

CITY OF HOMER  
HOMER, ALASKA

Ordinance 82-21

**AN ORDINANCE AMENDING THE ZONING ORDINANCE 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,

**WHEREAS**, the Homer City Council requested the Homer Advisory Planning Commission to restudy certain portions of the Homer zoning ordinance and make recommendations concerning these portions; and

**WHEREAS**, the Homer Advisory Planning Commission has recommended amending the Homer zoning ordinance and has held a public hearing soliciting public input during the development of the ordinance;

**NOW THEREFORE, BE IT ORDAINED:**

**Section 1.** The following amendments are hereby created and enacted to Title 21 of the Homer City Code:

1. Chapter 21.32.020 (p. 5) - Add to Definitions to read:

**Dwelling, factory built.** "Factory built dwelling" means a detached single or multiple family dwelling designed for long term human habitation with complete living facilities, constructed and fabricated into one or more sections at a factory and designed to be joined at the location of use on a permanent foundation. "Factory built dwelling" is synonymous with "Dwelling" for the purposes of this ordinance.

2. Chapter 21.32.020 (p. 12-13) - Alphabetize in Definitions, "Tailer, Travel" to follow Trailer Court, Camp, Park or Lot.

3. Chapter 21.36.020(A) (p. 15) - Change "assembly" to "City Council" to read:

The official zoning map shall 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 as it exists on the date that this ordinance is enacted by the **City Council.**

4. Chapter 21.48.020 (p. 24) - Add "P." to Central Business District, Permitted Uses and Structures to read:

**P. Mobile Homes, subject to the standards outlined in Sec. 21.61.080, Paragraph G, 1 through 4.**

5. Chapter 21.48.040B(2) (p. 25) - Add "Commercial" and "as defined by the State Fire Code and enforced by the State Fire Marshall" to read:

**Commercial buildings shall be set back five feet from all other lot boundary lines unless firewalls are provided and access to the rear of the building is otherwise provided (eg., alleyway) as defined by the State Fire Code and enforced by the State Fire Marshall.**

6. Chapter 21.48.040B (p. 25) - Add Section (3) to read:

**(3) Residential buildings shall be set back five feet from all other lot boundary lines.**

7. Chapter 21.49.020 (p. 29) - Add "FF", to General Commercial 1, Permitted Uses and Structures to read:

**FF. Self-service laundries.**

8. Chapter 21.49.040B(2) (p. 30) - Add "as defined by the State Fire Code and enforced by the State Fire Marshall" to read:

**(2) Building shall be set back five feet from all other lot boundary lot lines unless adequate firewalls are provided and adequate access**

to the rear of the building is otherwise provided (eg., alleyways) as defined by the State Fire Code and enforced by the State Fire Marshall.

9. Chapter 21.52.020 (p. 37) - Add "E" to Marine Commercial, Permitted Uses and Structures to read:

E. Customary accessory uses which are clearly subordinate to the main use of the lot or building such as piers or wharves provided that (1) separate permits shall not be issued for the construction of an accessory structure prior to that of the main structure.

10. Chapter 21.53.050B(2) (p. 40) - Add "as defined by the State Fire Code and enforced by the State Fire Marshall" to read:

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

11. Chapter 21.61.020B (p. 47) - Change "will not be substantially reduced" to "will not be negatively impacted greater than that anticipated from other permitted uses in the district" to read:

B. The value of the adjoining property will not be negatively impacted greater than that anticipated from other permitted uses in the district.

12. Chapter 21.61.020E (p. 47) - Delete E. A more suitable location for the use is not practicably available within the zoning district.

13. Chapter 21.61.030E (p. 48) - Delete "Borough Planning Commission, if appropriate" to read:

E. Any additional information which the administration official or the Homer Advisory Planning Commission may require to determine if all conditions will be satisfied.

14. Chapter 21.62 (p. 62) - Add 21.62.015 to read:

21.62.015 Exception. A variance exception is a form of variance granted:

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

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

C. To anyone for the temporary use of a building or premises for nonconforming use, provided that such structure or use is of a

temporary nature and is promotive of or incidental to the establishment or development of a use that conforms to the regulations for the use district in which it is located. Such permit shall be granted in the form of a temporary and revocable permit for a period of not more than one year.

15. Chapter 21.64.010 (p. 64) - Add "beyond the present lot boundaries" to read:

21.64.010 Intent. When any lot, structure, use or occupancy legally exists prior to September 28, 1982, but does not meet the requirements of Chapter 21.28 through 21.70 it shall be considered a nonconforming lot, structure or use. Except as provided in Chapters 21.28 through 21.70 nonconformities may continue but may not be expanded beyond the present lot boundaries.

16. Chapter 21.64.030 (p. 64) - replace:

"All structures or uses made nonconforming 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 nonconforming use or structure."

with the following to read:

Section 21.64.030 Nonconforming Structures and Uses. All structures or uses made nonconforming by this ordinance may be continued and/or expanded only on the legal lot which contains the use or structure as of September 27, 1982. Once the use is changed or discontinued, or the structure not used for the specific use for more than one year, it shall not be re-permitted.

17. Chapter 21.64 (p 64) - Add 21.64.035 to read:

Section 21.64.035 Proof of Nonconforming Use. It shall be the responsibility of the owner to show proof of continuing nonconforming use of any property or structure which is in nonconformity with Sections 21.28 through 21.70 of this ordinance. Upon presentation of such proof, the Homer Advisory Planning Commission shall formally accept the nonconforming use or structure as a valid use or structure on the legally designated lot until such time as the use ceases for one year.

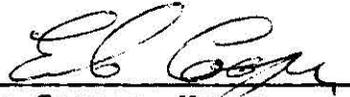
18. Chapter 21.70.010E (p. 68) - Strike "or borough" to read:

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

19. Chapter 21.70.020A (p. 68) - change "21.68" to "21.69" to read:

A. A public hearing shall be held by the Homer Advisory Planning Commission on the proposed amendment in accordance with Chapter 21.69 of this title. After the public hearing, the Homer Advisory Planning Commission shall send its written recommendations to the Homer City Council along with all certified copies of minutes and public records relating to the proposed amendment.

CITY OF HOMER

  
Erle Cooper, Mayor

ATTEST:

  
Kathleen Herold, City Clerk

First Reading: 12/13/82

Public Hearing: 1/10/83

Second Reading: 1/10/83

Effective Date: 1/11/83