

PLANNING COMMISSION INITIATED

CITY OF HOMER  
HOMER, ALASKA

ORDINANCE 95 - 12(A)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER ADDING HOMER CITY CODE, SECTION 21.52.030 (k) PLANNED UNIT DEVELOPMENTS AS A CONDITIONAL USE PERMIT IN THE MARINE COMMERCIAL ZONING DISTRICT AND AMENDING HCC, SECTION 21.32.395 DEFINITION FOR PLANNED UNIT DEVELOPMENT AND SECTION 21.61.060 STANDARDS FOR PLANNED UNIT DEVELOPMENTS

WHEREAS, the Homer City Code contains discrepancies in designating where planned unit developments are allowed; and,

WHEREAS, the Homer City Code further contains discrepancies in defining planned unit developments; and,

WHEREAS, the Homer Advisory Planning Commission has reviewed the matter and recommends the following revisions to the Homer City Code; and,

WHEREAS, the Homer Advisory Planning Commission held a public hearing, as required by Homer City Code, on the matter on April 13, 1994.

NOW THEREFORE, BE IT ORDAINED BY THE HOMER CITY COUNCIL:

Section 1. Section 21.32.395 of the Homer City Code is hereby amended to read as follows:

21.32.395 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. "Planned unit development" or "PUD" means a group or combination of residential, commercial, noncommercial or industrial uses developed as a functional unit under the conditional use procedures, the plan of which may not conform to the regulations established for the zoning district with respect to lot size, mixture of uses, density, lot coverage or required open space.

Section 2. Section 21.50.030 (e) of the Homer City Code is hereby amended to read as follows:

e. Planned unit ~~industrial~~ developments

Section 3. Section 21.52.030 (k) of the Homer City Code is hereby added to read as follows:

k. Planned unit developments

Section 4. Section 21.53.030 (a) of the Homer City Code is hereby amended to read as follows:

a. Planned unit industrial developments

Section 5. Section 21.61.060 of the Homer City Code is hereby amended to read as follows:

21.61.060 Standards for planned unit developments.

~~a. Purpose. Planned-unit-developments-are-intended-to encourage-the-development-of-large-parcels-of-land-as-integrated units-to-allow-for-flexibility-in-design.--Planned-unit developments-are-allowed-as-conditional-uses-within-a-number-of zoning-districts-and-are-applicable-to-either-residential-or nonresidential-uses-or-a-combination-thereof. All-planned-unit-developments-are-subject-to-the-conditions-set forth-in-the-Horizontal-Regimes-Act-and/or-Uniform-Common Interest-Ownership-Act.~~

Planned unit development is a device which allows a development to be planned and built as a unit, or as a phased development, and which, as a result, permits flexibility and variation in many of the traditional controls related to density, land use, setback, open space and other design elements, and the timing and sequencing of the development. Planned unit developments are allowed as a conditional use within certain zoning districts and are applicable to either residential, commercial, noncommercial or industrial uses or a combination thereof.

b. Uses allowed as Planned Unit Developments. Planned Unit Developments may be allowed in all zoning districts, except open space recreational. PUD's may consist of residential, noncommercial, commercial or industrial uses or a combination thereof, however, 60% or greater of the uses must be uses that are permitted outright or conditional within the zoning district which it is located.

~~b.--Districts-allowed.--Planned-unit-development-is-allowed in-all-districts-except-open-space--recreational.~~

~~c.--Concept-Plan-~~

~~-----1.-----In-order-to-determine-the-possible-acceptability of-a-proposed-conditional-use,-the-applicant-may-prepare-a preliminary-concept-plan-for-review-by-the-City.--At-the-option of-the-applicant,-concept-approval-may-be-waived-and-the-proposed conditional-use-may-be-submitted-for-final-approval.--All information-listed-as-required-for-concept-approval-shall-be~~

required before final approval. The concept plan shall include a conditional use application form and accompanying maps which include the following information:

- i. A legal description of the total site proposed for development including a statement of present ownership;
- ii. A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
- iii. A proposed development schedule indicating the approximate date when construction of the PUD or stages of the PUD such as land areas, dwelling units, etc.;
- iv. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD such as land areas, dwelling units, etc.;
- v. Quantitative data for the following:
  - i. Total number and type of dwelling units;
  - ii. Parcel size;
  - iii. Proposed lot coverage of buildings and structures;
  - iv. Approximate gross and net residential densities;
  - v. Total amount of open space (including a separate figure for usable open space);
  - vi. Total amount of nonresidential construction (including a separate figure for commercial facilities);
  - vii. Proposed lot lines and Plot Designs. The location and floor area size of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units, density per type, and nonresidential structures, and preliminary architectural renderings of typical structures and improvements. (Such drawings should be sufficient to relay the basic architectural intent of the proposed improvements but should not be encumbered with final detail at this stage.);
  - viii. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space, public parks and recreational areas;
  - ix. Existing and proposed automotive traffic circulation systems of arterial, collector and local streets, including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership, public or private, should be

included-where-appropriate;  
-----x.---Existing-and-proposed-pedestrian  
circulation-systems,-including-their-interrelationship-with-the  
vehicular-circulation-system;  
-----xi.---Existing-and-proposed-utility-systems,  
including-sanitary-sewers,-storm-sewers-and-water,-electric,-gas  
and-telephone-lines;  
-----xii.---A-general-schematic-landscape-plan,  
indicating-the-treatment-of-materials-to-be-used-for-private-and  
common-open-spaces;  
-----xiii.---Sufficient-information-on-land-areas  
adjacent-to-the-proposed-PUD-to-indicate-the-relationships  
between-the-proposed-development-and-existing-and-proposed  
adjacent-areas,-including-land-uses,-zoning-classifications,  
densities,-circulation-systems,-public-facilities-and-unique  
natural-features-of-the-landscape;  
-----xiv.---The-proposed-treatment-of-the-perimeter  
of-the-PUD,-including-materials-and-techniques-to-be-used-such-as  
screens,-fences-and-walls;  
-----xv.---Any-additional-information-as-required  
by-the-review-authority-necessary-to-evaluate-the-character-and  
impact-of-the-proposed-PUD.

b. Development Plan.

1. A conditional use permit application and a development plan for a planned unit development shall be submitted to the City for administrative review and recommendation to the Homer Advisory Planning Commission. They shall include the following:

- a. A statement of purpose and objective;
- b. A specific plan of development, including a designation of land uses by relative intensity and proportion of land area intended for each land use;
- c. A program of development outlining the stages of future development and the phase for current approval;
- d. The time schedule;
- e. A statement demonstrating the independence of each stage;
- f. The general location and size of the area involved and the nature of the land owner's interest in the land to be developed;
- g. The density of land use to be allocated to parts of the area to be developed;
- h. The location, function, ownership and manner of maintenance of common open space for the management during construction; and, management during each phase of development; and, the final management of the completed development;
- i. The use, approximate height, bulk and location of buildings and other structures;

- j. A utilities and drainage plan;
- k. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures, including proposed easements for public utilities;
- l. A parking plan and the location and width of proposed streets and public ways and the relationship of new or existing streets and other public facilities in proximity to the planned development;
- m. In the case of plans which call for development over a period of years, a schedule showing the time within which application for final approval of all parts of the planned development are intended to be filed;
- n. A list of required permits necessary from state or federal agencies; which the Planning Commission may require prior to final approval.
- o. Site plans sufficient to depict above listed requirements or other conditions required by staff.
- p. A statement of methods to be employed to assure maintenance of any common areas and facilities shall be submitted.

2. The staff Administrative Official or designee shall review the application form, development plan, and maps to determine their completeness. If adequate information is available to allow for Homer Planning Commission review, the application will be scheduled before the Homer Planning Commission as a conditional use permit application. The Administrative Official or designee shall recommend approval, approval with conditions or disapproval to the Homer Advisory Planning Commission.

c. Final-Plan Homer Advisory Planning Commission Review

1.---Upon receipt of a PUD final plan, the Homer Administrative Officer shall review and prepare a recommendation for action by the Homer Planning Commission 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.

2.---Before the final plan is approved by the Homer Planning Commission, a preliminary subdivision plat may be prepared to be considered in conjunction with the final plan.

3.---The final plan shall include all information and maps submitted for the concept preliminary development plan in their finalized, detailed form.---This includes site plans sufficient for recording and detailed engineering drawings,

~~including contours at two-foot intervals. In addition, a statement of methods to be employed to assure maintenance of any common areas and facilities shall be submitted.~~

1. Upon receipt of the administrative review and recommendation, the Homer Planning Commission shall establish make a finding that the final development plan is consistent with the conditional use permit requirements, or that it is inconsistent.

Prior to finding that a development plan is consistent with the conditional use permit requirements it shall be found that the use satisfies the conditions of Homer City Code 21.61.020, and any other conditions that the administrative official or designee or the Homer Advisory Planning Commission may require to satisfy the requirements of this section.

2. If the Commission determines that the plan is not consistent with the conditional use permit requirements or is not consistent with good design, efficient use of the site, or community standards, the Commission shall deny the application.

3. In the event it is determined that the final development plan is consistent with the conditional use permit requirements, with good design, efficient use of the site and community standards, the Homer Planning Commission shall approve the final development plan and conditional use permit with such modifications or conditions that it deems necessary.

4. In any event, the Homer Planning Commission shall adopt written findings of fact and conclusions that are supported by substantial evidence in the record and adequately set forth the basis for the decision.

~~6.---If the conditional use application is approved with modifications the applicant shall proceed with preparation of a revised final plan. A final plan shall be filed within one year of concept plan Planning Commission approval. Plans shall be prepared by professionals qualified in at least two of the following fields:~~

- ~~-----i.-----Licensed architect;~~
- ~~-----ii.-----Registered civil engineer;~~
- ~~-----iii.-----AICP planner; or~~
- ~~-----iv.-----Registered land surveyor.~~

~~7.---a.---If it is determined that the final plan is inconsistent with the approved concept final 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 final plan;  
-----2.---Any other person who has indicated to the  
Planning Commission in writing that he wishes to be notified.  
-----b.---After the public hearing, the Homer Planning  
Commission shall approve or disapprove the final plan or approve  
the final plan with modifications or conditions.~~

d. Residential PUD's.

1. ~~Qualifying Conditions.~~ A residential PUD (a <sup>69125</sup> planned unit development with residential uses) shall comply with the following requirements and conditions and with Section 21.61.060(e) if commercial, noncommercial or industrial uses are part of the development. Public water and sewer facilities shall be available or shall be provided as part of the site development, or if public facilities are not available, systems must be approved by the Alaska Department of Environmental Conservation;

~~2.---Permitted Uses.---The following uses of land and structure may be permitted within a residential PUD;  
-----a.---Residential uses including single family, duplex, multiplex and townhouse dwelling units;  
-----b.---Other uses permitted or conditionally permitted within the zoning district in which it is located.~~

2. Density.

a. Maximum project floor area shall not exceed .4 times the gross land area;

b. Total open area shall be at least 1.1 times the total floor area;

c. Open area shall not include areas used for parking or maneuvering incidental to parking vehicular access. Open area may include walkways, landscaped areas, sitting areas, recreation space, and other amenities. All open area shall be suitably improved for its intended use but open area containing natural features worthy of preservation may be left unimproved.

3. 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 Commission. These provisions shall include mandatory membership of all property owners in any association designed for maintenance of the common area.

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

a. Structures located on the perimeter of the planned development must be set back a distance sufficient to protect the privacy of adjacent uses;

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

5. Dimensional Requirements. Dimensional requirements may be varied from the requirements of the district within which the PUD is located. All departures from those requirements will be evaluated against the following criteria:

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

b. Light and Air. The building spacing provides one method of insuring that each room has adequate light and air. Building spacing may be reduced where there are no windows or very small window 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 configuration is irregular so that the needs expressed in subsections a, b and c of this subsection 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 setback requirement may be reduced.

f. Lot Width. A minimum lot width is intended to prevent the construction of low, narrow buildings with inadequate privacy, light and air. There are situations as in cul-de-sacs, steep slopes or off-set lots, where, because of lot configuration or topography, narrow or irregular lots that light, air and privacy can be provided, especially for living spaces and bedrooms, a narrower lot width may be permitted.

e. Nonresidential Commercial, noncommercial and industrial PUDs (planned unit developments that include uses other than residential uses).

1. For purposes of this Section, a commercial use is defined as an occupation, employment, or enterprise that is carried on for profit that is not an industrial use.

2. For purposes of this Section, an industrial use is defined as a use engaged in the processing and manufacturing of materials or products, including processing, fabrication, assembly, treatment packaging, storage, sales and distribution of such products.

3. For the purposes of this Section a noncommercial is a use that is neither residential, commercial or industrial.

4. Qualifying-Conditions: A planned unit development that includes commercial, noncommercial or industrial uses shall comply with the following requirements and conditions, with Section 21.61.060(d) if residential uses are part of the development:

a. The PUD site shall have direct access to an arterial or collector street.

b. Utilities, roads and other essential services must be available for the immediate use of occupants purchasing sites in the PUD.

c. The proposed PUD shall be developed with a unified architectural treatment.

~~2.---Permitted-Uses---Permitted-uses-include-all-uses permitted-within-the-district-for-which-the-PUD-is-requested-~~

5. If topographical or other barriers do not provide adequate privacy for uses adjacent to the PUD, the Homer Planning Commission may require that one or both of the following requirements be met:

a. Structures located on the perimeter of the planned development must be set back a distance sufficient to protect the privacy of adjacent users;

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

6. Dimensional Requirements. Setbacks and distances between buildings within the development shall be at least equivalent to that required by the zoning district in which the PUD is located unless the applicant demonstrates that:

a. A better or more appropriate design can be achieved by not applying the provisions of the zoning district; and

b. Adherence to the requirements of the zoning district is not required in order to insure health, safety and welfare of the users and inhabitants of the development.

7. The performance standards in Section 21.49.060 shall be met.

f. Time Limit. After a development plan is approved by the Homer Advisory Planning Commission, development of the planned unit development must begin within one year of approval of the conditional use permit and development plan. If development is not begun within such time, the conditional use permit and development plan approval lapses, and the conditional use permit and development plan must be resubmitted to the Planning Commission for reapproval. After a lapse of one year or more a new conditional use permit application and development plan must be submitted to the Planning Commission for complete reconsideration.

Section 4. This ordinance is of a permanent and general character and shall be numbered sequentially and included in the City Code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA  
this 22<sup>nd</sup> day of May, 1995.

CITY OF HOMER

  
HARRY E. GREGOIRE, MAYOR

ATTEST:

  
MARY L. CALHOUN, CITY CLERK

AYES: 6  
NOES: 0  
ABSTAIN: 0  
ABSENT: 0

First Reading: 04-24-95  
Public Hearing: 05-08-95  
Second Reading: 05-22-95  
Effective Date: 05-23-95

Reviewed and approved as to form and content:

  
PATTI J. WHALIN  
CITY MANAGER

  
GORDON J. TANS  
CITY ATTORNEY