

**ORDINANCE 96-06****AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING TITLE  
21, ZONING AND PLANNING TO ADD CHAPTER 21.58,  
CONSERVATION DISTRICT**

**WHEREAS**, the Homer Comprehensive Plan, Chapter 5, Natural Resources Plan, has as one of its objective to guide land use development so that it is compatible with responsible management of wetland resources; and,

**WHEREAS**, the Homer Comprehensive Plan, Chapter 5, Natural Resources Plan, has another objective under wildlife to recognize the role wildlife plays in giving the City of Homer its character and a policy to strive to maintain its wildlife resources; and,

**WHEREAS**, one of the major issues that emerged from the Exxon Valdez oil spill was the need to protect the City of Homer's existing coastal resources; and,

**WHEREAS**, the Homer Comprehensive Plan, Chapter 5, Natural Resources Plan, has as one of its objective under oil spills that the City should endorse actions within the City's jurisdictional powers that accentuate the positive aspects of Homer's fisheries and visitor industries; and,

**WHEREAS**, it is necessary to preserve wildlife and shorebird habitat to ensure that there will be areas in the future for these resources; and,

**WHEREAS**, the City of Homer is interested in promoting Homer as an area of global importance for shorebird migration; and,

**WHEREAS**, the Western Hemisphere Shorebird Reserve Network has identified the Homer Spit as a critical shorebird habitat area; and,

**WHEREAS**, the City of Homer finds that there is a need for a zoning district solely for public lands that have been identified as critical habitat; and,

**WHEREAS**, this ordinance was initiated and recommended by the Homer Advisory Planning Commission who held a public hearing on the ordinance on February 7, 1996.

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

Section 1. Homer City Code, Chapter 21.58 is hereby added to the Homer City Zoning Code, Title 21, to read, in its entirety as follows:

Chapter 21.58

CO Conservation District

Section:

- 21.58.010 Purpose.
- 21.58.020 Permitted uses.
- 21.58.030 Conditional uses.
- 21.58.040 Dimensional requirements.

21.58.010 Purpose. a. The purpose of the conservation district is to provide for a zoning district intended only to include those public lands which have been identified as habitat, critical to the maintenance of fish and wildlife resources, by state or federal agencies or the City of Homer. The primary use of these lands will be for the enhancement and protection of existing fish and wildlife habitats. Other acceptable uses in this district would include parks whose recreation activities and facilities would be passive in nature. "Passive" is defined as those activities which include wildlife viewing, nature walks, educational and interpretive uses and other uses that do not change the character of the land or disrupt fish and wildlife. Passive activities would be secondary to habitat protection and enhancement.

b. Because the principal use of this land is for fish and wildlife protection and enhancement these lands should be maintained in an undisturbed and natural state; except for enhancement projects.

21.58.020 Permitted uses. The following uses are permitted outright in the conservation district:

- a. Fish and wildlife habitat protection and enhancement; and,
- b. Marine-life and wildlife sanctuary or preserve.

21.58.030 Conditional uses. The following uses are permitted in the conservation district when authorized in accordance with Chapter 21.61:

- a. Pedestrian trails, including boardwalks and viewing platforms; and,
- b. Educational and interpretive displays and signs; and,
- c. Parking lots; and,
- d. Other conservation uses, as needed to enhance the conservation district, approved by the Planning Commission, provided, however, a finding of no impact to the integrity of area must be found.

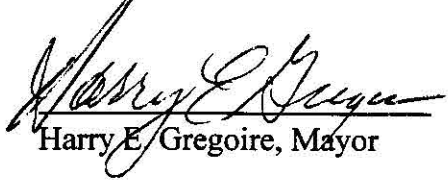
21.58.040 Dimensional requirement.

- a. Lot width: Lot width is unrestricted.
- b. Lot area: Lot area is unrestricted.

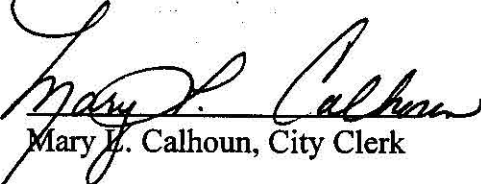
Section 2. This ordinance is of a permanent and general character and shall be included in the City Code.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this**  
8<sup>th</sup> day of April, 1996.

**CITY OF HOMER**

  
Harry E. Gregoire, Mayor

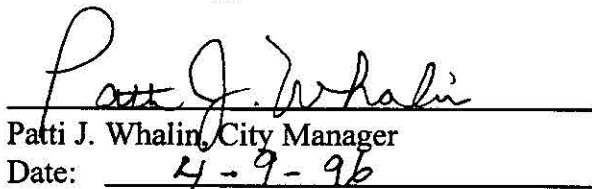
**ATTEST:**

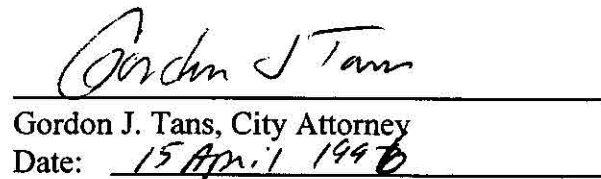
  
Mary L. Calhoun, City Clerk

AYES: 5  
NOES: 0  
ABSENT: 0  
ABSTAIN: 0

First Reading: 3-11-96  
Public Hearing: 3-26-96  
Second Reading: 4-8-96  
Effective Date: 4-9-96

Reviewed and approved as to form and content:

  
Patti J. Whalin, City Manager  
Date: 4-9-96

  
Gordon J. Tans, City Attorney  
Date: 15 April 1996

Fiscal Note not required.