

Introduced by Bruce Turkington

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 87-2

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF HOMER, ALASKA, AMENDING CHAPTER 21.48, CENTRAL BUSINESS DISTRICT, SECTION 21.48.030, CONDITIONAL USES AND STRUCTURES, HOMER MUNICIPAL CODE.

WHEREAS, the City of Homer currently regulates uses in the central business district; and

WHEREAS, there appears to be the need to expand the conditionally permitted uses in the central business district; and

WHEREAS, the Homer City Council initiated amendments to the conditionally permitted uses in the central business district.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Homer Municipal Code, Chapter 21.48, Central Business District, Section 21.48.030, Conditional uses and structures, is amended as follows:

21.48.030 Conditional uses and structures.

- a. Planned unit developments;
- b. Indoor recreational facilities;
- c. Mobile home parks;
- d. Service stations and other drive-in establishments;
- e. Public utility facilities and structures;
- f. Pipelines and railroads;
- g. Heliports;
- h. Recreational vehicle parks.

DATED AT HOMER, ALASKA on this th day of , 1987.

CITY OF HOMER

John P. Calhoun, Mayor

ATTEST:

Patti J. Whalin, City Clerk

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Reviewed and approved as to form and content.

Philip C. Shealy
City Manager

A. Robert Hahn
City Attorney

Date: _____

Date: _____

First Reading:

Public Hearing:

Second Reading:

Effective Date:



CITY OF HOMER

CITY HALL

491 EAST PIONEER AVENUE

HOMER, AK., 99603-7624

(907)235-8121

MEMORANDUM 87-70

TO: Mayor and Homer City Council
FROM: Philip C. Shealy, City Manager *PCS*
DATE: April 6, 1987
SUBJECT: Ordinance 87-2

Attached please find a copy of Ordinance 87-2 providing for an amendment to the zoning ordinance allowing recreational vehicle parks in the Central Business District as a conditional use. This matter was referred to the Planning Commission for their February 9, 1987 regular meeting.

The Planning Commission did hold a public hearing on this matter on March 18, 1987. At the public hearing, contrary to staff recommendations, the Commission voted 5 to 1 in favor of postponing action on the ordinance until the issue could be reviewed in conjunction with the update of the Homer Comprehensive Plan. The Commission made appropriate findings and at their subsequent meeting on April 1, 1987 reiterated their motion to recommend that the City Council take no action on the ordinance until the Planning Commission has a chance to review the issue in concert with the update of the Comprehensive Plan.

Homer Municipal Code 21.70.020 provides that a public hearing shall be held by the Homer Advisory Planning Commission on proposed amendments to the Zoning Ordinance. After the public hearing, the Planning Commission shall send its written recommendations to the City Council and the City Council in accordance with ordinance enactment procedures of the Homer City Code, may or may not adopt the amendment as a City ordinance.

Recommendation

Introduce Ordinance 87-2 amending chapter 21.48, Central Business District, Section 21.48.030, Conditional Uses and Structures, Homer Municipal Code in the first reading, and set date of public hearing for April 27, 1987.

PCS/mp

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CITY OF HOMER

John P. Calhoun, Mayor

ATTEST:

Patti J. Whalin, City Clerk



CITY OF HOMER

CITY HALL

491 EAST PIONEER AVENUE

HOMER, AK., 99603-7624

(907)235-8121

M E M O R A N D U M

TO: PHIL C. SHEALY, CITY MANAGER

FROM: SUSAN L. REGAN, PLANNING AND ECONOMIC DEVELOPMENT COORDINATOR SLR

DATE: APRIL 6, 1987

SUBJECT: PLANNING COMMISSION ACTION ON ORDINANCE 87-2, AN ORDINANCE ALLOWING RECREATIONAL VEHICLE PARKS IN THE CENTRAL BUSINESS DISTRICT AS A CONDITIONALLY PERMITTED USE

Responding to the Homer City Council's request at their March 4 and March 18, 1987 meetings, the Planning Commission reviewed Ordinance 87-2, an ordinance allowing recreational vehicle parks in the Central Business District as a conditionally permitted use. A public hearing was subsequently held before the Planning Commission on the proposed ordinance.

Staff received no written public comments on this issue. Four members of the public testified before the Planning Commission on the proposed ordinance; two in favor and two opposed.

After the public hearing, contrary to staff recommendation, the Commission voted five to one in favor of postponing action on the ordinance until the issue could be reviewed in conjunction with the update of the Homer Comprehensive Plan. The Commission's findings were as follows:

1. The ordinance stated "there appears to be a need to expand the conditionally permitted uses in the Central Business District" yet no request or need had been expressed to the Commission;
2. The Commission would very soon be reviewing the Central Business District chapter in the comprehensive plan, and recreational vehicle parks in the Central Business District involves a change in development philosophy and thus, comprehensive plan policy;

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3. The State park system has allocated land for a 150 until recreational vehicle park on the Baycrest Hill;
4. There appears that there may be a need for subzones in certain areas of the Central Business District to accommodate the use. Changing comprehensive plan policy would enable a corresponding change in the zoning ordinance.
5. "Destination parks," parks intended for several days or weeks of vacation as defined by the American Planning Association, are more appropriately placed in recreational or open space districts.

At their April 1, 1987 meeting, the Planning Commission reiterated their motion on the recreational vehicle ordinance to clarify it as follows: Recommend to the City Council to take no action on the ordinance until the Planning Commission has a chance to review the issue in concert with the update of the comprehensive plan.

I have attached the minutes of the Planning Commission meetings when this issue has been discussed. If you have any questions on this matter, do not hesitate to contact me.

Attachments

1. Planning Commission Minutes from the February 18, March, 18 and April, 1 1987 meetings

21.70.010 Initiation of zoning ordinance amendments.

- a. Amendments to the Homer City Zoning Ordinance may be initiated by:
1. The City Council;
 2. The Homer Advisory Planning Commission.
- b. Any person may request a zoning ordinance amendment subject to the following conditions:
1. A zoning map amendment may be requested only by petition from a majority of the property owners in the area concerned; and
 2. An amendment to the ordinance text may be requested by a petition bearing the signatures of fifty voters registered within the City.
- c. Except for the extension of existing district boundaries, no change to the zoning map shall be considered which contains an area less than one acre, not including street or alley rights-of-way.
- d. Any proposed amendment to the zoning ordinance which is substantially the same as any other proposed amendment submitted within the previous nine months and which was rejected shall not be considered.
- e. The zoning amendment request shall include the names and address of the applicant, a map showing the area involved, the present zoning and proposed zoning, the appropriate fee, if applicable, and any other pertinent information requested by the City. (Ord. 83-30 Exbt. 1(part), 1983; Ord. 82-21 §1(18), 1983; Ord. 82-15 §4(part), 1982).

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

- 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 City Council along with all certified copies of minutes and public records relating to the proposed amendment.
- b. The City Council, in accordance with ordinance enactment procedures of the Homer City Code, may or may not adopt the amendment as a City ordinance. (Ord. 82-21 §1(19), 1983; Ord. 82-15 §4(part), 1982).

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of fact and well done. He noted that in the past, there were objections to development on the Spit but he believes the Spit is in better shape than ever. He did not object to a recreational vehicle park on the Bypass or anywhere else in Homer.

Jan Needham addressed the proposal to allow recreational vehicle parks as a conditionally permitted use in the Central Business District and was concerned that they might be allowed on Pioneer Avenue. She asked if anyone had made a request and staff informed her no request had been received by Planning staff, but that the City Council had requested the Planning Commission to hold a public hearing on the matter.

Ms. Needham opposed allowing recreational vehicle parks along Pioneer Avenue, but thought that areas near the campground, Bishop's Beach and the Bypass would be appropriate. She thought Pioneer Avenue should be maintained as shops and that as Homer grows a natural, slow development would fill in the vacant areas. She thought restrictions were important to preserve areas like Pioneer Avenue to insure what we want to see for the future.

There being no further testimony to come before the Commission, the public hearing was closed at 8:25 p.m. The Chairman called for a recess at 8:25 p.m. and the meeting was reconvened at 8:35 p.m.

CONSIDERATION OF PLATS

There were no plats to be considered by the Commission.

COMMISSION BUSINESS

Staff Report PL 87-16 Re: Recreational Vehicle Parks as a Conditionally Permitted Use in the Central Business District

The Planning Commission was considering allowing recreational vehicle parks in the Central Business District as a conditionally permitted use and had held a public hearing at the request of the City Council. Staff noted that recreational vehicle parks are conditionally permitted in the General Commercial 1, General Commercial 2 and Open Space Recreation

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zones subject to standards set forth in the zoning code. She pointed out that since the use was conditionally permitted, each request would be evaluated on a case-by-case basis.

Staff recommended the Planning Commission approve the proposal to allow recreational vehicle parks as a conditionally permitted use and forward the matter to the Homer City Council for public hearing and approval.

JAY/THOMPSON - MOVED TO POSTPONE ACTION ON THE ORDINANCE UNTIL WE ARE ABLE TO COMPLETE REVIEW OF THE COMPREHENSIVE PLAN

Commissioner Thompson stated that this ordinance dealt with a change in policy that would require more information which would be appropriately researched in the comprehensive plan update.

Commissioner Morris stated he thought there were adequate reasons the Commission should take immediate action on the matter. He cited policies in the comprehensive plan that called for additional parking on the Spit, traffic reduction and business attraction.

There was discussion among the Commission regarding the appropriate places for recreational vehicle parks such as the Spit, Bishop's Beach and the State proposed r.v. park in the Baycrest Hill area. Consideration was also given to the economics involved in the price of land and seasonal use of the parks.

Commissioner Thompson noted the second "whereas" in the proposed ordinance forwarded to the Commission by the City Council which states that "there appears to be the need to expand the conditionally permitted uses in the Central Business District." He did not believe the need had been demonstrated.

VOTE:	YES:	Pate, Thompson, Butler, Wallace, Jay
	NO:	Morris

Motion carried.

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"wayside park" included adequate facilities for visitors.

The corrected minutes from the February 4, 1987 meeting were approved without objection.

PUBLIC HEARING

There were no public hearings scheduled before the Commission.

CONSIDERATION OF PLATS

Staff Report PL 87-8 Re: Recreational Vehicle Parks as a Conditionally Permitted Use in the Central Business District

The Homer City Council, at their February 9, 1987 regular meeting, introduced an ordinance amending the conditionally permitted uses in the Central Business District to include recreational vehicle parks. A motion was passed to send this matter to the Planning Commission for public hearing and Planning Commission recommendation.

The staff report included background information for the Central Business District and also included a comparison of other Alaskan coastal communities and their designated zoning districts for recreational vehicle parks. Staff also included the City of Homer zoning ordinance on recreational vehicle standards and related information from the American Planning Association. Staff recommended the Commission schedule a public hearing on this matter at the March 18, 1987 regular meeting.

Commissioner Jay noted the discrepancy in the zoning ordinance that states that recreational vehicle parks are allowed as a conditional use in the General commercial 1, General commercial 2 and Open Space Recreation zoning districts. However, under Section 21.61.090 Standards for recreational vehicle parks paragraph B, the ordinance reads as follows: District Allowed. Recreational vehicle parks are allowed in Open Space Recreational, General Commercial 1 and General Commercial 2 districts.

Staff outlined three routes that the Commission could take. First they could go to public hearing with the

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intent of changing Section 21.61.09, paragraph b, of the ordinance, secondly the Commission could specify in the ordinance those districts where recreational vehicles could be allowed as a conditional use or outright; thirdly the Commission could choose to allow a year trial period for a conditional use in a specified location in the Central Business District and then determine the impact of a recreational vehicle park on the Central Business District.

JAY/THOMPSON - MOVED THAT A PUBLIC HEARING BE SCHEDULED TO CHANGE SECTION 21.61.090 B TO LIST RECREATIONAL VEHICLE PARKS AS A CONDITIONAL USE IN GENERAL COMMERCIAL 1, GENERAL COMMERCIAL 2, AND OPEN SPACE RECREATIONAL DISTRICTS.

VOTE: YES: Pate, Thompson, Butler, Wallace,
 Jay

NO: Morris

Motion carried.

The Commission went into lengthy discussion regarding allowing recreational vehicle parks as a conditional use in the Central Business District. Commissioner Jay felt recreational vehicles would be inappropriate on Pioneer Avenue, but would perhaps be appropriate by Bishop Beach. Commissioner Pate stated that it would be difficult to restrict recreational vehicles to a subzone within a zone. Commissioner Thompson expressed his concern that the City Council was following proper procedure in this matter. Staff noted that the City Council had followed proper procedure by referring this to the Commission for discussion and public hearing.

THOMPSON/JAY - MOVED THAT THE COMMISSION SCHEDULE A PUBLIC HEARING THE FIRST MEETING IN SEPTEMBER 1987 TO ALLOW RECREATIONAL VEHICLE PARKS AS A CONDITIONAL USE IN THE CENTRAL BUSINESS DISTRICT

Discussion about the motion followed. Commissioner Morris expressed his concern about the motion. He stated that the Commission had a separate meeting every month set aside to go over the comprehensive plan, and that Commissioner Thompson's recommendation would do nothing but stir further bad feelings. He thought that the Council's request should certainly

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be honored. Commissioner Morris noted in addition that the motion was just another act by either the Council or Commissioners that creates hard feelings and is unwarranted, he further stated that he was certainly going to vote no.

Commissioner Thompson expressed concern that this matter had come before the City Council in ordinance form prior to being heard as a public hearing item by the Planning Commission. He also pointed out that the City Council had not taken action to obtain the necessary funds for the comprehensive plan, so it did not appear that they were in a hurry to pursue this matter.

Staff related that the Council had acted appropriately in forwarding this different ordinance to the Commission for review and public hearing, and urged the Commission to honor their request in a timely manner.

JAY/PATE - THE PLANNING COMMISSION SCHEDULE A PUBLIC HEARING AS SOON AS POSSIBLE TO DISCUSS LISTING RECREATIONAL VEHICLES AS A CONDITIONAL USE IN THE CENTRAL BUSINESS DISTRICT

VOTE: (amendment) YES: Pate, Jay, Wallace,
Butler, Morris

NO: Thompson

Motion carried.

VOTE: (amended motion) YES: Morris, Thompson,
Jay, Pate, Wallace

NO: Butler

Motion carried.

PORT AND HARBOR REPORT

There was no Port and Harbor report.

BOROUGH REPORT

Chairman Butler remarked that the Kenai Peninsula Planning and Zoning Commission got some publicity on turning down the proposed zoning of the Kenai River.

CONSIDERATION OF PLATS

No plats were scheduled before the Commission.

COMMISSION BUSINESS

Commissioner Jay had requested this item be placed on the Planning Commission agenda to provide clarification on the Commission's recommendation to the City Council regarding allowing recreational vehicle parks as a conditionally permitted use in the Central Business District.

JAY/THOMPSON - MOVED THAT THE PREVIOUS MOTION REGARDING R.V. PARKS BE CLARIFIED TO INCLUDE A RECOMMENDATION TO THE COUNCIL THAT THEY TAKE NO ACTION ON IT UNTIL THIS BODY HAS HAD A CHANCE TO REVIEW THE ISSUE IN CONCERT WITH THE REVIEW OF THE COMPREHENSIVE PLAN FOR THE REASONS STATED EARLIER

The Commission elaborated on the reasons for reviewing the proposal in conjunction with the comprehensive plan which included that (1) there appeared to be no need expressed; (2) the Commission was close to reviewing the chapter on the comprehensive plan dealing with the Central Business District and recreational vehicle parks in the Central Business District involved a philosophical difference in the plan; (3) the American Planning Association defines two types of recreational vehicle parks; "destination parks" in which the camper will spend several days or weeks vacationing and "route parks" which are brief overnight stopping areas en route to a further destination. The APA recommends that destination parks be located in open space recreational or agricultural districts; (4) there appears that there may be the need for subzones in certain sectors of the Central Business District to accommodate the proposed use (5) the State park system has plans to develop a 150 space recreational vehicle park in the Baycrest Hill area.

VOTE: YES: Pate, Jay, Wallace, Butler, Morris,
 Thompson

Motion carried.

PORT AND HARBOR REPORT

Commissioner Wray was attending a special meeting of the Port and Harbor Commission and therefore unable to attend the Planning Commission meeting. No port and harbor report was given.