

Councilmember Leach
Amended by Planning Commission
City Attorney

Failed

CITY OF HOMER
HOMER, ALASKA

ORDINANCE *99-2*

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA AMENDING THE HOMER ZONING CODE, TO ADD CUSTOMARY ACCESSORY USES ON ADJACENT AND CONTIGUOUS LOTS AS A CONDITIONAL USE IN THE RURAL RESIDENTIAL, URBAN RESIDENTIAL, AND RESIDENTIAL OFFICE ZONING DISTRICTS

WHEREAS, the Homer Zoning Code does not allow for accessory uses on lots adjacent and contiguous to the lot containing the main building in the residential (RR, UR, and RO) zoning districts; and,

WHEREAS, it is hereby determined that it is beneficial to allow customary accessory uses on adjacent and contiguous lots, in the residential zoning districts, if the lots are owned and will continue to be owned by the same property owner; and,

WHEREAS, the allowing such accessory uses on adjacent and contiguous lots would require Planning Commission review and approval as a conditional use permit; and,

WHEREAS, a covenant should run with the land to prohibit the lots from coming into separate ownership; and,

WHEREAS, the Planning Commission held a public hearing on this matter at the November 18, 1998 meeting, as required by Homer City Code, Chapter 21.70 and recommended approval of this zoning code change.

NOW, THEREFORE, THE CITY OF HOMER HEREBY ORDAINS:

Section 1. Homer City Code Section 21.44.020 (permitted uses and structures in the RR district), subparagraph *1*, is hereby amended to read as follows:

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l. Other customary accessory uses to any of the permitted uses listed lists-in the RR district, provided that:

1. Such accessory uses are conducted on the same lot as the main use or structure, and no ~~No separate permit shall be issued for the construction of any type of accessory building of any type shall be constructed~~ prior to construction ~~that~~ of the main building;

2. Detached accessory buildings may occupy not more than twenty-five percent of a required rear or side yard and shall be located at least five feet from the nearest part of a main building and five feet from rear and side a property lines, and twenty feet from dedicated rights of way;

Section 2. Homer City Code Section 21.44.030, (conditional uses and structures in the RR district), shall be amended by adding a new subparagraph r as follows:

r. Customary and accessory uses to any of the permitted uses listed in the RR district may be located on a lot adjacent and contiguous to the lot containing a main use or structure; provided, in addition to any conditions that may be imposed under Chapter 21.61, that:

1. No accessory building shall be constructed prior to construction of the main building on an adjacent and contiguous lot;

2. The lot containing the main use or structure and the lot containing the accessory use or structure shall both be and remain in common ownership;

3. The lots containing the main use or structure and the accessory use or structure shall not be conveyed separately prior to removal of the accessory use and structure;

4. The owner shall record a covenant running with the land that the lots shall not be conveyed separately unless, prior to the conveyance, (a) the accessory use and structure are removed, and (2) the owner, in writing, surrenders and voluntarily terminates the conditional use permit;

5. The allowed building size, lot coverage, and required utilities and driveways of the accessory building shall be calculated as if the primary use lot and the accessory use lot were one lot, except that setbacks must still be observed on the common lot line.

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76 Section 3. Homer City Code Section 21.45.020 (permitted uses and structures
77 in the UR district), subparagraph n, is hereby amended to read as follows:

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79 n. Other customary accessory uses to any of the permitted uses listed in the
80 UR district, provided that:

81 1. Such accessory uses are conducted on the same lot as the main use or
82 structure, and no separate permit shall be issued for the construction of any
83 type of accessory building of any type shall be constructed prior to
84 construction that of the main building;

85 2. Detached accessory buildings may occupy not more than twenty-five
86 percent of a required rear or side yard, shall not be more than one thousand two
87 hundred square feet in area, and shall be located at least five feet from the
88 nearest part of a main building and five feet from rear and side property lines,
89 and twenty feet from dedicated rights of way;

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91 Section 4. Homer City Code Section 21.45.030 (conditional uses and
92 structures in the UR district), shall be amended by adding a new subparagraph o to
93 read as follows:

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95 o. Customary and accessory uses to any of the permitted uses listed in the UR
96 district may be located on a lot adjacent and contiguous to the lot containing a
97 main use or structure; provided, in addition to any conditions that may be
98 imposed under Chapter 21.61, that:

99 1. No accessory building shall be constructed prior to construction of
100 the main building on an adjacent and contiguous lot;

101 2. The lot containing the main use or structure and the lot containing
102 the accessory use or structure shall both be and remain in common ownership;

103 3. The lots containing the main use or structure and the accessory use
104 or structure shall not be conveyed separately prior to removal of the accessory
105 use and structure;

106 4. The owner shall record a covenant running with the land that the lots
107 shall not be conveyed separately unless, prior to the conveyance, (a) the
108 accessory use and structure are removed, and (2) the owner, in writing,
109 surrenders and voluntarily terminates the conditional use permit.

110 5. The allowed building size, lot coverage, and required utilities and
111 driveways of the accessory building shall be calculated as if the primary use lot
112 and the accessory use lot were one lot, except that setbacks must still be
113 observed on the common lot line.

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Section 5. Homer City Code Section 21.47.020 (permitted uses and structures in the RO district), subparagraph o, is hereby amended to read as follows:

o. Other customary accessory uses to any of the permitted uses listed in the residential office district; provided that:

1. Such accessory uses are conducted on the same lot as the main use or structure, and no separate permit shall be issued for the construction of any type of accessory building of any type shall be constructed prior to construction that of the main building;

2. Detached accessory building may occupy not more than twenty-five percent of a required rear or side yard and shall be located at least five feet from the nearest part of a main building and five feet from rear and side property lines, and twenty feet from dedicated rights of way;

Section 6. Homer City Code Section 21.47.030 (conditional uses and structures in the RO district), shall be amended by adding a new subparagraph j to read as follows:

j. Customary and accessory uses to any of the permitted uses listed in the RO district may be located on a lot adjacent and contiguous to the lot containing a main use or structure; provided, in addition to any conditions that may be imposed under Chapter 21.61, that:

1. No accessory building shall be constructed prior to construction of the main building on an adjacent and contiguous lot;

2. The lot containing the main use or structure and the lot containing the accessory use or structure shall both be and remain in common ownership;

3. The lots containing the main use or structure and the accessory use or structure shall not be conveyed separately prior to removal of the accessory use and structure;

4. The owner shall record a covenant running with the land that the lots shall not be conveyed separately unless, prior to the conveyance, (a) the accessory use and structure are removed, and (2) the owner, in writing, surrenders and voluntarily terminates the conditional use permit.

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5. The allowed building size, lot coverage, and required utilities and driveways of the accessory building shall be calculated as if the primary use lot and the accessory use lot were one lot, except that setbacks must still be observed on the common lot line.

Section 7. 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 ____ day of _____, 1998.

CITY OF HOMER

Jack Cushing, Mayor

ATTEST

Mary L. Calhoun, CMC, City Clerk

FAILED @ 2nd READING
JAC

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:
- First Reading:
- Public Hearing:
- Second Reading:
- Effective Date:

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Reviewed and approved as to form:

Val Koeberlein, City Manager

Gordon J Tans, City Attorney