby repealed and re-enacted to read:

13 The laws of the State of Alaska dealing with planning
14 and zoning commissions present and future are incorporated
15 into this chapter as if expressly included in this chapter.

16 Section 3. Section 1.76.050 Zoning powers and duties is
17 hereby repealed and re-enacted to read:

18 A. The Homer Advisory Planning Commission shall
19 exercise zoning authority delegated by the Borough Assembly:

20 1) Interpret the provisions of this chapter and make
21 zoning compliance determinations when requested by the local
22 administrative official;

23 2) Act upon requests for PUDs, variances and
24 conditional use permits; and

25 3) Prepare and recommend to the Homer City Council
26 modifications to the Homer City Zoning Ordinance.

27 B. The Homer Advisory Planning Commission shall adopt
28 additional procedural rules approved by the Homer City
Council.

C. The fee schedule shall be established by
resolution of the Homer City Council.

Section 4. Title 21, Zoning, is hereby created and enacted
as follows:

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TITLE AND PURPOSE

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3 I. HOMER ZONING ORDINANCE

4 Chapter 21.28

5 TITLE AND PURPOSE

6 Sections:

- 7 21.28.010 Title for citation--Jurisdiction.
8 21.28.020 Purpose of provisions.

9 21.28.010 Title for citation--Jurisdiction. Chapters 21.28
10 through 21.70 of the Homer City Code of Ordinances shall be known
11 and cited as the "Homer Zoning Ordinance" and are applicable to
12 all lands within the municipal boundaries of the City of Homer.

13 21.28.020 Purpose of provisions. This Chapter and Chapters
14 21.30 through 21.70 are adopted in order to enhance the public
15 health, safety and welfare by providing local authority to:

- 16 A. Designate, regulate and restrict the location and use
17 of buildings, structures and land for residence, commerce, trade,
18 industry or other purposes;
19 B. Regulate the height, number of stories, and size of
20 buildings and other structures hereinafter erected or alterations
21 to existing buildings;
22 C. Regulate and determine the size of yards and other open
23 spaces;
24 D. Regulate and limit the density of population;
25 E. Conserve and stabilize the value of property;
26 F. Provide adequate open spaces for light and air; and to
27 prevent and fight fires;
28 G. Prevent undue concentration of population;
H. Lessen congestion on streets and highways;
I. Promote health, safety and general welfare.

Chapter 21.30

ADMINISTRATION AND ENFORCEMENT

Sections:

- 21.30.010 Administrative official.
21.30.020 Duties of the City Planning Director.
21.30.040 Procedures for abating violations.
21.30.050 Penalties.

21.30.010 Administrative official. A. The Homer City
Manager shall be the administrative official responsible for all
actions taken by the Homer Advisory Planning Commission and the
City Council.

1
2 B. This chapter shall govern all enforcement of the Homer
3 Zoning Ordinance.

4 21.30.020 Duties of the City Planning Director. Adminis-
5 tration and enforcement responsibilities of the Planning Director
6 include but are not limited to the following:

7 A. Maintaining records of all zoning text and district
8 changes related to this ordinance;

9 B. Providing technical assistance upon request by the City
10 Manager;

11 C. Processing all applications and appeals made under
12 Chapters 21.28 through 21.70;

13 D. Interpreting and enforcing Chapters 21.28 through
14 21.70; and

15 E. Maintaining records of all activity related to Chapters
16 21.28 through 21.70.

17
18 21.30.040 Procedures for abating violations. A. When a
19 violation is discovered, the City Manager or his appointed staff
20 shall notify in writing via certified mail or by notice posted at
21 the site of the violation the person responsible for said
22 violation. The notice shall specify the violation and order
23 abatement within a reasonable period of time, to be no longer
24 than 90 days. All purported violations known to the City Mana-
25 ger, including interpretation and abatement action, shall be
26 presented to the Homer Advisory Planning Commission at its next
27 regular meeting.

28 B. If a violation is not corrected within the period
stated in the notice, the City Manager is authorized to notify
any attorney representing the City of Homer who may initiate
action to abate the violation, including the filing of criminal
charges as necessary.

21.30.050 Penalties. A. Every act prohibited by this
title or any rule or regulation adopted in pursuance thereof is
declared unlawful and every violation of Chapters 21.28 through
21.70 shall constitute a misdemeanor. Every person convicted of
a violation of any provision of this title or any rule or
regulation adopted or issued in pursuance thereof, shall be
punished under the general penalty provision of the Homer City
Code. Each act of violation and every day upon which such
violation shall continue after the expiration of any grace period
specified in the notice of violation constitutes a new and
separate offense.

B. The penalties provided by this section shall, unless
other penalty is expressly provided, apply to every portion of
the "Homer City Zoning Ordinance", Chapters 21.28 through 21.70
inclusive, and to all amendments to said ordinance.

Chapter 21.32

DEFINITIONS

Sections:

21.32.010 Homer zoning code definitions.

21.32.020 Terms defined.

21.32.010 Homer zoning code definitions. A. For the purpose of Chapters 21.28 through 21.70, the following words used herein shall be interpreted or defined as set forth in this chapter.

B. When not inconsistent with the context, the present tense includes the future; the singular number includes the plural; the word "person" includes firm, partnership or corporation; the word "lot" includes plot, piece or parcel; the term "shall" is always mandatory; and the words "used" and "occupied" include intended, arranged or designed to be used or occupied.

21.32.020 Terms defined.

Accessory use or building. "Accessory use or building" means a use or building customarily incidental and subordinate to, and located on the same lot with the principal building.

Agricultural building. "Agricultural building" means a building used to shelter farm implements, hay, grain, poultry, livestock, or other farm products, in which there is no human habitation and which is not used by the public.

Alley. "Alley" means a public thoroughfare less than 30 feet in width, which affords only a secondary means of access to abutting property.

Alterations. "Alterations" means any change, addition or modification in construction or occupancy.

Apartment house. For "Apartment house" see "Dwelling, multiple".

Automobile wrecking. "Automobile wrecking" means the dismantling of more than one used motor vehicle or trailer or the storage or sale of parts from any dismantled or partially dismantled, obsolete or wrecked vehicle.

Basement. "Basement" means a story partly or wholly underground. See definition of "Story".

Boardinghouse. "Boardinghouse" means a building other than a hotel with not more than 5 sleeping rooms where lodging, with

1
2 or without meals, is provided for compensation for 3 or more
3 persons, but not exceeding 15 persons.

4 Boat Storage Yard. A parcel of land and buildings thereon
5 used for the commercial dry storage of boats.

6 Building. "Building" means any structure built for the
7 support, shelter or enclosure of persons, animals, chattels or
8 property of any kind.

9 Building area. "Building area" means the total of areas,
10 taken on a horizontal plane, at the main grade level of the
11 principal building and all accessory buildings, exclusive of
12 steps.

13 Building code. "Building code" means the building code of
14 the city and/or other building regulations applicable in this
15 district.

16 Building, existing. "Existing building" means a building
17 erected prior to the adoption of this chapter and Chapters 21.28
18 through 21.70 or one for which a legal building permit has been
19 issued.

20 Building height. "Building height" means the vertical
21 distance from the accessible finished grade to the highest point
22 of the coping of a flat roof or to the deck line of a mansard
23 roof or to the average height of the highest gable of a pitch or
24 hip roof.

25 Building line, front. "Front building line" means the line
26 of that part of the building nearest the front line of the lot.

27 Building, principal or main. "Principal or main building"
28 means a building in which is conducted the principal or main use
of the lot on which said building is situated.

Business, Retail. The retail sales of any article, sub-
stance or commodity for profit or livelihood.

Business, Wholesale. An activity requiring the wholesale
handling of any article, substance or commodity for profit or
livelihood.

Campground. A parcel of land where two or more campsites
are located, which provides facilities for temporary recreational
living in any manner other than a permanent building.

Cemetery. Land used or intended to be used for burial of
the dead and dedicated for cemetery purposes including columbaria
and mausoleums when operated in conjunction with and within the
boundary of such cemetery.

1
2 Dwelling, multiple-family. "Multiple-family dwelling" means
3 a building used or designed as a residence for 3 or more families
4 living independently of each other.

5
6 Dwelling, 1-family. "1-family dwelling" means a detached
7 building designed exclusively for one family.

8
9 Dwelling, 2-family. "2-family dwelling" means a detached
10 building designed exclusively for occupancy by 2 families living
11 independently of each other, but under 1 roof.

12
13 Dwelling unit. "Dwelling unit" means 1 or more rooms in a
14 dwelling or apartment or hotel designed for occupancy by 1 family
15 for living or sleeping purposes and having kitchen and bath
16 facilities.

17 Exception. "Exception" means a form of variance granted:

18 A. To a public utility or public service organization by
19 virtue of their special public status in the community;

20 B. For some public non-commercial use, regardless of to
21 whom granted;

22 C. To anyone for the temporary use of a building or prem-
23 ises for non-conforming use, provided that such structure or use
24 is of a temporary nature and is promotive of or incidental to the
25 establishment or development of a use that conforms to the
26 regulations for the use district in which it is located. Such
27 permit shall be granted in the form of a temporary and revocable
28 permit for a period of not more than one year.

Extractive Enterprises. Uses and activities which involve
the removal of ores, liquids and other minerals and substances
from the earth's surfaces and subsurfaces.

Family. "Family" means 1 or more persons occupying a
premise and living as a single housekeeping unit in a dwelling
unit.

Fence height. "Fence height" means the vertical distance
between the ground, either natural or filled, directly under the
fence and the highest point of the fence.

Floor Area. The total area of all floors of a building as
measured to the outside surfaces of exterior walls and including
halls, stairways, elevator shafts, attached garages, porches and
balconies.

Floor Area Ratio. The ratio of floor area permitted on a
zoning lot to the size of the lot.

Garage, private. "Private garage" means a building, or a
portion of a building, in which only motor vehicles used by the
tenants of the building or buildings on the premises are stored
or kept.

1
2 Garage, public. "Public garage" means a building other than
3 a private garage used for the care, repair or equipment of
4 automobiles, or where such vehicles are parked or stored for
5 remuneration, hire or sale.

6 Garage, storage. "Storage garage" means any premises except
7 those described as a private or public garage, used exclusively
8 for the storage of self-propelled vehicles.

9 Group Care Home. Any home, place or institution maintained
10 and operated for the care, boarding, housing and training of four
11 or more physically, mentally or socially handicapped persons, or
12 delinquent or dependent persons, by any person who is not the
13 parent or guardian of and who is not related by blood, marriage
14 or legal adoption to such persons.

15 Guest House. An accessory building without kitchen or
16 cooking facilities and occupied solely by non-paying guests, or
17 by persons employed on the premises.

18 Heliports. Any place including airports, fields, rooftops,
19 etc., where helicopters regularly land and take off and may be
20 serviced and stored.

21 Home Occupation. Any use customarily conducted entirely
22 within a dwelling and carried on by the occupants thereof, which
23 is clearly incidental and secondary to the use of the dwelling
24 for dwelling purposes and does not change the character thereof,
25 and in connection with there is no display of stock in trade, no
26 outside storage of materials or equipment and no commodity sold
27 upon the premises.

28 Hotel. "Hotel" means a building designed for occupancy as
the more or less temporary place of abode for individuals who are
lodged with or without meals, in which there are 6 or more guest
rooms, and in which no provision is made for cooking in any
individual room or suite.

Junkyard. "Junkyard" means any space 200 square feet or
more of the area of any lot used for the storage, keeping or
abandonment of junk or waste material, including scrap metals or
other scrap materials, or for the dismantling, demolition or
abandonment of automobiles, other vehicles, machinery or parts
thereof.

Kennels. A parcel of land and/or buildings thereof where
three or more dogs, cats, or other animals at least four months
of age are kept for boarding, propagation or sale.

Loading Space. "Loading space" means an off-street space on
the same lot with a building or contiguous to a group of build-
ings, designated or intended for the use of temporarily parked
commercial vehicles while loading and unloading, and which abuts
upon a street, alley or other appropriate means of access.

1
2 Lot. A parcel of land shown on a subdivision map or a
3 record of survey map, or described by metes and bounds and
4 recorded in the office of the district recorder of the City of
5 Homer, (and/or a building site in 1 ownership having an area for
each main building as hereinafter required in each zone and
having frontage upon or access by adequate public easement to a
public street, road or highway).

6 Lot Area. "Lot area" means the total horizontal net area
7 within the lot lines of a lot or parcel, exclusive of streets,
highways, roads and alleys.

8 Lot, corner. "Corner lot" means a lot situated at the
9 intersection of 2 or more streets having an angle of intersection
of not more than 135 degrees.

10 Lot depth. "Lot depth" means the horizontal distance
11 between the front and rear lot lines measured on the longitudinal
centerline.

12 Lot, interior. "Interior lot" means a lot other than a
corner lot.

13 Lot, key. "Key lot" means the first interior lot to the
14 rear of a reversed corner lot and not separated therefrom by an
alley.

15 Lot line, front. "Front lot line" means, in the case of an
16 interior lot, a line separating the lot from the street, or
17 place; in the case of a corner lot, a line separating the narrow-
18 est street frontage of the lot from the street. In the case of a
square, or nearly square-shaped corner lot, the owner may choose
which street he shall designate as the front of the lot. Once
the choice of frontage has been made, it cannot be changed unless
all requirements for yard space are complied with.

19 Lot line, rear. "Rear lot line" means a lot line which is
20 opposite and most distant from the front lot line and, in case of
an irregular or triangular lot, a line 10 feet in length within
21 the lot, parallel to and at the maximum distance from the front
lot line.

22 Lot line, side. "Side lot line" means any lot boundary line
not a front lot line or a rear lot line.

23 Lot, reversed corner. "Reversed corner lot" means a corner
24 lot the side street line of which is substantially a continuation
of the front line of the lot to its rear.

25 Lot, through. "Through lot" means a lot having a frontage
on 2 parallel or approximately parallel streets.

26 Lot, width. "Lot width" means the distance between straight
27 lines connecting front and rear lot lines at each side of the

1
2 lot, measured between the midpoints of such lines, provided that
3 such measurement shall not extend beyond the lot lines of the lot
being measure.

4 Mobile Home. A detached, single-family dwelling designed
5 for long-term human habitation and having complete living
6 facilities, constructed and fabricated into a complete unit at a
7 factory and capable of being transported to location of use on
its own chassis and wheels, identified by a model number and
serial number by its manufacturer, and designed primarily for
placement on an impermanent foundation.

8 Mobile Home Park. A parcel of land which has been planned
9 and improved for the placement of two or more mobile homes for
non-transient use. The term does not include tourist facilities
for travel trailers, campers, motor homes, or other facilities.

10 Motel. "Motel" means a group of one or more detached or
11 semi-detached buildings containing 2 or more individual dwelling
12 units and/or guest rooms, designed for or used temporarily by
automobile tourists or transients, with a garage attached or
parking space conveniently located to each unit, including groups
designated as auto courts, motor lodges or tourist courts.

13 Nonconforming Lot. A parcel of land which lawfully existed
14 as a lot in compliance with all applicable ordinances and laws,
15 but which no longer conforms to the lot area requirements for the
zoning district in which it is located because of the application
of a subsequent zoning ordinance.

16 Nonconforming Structure. A structure or portion thereof
17 which was lawfully established in compliance with all applicable
ordinances and laws, but which no longer conforms because of the
application of a subsequent zoning ordinance.

18 Nursing Home. Any home, place or institution which operates
19 and maintains facilities providing convalescent and/or chronic
20 care for a period exceeding twenty-four hours for two or more ill
or infirm patients not related to the nursing home administrator
21 or owner by blood or marriage. Convalescent and chronic care may
include, but need not be limited to, the procedures commonly
employed in nursing and caring for the sick.

22 Occupancy. "Occupancy" means the purpose for which a
23 building is used or intended to be used. The term shall also
include the building or room housing such use. Change of occu-
24 pancy is not intended to include change of tenants or pro-
prieters.

25 Off-Street Parking Space. "Off-street parking space" means
26 a parking space with independent access, not included within the
established front yard setback.

1
2 Open Space. Areas of varying sizes which generally are
3 developed for a variety of recreational uses or are preserved for
4 their natural amenities. Open spaces may be for use by the
5 public, by private development or cooperatively owned for use by

6 Parking Space, Private. "Private parking space" means any
7 automobile parking space not less than 10 feet wide and 20 feet
8 long.

9 Parking Space, Public. "Public parking space" means any
10 area, other than a street or alley, used for the parking of
11 automobiles and available for public use, whether free, for
12 compensation or as an accommodation for clients or customers.

13 Performance Standards. Minimum requirements or maximum
14 allowable limits on the effects or characteristics of a use,
15 usually written in the form of regulatory languages. Performance
16 standards in zoning may prescribe allowable uses with respect to
17 smoke, odor, noise, heat, visual impact, etc.

18 Pipeline. A line six (6) inches or larger with pumps,
19 valves and control devices for conveying liquids, gases or finely
20 divided solids which are constructed within easements or from one
21 parcel to another. However, for the purpose of securing a
22 Conditional Use Permit the following are excluded: the mains,
23 hydrants, pumps, services and pressure stations of the City of
24 Homer Water Utility; the mains, services, manholes and lift
25 stations of the City of Homer Sewer Utility and the local service
26 mains, valves and services of a gas utility legally authorized to
27 provide such service within the City of Homer.

28 Place. "Place" means an open, unoccupied space dedicated to
purposes or access for abutting property.

Planned Unit Development. "Planned unit development" means
a group or combination of certain specified residential, commercial,
or industrial uses developed as a functional and integral
unit in a district where some or all the uses might not otherwise
be permitted.

Planning Commission. Unless otherwise stated, refers to the
Homer Advisory Planning Commission.

Professional Office. An office which is maintained and
operated for the conduct of professional business, including but
not limited to medicine, dentistry, laws, architecture, engineering,
accounting, veterinary medicine and investment.

Public Utility Facility or Structure. For the purpose of
requiring a conditional use permit, public utility facility or
structure means any facility or structure which is owned and

1
2 operated by a public or private utility but specifically excludes
3 the water distribution mains, pressure stations and hydrants,
4 sewage collection, manholes and lift stations, underground and
overhead electrical, television and telephone lines and poles,
and street lights.

5 Recreational Vehicle. A vacation trailer or other vehicular
6 or portable unit which is either self-propelled, towed or carried
7 by a motor vehicle and which is intended for human occupancy and
is designed for vacation or recreational purposes but not for
residential use. Recreational vehicles include pickup campers,
motor homes, tent trailers and travel trailers.

8 Recreational Vehicle Park. A parcel of land which has been
9 planned and improved for use by two or more recreational vehicles
for transient occupancy.

10 Right-of-way. A public thoroughfare, avenue, road, highway,
11 boulevard, parkway, drive, lane, court, cul-de-sac or private
easement providing ingress and egress from property abutting
thereon.

12 Roadside Stand. A temporary structure on private roadside
13 land usually for the attraction of motorists for profit-making
14 purposes. Common roadside stands sell local food, produce, fire-
wood, handcrafted items or imported goods.

15 Schools, Private. Parcels of land and buildings and other
16 structures thereon owned and operated by private educational,
religious, charitable, or other institutions for the purpose of
quasi-public or specialized education.

17 Schools, Public. Parcels of land and buildings and other
18 structures thereon owned and operated by the Kenai Peninsula
Borough or the State of Alaska for the purpose of public educa-
tion.

19 Service Station. "Service station means any building,
20 structure, premises or other space used primarily for the retail
21 sale and dispensation of motor fuels, tires, batteries, and other
small accessories, the installation and servicing of such lubri-
22 cants, tires, batteries and other small accessories, and such
other services which do not customarily or usually require the
services of a qualified automotive mechanic. When the retail
23 sale and dispensing of motor fuels, lubricants, and accessories
is incidental to the conduct of a public garage, the premises
shall be classified as a public garage.

24 Setback. "Setback" means the distance between the lot line
25 and the front building line.

26 Sign. "Sign" means any words, letters, parts of letters,
27 figures, numerals, phrases, sentences, emblems, devices, trace
names, or trademarks, by which anything is made known, such as

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2 are used to designate an individual, a firm, an association, a
3 corporation, a profession, a business, or a commodity or product,
4 which are visible from any public street or highway and used to
5 attract attention.

6 Site Plan. A plan, to scale, showing the proposed use and
7 development of a parcel of land. The plan generally includes lot
8 lines, streets, building sites, reserved open space, buildings,
9 major landscape features--both natural and manmade--and the
10 locations of proposed utility lines.

11 Stable, Private. An accessory building in which horses are
12 kept for private use and not for boarding, hire or sale.

13 Stable, Public. A building in which horses are kept for
14 boarding, hire or sale.

15 State Highway. "State highway" means a right-of-way classi-
16 fied by the State of Alaska as a primary, secondary A, or sec-
17 ondary B highway.

18 Story. "Story" means that portion of a building included
19 between the upper surface of any floor and that upper surface of
20 the floor next above, except that the topmost story shall be that
21 portion of a building included between the upper surface of the
22 topmost floor and the ceiling or roof above. If the finished
23 floor level directly above a basement or cellar is more than 6
24 feet above grade, such basement or cellar shall be considered a
25 story.

26 Story, Half. "Half story" means a story with at least 2 of
27 its opposite sides situated in a sloping roof, the floor area of
28 which does not exceed 2/3 of the floor area immediately below it.

Street. "Street" means a public thoroughfare including
public roads or highways 30 feet or more in width, which affords
principal means of access to abutting property.

Street Line. "Street line" means the line of demarcation
between a street and the lot or land abutting thereon.

Structural Alterations. "Structural alterations" means any
change of the supporting members of a building or structure such
as bearing walls, columns, beams or girders.

Structure. "Structure" means anything constructed or
erected which requires location on the ground or attached to
something having location on the ground, but not including fences
or walls used as fences.

Travel Trailer. A motor vehicle or portable vehicular
structure capable of being towed by a motor vehicle intended for
casual or short term human occupancy during travel.

1
2 Timber Growing or Forest Crops. The growing of trees for
3 commercial purposes; for tree products in the form of logs,
4 chunks, bark or similar items; and for other minor forest crops
5 such as Christmas trees, cones, ferns, greenery, berries and
6 moss.

7 Townhouse. "Townhouse" means single-family dwelling units
8 constructed in a series or group of not less than 3 units sepa-
9 rated from an adjoining unit or units by an approved party wall
10 or walls, extending from the basement of either floor to the roof
11 along the linking lot line. Each unit and its lot shall be held
12 fee simple, except that the amenities, open area and other
13 associated common property shall be held as undivided common
14 property of the owners of each unit.

15 Trailer. "Trailer" means any vehicle used or intended to be
16 used as living or sleeping quarters for humans and which may be
17 driven, towed, or propelled from one location to another without
18 change in structure by wheels and includes trailers, trailer
19 coaches, and house cars.

20 Trailer Court, Camp, Park or Lot. "Trailer court, camp,
21 park or lot" means any area or premises where space for 2 or more
22 trailers is rented, held out for rent, or for which free occu-
23 pancy or camping for such number is permitted to trailers or uses
24 for the purpose of securing their trade, herein referred to as a
25 trailer court, but not including automobiles or trailer sales
26 lots on which unoccupied house trailers are parked for inspection
27 and sales.

28 Use. "Use" means the purpose for which land or a building
is arranged, designed or intended, or for which either land or a
building is or may be occupied or maintained.

Variance. "Variance" means any deviation from the require-
ment of the zoning ordinance codified in Chapters 21.28 through
21.70, but limited to the one instance in question and to no more
than 1 building or improvement at a time and then subject to the
conditions and uses authorized by the planning commission.
Example: A building authorized as a variance for use as a
grocery store in a residential zone could not later be used for
some other purpose even though that purpose was permissible in a
normal commercial zone. Variances are nonprecedent-setting and
are authorized where, owing to special conditions, a literal
enforcement of the provisions of this chapter and Chapters 21.28
through 21.70 would result in unnecessary hardship and so that
the spirit of the chapters shall be observed and substantial
justice done.

Visibility/Vision Clearance. The assurance of adequate and
safe vision clearance particularly for vehicle operators and
pedestrians. A specified area of clearance at corners of inter-
sections where no plantings, walls, structures or temporary or

1
2 permanent obstructions exceeding a specified height above the
3 curb level are allowed.

4 Water-dependent. A use or activity which can be carried out
5 only on, in or adjacent to water areas because the use requires
6 access to the water body.

7 Water-related. A use or activity which is not directly
8 dependent upon access to a water body, but which provides goods
9 and services that are directly associated with water dependent
10 uses or activities.

11 Yard. A required open space on the same lot with a prin-
12 cipal use unoccupied and unobstructed by any structure or portion
13 of a structure from 30 inches above the general ground level of
14 the graded lot upward, provided, however, that fences, walls,
15 posts, poles and other customary yard accessories, ornaments and
16 furniture may be permitted in any yard subject to height limi-
17 tations and requirements limiting obstruction of visibility.

18 Yard, Front. "Front yard" means a yard extending across the
19 full width of a lot, measured between the front lot line of the
20 lot or a future street width line and the nearest exterior wall
21 of the building, front of a bay window, or the front of a covered
22 porch or other similar projection, whichever is the nearest to
23 the front lot line.

24 Yard, Rear. "Rear yard" means a yard extending across the
25 full width of the lot between the most rear main building and the
26 rear lot line. The depth of the required rear yard shall be
27 measured horizontally from the nearest point of the rear lot
28 line.

Yard, Side. "Side yard" means a yard, between a main
building and the side lot line, extending from the front yard to
the rear yard. The width of the required side yard shall be
measured horizontally from the nearest point of the side lot line
toward the nearest part of the main building.

CHAPTER 21.36

ZONING DISTRICTS AND ZONING MAP

Sections:

- 21.36.010 Zoning District.
- 21.36.020 Zoning Map.
- 21.36.030 Zoning of Annexed Areas.

21.36.010 zoning Districts. Section 21.04.010 of the
Borough Code divides the borough into two zoning districts, rural
and municipal. The municipal district of the City of Homer is
further divided in zoning districts and within each district only

1
2 certain uses and standards are allowed. The following zones are
hereby established:

3

| <u>Zone</u> | <u>Abbreviated Designation</u> |
|---------------------------|--------------------------------|
| Rural Residential | RR |
| Urban Residential | UR |
| Central Business District | CBD |
| General Commercial 1 | GC1 |
| General Commercial 2 | GC2 |
| Marine Commercial | CM |
| Marine Industrial | IM |
| Open Space - Recreational | OSR |

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5
6
7

8 The zoning district boundaries shall be as shown on the
9 "Homer Zoning Map".

10 21.36.020 Zoning Map. (A) The official zoning map shall be
11 kept in the City offices. The "Homer Zoning Map" is enacted by
reference and declared to be part of this title in the exact form
12 as it exists on the date that this ordinance is enacted by the
assembly.

13 (B) If the zoning map becomes lost or damaged, the map or
significant parts thereof remaining after partial destruction
14 shall be preserved. The City Council may by ordinance enact a
new zoning map which shall be consistent with and supersede the
old zoning map.

15 (C) The map shall be signed by the City Clerk with a note
16 of the date of enactment by the City Council. Amendments shall
be immediately added to the official zoning map with a notation
17 of the date of enactment by the City Council.

18 21.36.030 Zoning of Annexed Areas. Zoning of areas annexed
to the city shall be determined at the time of annexation.

19 Chapter 21.40

20 GENERAL PROVISIONS

21 Sections:

- 22 21.40.010 Compliance.
23 21.40.020 Unlisted uses.
24 21.40.030 Number of buildings per lot.
21.40.040 Parking and loading facilities.
21.40.050 Zoning of waterfront property.

25 21.40.010 Compliance. Except as hereinafter provided, all
land and structures within the City of Homer shall be con-
26 structed, used, occupied or altered in conformance with the
requirements of the zoning district in which they are located.

1
2 E. Boardinghouses.

3 F. Home Occupations, provided that:

4 (1) The occupation shall be carried on entirely within
5 the dwelling unit or accessory building and its
6 function shall be clearly subordinate to the
7 residential nature of the premise.

8 (2) It shall not cause any noise, odors, effluent,
9 smoke, dust, vibrations, electrical interference,
10 bright or flashing light, or other objectionable
11 conditions which would interfere with the quiet
12 enjoyment of a residential neighborhood and there
13 shall be no visible signs of such occupation from
14 the exterior, particularly the storage or display
15 of goods or materials, the parking or storage of
16 trucks, machinery, or equipment on or about the
17 premises. A home occupation shall not include
18 automobile or machinery repairs, welding, sheet
19 metal, or other similar work.

20 (3) A home occupation shall not require regular or
21 frequent deliveries of goods or materials of such
22 bulk or quantity, nor the parking of customer or
23 client's vehicles in numbers or frequency over and
24 above the normal traffic associated with the
25 dwelling as a residence.

26 (4) A home occupation shall be carried on only by the
27 full time occupants of the dwelling unit.

28 (5) No exterior signs shall be allowed except one
unlit sign not exceeding two (2) square feet,
attached to the main building containing only the
name of the occupant and the name of the lawful
home occupation.

G. Agricultural Operations including general farming,
truck farming, livestock farming, nurseries, and
greenhouses, provided that (1) other than normal
household pets, no poultry or livestock may be housed,
and no fenced runs may be located within 100 feet of
any residence other than the dwelling on the same lot
(2) no retail or wholesale business sales office is
maintained on the premises.

H. Public schools.

I. Private float plane tie-down as an accessory use.

J. Storage of personal commercial fishing gear in a safe
and orderly manner and separated by at least five (5)
feet from any property line as an accessory use.

- 1
- 2 K. Private storage in yards of non-commercial equipment
3 including non-commercial trucks, boats, campers or
4 travel trailers in a safe and orderly manner and
5 separated by at least five (5) feet from any property
6 line as an accessory use.
- 7 L. Other Customary Accessory Uses to any of the permitted
8 uses listed in the RR district, provided that (1) no
9 separate permit shall be issued for the construction of
10 any type of accessory building prior to that of the
11 main building; (2) detached accessory buildings may
12 occupy not more than 25 percent of a required rear or
13 side yard and shall be located at least five feet from
14 the nearest part of a main building and five feet from
15 a property line.

16 21.44.030 Conditional Uses and Structures. The following
17 uses are permitted in the Rural Residential District when
18 authorized in accordance with Chapter 21.61 of this ordinance:

- 19 A. Planned Unit Development
- 20 B. Churches
- 21 C. Private Schools
- 22 D. Cemeteries
- 23 E. Kennels
- 24 F. Roadside stands for the sale of produce grown on the
25 premises.
- 26 G. Multi-family structure containing five or more dwelling
27 units.
- 28 H. Mobile Home Parks
- I. Public Utility Facilities and Structures
- J. Pipelines and Railroads
- K. Professional Offices
- L. Heliports
- M. Storage of heavy equipment or boats over 36 feet in
length as an accessory conditional use.

21.44.040 Dimensional Requirements. The following dimen-
sional requirements shall apply to all uses in the Rural Resi-
dential District unless otherwise provided for in Chapter 21.61
or approved by variance as provided in Chapter 21.62.

1
2 A. Lot Size

- 3 (1) The minimum lot area shall be 40,000 square feet
4 for each dwelling unit in areas not served by
5 public sewer and water.
6 (2) Each lot shall contain a minimum of 20,000 square
7 feet per dwelling unit if one of the following
8 conditions exist:
9 (a) The lot is served by public water supply
10 approved by the State Department of Environ-
11 mental Conservation; or
12 (b) The lot is served by public or community
13 sewer approved by the State Department of
14 Environmental Conservation.
15 (3) Each lot shall contain a minimum of 10,000 square
16 feet per dwelling unit if served by both public
17 water and sewer.

18 B. Building Setbacks

- 19 (1) 20 feet from all dedicated rights-of-way.
20 (2) Buildings shall be set back from all other lot
21 boundary lines according to height as follows:

| <u>Number of Stories</u> | <u>Setback</u> |
|--------------------------|----------------|
| 1 | 5 feet |
| 1½ | 6 feet |
| 2 | 7 feet |
| 2½ | 8 feet |

22 C. Building Height

23 The building height shall be a maximum of 35 feet.

24 21.44.050 Performance Standards. A. Slopes. All devel-
25 opment on lands with slopes exceeding 15 percent shall be subject
26 to the following standards:

- 27 (1) For slopes of 15-30 percent, the area used for
28 development shall not exceed 25 percent of the site.
29 (2) For slopes of 31 percent or greater, the area used
30 for development shall not exceed 10 percent of the
31 site.
32 (3) The area used for development includes all buildings,
33 roads, and driveways.

- 1
- 2 (4) Natural vegetation shall remain undisturbed except as
- 3 necessary to construct improvements and to eliminate
- 4 hazardous conditions, unless replanted with native
- 5 materials including ground cover, shrubs and trees.
- 6 (5) Grading shall not alter the natural contours of the
- 7 terrain except as necessary for building sites or to
- 8 correct unsafe conditions. The locations of buildings
- 9 and roads shall be planned to follow and conform to
- 10 existing contours as nearly as possible.

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B. Drainage:

- (1) The development shall provide a drainage system that is designed to deposit all runoff into either an engineered drainage system or into a natural drainage in conformance with the City's Drainage Management Plan.
- (2) Where open-ditch construction is used to handle drainage within the tract, a minimum of 15 feet shall be provided between any structures and the top of the bank of the defined channel.
- (3) When a closed system is used to handle drainage within the tract, all structures shall be a minimum of 10 feet from the closed system.

Chapter 21.45

URBAN RESIDENTIAL (UR)

Sections:

- 21.45.010 Purpose.
- 21.45.020 Permitted Uses and Structures.
- 21.45.030 Conditional Uses and Structures.
- 21.45.040 Dimensional Requirements.
- 21.45.050 Performance Standards.

21.45.010 Purpose. The Urban Residential District is intended to provide a sound environment for medium density residential buildings including single family, duplex and low-rise multiple family. The purpose of the district is to promote variety in housing types and design to meet the expanding demand for housing.

The Urban Residential District is designed for use in areas that provide full urban services and facilities and are able to sustain a medium density with respect to the scale of the facilities and services and to the constraints of the natural landscape.

21.45.020 Permitted Uses and Structures. The following uses are permitted outright in the Urban Residential District.

- 1
- 2 A. Single family detached dwelling structures.
- 3 B. Duplex, attached dwelling structures.
- 4 C. Multi-family structures, containing three or more
5 dwelling units, provided the structure conforms to Sec.
6 21.45.040.
- 7 D. Individual mobile homes are not permitted.
- 8 E. Public parks and playgrounds.
- 9 F. Home Occupations provided they conform to the standards
10 in Chapter 21.44.020 (F).
- 11 G. Boardinghouses.
- 12 H. Private float plane tie-up facility as an accessory
13 use.
- 14 I. Professional Offices.
- 15 J. Public Schools.
- 16 K. Storage of personal commercial fishing gear in a safe
17 orderly manner and separated by at least five (5) feet
18 from any property line as an accessory use.
- 19 L. Private storage in yards of non-commercial equipment
20 including non-commercial trucks, boats, campers, or
21 travel trailers in a safe and orderly manner and
22 separated by at least five (5) feet from any property
23 line as an accessory use.
- 24 M. The outdoor harboring or keeping of dogs, small animals
25 and fowl as an accessory use in a manner consistent
26 with the requirements of all other titles of this code
27 and as long as such animals are kept as pets and their
28 numbers are such as not to cause undue disturbance for
neighboring property owners.
- N. Customary Accessory Uses to any of the permitted uses
listed in the UR district, provided that (1) no separate
permit shall be issued for the construction of any
type of accessory building prior to that of the main
building; (2) detached accessory buildings may occupy
not more than 25 percent of a required rear or side
yard, shall not be more than 1200 square feet in area,
and shall be located at least five feet from the
nearest part of a main building and five feet from a
property line.

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2 21.45.030 Conditional Uses and Structures. The following
3 uses are permitted in the Urban Residential District when
4 authorized in accordance with Chapter 21.61 of this ordinance.

- 5 A. Planned Unit Developments
- 6 B. Townhouse Developments
- 7 C. Private Schools
- 8 D. Day Care Facilities
- 9 E. Churches
- 10 F. Multi-family structures containing 3 or more units
11 which exceed the density requirements in Section
12 21.45.040 (A) (2).
- 13 G. Hospitals
- 14 H. Pipelines and Railroads
- 15 I. Heliports
- 16 J. Storage of heavy equipment or boats over 36 feet in
17 length as an accessory conditional use.
- 18 K. Larger animals not usually considered pets and the
19 construction of paddocks, stables or similar structures
20 or enclosures utilized for keeping of such animals as
21 an accessory conditional use. Such use shall be
22 conditioned on the ability not to cause undue
23 disturbance to neighboring property owners and
24 sufficient land to harbor such animals.

25 21.45.040 Dimensional Requirements. The following dimen-
26 sional requirements apply to all uses in the Urban Residential
27 District unless otherwise provided in Chapter 21.61 or approved
28 by variance as provided in Chapter 21.62.

29 A. Lot Size

- 30 (1) For single family and duplex dwelling structures,
31 there shall be a minimum lot area of 7,500 square
32 feet.
- 33 (2) Multi-family structures containing three or more
34 units shall meet the following standards:
- 35 (a) The total floor area shall not be more than
36 four-tenths (.4) the lot area.
- 37 (b) The total open area shall be at least 1.1
38 times the total floor area. Open area is any

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2 portion of the lot not covered or used for
3 parking spaces and maneuvering.

4 B. Building Setbacks

- 5 (1) 20 feet from ALL dedicated rights-of-way.
6 (2) Buildings shall be set back from all other lot
7 boundary lines according to height as follows:

| <u>Number of Stories</u> | <u>Setback</u> |
|--------------------------|----------------|
| 1 | 5 feet |
| 1½ | 6 feet |
| 2 | 7 feet |
| 2½ | 8 feet |

10 C. Building Height

11 The building height shall be a maximum of 35 feet.

12 21.45.050 Performance Standards. All development proposed
13 within the Urban Residential District shall comply with the
14 performance standards contained in Section 21.44.050 of this
15 ordinance.

16 Chapter 21.48

17 CENTRAL BUSINESS DISTRICT (CBD)

18 Sections:

- 19 21.48.010 Purpose.
20 21.48.020 Permitted Uses and Structures.
21 21.48.030 Conditional Uses and Structures.
22 21.48.040 Dimensional Requirements.
23 21.48.050 Site and Access Plan.
24 21.48.060 Performance Standards

25 21.48.010 Purpose. A. The purpose of the Central Business
26 District is to provide a centrally located area within the city
27 for general retail shopping, personal and professional services,
28 restaurants and related businesses. The district is also in-
tended to allow a mixture of residential and commercial uses.
Multi-family development will be allowed when conflicts between
multi-family residential and commercial use can be minimized.

B. The Central Business District shall be designed to
encourage pedestrian movement throughout the area and to avoid
traffic congestion. The district should be characterized by
ample and convenient off-street parking, safe and limited access
to major streets. Buildings and other structures within the dis-
trict should be compatible with one another and with the sur-
rounding area.

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2 21.48.020 Permitted Uses and Structures. The following
3 uses are permitted outright in the Central Business District.

- 4 A. Any Retail Business where the principal activity is the
5 sale of merchandise and services in an enclosed build-
6 ing, including but not limited to food establishments,
7 drug, variety, dry goods, hardware, appliance, and
8 furniture stores.
- 9 B. Personal Service Establishments that perform services
10 on the premises such as barber or beauty shops, shoe
11 repair shops, self-service laundries, photograph, and
12 quick-print establishment.
- 13 C. Offices for Professional Services such as offices of
14 doctors, dentists, osteopaths, architects, engineers,
15 lawyers, chiropractors, veterinarians, and other
16 similar or allied professions.
- 17 D. Administrative Offices in which personnel are employed
18 in the following fields: executive, administrative,
19 clerical, insurance, real estate, and similar enter-
20 prises, both public and private.
- 21 E. Restaurants, clubs and drinking establishments which
22 provide food or drink for consumption on the premises.
- 23 F. Parking Lots and Parking Garages.
- 24 G. Hotels and Motels.
- 25 H. Mortuaries.
- 26 I. Single family and duplex residences.
- 27 J. Float plane tie-up facilities and air charter services.
- 28 K. Parks.
- L. Financial institutions.
- M. Mobile office structures on a temporary basis for a
maximum of one year.
- N. Building supplies and materials.
- O. Customary Accessory Uses to any of the permitted uses
listed in the CBD District, provided that (1) a sepa-
rate permit shall not be issued for the construction of
any type of accessory building prior to that of the
main building. (2) Any attached or detached accessory
building shall maintain the same yards and setbacks as
the principal use.

1
2 21.48.030 Conditional Uses and Structures. The following
3 uses are permitted in the Central Business District when
4 authorized in accordance with Chapter 21.61 of this ordinance.

- 5 A. Planned Unit Development.
- 6 B. Indoor commercial recreation facilities such as
7 theaters, bowling alleys, skating rinks or similar
8 uses.
- 9 C. Multi-family dwelling structures.
- 10 D. Apartment unit located in buildings primarily devoted
11 to commercial uses.
- 12 E. Mobile Home Parks.
- 13 F. Service stations and other drive-in establishments.
- 14 G. Churches.
- 15 H. Public Utility Facilities and Structures.
- 16 I. Pipeline and Railroads.
- 17 J. Heliports.

18 21.48.040 Dimensional Requirements. The following dimen-
19 sional requirements shall apply to all uses in the Central
20 Business District unless otherwise provided for in Chapter 21.61
21 or approved by variance as provided in Chapter 21.62.

22 A. Lot Size

- 23 (1) The minimum lot area shall be 6,000 square feet.
24 Already existing smaller lot sizes may be approved
25 subject to the provision of off-site parking as
26 specified in the City of Homer parking ordinance.
- 27 (2) Multi-family structures containing three or more
28 units shall meet the standards in Chapter 21.-
45.040 (A) (2), unless otherwise specified in
conditional use permits.
- (3) Townhouses shall meet the standards in Chapter
21.61.070 unless otherwise specified in condi-
tional use permits.

B. Building Setbacks

- (1) 20 feet from all dedicated rights-of-way.
- (2) Buildings shall be set back five feet from all
other lot boundary lines unless firewalls are

1
2 provided and access to the rear of the building is
3 otherwise provided (e.g., alley-ways).

4 C. Building Height

5 The maximum building height shall be 35 feet.

6 21.48.050 Site and Access Plan. A. A building permit for
7 use within the Central Business District shall not be issued by
8 the City of Homer without a plot plan for that use. The plan
9 shall show:

- 10 (1) Existing site features and conditions, including
11 topography, drainage and the general location of
12 vegetation.
- 13 (2) Relationship to existing and proposed rights-of-way.
- 14 (3) Access, including proposed driveway and curb cuts, with
15 arrows indicating vehicular traffic patterns on, into
16 and out of the site and to and from all parking areas.
- 17 (4) On-site traffic and pedestrian circulation systems.
- 18 (5) The precise location of all proposed structures with a
19 detailed parking plan.
- 20 (6) Where practical, safe, and where other means of access
21 have not been provided, access easements may be re-
22 quired to public lands.

23 B. All access points to rights-of-way shall conform to the
24 following standards:

- 25 (1) Entrances onto arterials and collectors shall be
26 minimized and individual businesses shall share access
27 to rights-of-way whenever possible. Access shall
28 conform to the policies in the City of Homer Master
Roads and Streets Plan and the ordinances of the City
of Homer.
- (2) Frontage roads shall be developed where applicable to
conform to the Master Roads and Streets Plan.
- (3) Visibility for vehicles at access points shall be
protected as specified below:

At the intersection of any private drive or
entrance or exit for a parking area with a public
street, no fence, wall, hedge or other planting or
structure forming a material impediment or visi-
bility between a height of 2½ feet and 8 feet
shall be erected, planted, placed or maintained,
and no vehicle so impeding visibility shall be

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2 parked within triangular areas defined by lines
3 connecting points as follows:

4 Beginning at the point where the midline of
5 the private drive or entrance or exit for a
6 common parking area intersects the public
7 right-of-way, thence to a point 35 feet along
8 the right-of-way line in the direction of
9 approaching traffic, thence to a point 25
feet toward the interior of the property at
the previously described midline, and thence
to point of beginning (no such visibility
triangle need be maintained on the side of
the drive, entrance or exit away from
approaching traffic on the same side of the
street).

10 Section 21.48.060 Performance Standards. All development
11 proposed within the Central Business District shall comply with
the performance standards contained in section 21.44.050 of this
12 ordinance.

13 Chapter 21.49

14 GENERAL COMMERCIAL 1 (GC1)

15 Sections:

- 16 21.49.010 Purpose.
17 21.49.020 Permitted Uses and Structures.
18 21.49.030 Conditional Uses and Structures.
19 21.49.040 Dimensional Requirements.
20 21.49.050 Site and Access Plan.
21 21.49.060 Performance Standards

22 21.49.010 Purpose. The General Commercial 1 District is
23 intended to provide sites for businesses that require direct
24 motor vehicle access and may require larger land area than would
25 be needed in the Central Business District. The purpose of the
district is to serve the general public and to accommodate the
needs of commerce. The district is designed to provide goods and
services from locations in proximity to arterials and trans-
portation centers, and at the same time, to minimize congestion
and any adverse influences on adjacent residential areas or on
the appearance of the community. Adequate site accessibility,
buffers, and landscape treatment are required to minimize some of
these adverse effects. The district regulations include per-
formance standards to minimize the nuisance characteristics of
heavy commercial uses, especially where the district abuts other
zoning districts.

26 21.49.020 Permitted Uses and Structures. The following
27 uses are permitted outright in the General Commercial 1 District:
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- A. Air Charter Operations and float plan tie-up facilities.
- B. Administrative Offices
- C. Apartment unit located in buildings primarily devoted to commercial uses.
- D. Automobile and vehicle repair, services and parts, sales, showrooms and sales lots.
- E. Automobile service stations and car washes
- F. Building supply and equipment
- G. Drive-in restaurants, clubs and drinking establishments.
- H. Garden supplies and greenhouses
- I. Heavy equipment sales, showrooms and lots
- J. Hotels and motels
- K. Lumber yards
- L. Marine equipment service, sales and rentals
- M. Mortuaries
- N. Open air businesses
- O. Parking areas and garages
- P. Professional offices
- Q. Publishing, printing and bookbinding
- R. Recreation facilities
- S. Recreation vehicle sales
- T. Retail Businesses
- U. Restaurants
- V. Schools, trade, skilled or industrial
- W. Wholesale businesses, including storage and distribution services associated with the products to be wholesaled.
- X. Welding and mechanical repair

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- 2 Y. Parks
- 3 Z. Appliance sales and service
- 4 AA. Warehousing and commercial storage
- 5 BB. Financial institutions
- 6 CC. Mobile office structures on a temporary basis for a
maximum of one year.
- 7 DD. Other similar uses as determined by the Planning
8 Commission.
- 9 EE. Customary Accessory Uses to any of the permitted uses
listed in the G-C1 District, provided that:

10 (1) No separate permit shall be issued for the con-
11 struction of any type of accessory building prior
to that of the main building.

12 (2) Any attached or detached accessory building shall
13 maintain the same yards and setbacks as the
principal use.

14 21.49.030 Conditional Uses and Structures. The following
uses are permitted in the General Commercial 1 District when
15 authorized in accordance with Chapter 21.61 of this ordinance.

- 16 A. Campgrounds
- 17 B. Crematoriums
- 18 C. Multi-family structures containing three or more units.
- 19 D. Manufacturing of electronic equipment, electrical
devices, pottery/ceramics, musical instruments, toys,
novelties, small molded products and furniture.
- 20 E. Public utility facility or structure
- 21 F. Mobile Home Parks
- 22 G. Recreational vehicle parks
- 23 H. Planned Unit Developments
- 24 I. Townhouses
- 25 J. Pipelines and Railroads
- 26 K. Heliports

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2 (3) Odors: The emission of odors in such quantities
3 as to be objectionable to any person with normal
4 sensitivities at any point beyond the property
5 line is prohibited. Noxious, toxic, and corrosive
6 gas emissions shall be treated by full control
7 techniques.

8 (4) Particulate Matter: All facilities will be
9 designed and operated with the highest and best
10 emission control equipment practical.

11 Firms responsible for a suspected source of air pollution,
12 upon the request of the City, shall provide quantitative and
13 qualitative information regarding the discharge that will ade-
14 quately and accurately describe operation conditions. Any firm
15 shall be prepared to have its plans and specifications reviewed
16 by the State Department of Environmental Conservation prior to
17 final approval of the plans by the City.

18 B. Noise

19 All noise shall be muffled so as not to be ob-
20 jectionable due to intermittances, beat, fre-
21 quency, or shrillness. Off-site noise shall not
22 exceed 50 decibels between 10:00 p.m. and 6:00
23 a.m. and 80 decibels at all other times at the
24 property line.

25 C. Vibration

26 No vibration which is discernible by a person of
27 normal sensitivities without instruments other
28 than that caused by highway vehicles or aircraft
shall be permitted beyond the property line of the
use concerned.

D. Heat and Glare

All operations producing heat or glare, including
exterior lighting, shall be conducted so that they
do not create a nuisance beyond the property line
of the site.

E. Waste Material

All materials, including wastes, shall be stored
and all properties maintained in a manner which
will not attract or aid the propagation of in-
sects, birds or rodents or in any way create a
health hazard.

F. Water and Solid Waste Pollution

1
2 No liquid or solid waste disposal will be allowed
3 on the site or into adjacent drainage ditches,
4 storm sewers, sloughs or other waterways. The
5 discharge of treated or untreated sewage or wastes
6 into the sanitary sewer systems shall conform to
7 the codes and ordinances of the City.

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10 G. Handling of Dangerous Materials

11 The storage, handling and use of dangerous materi-
12 als such as flammable liquids, incinerary devices,
13 compressed gases, corrosive materials and ex-
14 plosives shall be in accordance with the regu-
15 lation and codes of the State Fire Marshall, the
16 National Fire Protection Association and the U.S.
17 Coast Guard.

18 H. Materials and Equipment Storage

19 The open storage of materials and equipment is
20 permitted under the following conditions:

21 (1) If storage abuts a residential use or dis-
22 trict, the area must be screened from view by a
23 wall, fence or other sight-obscuring material.
24 Such screen shall be a minimum of 8 feet in
25 height.

26 (2) All materials including wastes shall be
27 stored and all grounds maintained in a manner that
28 will not attract or aid the propagation of in-
sects, birds or rodents, or create a health
hazard.

I. Records

Upon request by the city, information sufficient
to determine the degree of compliance with the
standards of this chapter shall be furnished by
the industry. Such request may include a require-
ment for continuous records of operations likely
to violate the standards for periodic checks to
assure maintenance of standards, or for an as-
built survey in the event a question arises as to
compliance.

Chapter 21.50

GENERAL COMMERCIAL 2 (GC2)

Sections:

- 21.50.010 Purpose.
21.50.020 Permitted Uses and Structures.

- 1
2 21.50.030 Conditional Uses and Structures.
3 21.50.040 Performance Standards.
4 21.50.050 Dimensional Requirements.
5 21.50.060 Site and Access Plan Review.

6 21.50.010 Purpose. A. The purpose of the General Com-
7 mercial 2 District is to promote a sound heavy commercial area
8 within the community with good access to main roads and to
9 reserve land for future industrial expansion. The district is
10 designed to permit manufacturing, processing, assembling,
11 packaging, or treatment of products within enclosed structures,
12 warehousing and outside storage, and the public utilities and
13 facilities required to serve these uses.

14 B. Residential uses are limited and certain retail enter-
15 prises are limited. The district regulations include performance
16 standards for heavy commercial uses, especially where the dis-
17 trict abuts other zoning districts.

18 21.50.020 Permitted Uses and Structures. The following
19 uses are permitted outright in the General Commercial 2 District.

- 20 A. Production, processing, assembly and packaging of fish,
21 shellfish, and seafood products.
22 B. Construction, assembly and storage of boats and boat
23 equipment.
24 C. Manufacture of pottery and ceramics.
25 D. Manufacture of musical instruments, toys, novelties or
26 other small molded products.
27 E. Manufacturing and assembly of electronic instruments
28 and equipment and electrical devices.
29 F. Research and development laboratories
30 G. Trade, skills or industrial schools
31 H. Publishing, printing and bookbinding facilities
32 I. Vehicle and heavy equipment sales and repair
33 J. Storage and distribution services and facilities
34 including truck terminals, warehouses and storage
35 buildings and yards, contractors' establishments,
36 lumber yards and sales, or similar uses.
37 K. Public utility installations and buildings
38 L. Airports and air charter operations
39 M. Wrecking yards

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- 2 N. Heliports and helistops
- 3 O. Underground bulk petroleum storage
- 4 P. Cold storage facilities
- 5 Q. Parking areas, lots and garages
- 6 R. Mobile office structures
- 7 S. Other similar uses as determined by the Planning Commission.
- 8 T. Accessory Uses to the uses permitted in the GC2 District which are clearly subordinate to the main use of the lot or building, such as restaurant or cafeteria facilities for employees; or caretaker or dormitory residence if situated on a portion of the principal lot, provided that (1) separate permits shall not be issued for the construction of any type of accessory building prior to that of the main building; (2) any accessory building shall maintain the same yards and setbacks as the principal use.

13 21.50.030 Conditional Uses and Structures. The following
 14 uses are permitted in the General Commercial 2 District when
 15 authorized in accordance with Chapter 21.61 of this ordinance.

- 15 A. Mobile home parks
- 16 B. Construction camps
- 17 C. Extractive enterprises, including the mining, quarrying and crushing of gravel, sand and other earth products and batch plants for asphalt or concrete.
- 18 D. Bulk petroleum product storage above ground.
- 19 E. Planned Unit Industrial Developments
- 20 F. Campgrounds
- 21 G. Junk yards
- 22 H. Kennels
- 23 I. Public utility facilities and structures
- 24 J. Recreational vehicle parks
- 25 K. Pipeline and railroads
- 26 L. Heliports
- 27
- 28

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2 21.50.040 Performance Standards. All uses shall conform to
3 the performance standards contained in Chapter 21.49.060 of this
4 ordinance.

5 21.50.050 Dimensional Requirements. The following dimen-
6 sional requirements apply to all uses in the General Commercial 2
7 District, unless otherwise provided for in Chapter 21.61 or
8 approved by variance as provided in Chapter 21.62.

9 A. Lot Size

10 (1) The minimum lot size shall be 20,000 square feet.

11 B. Building Setbacks

12 (1) 20 feet from all dedicated rights-of-way.

13 (2) Building shall be set back 10 feet from all other
14 lot boundary lines.

15 C. Building Height

16 The maximum building height shall be 65 feet,
17 except within 100 feet of a more restrictive
18 district; in which case the maximum building
19 height shall be the same height as required in the
20 abutting district.

21 21.50.060 Site and Access Plan Review. A. A building
22 permit for a use within the General Commercial 2 District shall
23 not be issued by the City of Homer without a plot plan for that
24 use. The site plan shall show:

25 (1) Existing site features and conditions, including
26 topography, drainage, and the general location of
27 vegetation.

28 (2) Relationship to existing and proposed rights-of-way.

 (3) Access, including proposed driveway and curb cuts, with
 arrows indicating vehicular traffic patterns into and
 out of the site and to and from all loading berths and
 parking areas.

 (4) The location and proposed screening of open storage
 areas.

 (5) Basic floor plans and location of all structures.

 (6) Location of utilities.

 (7) Turning radius for vehicles.

 (8) Proposed signs and lighting.

- 1
2 (9) Relationship of the site to residential uses or other
3 existing industrial uses.

4 B. All access points to rights-of-way shall conform to the
5 following standards:

- 6 (1) Entrances onto arterials and collectors shall be
7 minimized with individual businesses sharing access to
8 rights-of-way whenever possible.
9 (2) Frontage roads shall be developed where applicable.
10 (3) All access roads and frontage roads shall be developed
11 to conform to the Master Roads and Streets Plan of the
12 City of Homer.

13 Chapter 21.52

14 MARINE COMMERCIAL (CM)

15 Sections:

- 16 21.52.010 Purpose.
17 21.52.020 Permitted Uses and Structures.
18 21.52.030 Conditional Uses and Structures.
19 21.52.040 Performance Standards.
20 21.52.050 Dimensional Requirements.
21 21.52.060 Site and Access Plan.

22 21.52.010 Purpose. A. The purpose of the Marine Com-
23 mercial Zone is to provide adequate space for the commercial
24 needs which service and support water dependent industries and
25 facilities; to encourage adequate separation between allied but
26 potentially incompatible commercial and industrial uses while
27 providing proximate locations for the mutual benefit of such
28 water-oriented commercial and water-dependent industrial uses.

B. Commercial enterprise is permitted to the extent that it
services and supports the water-dependent industries which are
important to Homer's economic base such as fishing, marine
transportation, off-shore energy development, recreation and
tourism; and to the extent that location elsewhere creates
unnecessary hardship for the users of such commercial services.

C. 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 commercial development on the natural
features on which it depends.

21.52.020 Permitted Uses and Structures. The following
uses are permitted outright in the Marine Commercial District.

- 1
- 2 A. Boat charter offices
- 3 B. Marine equipment and parts sales and services
- 4 C. Retail outlets for seafood products, sporting goods,
5 curios and arts and crafts.
- 6 D. Business offices for marine development operations such
7 as fish brokers, off-shore oil and gas service com-
8 panies, and stevedores.

9 21.52.030 Conditional Uses and Structures. The following
10 uses are permitted in the Marine Commercial District when
11 authorized in accordance with Chapter 21.61 of this ordinance.

- 12 A. Restaurants and drinking establishments
- 13 B. Cold storage facilities
- 14 C. Public utility facilities and structures
- 15 D. Dredge and fill required for any use permitted
16 outright.
- 17 E. Wholesale outlets for marine products
- 18 F. Pipelines and Railroads
- 19 G. Heliports
- 20 H. Other similar uses as determined by the Planning
21 Commission.
- 22 I. Hotels and Motels

23 21.52.040 Performance Standards. A. Development shall not
24 impair or unnecessarily impede use by the public of adjacent
25 publicly owned tidelands.

26 B. The location of buildings and roads shall be planned to
27 minimize alteration to the natural terrain.

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

21.52.050 Dimensional Requirements. The following dimen-
sional requirements shall apply to all uses in the Marine Com-
mercial District, unless otherwise provided in Chapter 21.61.

- A. The minimum lot size is 20,000 square feet. The
minimum lot width is 150 feet.
- B. Buildings shall be set back 10 feet from all lot bound-
ary lines.

1
2 C. The maximum building height shall be 35 feet as mea-
3 sured from the bottom of the first floor.

4 21.52.060 Site and Access Plan. A. A building permit for
5 use within the Marine Commercial District shall not be issued by
6 the City of Homer without a plot plan for that use. The plan
7 shall show:

- 8 (1) Existing site features and conditions, including
9 topography, drainage, mean high water line and high
10 water line.
11 (2) Relationship to existing right-of-way and access,
12 including driveway and curb cuts, with arrows in-
13 dicating vehicular traffic patterns on, into and out of
14 the site and to and from all parking areas.
15 (3) On-site parking, traffic and pedestrian circulation
16 systems.
17 (4) Existing and proposed structures.
18 (5) Copies of applications and permits, if issued, from any
19 state or federal agency having jurisdiction.

20 Chapter 21.53

21 MARINE INDUSTRIAL DISTRICT (IM)

22 Sections:

- 23 21.53.010 Purpose.
24 21.53.020 Permitted Uses and Structures.
25 21.53.030 Conditional Uses and Structures.
26 21.53.040 Performance Standards.
27 21.53.050 Dimensional Requirements.
28 21.53.060 Site and Access Plan.

29 21.53.010 Purpose. The purpose of the Marine Industrial
30 District is to provide adequate space for those industrial uses
31 that require direct marine access for their operation and to
32 encourage the most efficient utilization of land. The intention
33 of this district is to promote those marine dependent industries
34 that are important to Homer's economic base such as fishing, fish
35 processing, marine transportation, off-shore oil development and
36 tourism; to give priority to those uses, and to minimize con-
37 flicts among industrial, commercial, and recreational uses.

38 21.53.020 Permitted Uses and Structures. The following
uses are permitted outright in the Marine Industrial District:

- A. Port and harbor facilities

- 1 B. Manufacturing, processing and packing of sea products
- 2 C. Cold storage plants
- 3 D. Dry Docks
- 4 E. Wharfs and docks, marine loading facilities, ferry terminals, marine railways
- 5 F. Marine equipment services, storage, sales or rentals
- 6 G. Boat launching or moorage facilities, marinas, boat charter services
- 7
- 8 H. Warehouse and marshalling yards for storing goods awaiting transfer to marine craft or awaiting immediate pickup by land-based transportation
- 9
- 10 I. Public utilities required to serve marine industrial uses, such as water and sewer lines and treatment facilities
- 11
- 12 J. Other similar uses as determined by the Planning Commission provided they meet the following standards:
- 13 (1) The proposed use requires a waterfront location or direct access to the waterfront to operate.
- 14 (2) The use provides goods and services essential to fishing, fish processing, marine transportation, off-shore oil and gas development, or other water-dependent uses.
- 15
- 16 (3) Public facilities and services are adequate to serve the proposed use.
- 17
- 18 (4) The City of Homer Port and Harbor Commission makes a written finding to the Homer Advisory Planning Commission that conditions (1) through (3) have been met.
- 19

20 21.53.030 Conditional Uses and Structures. The following
 21 uses are permitted in the Marine Industrial District when
 22 authorized in accordance with Chapter 21.61 of this ordinance.

- 22 A. Planned Unit Industrial Development
- 23 B. Boat storage and boat manufacturing
- 24 C. Restaurants and drinking establishments
- 25 D. Extractive enterprises related to other permitted uses.
- 26 E. Campgrounds
- 27
- 28

- F. Bulk petroleum storage
- G. Accessory caretaker's residence
- H. Heliports
- I. Pipelines and railroads

21.53.040 Performance Standards. A. All industrial uses shall conform to the performance standards contained in Chapter 21.49.060 of this ordinance.

B. Point source discharges to a waterway shall be in conformance with the Alaska Department of Environmental Conservation regulations.

21.53.050 Dimensional Requirements.

A. Lot Size

The minimum lot size shall be 6,000 square feet subject to Borough and State size requirements for lack of sewer and/or water utilities.

B. Setbacks

(1) 20 feet from all dedicated rights-of-way.

(2) Buildings shall be set back five feet from all other lot boundaries unless firewalls are provided and access to the rear of the building is otherwise provided (e.g., alleyways).

21.53.060 Site and Access Plan. A building permit for a use within the marine industrial district shall not be issued by the City of Homer without a plot plan for that use in conformance with Chapter 21.50.060 of this ordinance.

Chapter 21.54

OPEN SPACE -- RECREATION (OSR)

Sections:

- 21.54.010 Purpose.
- 21.54.020 Permitted Uses and Structures.
- 21.54.030 Conditional Uses and Structures.
- 21.54.040 Performance Standards.
- 21.54.050 Site and Access Plan.

21.54.010 Purpose. A. The purpose of the Open Space Recreation District is to promote public recreational opportunities, while at the same time protecting the natural and scenic resources of the area. The district is intended to give

1
2 priority to pedestrian uses over motor vehicle uses and to
3 preserve public access to the tidelands.

4 B. All development proposals in the District will be
5 evaluated in terms of their compatibility with natural hazard and
6 erosion potential and their effect on scenic vistas and public
7 access.

8 21.54.020 Permitted Uses and Structures. The following
9 uses are permitted outright in the Open Space - Recreation
10 District.

- 11 A. Marine recreation activities such as fishing and
12 boating.
- 13 B. Park, playground, campground and related recreation
14 activities.
- 15 C. Marine life raising or production, as it relates to
16 recreational usage.
- 17 D. Marine life and wildlife sanctuary or preserve

18 21.54.030 Conditional Uses and Structures. The following
19 uses are permitted in the Open Space - Recreation District when
20 authorized in accordance with Chapter 21.61 of this ordinance.

- 21 A. Public utility facilities and structures
- 22 B. Any structures used in connection with uses permitted
23 outright.
- 24 C. Fish gear and boat storage
- 25 D. Campgrounds and recreation vehicle parking
- 26 E. Pipelines and railroads
- 27 F. Parking areas
- 28 G. Heliports
- 29 H. Other open space and recreation uses as determined by
30 the Planning Commission.

31 21.54.040 Performance Standards. The uses allowed in this
32 District shall be subject to the following standards:

- 33 (A) The development shall not adversely affect the natural
34 resources such as the littoral drift pattern and the
35 estuarine environment.
- 36 (B) The development shall preserve all pedestrian easements
37 and rights-of-way to the tidelands. All applications

1
2 shall include a site plan showing these and any other
3 proposed easements and their dimensions. The Planning
4 Commission may require additional easements depending
5 on the design, scale and location of existing public
6 access points.

7 (C) All structures shall be designed in terms of their
8 height, bulk, scale and orientation to minimize the
9 interruption of scenic views.

10 (D) The development shall be compatible with adjacent and
11 nearby properties.

12 (E) The development can be served by existing public
13 services or facilities.

14 (F) The development shall not be contrary to the City's
15 Comprehensive Plan or the State Coastal Management
16 Program.

17 (G) The development shall not be inconsistent with the
18 purposes of the district.

19 21.54.050 Site and Access Plan. A site plan shall be
20 submitted with all applications for development. The site plan
21 shall show the following information:

22 A. Proposed access from the right-of-way, traffic circu-
23 lation patterns and parking areas.

24 B. Proposed pedestrian access to the water, walkways and
25 trails.

26 C. Existing physical characteristics of the site, in-
27 cluding submerged lands at mean higher high water and
28 areas subject to erosion.

D. The location, floor plans and preliminary renderings of
all proposed structures, including signs.

E. Relationship of the site to other existing uses.

Chapter 21.60

SUPPLEMENTAL REGULATIONS

Sections:

21.60.010 Sign-Standards.

21.60.020 Height Regulations--Exceptions--When Permitted.

21.60.030 Yards--Projections Into--When Permitted.

21.60.040 Fences.

21.60.010 Sign-Standards

1
2 A. General Provisions

- 3 (1) All signs shall be set back a minimum of 5 feet
4 from the right-of-way unless otherwise provided
5 and shall not interfere with any site distance
6 triangle required in Chapter 21.36 through 21.69
7 or any applicable ordinance of the City of Homer.
8 All signs, whether they are attached to a struc-
9 ture or free-standing, shall conform to the
10 maximum height requirements of the district in
11 which the sign is located.
- 12 (2) The following are excluded from the regulations
13 contained herein:
- 14 (a) Signs not exceeding one square foot in area
15 and bearing only property numbers, post box
16 numbers, or names of occupants of premises;
 - 17 (b) Flags and insignia of any government except
18 when displayed in connection with commercial
19 promotion;
 - 20 (c) Legal notices, identification information or
21 directional signs erected by governmental
22 bodies;
 - 23 (d) Integral decorative or architectural features
24 of buildings; or
 - 25 (e) Signs directing and guiding traffic and
26 parking on public or private property, but
27 bearing no advertising matter.
- 28 (3) The surface area of a sign shall be computed as
including the area comprising the entire display
but not including forming parts of the display
such as frames or standards. The surface area
permitted is the total for all signs on the
premises unless otherwise provided or excepted.
- (4) Signs may be lighted except where specifically
prohibited, however, no lighted sign shall cause
undue glare beyond the property line so as to
create a traffic hazard. No flashing or animated
signs shall be permitted.
- (5) Variations from any sign standards may be approved
by the Planning Commission by a conditional use
permit.
- (6) When the sign legally exists prior to passage of
this ordinance but does not meet the requirements
of the ordinance, it shall be considered

1
2 nonconforming. Such nonconformity shall be ter-
3 minated no later than one year from effective date
4 of this ordinance.

5 B. District Limitations

6 (1) UR and RR District. No signs intended to be read
7 from off the premises shall be permitted except as
8 follows:

9 a) a sign advertising the sale or rental of a
10 premise, not artificially illuminated and of a
11 temporary nature, with a maximum area on one
12 side of 4 square feet;

13 b) a sign not exceeding 2 square feet containing
14 the name of the occupant and the name of the
15 lawful home occupation location against the
16 wall of the principal building;

17 c) for subdivision tract development or resi-
18 dential projects containing two acres or
19 more, one sign not exceeding 100 square feet
20 in surface area, to be erected at least 20
21 feet from any public right-of-way and 10 feet
22 from any side or rear lot lines of adjoining
23 property;

24 d) churches, public and quasi-public insti-
25 tutions including schools and municipal
26 buildings may erect for their own use one
27 identification or announcement sign or
28 bulletin board not exceeding 20 square feet
in area;

a) multiple-family dwellings, boarding and
lodging house may have one sign not exceeding
6 square feet in surface area identifying the
premises and indicating "vacancy" or "no
vacancy" where a multiple-family dwelling has
principal entrances from more than one
street, one such sign may be erected at each
entrance; and

f) all other permitted or conditional uses may
have one sign not exceeding 4 square feet in
surface area.

(2) CBD, GC1, GC2, CM and IM Districts:

a) For any residential uses permitted outright
or conditionally, signs for such shall
conform to the requirements in Subsection
21.60.010 (B) (1).

1
2 1) For shopping centers, malls non-resi-
3 dential PUD's and projects containing
4 two or more acres one identification
5 sign structure which may include up to
6 three sign faces with combined surface
7 area not to exceed 100 square feet for
8 each side of the premises adjacent to a
9 public street is permitted. No portion
10 of such structure shall be closer than
11 25 feet to any residential boundary.
12 Lettering on such sign shall indicate
13 only the name of the shopping center and
14 the general nature of business con-
15 ducted.

16 2) In addition, for each 10 lineal feet of
17 frontage of principal buildings (front-
18 age being determined by the principal
19 entrance to the building) and for each
20 10 lineal feet of sides of principal
21 buildings exposed to general public view
22 from either the parking area or public
23 streets, a maximum of one sign and 10
24 square feet of surface area is per-
25 mitted. Total surface area permitted
26 may be used in a lesser number of signs
27 than the maximum permitted, but the
28 maximum number shall not be exceeded.
Such signs shall be mounted only on the
walls or roofs of buildings.

b) 1) For all other permitted or conditional
uses for each 10 lineal feet of lot
frontage on a public street (frontage
being determined by the principal
entrance to the premises) a maximum of
one sign and 10 square feet of surface
area is permitted.

2) The total surface area permitted may be
used in a lesser number of signs than
the maximum permitted, but the maximum
number shall not be exceeded even though
the total permissible surface area is
not used.

21.60.020 Height Regulations -- Exceptions -- When Per-
mitted. A. The height limitations of Chapters 21.36 through
21.69 shall not apply to church spires, belfries, cupolas and
domes, if not used for human occupancy, nor to chimneys, venti-
lators, weather vanes, skylights, water tanks, bulkheads, monu-
ments, flagpoles, television and radio antennae, and other
similar features, and necessary mechanical appurtenances usually
carried above roof level.

1
2 B. The provisions of Chapters 21.28 through 21.69 shall not
3 limit the erection of parapet walls or cornices up to 5 feet
4 above the building height.

5 21.60.030 Yards - Projections Into - When Permitted. The
6 following structures may project into required front, side or
7 rear yards as specified below and shall not be considered in
8 determining lot coverage:

- 9 A. Paved terraces may project into required front, side or
10 rear yards provided that no structures violate other
11 requirements of Chapters 21.28 through 21.70.
- 12 B. Unroofed landings and stairs may project into required
13 front and rear yards only, provided that no portion
14 other than a light handrail extends higher than 16
15 inches above the finished level.
- 16 C. Window sills, belt courses, cornices, eaves and similar
17 incidental architectural features should not project
18 more than two feet into any required yard.
- 19 D. Open fire escapes should not project more than four
20 feet, six inches into any required yard.

21 21.60.040 Fences. Fences may be constructed at the lot
22 line, provided however, that front yard fences in residential
23 zoning districts shall not exceed four feet in height. No fence
24 may block any site distance triangle which may be required by
25 this or other ordinances.

26 Chapter 21.61

27 CONDITIONAL USE PERMITS

28 Sections:

- 29 21.61.010 Intent.
30 21.61.020 General Conditions.
31 21.61.030 Application for Conditional Use Permits.
32 21.61.040 Procedures.
33 21.61.050 Time Limitations.
34 21.61.060 Standards for Planned Unit Developments.
35 21.61.070 Standards for Townhouses
36 21.61.080 Standards for Mobile Home Parks.
37 21.61.090 Standards for Recreational Vehicle Parks.
38 21.61.100 Standards for Churches.

39 21.61.010 Intent. It is the intent of this chapter to
40 provide the flexibility necessary to allow by permit a use within
41 a district under conditions which are specified in addition to
42 regulations applying to other uses permitted outright within the
43

1
2 district. The reasons for requiring such special conditions
3 include, among others, the size of the area required for the full
4 development of such uses, the nature of the traffic problems
5 incidental to operation of the uses, and the effect such uses
6 have on any adjoining land uses and on the growth and development
7 of the city as a whole. Location and operation of designated
8 conditional uses shall be subject to review and authorized only
9 by issuance of a Conditional Use Permit. The purpose of review
10 shall be to determine that the characteristics of any such use
11 shall not be incompatible with the type of uses permitted in
12 surrounding areas, and for the further purpose of establishing
13 reasonable conditions so that the basic purpose of this Chapter
14 shall be served. Nothing herein shall be construed to require
15 the granting of a Conditional Use Permit.

9 21.61.020 General Conditions. Prior to granting a condi-
10 tional use permit, it shall be established that the use satisfies
11 the following conditions:

- 11 A. The use is consistent with the purpose of Chapters
12 21.28 through 21.70 and the purpose of the zoning
13 district;
- 14 B. The value of the adjoining property will not be
15 substantially reduced;
- 16 C. The proposed use is in harmony with the community plan
17 and with surrounding land use;
- 18 D. Public services and facilities are adequate to serve
19 the proposed use;
- 20 E. A more suitable location for the use is not practicably
21 available within the zoning district;
- 22 F. In evaluating the above mentioned conditions, con-
23 sideration may be given to harmony in scale, bulk,
24 coverage and density, to the harmful effect, if any,
25 upon desirable neighborhood character, to the genera-
26 tion of traffic and the capacity of surrounding streets
27 and roads, and to any other relevant impact of the use.
- 28 G. Any and all specific conditions deemed necessary by the
Advisory Planning Commission to fulfill the above-
mentioned conditions shall be met by the applicant.
Guarantees and evidence may be required that such
conditions will be or are being complied with. Such
conditions may include, but are not limited to, re-
quiring:
- (1) Special yards and spaces.
 - (2) Fences and walls.

- 1 (3) Surfacing of parking areas.
- 2 (4) Street and road dedications and improvements (or
- 3 bonds).
- 4 (5) Control of points of vehicular ingress and egress.
- 5 (6) Special provisions on signs.
- 6 (7) Landscaping and maintenance thereof.
- 7 (8) Maintenance of the grounds.
- 8 (9) Control of noise, vibration, odors or other
- 9 similar nuisances.
- 10 (10) Limitation of time for certain activities.
- 11 (11) A time period within which the proposed use shall
- 12 be developed.
- 13 (12) A limit on total duration of use.

12 21.61.030 Application for Conditional Use Permits. Appli-
13 cation for a conditional use permit shall be filed with the City
14 Manager. The application shall include, but is not limited to,
15 the following:

- 14 A. Name and address of the party seeking the permit;
- 15 B. A legal description of the land;
- 16 C. A description of the proposed use including a dimen-
17 sioned plot plan and a description of neighboring land
18 use including any necessary maps and diagrams;
- 19 D. The appropriate fee; and
- 20 E. Any additional information which the administration
21 official, the Borough Planning Commission, or if
22 appropriate, the Homer Advisory Planning Commission may
23 require to determine if all conditions will be satis-
24 fied.

22 21.61.040 Procedures. A. If the application is in order,
23 the City Manager shall schedule a public hearing and notice of
24 the proposal as specified in Chapter 21.69.

24 B. Approval shall require the concurring majority vote plus
25 one of the Advisory Planning Commission.

25 21.61.050 Time Limitations. Failure to meet any time
26 limits imposed by the conditional use permit granted by the
27 Homer Advisory Planning Commission shall void the conditional use

1
2 permit provided that an extension may be granted by the Planning
3 Commission following a public hearing on the matter. The Com-
mission may grant extensions for good cause only.

4 21.61.060 Standards for Planned Unit Developments.

5 A. Purpose. Planned Unit Developments are intended to en-
6 courage the development of large parcels of land as integrated
7 units and to allow for flexibility in design. PUD's are allowed
as conditional uses within a number of zoning districts and are
applicable to either residential or non-residential uses or a
combination thereof.

8 B. Districts Allowed. Planned Unit Development is allowed in
9 all districts except Open Space - Recreational.

10 C. Concept Plan. The applicant shall prepare a preliminary
11 Concept Plan for review with the City at a pre-application
12 conference. The concept plan shall include a conditional use
13 application form and accompanying maps which include the follow-
14 ing information:

- 15 (1) A legal description of the total site proposed for
16 development including a statement of present ownership.
- 17 (2) A statement of planning objectives to be achieved by
18 the PUD through the particular approach proposed by the
19 applicant. This statement should include a description
20 of the character of the proposed development and the
21 rationale behind the assumptions and choices made by
22 the applicant.
- 23 (3) A proposed development schedule indicating the
24 approximate date when construction of the PUD or stages
25 of the PUD can be expected to begin and be completed.
- 26 (4) A statement of the applicant's intentions with regard
27 to the future selling or leasing of all or portions of
28 the PUD such as land areas, dwelling units, etc.
- (5) Quantitative data for the following: Total number and
type of dwelling units; parcel size; proposed lot
coverage of buildings and structures; approximate gross
and net residential densities; total amount of open
space (including a separate figure for usable open
space); total amount of non-residential construction
(including a separate figure for commercial facili-
ties).
- (6) The existing site conditions including contours at five
foot intervals, water course, flood plains, unique
natural features and forest cover.

- 1
- 2 (7) Proposed lot lines and plot designs. The location and
- 3 floor area size of all existing and proposed buildings,
- 4 structures and other improvements including maximum
- 5 heights, types of dwelling units, density per type and
- 6 non-residential structures. Preliminary architectural
- 7 renderings of typical structures and improvements.
- 8 (Such drawings should be sufficient to relay the basic
- 9 architectural intent of the proposed improvements but
- 10 should not be encumbered with final detail at this
- 11 stage.)
- 12
- 13 (8) The location and size in acres or square feet of all
- 14 areas to be conveyed, dedicated or reserved as common
- 15 open space, public parks and recreational areas.
- 16
- 17 (9) Existing and proposed automotive traffic circulation
- 18 systems of arterial, collector and local streets
- 19 including off-street parking areas, service areas,
- 20 loading areas and major points of access to public
- 21 rights-of-way (including major points of ingress and
- 22 egress to the development). Notations of proposed
- 23 ownership--public or private--should be included where
- 24 appropriate.
- 25
- 26 (10) Existing and proposed pedestrian circulation systems,
- 27 including their interrelationship with the vehicular
- 28 circulation system.
- 29
- 30 (11) Existing and proposed utility systems, including
- 31 sanitary sewers, storm sewers and water, electric, gas
- 32 and telephone lines.
- 33
- 34 (12) A general schematic landscape plan indicating the
- 35 treatment of materials to be used for private and
- 36 common open spaces.
- 37
- 38 (13) Sufficient information on land areas adjacent to the
- 39 proposed PUD to indicate the relationships between the
- 40 proposed development and existing and proposed adjacent
- 41 areas, including land uses, zoning classifications,
- 42 densities, circulation systems, public facilities and
- 43 unique natural features of the landscape.
- 44
- 45 (14) The proposed treatment of the perimeter of the PUD,
- 46 including materials and techniques to be used such as
- 47 screens, fences and walls.
- 48
- 49 (15) Any additional information as required by the review
- 50 authority necessary to evaluate the character and
- 51 impact of the proposed PUD.

The staff shall review the application form and maps to determine their completeness. If adequate information is available to allow for Homer Planning Commission review, the

1
2 application will be scheduled before the Homer Planning
3 Commission as a conditional use request.

4 D. Final Plan

- 5 (1) If the conditional use application is approved, or
6 approved with modifications, the applicant may proceed
7 with preparation of a Final Plan. A Final Plan shall
8 be filed within one year of Concept Plan approval.
9 Plans shall be prepared by professionals qualified in
10 at least two of the following fields: (1) licensed
11 architect; (2) registered civil engineer; (3) AICP
12 planner or (4) registered land surveyor.
- 13 (2) Before the Final Plan is approved by the Homer Planning
14 Commission, a preliminary subdivision plat may be
15 prepared to be considered in conjunction with the Final
16 Plan.
- 17 (3) The Final Plan shall include all information and maps
18 submitted for the Concept Plan in their finalized
19 detailed form. This includes site plans sufficient for
20 recording and detailed engineering drawings, including
21 contours at two foot intervals. In addition, a
22 statement of methods to be employed to assure main-
23 tenance of any common areas and facilities shall be
24 submitted.
- 25 (4) Upon receipt of a PUD Final Plan, the Homer Adminis-
26 trative Officer shall review and prepare a recom-
27 mendation for action by the Homer Planning Commission
28 on the PUD Plan. The staff shall, as a minimum, give
consideration to the conformance of the Final Plan to
the Concept Plan as well as the criteria governing
conditional uses.
- (5) Upon receipt of the administrative review and recom-
mendation, the Homer Planning Commission shall estab-
lish a finding that the Final Plan is consistent with
the Concept Plan, or that it is inconsistent.
- (6) In the event it is determined that the Final Plan is
consistent with the approved Concept Plan, the Homer
Planning Commission shall approve the Final Plan with
modifications or conditions.
- (7) If it is determined that the Final Plan is inconsistent
with the approved Concept Plan, the Planning Commission
shall set a public hearing date and shall give notice
and provide an opportunity to be heard to each of the
following: (1) any person who is on record as having
appeared at the public hearing on the Concept Plan; (2)
any other person who has indicated to the Planning
Commission in writing that he wishes to be notified.

1
2 After the public hearing, the Homer Planning Commission
3 shall approve or disapprove the Final Plan or approve
4 the Final Plan with modifications or conditions.

5 E. Residential PUD's

6 (1) Qualifying Conditions. Public water and sewer facili-
7 ties shall be available or shall be provided as part of
8 the site development.

9 (2) Permitted Uses. The following uses of land and struc-
10 ture may be permitted within a Residential PUD:

11 (a) Residential uses including single family, duplex,
12 multi-plex and townhouse dwelling units.

13 (b) Other uses permitted or conditionally permitted
14 within the zoning district in which it is located.

15 (3) Density

16 (a) Maximum project floor area shall not exceed .4
17 times the gross land area.

18 (b) Total open area shall be at least 1.1 times the
19 total floor area.

20 (c) Open area shall not include areas used for parking
21 or maneuvering incidental to parking vehicular
22 access. Open area may include walkways, land-
23 scaped areas, sitting areas, recreation space, and
24 other amenities. All open area shall be suitably
25 improved for its intended use but open area
26 containing natural features worthy of preservation
27 may be left unimproved.

28 (4) Common Open Space

(a) All or a portion of the open area may be set aside
as common open space for the sole benefit, use and
enjoyment of present and future residents of the
development.

(b) The development schedule which is part of the
development plan must coordinate the improvement
of the common open space with the construction of
residential dwellings in the planned development.

(c) For any areas to be held under common ownership, a
document showing the future maintenance provisions
shall be submitted to the Homer Planning Com-
mission. These provisions shall include mandatory
membership of all property owners in any associa-
tion designed for maintenance of the common area.

1
2 (5) Perimeter Requirements. If topographical or other
3 barriers do not provide adequate privacy for uses
4 adjacent to the PUD, the Homer Planning Commission may
5 impose one or both of the following requirements:

6 (a) Structures located on the perimeter of the planned
7 development must be set back a distance sufficient
8 to protect the privacy of adjacent uses;

9 (b) Structures on the perimeter must be permanently
10 screened by a fence, wall or planting.

11 (6) Dimensional Requirements. Dimensional requirements may
12 be varied from the requirements of the district within
13 which the PUD is located. All departures from those
14 requirements will be evaluated against the following
15 criteria:

16 (a) Privacy. The minimum building spacing requirement
17 is intended to provide privacy within the dwelling
18 unit. Where windows are placed in only one of two
19 facing walls or there are no windows, or where the
20 builder provides adequate screening for windows,
21 or where the windows are at such a height or
22 location to provide adequate privacy, the building
23 spacing may be reduced.

24 (b) Light and Air. The building spacing provides one
25 method of insuring that each room has adequate
26 light and air. Building spacing may be reduced
27 where there are no windows or very small window
28 areas and where rooms have adequate provisions for
light and air from another direction.

(c) Use. Where areas between both buildings are to be
used as service yards for storage of trash,
clotheslines or other utilitarian purposes, then a
reduction of building space permitting effective
design of a utility space may be permitted.
Kitchens and garages are suitable uses for rooms
abutting such utility yards.

(d) Building Configuration. Where building con-
figuration is irregular so that the needs ex-
pressed in (a), (b) and (c) above are met by the
building configuration, reduced building spacing
may be permitted.

(e) Front Yard. Where the developer provides privacy
by reducing traffic flow through street layouts
such as cul-de-sacs, or by screening or planting,
or by fencing the structure toward open space or a
pedestrian way, or through the room layout, the
right-of-way set back requirement may be reduced.

1
2 (f) Lot Width. A minimum lot width is intended to
3 prevent the construction of long, narrow buildings
4 with inadequate privacy, light and air. There are
5 situations as in cul-de-sacs, steep slopes or
6 off-set lots where, because of lot configuration
7 or topography, narrow or irregular lots provide
8 the best possible design. Where the design is
9 such that light, air and privacy can be provided,
10 especially for living spaces and bedrooms, a
11 narrower lot width may be permitted.

7 F. Nonresidential PUD's

8 (1) Qualifying Conditions

- 9 (a) The PUD site shall have direct access to an
10 arterial or collector street.
11 (b) Utilities, roads and other essential services must
12 be available for the immediate use of occupants
13 purchasing sites in the PUD.
14 (c) The proposed PUD will be developed with a unified
15 architectural treatment.

16 (2) Permitted Uses. All uses permitted within the district
17 for which the PUD is requested.

18 (3) Permitted Requirements. If topographical or other
19 barriers do not provide adequate privacy for uses
20 adjacent to the PUD, the Homer Planning Commission may
21 require that one or both of the following requirements
22 be met:

23 (a) Structures located on the perimeter of the planned
24 development must be set back a distance sufficient
25 to protect the privacy of adjacent users;

26 (b) Structures on the perimeter must be permanently
27 screened by a fence, wall or planting.

28 (4) Dimensional Requirements. Setbacks and distances
between buildings within the development shall be at
least equivalent to that required by the zoning dis-
trict in which the PUD is located unless the applicant
demonstrates that:

(a) A better or more appropriate design can be a-
chieved by not applying the provision of the
zoning district; and

(b) Adherence to the requirements of the zoning
district is not required in order to insure

1
2 health, safety and welfare of the users and
3 inhabitants of the development.

- 4 (5) Industrial Uses. If industrial uses are included in
5 the PUD, the performance standards in Chapter 21.49.060
6 shall be met.

7 21.61.070 Standards for Townhouses. Townhouses may be
8 conditionally permitted if the following requirements are met:

- 9 A. The proposed development meets the conditions specified
10 in Chapter 21.61;
- 11 B. A detailed development plan is submitted with the
12 application for a conditional use including a site plan
13 drawn to scale. The site plan shall include but shall
14 not be limited to the topography and drainage of the
15 proposed site, the location of all buildings and
16 structures on the site, courts and open space areas,
17 circulation patterns, ingress and egress points,
18 parking areas (including the total number of parking
19 spaces provided) and a general floor plan of the
20 principal buildings, together with other such infor-
21 mation as the Homer Planning Commission shall require;
- 22 C. Not more than six contiguous townhouses shall be built
23 in a row with the same or approximately the same front
24 line and not more than 12 townhouses shall be con-
25 tiguous;
- 26 D. No more than one townhouse project shall be located any
27 closer than 600 feet to another townhouse project
28 unless otherwise approved by the Homer Planning Com-
mission;
- 29 E. No portion of a townhouse or accessory structure in, or
30 related to, one group of contiguous townhouses shall be
31 closer than 15 feet to any portion of another townhouse
32 (or accessory structure related to another townhouse
33 group), or to any building outside the townhouse
34 project;
- 35 F. Minimum lot width for an individual townhouse is 24
36 feet;
- 37 G. Minimum lot area for each townhouse unit shall be 2,000
38 square feet and and the townhouse project must conform
39 to the following:
- 40 (1) The total floor area shall not exceed .4 times the
41 lot area.
- 42 (2) Total open area shall be at least 1.1 times the
43 total floor area.

- (3) Open area shall not include areas used for parking or maneuvering incidental to parking or vehicular access.
- (4) Parking space area shall be provided at the minimum rate of 2.5 space per dwelling unit exclusive of driveways, traffic lanes in parking lots and street dedications.
- (5) 200 cubic feet of covered storage space shall be provided exclusive of the living area of the unit.

H. Each townhouse unit shall have a total yard area containing at least 1,000 square feet. Such total yard area may be reduced to 500 square feet if 500 square feet of common open or common recreational area, not including parking spaces, is available for each unit. Such yard area shall be reasonably secluded from view from streets or used for off-street parking or for any accessory building;

I. Grouping of parking spaces is desirable provided that spaces intended for a particular unit are no more than 100 feet from the unit. On minor streets, use of the right-of-way may be permitted for maneuvering incidental to parking where this will facilitate snow removal. On collector and arterial streets, maneuvering incidental to parking shall not be permitted;

J. Visibility at access points for automobiles: The following requirements apply to all private drives and entrances to, or exits from common parking areas including such drives and access routes on adjacent property. At the intersection of any private drive or entrance or exit for a common parking area with a public street, no fence, wall, hedge or other planting or structure forming a material impediment to visibility between a height of 2½ feet and 8 feet shall be erected, planted, placed, or maintained and no vehicle so impeding visibility shall be parked within triangular areas defined by lines connecting points as follows:

Beginning at the point where the midline of the private drive or entrance or exit for a common parking area intersects the public right-of-way line in the direction of approaching traffic, thence to a point 25 feet toward the interior of the property of the previously described midline, and thence to point of beginning. No such visibility triangle need be maintained on the side of the drive, entrance or exit away from approaching traffic on the same side of the street.

- 1
- 2 K. Minimum setbacks for townhouse developments shall
- 3 adhere to the setback requirements of the zoning
- 4 district within which it is located;
- 5 L. Maximum building height shall not exceed 25 feet;
- 6 M. All party walls shall adhere to fire safety standards
- 7 as established by the State Fire Marshall;
- 8 N. All townhouse developments constructed pursuant to a
- 9 conditional use permit issued under the provision of
- 10 Chapter 21.61 shall be constructed in compliance with
- 11 all pertinent state statutes then in effect;
- 12 O. The developer or subdivider of any townhouse devel-
- 13 opment shall have evidence that compliance with the
- 14 Horizontal Property Regimes Act, AS 34.07 has been made
- 15 prior to the sale of any townhouse dwelling units, and
- 16 further:
- 17 (1) The developer or subdivider of any townhouse
- 18 development shall deposit with the appropriate
- 19 homeowners association, formed in compliance with
- 20 the Horizontal Property Regimes Act cited in this
- 21 section, a contingency fund in the sum of \$500.00
- 22 per dwelling unit in the townhouse development.
- 23 (2) A copy of the by-laws of the homeowners' associa-
- 24 tion showing in what manner the aforesaid con-
- 25 tingency fund shall be controlled shall be fur-
- 26 nished to the city for review and approval.
- 27 P. All areas not devoted to buildings, drives, walks,
- 28 parking areas or other authorized installations shall
- be covered with one or more of the following: lawn
- grass, natural or ornamental shrubbery or trees;
- Q. All roadways, fire lanes or areas for maneuvering
- incidental to parking (not to include designated
- commonly held open space or recreation areas) shall be
- a minimum of 22 feet in width. Furthermore, no vehicu-
- lar parking shall be allowed in the aforementioned
- areas; and
- R. The standards set forth in this section shall compl-
- iment the general standards set forth in this chapter
- and shall not be construed as superceding any general
- standard. In the event of conflict, the stricter
- standard shall control.

1
2
3 21.61.080 Standards for Mobile Home Parks

- 4 A. Purpose. The intent is to provide minimum standards to
5 assure the orderly and beneficial development of mobile home
6 parks because the special features and demands of mobile
7 developments require full consideration of their demands for
8 full urban services and utilities and of their relationship
9 to, and the effect upon, adjacent uses.
- 10 B. District Allowed. Mobile home parks will be allowed in all
11 districts except Marine Industrial, Marine Commercial, Open
12 Space - Recreational and Urban Residential.
- 13 C. Space Occupancy. Only one mobile home or duplex mobile
14 homer shall occupy a space.
- 15 D. Minimum Lot Size. Each space for a mobile home shall
16 contain not less than 3,000 square feet exclusive of space
17 provided for the common use of tenants, such as roadways,
18 general use structures, guest parking, walkways, and areas
19 for recreation and landscaping. Spaces designed and rented
20 for duplex mobile homes shall have a minimum of 4,500 square
21 feet.
- 22 E. Setbacks.
- 23 (a) No mobile home in the park shall be located closer than
24 15 feet from another mobile home or from a general use
25 building in the park.
- 26 (b) No mobile home accessory building or structure on a
27 mobile home space shall be closer than 10 feet from
28 another mobile home, accessory building or another
mobile home space.
- (c) Along any lot bordering a public right-of-way, mobile
homes and other buildings shall be set back a minimum
of 10 feet plus one-half of the required right-of-way
width, the set back shall be measured from the right-
of-way centerline to the nearest point of any struc-
ture.
- F. Open Space and Recreation Areas. A minimum of 10 percent of
the total project area shall be devoted to common open space
for use by residents of the mobile home park. This open
space shall not include areas used for parking or maneu-
vering, vehicle access, or any area within a mobile home
space. The open space may include lawns and other land-
scaped areas, walkways, paved terraces and sitting areas.
The common open space shall be reasonably secluded from view
from streets and shall be maintained in a neat appearance.

1
2 G. Mobile Home Structures. A mobile home permitted in the park
3 shall meet the following standards:

4 (1) The mobile home shall contain sleeping accommodations,
5 a flush toilet, a tub or shower and kitchen facilities
6 with plumbing and electrical connections provided for
7 attachment to outside systems.

8 (2) The mobile home shall meet the state standards for
9 mobile home construction, as set forth in Title 45,
10 Chapter 30 of the Alaska Statutes.

11 (3) The mobile home shall contain not less than 450 square
12 feet of space as determined by measurement of the
13 exterior of the unit exclusive of any trailer hitch
14 device.

15 (4) The mobile home shall be fully skirted and if a
16 single-wide unit, shall be tied down with devices that
17 meet state standards.

18 H. Storage. 200 cubic feet of covered storage shall be pro-
19 vided for each mobile home space (but not necessarily
20 on-site).

21 I. Perimeter. The land which is used for park purposes shall
22 be effectively screened, except at entry and exit places, by
23 a wall, fence or other sight obscuring screening. Such
24 screening shall be of a height adequate to screen the mobile
25 home park from view and shall be maintained in a neat
26 appearance.

27 J. Water and Sewer. All mobile homes in the park shall be
28 connected to water and sewage systems before they are
occupied. Evidence shall be provided with the application
for a mobile home park that the park will meet the standards
of the Alaska Department of Environmental Conservation.

K. Access. Each mobile home space shall be directly accessible
from an internal street without the necessity of crossing
any other space. Direct access from public streets to a
mobile home space is prohibited.

L. Parking. A minimum of two parking spaces shall be provided
for each mobile home space. An additional common parking
area for guests shall be provided with one space for every
four mobile homes.

M. Street Standards.

(1) Circulation. The street system shall provide con-
venience circulation by means of minor streets and
collector streets. Dead-end streets shall be provided

1
2 with an adequate turning circle at least 80 feet in
3 diameter.

4 (2) Street Widths. Street widths shall be adequate to
5 accommodate the contemplated traffic load:

6 Collector Streets with no parking 28' minimum
7 Minor Streets with no parking 22' minimum

8 (3) If utilities are planned to be in or next to streets,
9 additional width may be required by the Homer Planning
10 Commission.

11 21.61.090 Standards for Recreational Vehicle Parks

12 A. Purpose. The intent of this section is to insure that each
13 park provides safe and sanitary accommodations for the
14 campers, travel trailers and other vehicles which are
15 located within the park, that the support services (such as
16 utilities and facilities) are adequate for the period of
17 their stay in the park and that the park does not permit the
18 use of any of its accommodations for permanent occupancy.

19 B. District Allowed. Recreation vehicle parks are allowed in
20 Open Space - Recreational; General Commercial 1 and General
21 Commercial 2 districts.

22 C. Lot Size. The space provided for each recreational vehicle
23 shall be a minimum of 1,500 square feet exclusive of any
24 space used for common areas, roadways, walkways, general use
25 structures, parking spaces and landscaped areas.

26 D. Setbacks. Recreational vehicles shall be separated from
27 each other by a minimum of 10 feet.

28 E. Identification. Each recreational vehicle space shall be
plainly marked and numbered for identification.

F. Occupancy. Only one recreational vehicle shall occupy a
space. No recreational vehicle shall remain in the park for
more than 120 days in any one year period.

G. Surfaces. Each recreational vehicle space shall be covered
with crushed gravel or paved with asphalt, concrete or
similar materials and shall be designed to provide for
runoff of surface water. The part of the space which is not
occupied by the recreational vehicle, not intended as an
access way to the recreational vehicle, or part of an
outdoor patio, need not be paved or covered with gravel.

H. Utilities.

(1) At least 50 percent of the recreational vehicle spaces
shall be provided with electrical service.

1
2 (2) The park shall provide wastewater holding tank disposal
3 facilities and a source of potable water for filling
4 water tanks.

5 (3) The park shall provide for every 15 recreational
6 vehicle spaces, one toilet and lavatory for each sex.

7 I. Solid Waste Disposal. Trash receptacles for the disposal of
8 solid waste materials shall be provided in convenient
9 locations for the use of park occupants at a minimum of one
10 receptacle for each five spaces.

11 J. Parking

12 (1) One parking space shall be provided for each recrea-
13 tional vehicle space.

14 (2) Additional parking shall be provided for exclusive use
15 of the park manager and employees.

16 (3) Guest parking shall be provided at a rate of one
17 parking space per 10 recreational vehicle spaces.

18 K. Roadways

19 (1) All dedicated roadways shall be not less than 25 feet
20 in width.

21 (2) All roadways shall be paved with asphalt, concrete, or
22 crushed gravel, and designed to permit easy access to
23 each recreational vehicle site.

24 (3) No parking shall be permitted on the edge of the
25 roadway.

26 (4) Roadway maintenance shall be the responsibility of the
27 park owner or operator.

28 L. Storage. Except for vehicles, there shall be no outside
storage of materials or equipment belonging to the park or
any guest of the park.

21.61.100 Standards for Churches

A. District Allowed. Churches are permitted in the Urban
Residential, Rural Residential and Central Business Dis-
tricts.

B. Lot Size. Churches shall have a minimum lot size of 15,000
square feet.

C. Setbacks. Setbacks for churches and their accessory build-
ings shall conform to the minimum requirements of the
district in which it is located.

- 1
- 2 D. Landscaping. All areas not devoted to buildings, parking
- 3 walkways, or driveways shall be covered with one or more of
- 4 the following: lawn grass, natural or ornamental shrubbery,
- 5 or trees.
- 6 E. Residential Buildings. Residential structures shall be
- 7 allowed under the same standards as the district in which it
- 8 is located. Required lot areas shall be in addition to
- 9 required lot areas for church purposes.
- 10 F. Signs. One or more signs 20 square feet in total area shall
- 11 be permitted per structure. Signs shall be only for identi-
- 12 fication of the structure and for announcement of services
- 13 and programs.

14 Chapter 21.62

15 VARIANCES

16 Sections:

- 17 21.62.010 Intent.
- 18 21.62.020 Conditions precedent to granting a variance.
- 19 21.62.030 Application for a variance.
- 20 21.62.040 Procedures.

21 21.62.010 Intent. A variance may be granted to provide

22 relief when a literal enforcement of Chapters 21.28 through 21.70

23 would deprive a property owner of the reasonable use of his real

24 property.

25 21.62.020 Conditions precedent to granting a variance. A.

26 All of the following conditions shall exist before a variance may

27 be granted:

28 1. A literal interpretation of the provisions of Chapters

29 21.28 through 21.70 would deprive the applicant of rights com-

30 monly enjoyed by other properties in the same district.

31 2. Special conditions and circumstances exist which are

32 peculiar to the land or structures involved and which are not

33 applicable to other lands and structures in the same district.

34 3. The special conditions and circumstances have not been

35 caused by actions of the applicant.

36 B. Financial hardship or inconvenience shall not be reason

37 for granting a variance.

38 C. Other nonconforming land use or structures within the

39 district shall not be considered grounds for granting a variance.

40 D. A variance shall be the minimum variance necessary to

41 permit the reasonable use of the land or structure.

42 E. A variance shall not be granted which will permit a land

43 use in a district in which that use is otherwise prohibited.

44 21.62.030 Application for a variance. Application for a

45 variance shall be filed with the City Manager and the application

46 shall include, but is not limited to, the following:

47

48

1 A. All of the information required for a conditional use
2 permit, and

3 B. A precise description of the variance requested, in-
4 cluding the section, paragraph and sentence of Chapters 21.28
5 through 21.70 from which the applicant wishes to deviate; and

6 C. A written item by item response to all of the conditions
7 specified in Section 21.62.020.

8 21.62.040 Procedures. Procedures shall be as specified in
9 Section 21.61.040.

10 Chapter 21.63

11 CONTRACT RE-ZONING

12 Sections:

13 21.63.010 Intent.

14 21.63.020 Procedures.

15 21.63.030 Cost of monitoring.

16 21.63.010 Intent. It is the intent of this chapter to
17 provide a means of insuring that the type of land use proposed in
18 a rezoning request is the one which occurs if the rezoning is
19 granted. "Contract re-zoning" means a zoning reclassification to
20 a less restricted use when the owner of the rezoned property,
21 either through an agreement with the City Council or a covenant
22 in favor of the City, places restrictions on the use of the land
23 beyond the zoning requirements, generally attaching to the new
24 district in which the property has been placed.

25 21.63.020 Procedures. A. A petition for contract rezoning
26 shall be submitted to the City Manager. The applicant's petition
27 shall contain detailed information on the proposed development
28 and use of the land. Proposed covenants, guarantees or other
forms of agreement to assure the development and use of the land
as proposed shall also be submitted. A time schedule for the
development and use shall be included with the petition.

B. The City Manager shall present the petition to the
Homer Advisory Planning Commission. The Advisory Planning
Commission may consider the petition upon finding that:

1. The proposed land use can be developed in a manner
to be compatible with development in adjacent zoning districts;

2. Existing public facilities, services and utilities
can accommodate the proposed use without any detrimental effect
on adjacent zoning districts;

3. Rezoning accomplished under this section does not
constitute "spot zoning". The provisions of Section 21.70.010(C)
do not apply to zoning initiated pursuant to this chapter;

4. Rezoning to a district allowing the proposed use
would permit other uses which would not be compatible with the
adjacent land use.

C. The Homer Advisory Planning Commission may reject,
modify or accept the applicant's proposals submitted under

1 subsection A of this section. If the applicant agrees in writing
2 to the Advisory Commission's action, the Commission shall
3 initiate the ordinance amendment procedures of Chapter 21.70.
4 Action taken by the Commission pursuant to this section shall not
5 be construed to limit the commission's authority to reject or
6 modify the applicant's proposal during the zoning ordinance
7 amendment process.

8 D. The applicant may appeal an Homer Advisory Planning
9 Commission action pursuant to subsection C of this section as
10 provided in Chapter 21.68.

11 Section 21.63.030 Cost of Monitoring. All costs for
12 monitoring any contract re-zone shall be borne by the owner of
13 the property being re-zoned.

14 Chapter 21.64

15 NONCONFORMITY

16 Sections:

- 17 21.64.010 Intent.
- 18 21.64.020 Nonconforming lots.
- 19 21.64.030 Nonconforming structures and uses.
- 20 21.64.040 Elimination of nonconforming lots, structures and
21 uses.

22 21.64.010 Intent. When any lot, structure, use or occu-
23 pancy legally exists prior to September 28, 1982, but does not
24 meet the requirements of Chapter 21.28 through 21.70 it shall be
25 considered a nonconforming lot, structure or use. Except as pro-
26 vided in Chapters 21.28 through 21.70 nonconformities may con-
27 tinue but may not be expanded.

28 21.64.020 Nonconforming lots. Each lot containing at least
6,000 square feet of record on May 16, 1978, may be developed in
conformity with all other provisions of Chapters 21.28 through
21.70 even though such lot fails to meet minimum area or width
requirements. No lot of less than 6,000 square feet may be used
except in conformity with all provisions of Chapters 21.28
through 21.70.

21.64.030 Nonconforming structures and uses. All
structures or uses made non-conforming by this ordinance shall be
a permitted use only on the presently developed lot. Once the
use is discontinued or the structure not used for the specific
use for more than one year, it shall not be re-permitted either
as a permitted use or structure, or as a non-conforming use or
structure.

21.64.040 Elimination of nonconforming lots, structures and
uses. A reasonable schedule for the termination of a non-
conforming lot, structure or use, or combination thereof, which
significantly impairs the public health, safety and general

1
2 welfare pursuant to Chapters 21.28 through 21.70, shall be
3 established by amendment to the Homer Zoning Ordinance.

4 Chapter 21.67

5 BOARD OF ADJUSTMENT

6 Sections:

- 7 21.67.010 Board of adjustment established.
8 21.67.020 Powers and duties.
9 21.67.030 Procedures.
10 21.67.040 Appeals to Superior Court.

11 21.67.010 Board of adjustment established. The Homer City
12 Council is declared to be the board of adjustment.

13 21.67.020 Powers and duties. The board of adjustment shall
14 hear and decide appeals consistent with the other sections of
15 Chapters 21.28 through 21.70 and AS 29.33.110--130.

16 21.67.030 Procedures. Appeals heard by the board of
17 adjustment shall be consistent with Chapter 21.68.060 and the
18 rules and regulations governing City Council activity as speci-
19 fied in the Homer City Code.

20 21.67.040 Appeals to Superior Court. All appeals from any
21 actions of the Homer City Council sitting as a board of adjust-
22 ment shall be taken directly to the Superior Court for the State
23 of Alaska. The costs of defending an action taken by the Homer
24 City Council sitting as the board of adjustment shall be borne by
25 the City of Homer.

26 Chapter 21.68

27 APPEALS

28 Sections:

- 21 21.68.010 Purpose.
22 21.68.020 Who may appeal.
23 21.68.030 Period for appeal.
24 21.68.040 Appeal application.
25 21.68.050 Body to hear appeals.
26 21.68.060 Appeals procedure.

27 21.68.010 Purpose. This chapter governs all appellate
28 actions and determinations taken under the Homer City Zoning
Ordinance.

21.68.020 Who may appeal. Any person or persons with
interests in land which is affected by an action or determination

1
2 taken under Chapters 21.28 through 21.70, may appeal said action
3 or determination.

4 21.68.030 Period for appeal. An appeal must be filed
5 within 10 days of the action or determination being appealed.

6 21.68.040 Appeal application. A. All applications for
7 administrative appeal shall be filed with the City Clerk, shall
8 be in writing, and shall contain, but are not limited to, the
9 following information:

1. The name and address of the applicant;
2. A description of the action or determination from
10 which the appeal is sought;
3. The reason for the appeal which must include a
11 description of the harm which the appellant will suffer.

12 B. The period for decisions specified in Section 21.-
13 68.060B shall begin immediately upon receipt of the appeal by the
14 City Clerk.

15 21.68.050 Body to hear appeals. A. Appeals from an action
16 and determination of the City Manager are heard by the Homer
17 Advisory Planning Commission.

18 B. Appeals from the Homer Advisory Planning Commission are
19 heard by the Homer City Council acting as the board of adjust-
20 ment.

21 C. Appeals from the board of adjustment are heard by the
22 superior court.

23 21.68.060 Appeals procedure. A. This chapter governs all
24 administrative appeals made under Chapters 21.28 through 21.70.

25 B. All appeals must be decided by the agency with whom the
26 appeal has been filed within 60 days after the appeal has been
27 filed with that agency.

28 C. The appellant and all parties who have participated in
the decision shall be provided with 15 days notice of the
scheduling of the appeal hearing. Affected property owners shall
be notified as set forth in Section 21.69.030.

D. The notice of hearing shall specify that all persons
who wish to appear before the agency hearing the appeal notify
that agency of their plans at least 3 days prior to the hearing.

E. All persons taking part in the appeal may be repre-
sented by such persons as they desire, may produce additional new
evidence as necessary, and may dispute evidence introduced by any
party.

F. An electronic recording shall be kept of the entire
proceeding and shall be reduced to written minutes. The elec-
tronic recording shall be preserved for 1 year unless required
for further appeals.

G. All decisions shall be in writing and made solely upon
the record before the agency hearing the appeal and shall make
reference to evidence contained in the record. The agency shall

1
2 include in its record the officially adopted minutes and deci-
3 sions of the agency from which the appeal was taken.

4 H. The agency deciding an appeal shall adopt as part of
5 its decision an official statement of findings and reasons
6 supporting its decision. This statement shall refer to specific
7 evidence in the record and to the controlling sections of Chap-
8 ters 21.28 through 21.70. Upon express vote, the agency may
9 adopt, as its statement of findings and reasons, those findings
10 and reasons officially adopted by the agency below from which the
11 appeal was taken.

12 I. Copies of the agency's decisions and official statement
13 shall be promptly mailed to all parties participating in the
14 appeal hearing.

15 J. Any party participating in an appeal hearing shall have
16 30 days to appeal the decision to a higher agency or court. Any
17 decision not appealed within that period shall become final.

18 Chapter 21.69

19 PUBLIC HEARINGS

20 Sections:

21 21.69.010 Purpose.

22 21.69.020 Public hearing procedures.

23 21.69.030 Notification of neighboring property owners.

24 21.69.040 Procedures.

25 21.69.010 Purpose. This chapter governs all public hear-
26 ings held under the authority of the Homer City Zoning Ordinance.

27 21.69.020 Public hearing procedures. A. Notice of the
28 public hearing shall be published at least twice in a paper of
general circulation within the city. The notice shall be pub-
lished during each of the two calendar weeks prior to the public
hearing date.

B. The notice shall contain at least the following infor-
mation:

1. A brief description of the proposal on which the
public body is to act;

2. A legal or common description of the property
involved;

3. Date, time and place of the public hearing;

4. Person and place to contact for more detailed
information.

C. The rules of order of the body holding the hearing
shall prevail.

21.69.030 Notification of neighboring property owners. A
copy of the aforementioned newspaper notification shall be mailed
to real property owners on record on the borough assessor's
records within a 300-foot periphery of the parcel affected by the

1
2 proposed action. When a public hearing is to be held about a
3 zoning ordinance amendment involving a change in the text or
4 major district boundary changes, no notification of neighboring
property owners shall be required, but notices shall be displayed
in at least three public places.

5 21.69.040 Procedures. If the purpose of the public hearing
6 is to take testimony and evidence bearing upon a current appli-
cation or appeal, the hearing body shall adhere to the procedures
set forth in Section 21.68.060.

7 Chapter 21.70

8 AMENDMENT PROCEDURES

9 Sections:

10 21.70.010 Initiation of zoning ordinance amendments.
11 21.70.020 Amendment procedure.

12 21.70.010 Initiation of zoning ordinance amendments. A.
Amendments to the Homer City Zoning Ordinance may be initiated
by:

- 13 1. The Homer City Council.
14 2. The Homer Advisory Planning Commission.

15 B. Any person may request a zoning ordinance amendment
subject to the following conditions:

16 1. A zoning map amendment may be requested only by
petition from a majority of the property owners in the area
concerned; and

17 2. An amendment to the ordinance text may be re-
quested by a petition bearing the signatures of 50 voters regis-
tered within the City of Homer.

18 C. Except for the extension of existing district bound-
aries, no change to the zoning map shall be considered which
contains an area less than 1 acre not including street or alley
rights-of-way.

19 D. Any proposed amendment to the zoning ordinance which is
substantially the same as any other proposed amendment submitted
20 within the previous nine months and which was rejected shall not
be considered.

21 E. The zoning amendment request shall include the names
and address of the applicant, a map showing the area involved,
22 the present zoning and proposed zoning, and any other pertinent
information requested by the city or borough.

23 21.70.020 Amendment procedure. Any valid request to
24 initiate a zoning ordinance amendment shall be submitted to the
City Manager. He shall immediately forward the request to the
25 City Planning Director. The Director shall arrange notice and
schedule public hearings as follows:

26 A. A public hearing shall be held by the Homer Advisory
Planning Commission on the proposed amendment in accordance with
27 Chapter 21.68 of this title. After the public hearing, the Homer

1 Advisory Planning Commission shall send its written recom-
2 mendations to the Homer City Council along with all certified
copies of minutes and public records relating to the proposed
amendment.

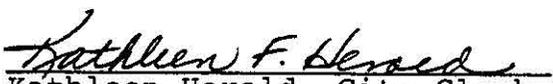
3 B. The Homer City Council, in accordance with ordinance
4 enactment procedures of the Homer City Code, may or may not adopt
the amendment as a city ordinance.

5 DATED THIS 28th DAY OF Sept., 1982 AT HOMER, ALASKA.

CITY OF HOMER


Leo Rhode, Mayor

10 ATTEST:

11
12 
Kathleen Herold, City Clerk

13 First Reading: August 23, 1982

14 Public Hearing: September 22, 1982

15 Second Reading: September 27, 1982

16 Effective Date: September 28, 1982