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3/29/11

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 11-03(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.03.040, DEFINITIONS USED IN ZONING CODE; HOMER CITY CODE 21.12.020, RURAL RESIDENTIAL (RR), PERMITTED USES AND STRUCTURES; HOMER CITY CODE 21.14.020, URBAN RESIDENTIAL (UR), PERMITTED USES AND STRUCTURES; AND HOMER CITY CODE 21.16.020, RESIDENTIAL OFFICE (RO), PERMITTED USES AND STRUCTURES; AND HOMER CITY CODE 21.61.060, TERMINATION OF NONCONFORMING USE OR STRUCTURE; REGARDING THE ACCESSORY USE OF STORAGE IN RESIDENTIAL ZONING DISTRICTS.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.03.040, Definitions used in zoning code, is amended to read as follows:

“*Motor vehicle*” means a vehicle which is self-propelled except a vehicle moved by human or animal power.

“*Vehicle*” means a device in, upon, or by which a person or property may be transported or drawn upon or immediately over a highway or vehicular way or area; “vehicle” does not include (i) devices used exclusively on stationary rails or tracks; or (ii) mobile homes.

Section 2. Homer City Code 21.12.020, Permitted uses and structures, is amended to read as follows:

21.12.020 Permitted uses and structures. The following uses are permitted outright in the rural residential district:

- a. Single family dwelling.
- b. Duplex dwelling.
- c. Multiple-family dwelling, only if the structure conforms to HCC § 21.14.040(a)(2).
- d. Public parks and playgrounds;
- e. Rooming house and bed and breakfast;
- f. Home occupations, provided they conform to the requirements of HCC § 21.51.010;
- g. Agricultural activities, 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 one hundred feet of any residence other than the dwelling on the same lot,

- 47 2. No retail or wholesale business sales office is maintained on the premises;
48 h. Private stables;
49 i. Private floatplane tie-down as an accessory use incidental to residential use;
50 j. ~~Storage of personal commercial fishing gear in a safe and orderly manner and~~
51 ~~separated by at least five feet from any property line as an accessory use incidental to residential~~
52 ~~use;~~
53 jk. As an accessory use ~~incidental to~~ **a principal** residential use, the private outdoor
54 ~~storage of noncommercial equipment, including noncommercial trucks, boats, and not more than~~
55 ~~one recreational vehicle in a safe and orderly manner~~ **occupying an area not exceeding 1500**
56 **square feet,** and separated by at least five feet from any property line, **of any of the following:**
57 ~~provided no stored equipment, boat or vehicle exceeds 36 feet in length;~~
58 **1. commercial fishing gear.**
59 **2. not more than five motor vehicles, including not more than one**
60 **recreational vehicle, owned by a person who resides on the lot. A motor vehicle is stored if**
61 **it is not moved for at least 240 consecutive days.**
62 **3. noncommercial equipment, including noncommercial boats and boat**
63 **trailers, owned by a person who resides on the lot, but excluding motor vehicles, provided**
64 **no stored equipment or boat exceeds 36 feet in length.**
65 k. As an accessory use incidental to residential use, the private outdoor storage of
66 noncommercial equipment, including noncommercial trucks, boats, and not more than one
67 recreational vehicle in a safe and orderly manner and separated by at least five feet from any
68 property line, provided no stored equipment, boat or vehicle exceeds 36 feet in length;
69 l. Other customary accessory uses incidental to any of the permitted uses lists in the
70 RR district, provided that no separate permit shall be issued for the construction of any detached
71 accessory building prior to that of the main building.
72 m. Temporary (seasonal) roadside stands for the sale of produce grown on the
73 premises;
74 n. Mobile homes, subject to the requirements of HCC § 21.54.060.
75 o. Day care homes; provided, however, that outdoor play areas must be fenced.
76 p. Recreational vehicles, subject to the requirements of HCC § 21.54.320.
77 q. Open space, but not including outdoor recreational facilities described in HCC §
78 21.12.030.
79 r. As an accessory use, one small wind energy system per lot having a rated capacity
80 not exceeding 10 kilowatts.

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82 Section 3. Homer City Code 21.14.020, Permitted uses and structures, is amended to
83 read as follows:
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85 21.14.020 Permitted uses and structures. The following uses are permitted outright in the
86 urban residential district:

- 87 a. Single-family dwelling, excluding mobile home.
88 b. Duplex dwelling, excluding mobile home.

[Bold and underlined added. Deleted language stricken through.]

- 89 c. Multiple-family dwelling, only if the structure conforms to HCC §
90 21.14.040(a)(2) and excluding mobile home.
- 91 d. Public parks and playgrounds;
- 92 e. Home occupations, provided they conform to the requirements of HCC §
93 21.51.010
- 94 f. Rooming house and bed and breakfast;
- 95 g. Private floatplane tie-up facility as an accessory use incidentally to residential
96 use;
- 97 ~~h. As an accessory use incidental to residential use, storage of personal commercial~~
98 ~~fishing gear in a safe orderly manner and separated by at least five feet from any property line;~~
- 99 ~~hi. As an accessory use incidental to a principal residential use, the private outdoor~~
100 ~~storage of noncommercial equipment, including noncommercial trucks, boats, and not more than~~
101 ~~one recreational vehicle in a safe and orderly manner occupying an area not exceeding 1500~~
102 ~~square feet, and separated by at least five feet from any property line, of any of the following:~~
103 ~~provided no stored equipment, boat or vehicle exceeds 36 feet in length;~~
- 104 1. commercial fishing gear.
- 105 2. not more than five stored motor vehicles, including not more than one
106 recreational vehicle, owned by a person who resides on the lot. A motor vehicle is stored if
107 it is not moved for at least 240 consecutive days.
- 108 3. noncommercial equipment, including noncommercial boats and boat
109 trailers, owned by a person who resides on the lot, but excluding motor vehicles, provided
110 no stored equipment or boat exceeds 36 feet in length.
- 111 ~~ij. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory~~
112 ~~to a residential use in a manner consistent with the requirements of all other provisions of the~~
113 ~~Homer City Code and as long as such animals are pets of the residents of the dwelling and their~~
114 ~~numbers are such as not to unreasonably annoy or disturb occupants of neighboring property;~~
- 115 ~~jk. Customary accessory uses to any of the permitted uses listed in the UR district,~~
116 ~~provided that no separate permit shall be issued for the construction of any detached accessory~~
117 ~~building prior to that of the main building.~~
- 118 ~~kl. Day care homes; provided, however, that outdoor play areas must be fenced.~~
- 119 ~~lm. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.~~
- 120 ~~mn. Open space, not including outdoor recreational facilities.~~
- 121 ~~ne. Public schools and private schools.~~
- 122 ~~op. As an accessory use, one small wind energy system per lot having a rated capacity~~
123 ~~not exceeding 10 kilowatts.~~

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125 Section 4. Homer City Code 21.16.020, Permitted uses and structures, is amended to
126 read as follows:

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128 21.16.020 Permitted uses and structures. The following uses are permitted outright in the
129 residential office district:

- 130 a. Single-family and duplex dwelling, excluding mobile homes;
[Bold and underlined added. Deleted language stricken through.]

- 131 b. Multiple family dwelling, provided the structure conforms to HCC §
132 21.14.040(a)(2) and excluding mobile homes;
- 133 c. Public parks and playgrounds;
- 134 d. Rooming house and bed and breakfast;
- 135 e. Home occupations; provided they conform to the requirements of HCC §
136 21.51.010;
- 137 f. Professional offices and general business offices;
- 138 g. Personal services;
- 139 h. Museums, libraries and similar institutions;
- 140 i. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;
- 141 j. Religious, cultural and fraternal assembly;
- 142 k. ~~Storage of the occupant's personal commercial fishing gear in a safe and orderly~~
143 ~~manner and separated by at least five feet from any property line as an accessory use incidental~~
144 ~~to a permitted or conditionally permitted principal use;~~
- 145 **kl. As an accessory use incidental to a principal permitted or conditionally**
146 **permitted use, the private outdoor exterior storage of the occupant's personal noncommercial**
147 **equipment, including noncommercial trucks, boats, campers and not more than one recreational**
148 **vehicle in a safe and orderly manner occupying an area not exceeding 1500 square feet, and**
149 **separated by at least five feet from any property line, as an accessory use incidental to a**
150 **permitted or conditionally permitted principal use of any of the following: provided no stored**
151 **equipment, boat or vehicle exceeds 36 feet in length;**
- 152 **1. commercial fishing gear.**
- 153 **2. not more than five motor vehicles, including not more than one**
154 **recreational vehicle, owned by a person who resides on the lot. A motor vehicle is stored if**
155 **it is not moved for at least 240 consecutive days.**
- 156 **3. noncommercial equipment, including noncommercial boats and boat**
157 **trailers, owned by a person who resides on the lot, but excluding motor vehicles, provided**
158 **no stored equipment or boat exceeds 36 feet in length.**
- 159 ~~lm.~~ Other customary accessory uses to any of the permitted uses listed in the
160 residential office district; provided that no separate permit shall be issued for the construction of
161 any detached accessory building prior to that of the main building.
- 162 ~~mn.~~ The outdoor harboring or keeping of dogs, small animals and fowl as an accessory
163 use in a manner consistent with the requirements of the Homer City Code and as long as such
164 animals are kept as pets and their numbers are such as not to unreasonably annoy or disturb
165 occupants of neighboring property;
- 166 ~~ne.~~ Day care homes; provided, however, that outdoor play areas must be fenced.
- 167 ~~op.~~ Recreational vehicles, subject to the standards set out in HCC § 21.54.320.
- 168 ~~pq.~~ As an accessory use, one small wind energy system per lot having a rated capacity
169 not exceeding 10 kilowatts.

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171 Section 5. Homer City Code 21.61.060, Termination of nonconforming use or structure,
172 is amended to read as follows:

[Bold and underlined added. Deleted language stricken through.]

173 21.61.060 Termination of nonconforming use or structure. **a.** The right to continue a
174 nonconforming use or structure previously approved under this chapter is subject to termination
175 by the Commission if it finds, after providing the property owner notice and an opportunity to be
176 heard at a public hearing, that

177 1a. in the case of a nonconforming structure, it has subsequently been
178 abandoned or brought into conformity with the Homer Zoning Code, or

179 2b. in the case of a nonconforming use, the use has subsequently been
180 abandoned, changed, discontinued, or ceases to be the primary use of a lot.

181 ~~**b. The right to continue a nonconforming storage use in the rural residential,**~~
182 ~~**urban residential or residential office districts shall terminate after one year.**~~

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184 Section 6. This Ordinance is of a permanent and general character and shall be included
185 in the City Code.

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187 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
188 _____ 2010.

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190 CITY OF HOMER

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194 _____
195 JAMES C. HORNADAY, MAYOR

196 ATTEST:

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200 _____
201 JO JOHNSON, CMC, CITY CLERK

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204 YES: 0
205 NO: 6
206 ABSTAIN: 0
207 ABSENT: 0

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211 First Reading: 2/15/11
212 Public Hearing: 2/28/11
213 Second Reading:
214 Effective Date: 3/29/11

[Bold and underlined added. Deleted language stricken through.]

215 Reviewed and approved as to form:

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217

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219 _____
Walt E. Wrede, City Manager

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221 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____