

CITY OF HOMER  
HOMER, ALASKA

ORDINANCE 86-35

AN ORDINANCE OF THE COMMON COUNCIL OF THE  
CITY OF HOMER, ALASKA AMENDING HOMER  
MUNICIPAL CODE, CHAPTER 21.48, CENTRAL  
BUSINESS DISTRICT, AND AMENDING HOMER  
MUNICIPAL CODE, CHAPTER 21.32, DEFINITIONS

WHEREAS, the City of Homer currently regulates uses in the  
Central Business District; and

WHEREAS, the Homer Advisory Planning Commission has  
considered amendments to the permitted and conditionally  
permitted uses in the Central Business District; and

WHEREAS, the Homer Advisory Planning Commission has  
considered amendments to Chapter 21.32, Definitions, to include  
definitions for educational institutions, entertainment  
establishments, schools, studios, impound yards and recreational  
facilities; and

WHEREAS, a public hearing was held on November 5, 1986  
before the Homer Advisory Planning Commission and action was  
taken to recommend the adoption of the proposed amendments to  
Homer Municipal Code, Chapter 21.48, Central Business District  
and Homer Municipal Code, Chapter 21.32, Definitions.

NOW THEREFORE, the City of Homer ordains that Homer  
Municipal Code, Chapter 21.48, Central Business District and  
Chapter 21.32, Definitions are hereby amended as follows:

Section 21.48.010 Purpose a. The purpose of the central  
business district is to provide a centrally located area within  
the city for general retail shopping, personal and professional  
services, educational institutions, entertainment  
establishments, restaurants and related businesses. The  
district is also intended to accommodate a mixture of  
residential and commercial uses with conflicts being resolved in  
favor of business. (~~Multi-family development will be allowed  
and 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, and safe and limited  
access to major streets. Buildings and other structures within  
the district should be compatible with one another and  
surrounding area.

Section 21.48.020 Permitted uses and structure. The following uses are permitted outright in the central business district:

- a. Any retail business where the principal activity is the sale of merchandise and services in an enclosed building, including but not limited to food establishments, drug, variety, dry goods, hardware, appliance, and furniture stores;
- b. Personal service establishments that perform services on the premises, such as barber or beauty shops, shoe repair shops, (~~self-service--laundries~~), photograph, and quick-print establishments;
- c. Offices for professional services such as offices of doctors, dentists, osteopaths, architects, engineers, lawyers, chiropractors, veterinarians, and other similar or allied professions;
- d. Administrative offices in which personnel are employed in the following fields: executive, administrative, clerical, insurance, real estate, and similar enterprises, both public and private;
- e. Restaurants, clubs and drinking establishments, which provide food or drink for consumption on the premises;
- f. Parking lots and parking garages;
- g. Hotels and motels;
- h. Mortuaries;
- i. Single-family, duplex residences, and multi-family dwelling structures;
- j. Floatplane tie-up facilities and air charter services;
- k. Parks;
- l. Financial institutions;
- m. Mobile commercial structures on a temporary basis for a maximum of one year during construction of a permanent structure;
- n. Building supplies and materials provided such use, including storage of materials, is wholly contained within an enclosed building;
- o. Customary accessory uses to any of the permitted uses listed in the CBD, provided that:
  1. A separate 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;
- p. Mobile homes, subject to the standards outlined in Section 21.61.080, paragraph g, one through 4;
- q. Home occupations, provided they conform to the standards in Section 21.44.020(f);
- r. Mini-storage;

- s. Other similar uses as determined by the Planning Commission;
- t. Apartment units located in buildings primarily devoted to commercial uses;
- u. Churches;
- v. Entertainment establishments, such as theaters and auditoriums;
- w. Educational institutions, such as schools, museums and libraries;
- x. Art, dance, music and radio studios;
- y. Plumbing, heating and appliance service shops, provided such use, including the storage of materials, is wholly within an enclosed building;
- z. Printing and publishing establishments;
- aa. Self-service laundries.

Section 21.48.030 Conditional uses and structure. The following uses are permitted in the central business district when authorized in accordance with Chapter 21.61:

- a. Planned unit developments;
- b. Indoor recreational facilities such as (theaters), bowling alleys, skating rinks or similar uses;
- c. Mobile home parks;
- d. Service stations and other drive-in establishments;
- e. Public utility facilities and structures;
- f. Pipeline and railroads;
- g. Heliports;
- h. Day care facilities;
- i. Greenhouses and garden supplies;
- j. Incidental and/or custom manufacturing, repair, fabricating, and/or assembly, provided such use, including storage of materials, is wholly within an enclosed building.

The following are made a part of Chapter 21.32, Definitions, Homer Municipal Code:

Section 21.32.117 Educational institution. "Educational institution" means a school, seminary, college, university, or other educational establishment, not necessarily a chartered institution, including not only buildings, but also all grounds necessary for the accomplishment of the full scope of educational instruction, including those things essential to mental, moral and physical development.

Section 21.32.179 Entertainment establishment. "Entertainment establishment" means a public or private institution or place of business involved in shows or performances.

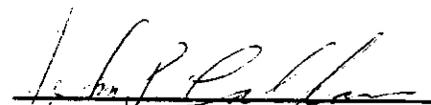
Section 21.32.433 School. "School" means an institution or place for instruction or education.

Section 21.32.510 Studio. "Studio" means a room or rooms where an artist or photographer does work, a place where dancing lessons, music lessons, etc. are given, a room or rooms where radio or television programs are produced or where recordings are made.

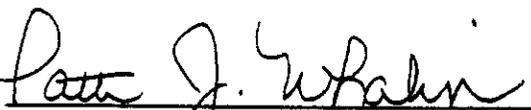
21.32.247 Impound Yard. "Impound yard" means an establishment, area, facility or place of business used for the temporary custody of abandoned or junk vehicles, as defined in Section 18.20.010 of the Homer Municipal Code, and other abandoned or illegally stored personal property pending determination of proprietary rights therein. In no case shall the impounded property be held in temporary custody longer than six months at which time it will be disposed of as provided under Section 18.24.

Section 21.32.413, Indoor recreational facility. Indoor recreation facility means a building that facilitates sports activities or games such as bowling alleys, racketball courts, skating rinks, etc.

CITY OF HOMER

  
\_\_\_\_\_  
John P. Calhoun, Mayor

ATTEST:

  
\_\_\_\_\_  
Patti J. Whalin, City Clerk

Ordinance 86-35  
Page 5

Reviewed and approved as to form and content.

Phil C. Shealy  
Phil C. Shealy, City Manager

Date: 1/13/86

A. Robert Hahn, City Attorney

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

First reading: 11/24/86

Public hearing: 12/8/86

Second reading: 1/12/87

Effective date: 1/13/87