

CITY OF HOMER  
HOMER, ALASKA

ORDINANCE 88-3

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF HOMER, REPEALING AND REENACTING CHAPTER 7.12 OFF-STREET PARKING AND REPEALING CHAPTER 7.16 PARKING ON THE HOMER SPIT OF THE HOMER MUNICIPAL CODE IN ITS ENTIRETY.

WHEREAS, the Homer Interim Spit Plan adopted 12/14/87 by Homer City Council requires the City to manage City parking on the Homer Spit, and;

WHEREAS, land available for parking on the Homer Spit has changed considerably since the 1983 parking ordinance, and

WHEREAS, there is a need to accommodate high seasonal use parking fluctuations and high daily parking fluctuations on a land formation with a limited surface area; and

WHEREAS, the use of the 1983 parking ordinance has demonstrated portions which need revision;

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Chapter 7.12 Off-Street Parking is hereby repealed and reenacted in it's entirety to read as follows:

Chapter 7.12

OFF-STREET PARKING\*

Sections:

- 7.12.001 Intent.
- 7.12.005 Definitions.
- 7.12.007 Off-street Parking/Mainland--General.
- 7.12.010 Requirements.
- 7.12.015 Intended Use.
- 7.12.020 Number of spaces required.
- 7.12.030 Design requirements.
- 7.12.035 Site Plan Requirements.
- 7.12.040 Location of parking areas.
- 7.12.045 Performance standards.
- 7.12.047 Joint Use parking area. (previously Section 7.12.090.)
- 7.12.048 Parking within setback areas. (previously Section 7.12.100.
- 7.12.050 Off-Site Parking - Mainland--General
- 7.12.060 Requirements.

- 7.12.070 Sign requirements.
- 7.12.075 Joint use--Off-site.
- 7.12.120 Loading areas--Required.
- 7.12.130 Loading areas--Design requirements.
- 7.12.140 Nonconforming parking and loading areas.
- 7.12.141 Parking on the Homer Spit - General
- 7.12.142 Requirements - Private Property
- 7.12.143 City-Owned Land.
- 7.12.144 City-Owned Off-Site Multiple Use Parking Facilities.
- 7.12.145 Procedure.
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- 7.12.150 Variance Generally.
- 7.12.160 Variance--Conditions precedent to granting a variance.
- 7.12.170 Variance--Application procedure.
- 7.12.180 Variance Procedure--Hearing.
- 7.12.190 Variance Procedure--Decision.
- 7.12.195 Invalidation. (was previously 7.12.210)
- 7.12.200 Appeals of Planning Commission Decisions-General.
- 7.12.210 Appeals - Procedure.
- 7.12.213 Enforcement - General.
- 7.12.215 Inspection.
- 7.12.220 Violations

7.12.001 Intent. The intent of this chapter is to (1) promote the safety, convenience, comfort and common welfare of the public by providing for minimum standards to regulate the parking of vehicles in a safe and efficient manner, so as to avoid the unnecessary congestion and interference with the public use of street, to reduce traffic hazards and to provide a safe operation of traffic circulation, and (2) to differentiate parking requirements on the City of Homer mainland from those on the Homer Spit. (Ord. 84-6 S2 (part), 1984).

7.12.005 Definitions. In this chapter, unless otherwise provided, or the context otherwise requires, the following words and phrases shall have the meanings set forth below: a. "Arterial" means a street or highway which provides as a major function the transmission of vehicular through-traffic along its prolongation or length (in preference to traffic entering the street or highway from an abutting lot or intersecting road), and which performs a major role in serving the transportation needs of the community, and which is identified as a "major arterial" or "community arterial" in the Homer Master Plan for Roads and Streets.

b. "Driveway" means the aisle area within a parking lot which abuts designated parking spaces and which is reserved exclusively for ingress, egress and maneuvering of automobiles in and out of those spaces.

c. "Loading space" means an off-street space on the same lot with a serviced building or contiguous to a group of buildings, designated or intended for the use of temporarily



parked commercial vehicles while loading or unloading, and which abuts upon a street, alley or other appropriate means of access.

d. "Mainland" means the land area within the City of Homer north of the Homer Spit.

e. "Park" means to stand a vehicle, whether occupied or not, for a period of time greater than is reasonably necessary for loading and unloading.

f. "Parking lot" means a group of parking spaces, and all abutting driveway space required by this chapter for the number and configuration of those spaces, provided that the parking spaces must be situated in a manner that conforms to the design standards of this chapter, and does not lead to conflicts in vehicle maneuverability or parking space access.

g. "Parking space" means a permanently surfaced area of not less than one hundred eighty square feet (nine feet wide and twenty feet long), which has adequate access to a public street or alley, which permits the satisfactory ingress and egress of an automobile, and which is reserved for the intended use described in Section 7.12.010, paragraph (b).

h. "Parking stall" is synonymous with "parking space." (Ord. 84-6 S2 (Part), 1984).

7.12.007 Off-Street Parking/Mainland--General. a. These parking provisions apply to all land area within the City of Homer north of the Homer Spit. The City Manager or his designee is responsible for implementation of this ordinance. The requirements of the Chapter are subject to review by the Homer Advisory Planning Commission.

7.12.010 Requirements. a. Every building erected, and every building reconstructed or structurally altered such that the existing use is enlarged or the capacity increased by adding or creating dwelling units, guest rooms, bedrooms, floor area, seats or employees, and every building reconstructed or structurally altered such that the use is altered, after the adoption of the ordinance from which this chapter derives, shall provide, permanently available and at all times maintained, the number of parking spaces required in Sections 7.12.020 and 7.12.030. Suitable substitute parking which meets all other requirements in numbers, design details and maintenance may be provided within three hundred feet as provided within Section 7.12.040.

7.12.015 Intended Use. a. The intended use of all parking spaces required in Sections 7.12.020 and 7.12.030 is the temporary storage of operable automobiles in the interval of time between usage as a medium of transportation. Parking spaces shall not be used for storage of boats, abandoned or inoperable vehicles, dumpsters or other objects not within the scope of the intended use as defined in this chapter. (Ord. 84-6 S3, 1984: Ord. 80-18 S1, 1980: prior code S12-500.1).

7.12.020 Number of Spaces required. a. U n l e s s

otherwise provided in subsection (a) (20) of this section the number of off-street parking spaces required shall be no less than as set forth in the following, provided that in the case of two or more uses in the same building, the total requirements for off-street parking facilities shall be the sum of the requirements for the uses computed separately:

1. Single-family, multi-family dwellings and Day Care Homes: At least two parking spaces per dwelling unit.
2. Townhouses: At least two and one-half parking spaces per dwelling unit.
3. Hotels, motels, rooming houses, lodges, dormitories: One space per guest room.
4. Restaurants, private clubs, lounges, taverns or establishment for the sale and consumption within a building of food, alcoholic beverages, or refreshments: One space per three seats or for each three occupants. Parking space requirements for such facilities without fixed seating shall be based on maximum capacity under the provisions of the National Fire Code.
5. Drive-in restaurants, ice cream or soft drink refreshment establishments or similar uses which service automobile customers, both within the building and outside the building: One space for each thirty square feet of usable floor area, plus one for each employee on maximum working shift.
6. Retail stores, furniture and appliance stores, hardware stores, food stores, markets, shopping centers, household equipment, service shops, clothing, shoe repair or personal service shops: One space for each three hundred square feet of gross floor area, but not less than four spaces.
7. Banks, business, professional governmental offices and medical and/or dental clinics: One space for each two hundred square feet of gross floor area, plus requirements for auditoriums or places of public assembly, if applicable.



8. Warehouses, wholesale stores and storage buildings: One space for each three thousand square feet of gross floor area, or one for each employee, whichever is greater.
9. Churches, mortuaries, funeral homes: One space per each five seats.
10. Manufacturers and processors: One space per one thousand square feet of gross floor area, or one space per each one and one-half employees, whichever is greater.
11. Dance halls and other commercial-recreational establishments: One space for each one hundred square feet of gross floor area.
12. Rest homes, convalescent homes, nursing homes or similar uses: One space for each four beds plus one space for each employee.
13. Bowling alleys: Four spaces for each bowling lane.
14. Court sport facilities: One space for each employee and one space for each participant based on maximum court capacity and seating capacity.
15. Service stations, motor vehicle maintenance and repair shops, including public garages: One customer space for every stall and one space for each employee. All vehicles in the custody of the operator of the business for service, repair, storage, sale or other purposes shall be stored on the premises or on a separate vehicle parking lot and shall not be parked on a public right way.
16. Schools: Senior High: One space for each employee plus one space per each ten students based on maximum

- capacity of the classrooms. Elementary school and Junior High: One space for each employee plus ten spaces for visitor parking.
17. Day-care facilities: One space for each three hundred square feet of gross floor area, but not less than four spaces.
18. Auditoriums (including school auditoriums), theaters, exhibition halls, stadiums, sports arenas and other places of public assembly: One space for each four seats and one space for one hundred square feet of floor area used for assembly and not containing fixed seats.
19. Parks: Public and private parks shall be given special consideration for parking requirements compatible with anticipated usage and probable future usage, subject to review by the Planning Commission.
20. Mixed uses: The total requirement shall be the sum of the requirements for the various uses computed separately, except as otherwise approved by the Planning Commission.
21. Skating rinks: One space for each two hundred fifty feet of gross floor area.

b. For a use not specifically identified in this section, the requirements for off-street parking shall be the same as for those uses described in Section 7.12.020, determined by the City to be most similar. Such determinations shall be made by the City Administration or the Planning Commission.

c. When the unit of measurement determining the number of required parking spaces is based upon seating capacity, each twenty inches of pew, bench or other seating space shall be counted as one seat. When the required parking space for a structure is related to the number of employees, parking space shall be based upon the shift during which the greatest number of employees are present at the structure during peak season. (Ord. 84-8 S1, 1984; Ord. 84-6 S4, 1984; Ord. 80-18 S2, 1980; prior



7.12.030 Design requirements. a. The dimensional standards illustrated in Figure 1 shall be the minimum required.

b. Designated parking space and driveways required under the provisions of this chapter shall be free of any physical feature which impedes or obstructs full use of those spaces or driveways for the purposes intended.

c. All parking facilities, including parking spaces and driveways, shall be located on private property, and as specified in Section 7.12.040. Placement of parking facilities in designated rights-of-way shall not be permitted.

d. Parking angles other than the standard angles tabulated in Figure 1 shall be permitted only if the business, commercial or public establishment, or institution demonstrates to the satisfaction of the City that the dimensional requirements for alternate parking angles do not permit the required number of parking spaces to be provided on lot. In such case, the City Planner may determine other appropriate dimensional requirements for alternate parking angles.

e. In the case of a parking space or group of spaces, in which two or more interpretations may be made concerning applicable dimensional standards according to Figure 1, the City Planner shall make the appropriate determination. Such determination will consider the geometry of the lot and parking area, and the configuration of physical features on the lot.

f. All off-street parking facilities shall be designed with appropriate means of vehicular access to street or alley and adequate maneuvering area.

g. All parking facilities, except those which serve single-family and duplex residences, shall be so arranged that vehicle ingress and egress is possible using a forward motion. Turnaround areas shall be provided if necessary to effect this arrangement; the dimensions of such turnaround areas shall be subject to approval and/or specification by the City Planner or Engineer.

h. At the intersection of any private drive or entrance or exits for a parking area with a public street, no fence, wall, hedge or other planting or structure forming a material impediment to visibility between a height of two and one-half feet and eight feet shall be erected, planted, placed or maintained, and no vehicle so impeding visibility shall be parked within triangular areas defined by lines connecting points as follows:

Beginning at the point where the midline of the private drive or entrance or exit for a common parking area intersects the public right-of-way, thence to a point thirty-five feet along the right-of-way line in the direction of approaching traffic, thence to a point twenty-five feet toward the interior of the property along the previously described midline, and thence to point of beginning (no such visibility triangle need be

maintained on the side of the drive, entrance or exit away from approaching traffic on the same side of the street).

i. Any lighting or parking spaces and lots shall be arranged so as to have the main thrust of the light reflect away from public rights-of-way and any adjoining residential properties.

j. When an area used for commercial or industrial parking, loading, or servicing abuts a lot of a residential use or district, it shall be screened from view of the adjoining property by a wall, fence or planting. This screening shall be adequate in height to screen the parking, loading or servicing activity.

k. When an area used for parking for a multifamily dwelling requiring ten or more spaces abuts a lot of a residential use or district, it shall be screened from view of the adjoining property by a wall, fence or planting. This screening shall be adequate in height to screen the parking. (Ord. 84-6 S5, 1984: Ord. 80-13 S3, 1980: prior code S12-500.5).

7.12.035 Site Plan Requirements. a. All businesses, commercial and/or public establishments and institutions within the City shall submit to the City Planner a plan detailing the location and configuration of all parking spaces and driveway area required for any on-lot or off-lot parking. Each plan shall conform to the design standards of Section 7.12.030, as adapted to the physical conditions of the lot. Each plan shall moreover detail location and dimensions of driveways and parking stalls, parking lot ingress and egress points, building location, and location of relevant physical features. Plans shall moreover be legible and drawn to an appropriate scale.

b. The City shall review all plans to ensure that design standards are adhered to and provisions have been made for minimum interference with street traffic, safe interior circulation and parking. If the City finds that a plan does not conform to the design standards of this ordinance, it shall return the plan to the owner of the appropriate business, commercial or public establishments, or institutions for revisions. If the parking plan varies because of the configuration with the lot, the plan must be reviewed by the Homer Advisory Planning Commission. (Ord. 84-6 S6 (part), 1984).

7.12.040 Location of parking areas. Off-street parking facilities shall be located as specified in this chapter: a. For a single-family and multiple-family dwelling, the parking facility shall be located on the same lot or building site as the building they are required to serve.

b. For uses other than specified above, parking facilities must be of probable use to the patrons of the building it is intended to serve and be within a distance of three hundred feet, except for motels, hotels, rooming houses, dormitories and lodges in which case parking facilities must be within two



hundred feet.

c. The distance shall be measured from the nearest lot line on which the structure served is located to the nearest lot line on which the parking is located. Measurement shall be along public or private right-of-way available for pedestrian access from the structure to the parking space. Evidence must be shown that the right-of-way is improved and will be maintained in order to insure pedestrian access from one parking area to the structure.

(Ord. 80-18 S4, 1980: prior code S12-500.7(A-D)).

7.12.045 Performance standards. a. Parking facilities required under Sections 7.12.020 and 7.12.030 shall be constructed in accordance with the parking layout plans required under Section 7.12.035. Any deviations from those plans must be approved by the City Engineer prior to approval for use.

b. All parking facilities within the City shall be permanently surfaced with a suitable gravel base or paved with concrete or asphalt compound prior to approval for use by the City.

c. All parking facilities shall be graded sufficiently to drain properly.

d. The surface slope under parking stalls shall not exceed three percent in directions longitudinal to parking stalls, nor five percent in directions parallel to the shorter dimension of those stalls, unless authorized by the City Engineer.

e. Driveway surface slopes shall not exceed five percent in any direction unless authorized by the City Engineer.

f. Signing or other provisions designating parking lot layout shall be required if the City determines that the layout is not apparent to the general public.

g. No wall, post, guardrail or other obstruction that would restrict car door opening shall be permitted within five feet of the centerline of a parking space. (Ord. 84-6 S6 (part), 1984).

7.12.047 Joint use parking area. Joint use of off-street parking facilities may be permitted by the Planning Commission subject to the following conditions:

1. The off-street parking requirements for a church, auditorium, club, lodge or other buildings of limited use may be supplied through the use of off-street parking facilities provided for certain other uses such as business offices, retail stores and manufacturing or wholesale buildings whose operations are not normally conducted during the same hours.

2. Off-street parking space designated for joint use shall meet the requirements for such parking as specified in Sections 7.12.040 through 7.12.080.

3. Sufficient evidence shall be presented to the Planning Commission to demonstrate that there will exist no substantial conflict in the principal operating hours of the use or structures for which the joint use is proposed.

4. The use of off-street parking space for joint use

shall be subject to the prior approval of the Planning Commission. (Ord. 80-18 S4 (part), 1980: prior code S12-500.7 (I)).

7.12.048 Parking within setback areas. Required off-street parking may be allowed within any setback areas provided the following conditions are met:

- a. Parking in such areas shall be allowed only if there is sufficient maneuvering space for the driver of any vehicle to enter and leave the parking area without interfering with the normal flow of traffic;
- b. Backing of vehicles onto arterials is prohibited;
- c. Backing of vehicles on all other streets or roadways from setback areas into the travelled roadway shall be allowed only from established driveways or curb cuts. (Ord. 80-18 S4 (part), 1980: prior code S12-500.7 (J)).

7.12.050 OFF-SITE PARKING - MAINLAND -- General. Off-site parking may be used where space is not available on site. Off-site parking provisions do not apply to loading areas. Off-site spaces shall be located only in districts in which similar off-street parking is permitted. (Ord. 80-18 S4(part), 1980: prior code S12-500.7(E)).

7.12.060 Requirements. The off-site parking area shall be:

- a. Held in fee simple by the same owner as the use requiring the off-street parking space; or
- b. Under lease, rental or other form of agreement satisfactory to the City as assuring continuing availability for required off-street parking for the use; or
- c. Established by the City for the purpose of providing such off-site parking for specific areas and/or land uses, and with number of spaces allocated by specific individual lots. Where and to the extent that such sites serve specific businesses or residences, spaces allocated shall be marked and reserved for individuals or establishments. Spaces allocated may be marked and reserved, or may be made available for general public use, in whole or in part;
- d. Be dedicated for use as an off-site parking space under conditions which will guarantee continuing availability satisfactory to the City. Such conditions shall include evidence of a recorded agreement.
- e. Meet the requirement of Sections 7.12.010 through 7.12.030. (Ord. 81-7 S1, 1981; Ord. 80-18 S4 (part), 1980: prior code S12-500.7(F)).

7.12.070 Sign Requirements. Businesses utilizing off-site parking shall post at least one sign on the front of the building advising of the location of the off-site parking. Such signs shall be no larger than nine square feet. In addition, a sign of similar size, set back a minimum of ten feet from the right-of-way, shall be posted at the lot identifying it as parking for the particular business. Such signs shall not block



the site distance required in subsection (h) of Section 7.12.030. (Ord. 84-6 S7, 1984; Ord. 80-18 S 4 (part), 1980: prior code S12-500.7(G)).

7.12.075 Joint use -- off-site. Off-site parking shall utilize the provisions for joint use parking areas as outlined in 7.12.047.

7.12.080 Statement of record. If any lot or portion thereof other than the lot on which a structure or use is located is to be used as off-street parking space in conformity with the provisions of this chapter, the following statement shall be recorded:

In accordance with the requirements of the City Code of Homer, Section 7.12.040, the property hereinafter described has been designated as off-street parking described as follows: (insert legal description of property upon which structure or use is located).

Under the terms of said Ordinance, the hereinafter described property cannot be used for any other purpose unless this restriction is first removed by resolution of the Homer City Council.

The property first hereinafter referred to is described as follows: (insert legal description of property upon which required parking space is located).

Upon submission of satisfactory evidence either that other parking space meeting the requirements of this chapter has been provided or that the building or use has been removed or altered in use so as to no longer require the parking space, the Homer City Council, at its next regular meeting, shall, by resolution, remove the restriction from the property. A copy of the resolution shall be made available to the owner of the property for the purpose of recordation. (Ord. 80-18 S4 (part), 1980: prior code S12-500.7(H)).

7.12.120 Loading areas -- Required. Any business or industrial building, commercial or industrial establishment shall provide adequate off-street facilities for the loading and unloading of merchandise and goods within or adjacent to the building, in such manner as not to obstruct freedom of traffic movement on the public rights-of-way, and in parking areas. (Prior code S12-500.10).

7.12.130 Loading areas -- Design requirements. a. Loading areas shall be of sufficient size to permit loading and unloading without interference with or projection into any public right-of-way. Loading areas shall be provided with access to any

public right-of-way. Any yard or setback requirement may be used for such purpose.

b. When such loading area consists of established parking spaces, the use as a loading area may not be longer than four hours in any twenty-four hour period. (Ord. 80-18 S5, 1980: prior code S12-500.12).

7.12.140 Nonconforming parking and loading areas. Lawful parking spaces and loading areas existing on April 11, 1977 may be continued (although such parking spaces and loading areas do not conform to the provisions of this article); provided that these existing uses that are not in conformance with this article shall be brought into conformance therewith no later than April 11, 1983. Variances may be granted pursuant to Sections 7.12.150 through 7.12.210 of the City Code. If the off-street parking or loading areas required by this article in relation to specified uses of land, structures or premises are not in accord with the requirements of this chapter, no change shall be made in such characteristics of use which increases nonconformity with these requirements. Change shall be permitted only in the direction of conformity to the requirements of this chapter. (Ord. 78-11 S1, 1980: prior code S12-500.15).

7.12.141 Parking on the Homer Spit - General. These provisions apply to the area of land known as the Homer Spit, and were created to accommodate high seasonal use parking fluctuations and high diurnal parking fluctuations on a land formation with limited surface area.

7.12.142 Requirements - Private Property.

a. Existing Residential use - parking facilities accessory to dwelling units shall be located on the same property as served and provide at least two parking spaces. If this is not possible, because of limited land area, or unique location, spaces accessory to dwelling may be located on adjacent property, or off-site (See HMC 7.12.050 - 7.12.080).

b. Business Use - adequate parking for year-round permanent employees, up to a maximum of five spaces shall be provided on the same property as served. If more than five spaces are necessary to accommodate year-round permanent and/or any other employees, arrangements should be made for use of adjacent property, city property, and/or off-site, according to HMC 7.12.050 - 7.12.080.

7.12.143 City-owned land. The City may lease the use of parking areas to business. This use may be part of the required parking plan.

a. Watchman Residential use - Parking facilities accessory to watchman dwelling units shall be located on the same property as served, and provide at least two parking spaces. If this is not possible because of limited land area or unique location, parking space will be located on city-owned multiple use parking facilities.

b. Business use - Adequate parking for year-round



permanent employees, up to a maximum of five spaces shall be provided on the same property as served. If this is not possible, or more than five spaces are necessary, arrangements shall be made for use of City multiple-use parking areas.

7.12.144 City-owned off-site multiple use parking facilities. Required parking for a development may be located off-site in City-owned multiple use parking areas under certain circumstances. Requests for use of the City owned parking facilities must meet the following requirements:

a. The use shall be located so that it will adequately serve the use for which it is intended. In making this determination, the following factors, among other things, shall be considered:

1. Proximity of the off-site parking facility;
2. Ease of pedestrian access to the off-site parking facilities;
3. The type of use the off-site parking facilities are intended to serve.

7.12.145 Procedure. a. Parking plan required. Every business, on both city-owned and private land shall submit to the City Planner a parking plan detailing the location and configuration of all parking spaces and driveway area required for their use or uses. The parking plan shall conform to standards set forth in section 7.12.035. If the parking plan meets the requirements of section 7.12.035 the City will issue a letter of approval of the parking plan, and keep the plan on file for future inspection.

b. The City shall review all plans to ensure that design standards are adhered to and provisions have been made for minimum interference with street traffic, safe interior circulation and parking. If the City finds that a plan does not conform to the design standards of this ordinance, it shall return the plan to the owner of the appropriate business, commercial or public establishments, or institutions for revisions.

c. If the parking plan varies because of the configuration with the lot, the plan must be reviewed by the Homer Advisory Planning Commission with concurrence of the Port and Harbor Commission. Planning staff shall then coordinate with the applicant to schedule the parking plan review on the next convenient Planning Commission agenda. If the Homer Advisory Planning Commission disapproves of the parking plan, procedures for appeal to the Homer City Council, Section 7.12.210, must be followed.

7.12.146 Administration. The following mechanisms are set forth to guide the implementation of this title.

7.12.150 Variance Generally. A variance may be granted to provide relief when a literal enforcement of the

regulations and standards pertaining to the parking requirements would deprive a property owner of rights commonly enjoyed by other properties in the City. (Ord. 8-18 S6, 1980: prior code S12-500.17).

7.12.160 Variance--Conditions precedent to granting a variance. a. All of the following conditions shall exist before a variance may be granted:

1. Special conditions and circumstances exist which are peculiar to the land or structure involved;

2. A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in otherwise like circumstances;

3. The special conditions and circumstances have not been caused by actions of the applicant.

b. The variance requested shall be in harmony with the purpose and intent of the district and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

c. Nonconforming land use or structure, as defined by the duly adopted zoning ordinance, within the City shall not be considered grounds for granting a variance of the parking and loading requirements.

d. Pecuniary hardship only shall not be sufficient reason for granting a variance. (Prior code S12-500.19).

7.12.170 Variance--Application procedure.

Applications for a variance shall be submitted to the office of the City Manager and shall contain at least the following:

a. All information required to demonstrate to the Planning Commission that the request conforms to the requirements of Section 7.12.160;

b. Certification of the owner of record that he is aware of and consents to the variance request;

c. A legal description of the property(ies) involved;

d. Plans and other documents showing existing parking and loading requirements and proposed location of other parking and loading areas, including vicinity map showing distance from parking areas to property being served by such parking;

e. Application fee of seventy-five dollars. (Ord. 84-6 S8, 1984; prior code S12-500.21).

7.12.180 Variance Procedure--Hearing. a. The Planning Commission shall hold a public hearing after notice of such hearing has been published at least twice in a newspaper of general circulation. The notice shall be published during each of the two calendar weeks prior to the public hearing date.

b. Notice of such application and hearing shall be sent to all property owners within three hundred feet of the proposed location of the parking or loading area.

c. The notice shall contain at least the following information:

1. A brief description of the proposal on which the Commission will act;



2. The legal (and common, if any) description of the location of proposed parking and loading areas and the property to be served by it;

3. The date, time and place of the hearing; and

4. The person and place to contact for more detailed information and the address where written comments should be sent. (Ord. 80-18 S9, 1980: prior code S12-500.23).

7.12.190 Variance Procedure--Decision. a. Within fifteen days after the public hearing, the request shall be denied, granted or additional information required. The applicant shall be notified by certified mail of the decision and the reason for the decision. If additional information is requested, the applicant shall have ten days from receipt of written notification to comply with the request. However, an extension may be granted upon written request by the applicant. If applicant fails to provide the additional information in the time allowed, the variance request shall be considered denied. If the applicant provides the information, the Planning Commission shall grant or deny the request for the variance at the next regularly scheduled meeting.

b. In granting the variance, the Planning Commission may make certain stipulations and conditions under which such variance shall be exercised such as, but not limited to, specifying the distance the parking shall be from the property served, the number of accesses onto and off of adjoining right-of-way, etc. (Prior code S12-500.24).

7.12.195 Invalidation. A variance shall become null and void if not exercised within one year after being granted. (Prior Code S12-500.25).

7.12.200 Appeals of Planning Commission Decisions-General. Any decisions regarding parking made by the Planning Commission may be appealed to the Homer City Council sitting as Board of Adjustment. Procedures for such appeal shall follow those outlined in Section 7.12.210. ((Ord. 80-18 S4 (part), 1980: prior code S12-500.7(K)).

7.12.210 Variance--Appeals - Procedure a. Appeals may be requested by the party seeking the variance, a parking determination, approval of any requirement in this chapter, or any party owning property within three hundred feet of the area affected.

b. The right to appeal is forfeited if any aggrieved party does not file an appeal with the City Clerk within fifteen days of the decision.

c. Appeals from the Board of Adjustment shall be to the Superior Court. (Ord. 84-6 S9, 1984; prior code S12-500-25).]

7.12.213 Enforcement-General. The City Manager or his designee is responsible for enforcement of this ordinance.

7.12.215 Inspection. a. Whenever necessary to make

an inspection to enforce any of the provisions of this chapter or to verify compliance with these provisions, or whenever an authorized representative of the City has reasonable cause to believe that there exists on any premises a violation of the provisions of this chapter, the City representative may enter such premises at all reasonable times to inspect the same or to perform any duty imposed on the City by this chapter, provided that if such premises be occupied, he shall first present proper credentials and request entry; and if such premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the premises and request entry. If such entry is refused, the City representative has recourse to every remedy provided by law to secure entry. When the City representative has first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as provided in this section, to promptly permit entry therein by the City representative for the purpose of inspection and examination pursuant to this chapter.

7.12.220 Violations a. If there is a violation of any provision of this chapter the City Manager, City Council or any person aggrieved may institute or cause to be instituted any appropriate criminal or civil action or proceeding to prevent, enjoin, abate, estop, remove or punish such violation.

b. The violation of any provision contained in the chapter shall be punished under Section 1.16.010.

c. The owner, general agent, lessee or tenant of any building, structure, premises or any part thereof in which such violation has been committed or exists, and any architect, surveyor, builder, real estate broker, engineer, contractor or other person who commits, participates in, assists in or maintains violations of this chapter may each be found guilty of a separate offense and upon conviction suffer the penalties provided in this chapter.

d. Nothing contained in this chapter shall prevent the City from taking such other action as necessary to prevent or remedy any violation. (Ord. 80-18 S8, 1980: prior code 812-500-28)

Section 2. Chapter 7.16, Motor Vehicle Regulations for Homer Spit\* is hereby repealed in its entirety.

DATED this 8th day of August , 1988.

CITY OF HOMER

  
JOHN P. CALHOUN, MAYOR



ATTEST:

Patti Jean Whalen  
PATTI J. WHALIN, CITY CLERK

REVIEWED AND APPROVED AS TO FORM AND CONTENT:

Phil Shealy  
PHIL C. SHEALY, CITY MANAGER

A. ROBERT HAHN, CITY ATTORNEY

DATE: 8/16/88

DATE: \_\_\_\_\_

FIRST READING: July 11, 1988

PUBLIC HEARING: July 25, 1988

SECOND READING: August 8, 1988

DATE OF ADOPTION: August 8, 1988

EFFECTIVE DATE: August 9, 1988

# DESIGN STANDARDS FOR OFF - STREET PARKING

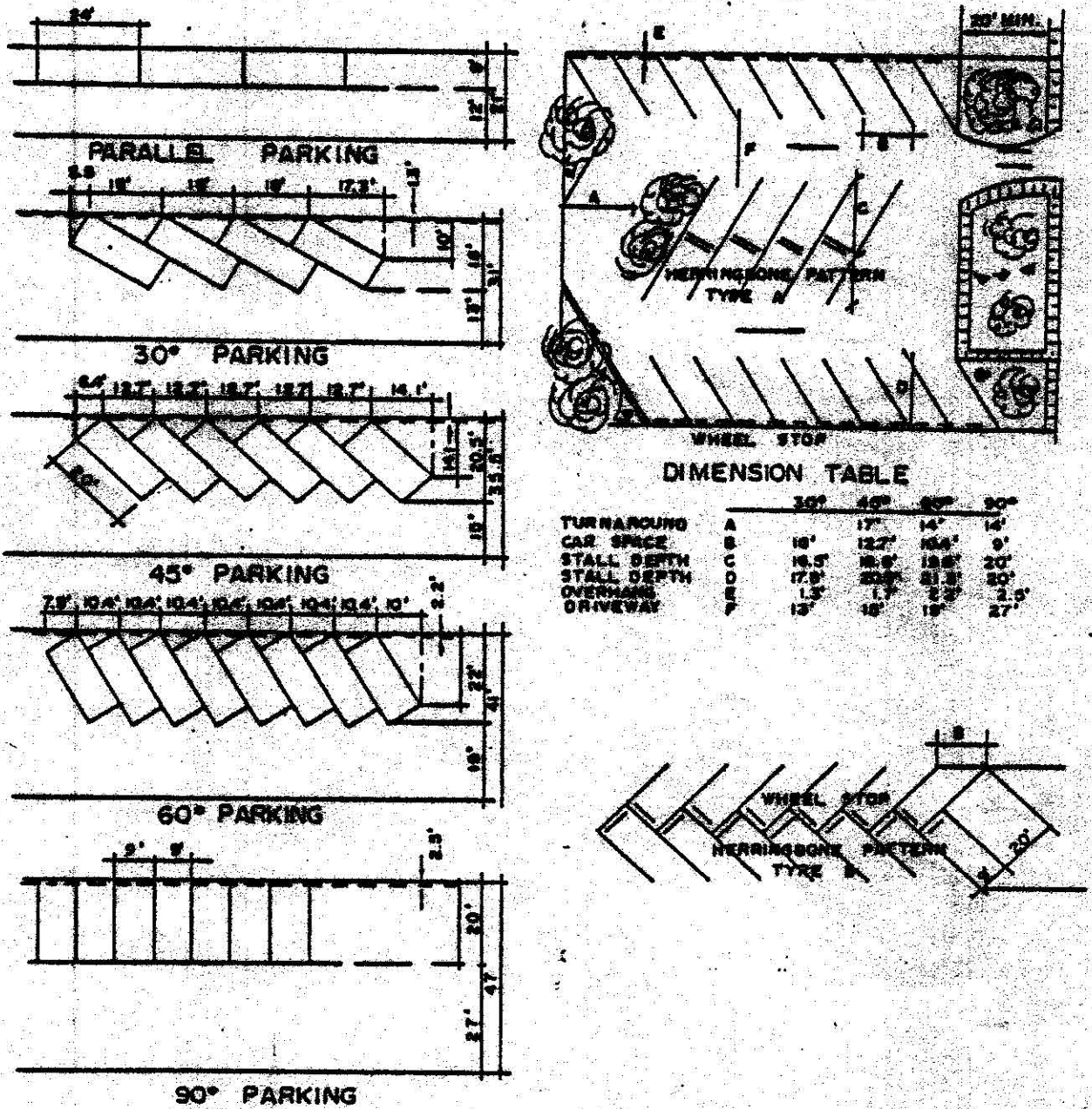


FIGURE 1, 6/84