



City of Homer

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Planning

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Staff Report PL 17-65

TO: Homer Advisory, Port and Harbor Advisory Commissions
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: July 19, 2017
SUBJECT: RV's in the Marine Commercial District

Introduction

Council has directed a memo to the Planning Commission to review whether a single RV for a caretaker is an acceptable use in the Marine Commercial District. Currently caretakers such as the owner or an employee may live in a building onsite but not in an RV. Staff would like to include the Port and Harbor Commission in this discussion.

Staff recommends the Commissions schedule a joint work session to discuss this issue.

Meeting opportunities:

~ August 16th at 5:30 pm, during the HAPC work session

~ Another time and date?

Analysis

Staff note: Caretakers are allowed in both Mariner Commercial and Marine Industrial zones. Staff recommends treating these zones the same if a caretaker RV is allowed on the Spit.

Current zoning rules on the Spit, camping in an RV is limited to RV parks and campgrounds. Under 21.54.210, in an RV park, an RV may not be occupied for more than 30 days, and also for no more than 120 days in a 12 month period. Individual RV's cannot hook up to city water and sewer services. Under Title 19, Parks, Campgrounds and Public Places, camping in public campgrounds is limited to 14 days.

Options -

- A. Recommend against allowing a caretaker to live in an RV
- B. Allow one RV onsite for a caretaker in the Marine Commercial and Marine Industrial Districts, with other rules based on conversation from the Commissions (sanitation, length of time, mobility of RV, etc).
- C. ?

Staff Recommendation

1. Discuss the concept of a caretaker/employee/business owner living in an RV on the Spit.
2. Schedule a joint work session to discuss the idea.

Attachments

1. Memorandum 17-097 <http://www.cityofhomer-ak.gov/memorandum/memorandum-17-097-rvs-marine-commercial-district>
2. Excerpt of Homer City Council Minutes of 6/26/17 https://www.cityofhomer-ak.gov/sites/default/files/fileattachments/city_council/meeting/16221/cc_062617.pdf
3. Homer News article “City to consider caretaker motorhomes on Spit,” July 7, 2017
4. Griswold email dated 7/10/2017

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Memorandum 17-097 RV's in Marine Commercial District

Memorandum ID:

17-097

Memorandum Status:

No Status

Related Meetings

[City Council Regular Meeting - Mon 6/26/17](#)

Details

Memorandum 17-097

TO: HOMER ADVISORY PLANNING COMMISSION

THROUGH: HOMER CITY COUNCIL

FROM: COUNCILMEMBER SMITH

DATE: JUNE 20, 2017

SUBJECT: RECREATIONAL VEHICLE (RV) ALLOWANCES IN THE MARINE COMMERCIAL DISTRICT

The purpose of this memo is to introduce the concept for a draft ordinance to the City Council for review prior to recommending the Planning Commission work on an ordinance. This serves two purposes:

1.) An opportunity for the public to be aware of an item proposed for the consideration of the Planning Commission (hopefully for their comment and future

participation) and

2.) An opportunity for the City Council to express their support for the concept and to discuss any refinement that may lead to a better recommendation for the Planning Commission.

The use of RV's in the Marine Commercial District outside of RV parks continues to proliferate despite code enforcement efforts. Several businesses desire to utilize RV's for caretaker use or to house employees and/or guests. I propose that the Planning Commission review the allowance for a maximum of one RV in the Marine Commercial District and make a recommendation to the City Council.

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VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no discussion on the main motion as amended.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

- A. **Memorandum 17-096** from City Clerk Re: Vacate that portion of the 33-foot public roadway easement that lies along the western boundary of Lot 12-A-1 of DeGarmo Subdivision No. 2, Plat HM 2009-05, as granted in United States Patent 1137121 on December 15, 1952; within the SW1/4 NW1/4 of Section 23, T6S, R13W, S.M., Alaska and within the City of Homer and the KPB; Location: off Kachemak Drive; KPB File 2017-005V; KPBPC Resolution 2017-15.

Mayor Zak asked for a motion for the approval of the recommendation in Memorandum 17-096 to vacate a portion of the public roadway easement.

LEWIS/REYNOLDS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. **Memorandum 17-097** from Councilmember Smith Re: Amending City Code to Allow a Caretaker RV on Lots in the Marine Commercial District.

Mayor Zak asked for a motion to forward Memorandum 17-097 to the Planning Commission to discuss and draft an ordinance for consideration.

ERICKSON/REYNOLDS SO MOVED

Councilmember Smith explained that there are a number of RV's on the spit at business locations that are used for residence throughout the season and is a violation the way current code is written. This is an attempt to provide an opportunity for those and any business in the district to have one there to facilitate the needs of that business.

Councilmember Lewis questioned if this is for employee housing also or leaving it up to the Planning Commission to decide.

Councilmember Smith responded the Planning Commission and staff will bring us something that is functional for the district. We're trying to offer an opportunity and some flexibility so it doesn't hamper our small businesses and their ability to be an important part of our community.

There was brief discussion regarding an RV allowed at the parks for oversite, the camp host program at Karen Hornaday Park and would be allowed at other city camping areas if needed.

Councilmember Stroozas asked if the Planning Commission would be considering sizes and Councilmember Smith replied there are a lot of sizes and they can iron that out.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

- A. **Resolution 17-070**, A Resolution of the Homer City Council Authorizing STANTEC to Perform Stakeholder Engagement on Behalf of the Police Station Project. Aderhold.

Mayor Zak asked for a motion for the adoption of Resolution 17-070 by reading of title only.

ADERHOLD/REYNOLDS SO MOVED

There was discussion of some stake holder engagement that was facilitated by STANTEC in a public meeting for the first Public Safety Building effort, but not a significant survey done.

Councilmember Lewis suggested they should have something to present, such as which lot, method of payment and etc., before going ahead with a survey and other councilmembers agreed.

Councilmember Aderhold explained at their last meeting council was going in circles saying we don't know what residents are willing to pay for, their preference on site selection, and what the city is willing to do regarding a police station. They talked about getting some input from the public so that is why she brought this forward. It's fine if they don't want to go in this direction, but we still need to come up with a way forward.

Councilmember Stroozas thinks it's important to get public input and recalled discussing an online or telephone survey at the last meeting, but doesn't see hiring someone from the outside doing it when we can do it ourselves.

Councilmember Smith commented that right now this group isn't on the same page in what to present to the public. As a council we know many things and need to look at the reality of what it is and work amongst ourselves to come to some agreement on what we can take to the people and unify them with the message.

VOTE: YES: LEWIS, ADERHOLD
NO: ERICKSON, REYNOLDS, STROOZAS, SMITH

Motion carried.

COMMENTS OF THE AUDIENCE

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HOMER NEWS ⁽¹⁾

City to consider caretaker motorhomes o Spit

By: MICHAEL ARMSTRONG (/authors/michael-armstrong-0),

Homer News

Posted: Thu, 07/06/2017 - 8:27am



For the past 18 years, along Freight Dock Road near the Homer Spit, L.H. and Marcia Pierce have run sweet little Spit operation, Sportsman's Supply. Halfway between the Nick Dudiak Fishing Lagoon and load-launch ramp, the tackle and bait shop serves fishermen heading out to Kachemak Bay or trying

luck at the Fishin' Hole.

The Pierces also run a small, 10-space recreational vehicle campground by the store. From Soldotna, Pierces live in a motorhome parked next to the shop, their home from February to October as well as store's office.

Too bad, the city has told the Pierces.

When their lease is up for renewal in March 2018, they will have to shut down their small motorhome campground and maybe even move their summer home.

Built on a 7,800-square-foot lot leased from the city, the RV park violates city zoning regulations that : RV park must be a minimum of 40,000 square-feet. When they started the process to renew their lease another 10 years, the city told the Pierces they couldn't operate a campground. They also were told they couldn't live in their own motorhome there, not even using it as a caretaker's home.

At the June 26 Homer City Council meeting, the council unanimously approved a memorandum directed City Planner Rick Abboud to write an ordinance to change zoning in the Marine Commercial district to allow Spit businesses like Sportsman's Supply to use motorhomes or trailers as caretaker or owner lodging. The ordinance will go to the Homer Advisory Planning Commission and the Port and Harbor Commission for their review over the next few months. After the commissions have had their say, the ordinance comes back to the council for its consideration.

"I don't want our actions to be so burdensome it inhibits them from being successful," said council member Heath Smith, who introduced the memo. "We're partners. We depend on the tax revenues they produce. We want to create a climate that helps them succeed."

Marcia Pierce said they get a lot of return visitors who come up to stay at their small campground. The park earns the couple about \$70,000 annually — \$5,250 in taxes that goes to the city and Kenai Peninsular Borough.

How many motorhomes would be allowed per business or lot would need to be worked out.

"It can't be one per business," Smith said. "If you look at those boardwalks, they have 10 businesses on there. It might have to be one per lot owner. It has to be zoned right."

In the Marine Commercial district, as long as they meet the 40,000-square-foot minimum and other conditions, RV parks are allowed, such as Heritage RV Park on English Bay Native corporation land or Homer Campground on city land. Caretaker cabins are allowed as an accessory use. Many Spit businesses such as the buildings on the Cannery Row Boardwalk across from Coal Point Trading Company, have upstairs apartments. Some businesses have motorhomes parked on their lots, though, such as Happy Restaurant and Coal Point.

Parking an RV is legal, but outside of a permitted RV park, in the Marine Commercial District, staying in one is not. In residential zoning districts, people can stay in recreational vehicles parked next to homes for up to 90 days total in a year. City code uses the term "recreational vehicle" to refer to "temporary lodging for travel, recreational and vacation use, and which is either self-propelled, mounted on or pulled by an

vehicle.”

Smith noticed the issue with noncomplying motorhomes used as caretaker homes when the Sportsman Supply issue came up.

“It became clear that was one of the code violations there,” Smith said. “That opened our eyes to the fact that there are several businesses out there that have that need.”

Pierce said the issue initially arose when the natural gas pipeline came in, and surveyors checked lot corners. That survey found all of one and half of another of the motorhome lots were over the property line. In the history of Sportsman’s Supply, the issue of not having a large enough lot for an RV park never came up.

The Pierces bought the business from the John Chapple III family, who in turn bought it from Dickie Gregoire.

When the Pierces renewed their lease in 2008, Sportsman’s Supply got to have the RV park.

“Everything you see was here when we came,” Marcia Pierce said last Thursday. “Nothing (about the issue) was brought up then. Not a thing,” Pierce said.

Homer Harbormaster Bryan Hawkins said the Pierces aren’t the first people to be told to move motorhomes. Not that many people stay in them, but a few do. Some people have been caught by surprise, he said.

“They realize that wasn’t allowed and we’ve had to call them to task over it,” Hawkins said. “Sometime there was resistance because it didn’t meet their plans.”

Hawkins, Abboud and City Manager Katie Koester’s team review the about 25 upland leases around the harbor. None of them were senior officials with the city in 2008 when the Pierces last renewed their lease. The lease renewal process gives the city leverage to address zoning issues.

“There was an issue that got through. Now we’re scrutinizing that lease because it’s coming up for its term,” Hawkins said. “At that time we have to sit down and look at that property and see what’s going on.”

So why didn’t the 10-unit RV park get dinged before? Hawkins said partly that reflects the growing demand for leases. When Gregoire built the park in the 1980s, the Spit had a lot of available land.

“Today there’s not. Every time a lease comes up for renewal or transfer, we’re looking at it through a different view,” Hawkins said. “Is this the highest and best use? ... It’s more strict now than it used to be.”

Hawkins said he understands how a business owner might feel.

“Now you’re the one in the hot seat. Of course you’re going to look at your neighbor and say ‘What about them?’” he said.

The city also could enforce zoning regulations more strictly.



"Then we'd be accused of not being business friendly," Hawkins said. "You're trying to balance it. You're trying to be fair."

Pierce said they plan to comply with the city's lease renewal conditions and hope that the caretaker change will come through.

"I'm just trying to get this past," she said. "I've been here 18 years. It's not like I haven't paid my taxes."

Michael Armstrong can be reached at michael.armstrong@homernews.com (<mailto:michael.armstrong@homernews.com>).

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MORRIS ALASKA NEWS

Julie Engebretsen

From: Rick Abboud
Sent: Tuesday, July 11, 2017 10:10 AM
To: Julie Engebretsen
Subject: FW: Proposed Ordinance Re: Legalizing Caretaker Motorhomes on Homer Spit

-----Original Message-----

From: Frank Griswold [mailto:fsgriz@alaska.net]
Sent: Monday, July 10, 2017 9:15 AM
To: Department Planning <Planning@ci.homer.ak.us>
Cc: Melissa Jacobsen <MJacobsen@ci.homer.ak.us>; Rick Abboud <RAbboud@ci.homer.ak.us>
Subject: Proposed Ordinance Re: Legalizing Caretaker Motorhomes on Homer Spit

Dear Planning Commissioners:

Eighteen years of not enforcing the zoning code requirements re: caretaker motorhomes on the Homer Spit has erroneously led some flagrant zoning violators, as well as some Councilmembers, to believe that longstanding illegal use becomes an entitlement. The size requirements for RV parks within the Marine Commercial District and associated restrictions on caretaker motorhomes have a presumption of validity and should not be arbitrarily changed to accommodate private business interests. Not only would this constitute spot zoning but it would set a precedent leading to a barrage of requests for further "business friendly" code changes by other zoning code violators. What might be friendly to one business could be unfriendly/unfair to another, such as the English Bay Corporation which constructed Heritage RV Park in accordance with the zoning laws. Promoting caretaker motorhomes and relaxing the standards for RV parks in the Marine Commercial District is not an objective of the Homer Comprehensive Plan and rightfully so. There is no public need for relaxing RV park standards in the Marine Commercial District or anywhere else on the Homer Spit where another tsunami is long overdue. Homer does not need to pander to zoning violators in order to be "business friendly." If the City's zoning code enforcement policy is to abate violations by continually relaxing the zoning code then there is no point in having a zoning code. It would be prudent for the Planning Commission to seek a formal legal opinion addressing spot zoning concerns before considering any amendments to the current RV park requirements within the Marine Commercial District.

Frank Griswold

Deputy City Planner Engebretsen noted the additions which were highlighted in yellow in their packets. She further noted that she added “Maintaining existing city services. Adjust the level of service when revenues fluctuate.” In response to the input from Town Hall meetings in 2015.

Commissioner Highland inquired if they should add a reference to agriculture.

Ms. Engebretsen noted that most of that is outside city limits and would be good to include but will discuss with the City Planner and bring it back to the commission.

B. Staff Report 17-65, Proposed draft ordinance to allow one Recreational Vehicle (RV) as an Accessory Use in the Marine Commercial Zoning District

Chair Stead read the title into the record and requested to hear Staff Report 17-65, Proposed draft Ordinance to allow one Recreational Vehicle (RV) as an Accessory Use in the Marine Commercial Zoning District. Deputy City Planner Engebretsen requested input on the concept of caretaker/employee/business owner living in an RV on site on the Spit.

Discussion ensued on the public opinion included in the packet, that there will be a full or nearly full commission at a later meeting to facilitate the discussion.

ABRAHAMSEN/VENUTI –MOVE TO SCHEDULE A JOINT WORKSESSION WITH THE PORT & HARBOR ADVISORY COMMISSION.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Staff requested specific points that the Commission would like to discuss during the worksession. The following was listed:

- Health and human safety issues such as hookups and living in a Tsunami zones
- Size screening and location,
- Choice limited to one – a living arrangement within the building or an RV, not both

INFORMATIONAL MATERIALS

- A. City Manager’s Report for the City Council Meeting of June 21, 2017
- B. KPB Notice of Decisions
 - Hodnik Subdivision Preliminary Plat Time Extension Request
 - Bay View Subdivision Northwind 2017 Replat Preliminary Plat
 - Chamberlain and Watson Subdivision 2017 Preliminary Plat
 - Glory View Subdivision Church of the Nazarene Addition Preliminary Plat



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Staff Report PL 17-71

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: August 2, 2017
SUBJECT: Proposed draft ordinance to allow one Recreational Vehicle (RV) as an accessory use in the Marine Commercial Zoning District

Introduction

The Port and Harbor Commission reviewed staff report PL 17-65 at their meeting on Wednesday, July 26th. City Planner Abboud attended the meeting. The Commission discussed a wide range of issues. The conclusion of their discussion was a motion to move forward with exploring the idea of an RV for caretakers. The motion passed 6-1.

Analysis

At this time, staff no longer recommends a joint work session between the two Commissions. Instead, staff would like the HAPC to discuss this topic at the work session to provide guidance on how (or if) the HAPC would like to move forward, and what issues to potentially address in an ordinance.

At the HAPC meeting of July 19, 2017, issues the Commission raised included:

- Health and human safety issues such as hookups and living in a Tsunami zone
- Size, screening, location and duration
- Choice of limiting to one option – either living above a shop, or an RV, but not both. Renting out attic apartments and having an RV onsite

Staff Recommendation

At the work session, talk about RV's as a dwelling unit for caretakers, employees or business owners on the Spit.

PENDING BUSINESS

- A. Staff Report 17-71, Proposed Draft Ordinance to allow one Recreational Vehicle (RV) as an Accessory Use in the Marine Commercial Zoning District

Chair Stead read the title into the record. City Planner Abboud noted the discussion held during the worksession and will bring back a Staff report addressing those recommendations and concerns for the next meeting.

The Commissioners continued discussions and recommendations to use to draft an ordinance using a RV as a dwelling unit for caretakers, employees or business owners on the Spit. The commission expressed allowing this use in the commercial and industrial areas going forth in drafting the ordinance – particular issue in both areas is people camping on the spit in the winter which was noted that they could allow temporary usage from April 15-Sept 15 in one area of the spit that would assist in not having derelict RV's all over on the spit. That would allow the lessee to come and earlier or later than those dates they can rent a camping spot for a few weeks.

There was no further discussion.

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. City Manager's Report for July 24, 2017 City Council Meeting
B. KPB Notice of Decisions:
- Bay View Subdivision 2017 Replat Preliminary Plat
 - Foothills Subdivision Sunset View Estates Addition No. 3 Preliminary Plat
 - Sterling Highway & Main Street Intersection Improvements Right-of-Way Acquisition Plat

There were no comments or discussion on the materials provided.

COMMENTS OF THE AUDIENCE

COMMENTS OF STAFF

Deputy City Clerk Krause commented that tonight was interesting she is learning quite a bit.

COMMENTS OF THE COMMISSION

Commissioner Banks commented on a fun way to get started with the commission.

Commissioner Venuti welcomed Commissioner Banks.



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Staff Report PL 17-77

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: August 16, 2017
SUBJECT: RV's as employee dwelling units

Introduction

The Commission discussed RV's as dwelling units on the Spit at the last work session. Staff has continued to work on draft regulations.

Analysis

Currently, HCC 21.54.32 provides standards for RV's in the residential districts. A home owner can have someone stay in an RV as a guest for up to 90 days a year. RV's cannot hook up to city water and sewer - this is a zoning regulation, not a constraint of the water and sewer system. Staff took this section of code and modified it for potential use on the Spit. The bold underlined sections are for the Commission to consider.

There are approximately 12 Marine Commercial and 10 Marine Industrial lots affected.

1. Allowable number of RV's per lot in Marine Commercial and Marine Industrial?
2. Allow hook ups to City water and sewer?
3. Length of time - permanent? 4 months? April 1 to October 1?
(Work seems to begin on Spit business around April 1st.)

Other considerations

1. Should the RV be registered? Is this something we want to enforce through the zoning code? The only other place title 21 addresses registered vehicles is in the definition of junk.

21.54.3xx Standards for recreational vehicles in MC and MI zoning districts.

Outside of recreational vehicle parks, the use of recreational vehicles in the MC and MI zoning districts shall conform to the following standards, except to the extent otherwise specified in the regulations applicable in the zoning district:

- a. As an accessory to a permitted structure a lot, **one** recreational vehicle per lot may be used for living purposes to accommodate persons while employed on site. **(More allowed for MI?)** A recreational vehicle used for such purposes must be a self-contained recreational vehicle and must have a receptacle approved by law for collection of liquid and semi-solid wastes. Direct hook-up to municipal water and sewer is allowed with **Public Works approval**. If the unit is not hooked up to City water and sewer, the business owner shall provide the Planning Department with a plan of how solid waste and greywater will be handled.
- b. While the recreational vehicle being used to accommodate employees is parked on the property, it must be parked in a manner that will not create a dangerous or unsafe condition on the lot or adjacent properties. Parking in such fashion that the recreational vehicle may tip or roll constitutes a dangerous and unsafe condition. A parked recreational vehicle used to accommodate employees must be in a condition for the safe and effective performance of its intended function as an operable motor vehicle.
- c. Use of a recreational vehicle to accommodate employees as allowed in subsection (a) of this section may not exceed a total of **(Timeframe?)(120 days?) (April 1- October 1?)** Such use to accommodate employees must be approved by the property owner, and in the case of property under lease, by both the lessee and the property owner.

Staff Recommendation: Discusses the questions above and provide direction to staff.

Session 17-11, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Don Stead at 6:30 p.m. on August 16, 2017 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, STEAD, BENTZ, HIGHLAND AND VENUTI

ABSENT: COMMISSIONER BANKS

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK KRAUSE

APPROVAL OF AGENDA

Chair Stead called for a motion to approve the agenda.

HIGHLAND/BENTZ – SO MOVED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.


Motion carried.

PUBLIC COMMENT

Catherine Ulmer, resident, a member of the Port and Harbor Advisory Commission, commented on the work that that commission has been doing to clean up the spit and as such they have been putting requirements into the leases, they govern the hours that businesses are open so that no one is out on the Spit late at night. There are rules about motorhomes on the spit and they do not want motorhomes used as caretaker residences. She did not support using motorhomes as caretaker residences on the spit. Ms. Ulmer recommended using the RV parks that is already established. She suggested instituting charging rates for those that want to be there beyond the regular season, suggesting \$75-\$100 per night, saying she would prefer seeing a connex attached to the building. Ms. Ulmer requested the support of the Planning Commission in maintaining the Port & Harbor's goals.

Ms. Ulmer affirmed for Commissioner Highland that she is representing the Port & Harbor Commission and the people who live in Homer.

Marcia Pierce, resident of Soldotna, owner of Sportsman Supply, has had her motor home next to the business on the spit for 18 years. Nothing bad about it very clean, she stated she maintains a home in Soldotna and she noted they reside in the motorhome from February to September every year. Ms. Pierce stated that she has her office in her motorhome and everything else she requires to run the business. The previous comment regarding one



motorhome on the spit is incorrect, Ms. Pierce noted that there are about 10 sites that had motorhomes on the spit. She did have a RV Park but this year it was taken away from her because she did not have 40,000 square feet. Ms. Pierce stated that her motorhome is fully functional and can be moved in case of fire or other hazard. She noted that it would okay to build a home down there but not a motorhome. She has had her motorhome there for 18 years and just renewed her lease for 20 years and would like to keep it there for her use.

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

A. Approval of minutes of August 2, 2017 regular meeting

Chair Stead requested a motion to approve the consent agenda.

BOS/BENTZ – SO MOVED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS

REPORTS

A. Staff Report PL 17-73 City Planner's Report

City Planner Abboud apologized for the confusion regarding the report in the packet and the correct one has been provided as a laydown. He reviewed his report and noted that the Council discussed budget priorities at the council meeting on Monday, August 14, 2017 he provided a memo on Cold Weather shelters which is included in the packet.

- extended invitation to the Commissioners to attend the FEMA Resilience meeting regarding natural hazards and mitigation of infrastructure is scheduled on August 24, 2017 in Council Chambers , 9:00-Noon

- Planning staff attended a Smart Growth seminar held by the Kachemak Bay Realtors spoke on funding available for small projects such as parks and gathering places and use of drones

- Requested volunteers to attend the Council meetings on September 11th, there was none forthcoming.

Commissioner Bentz requested the dates of the Council meeting to be noticed when the email stating the packet is ready to pick up would be good then commissioners can check their calendars and be prepared for the meeting.

Commissioner Bos departed the meeting at 8:15 p.m. Chair Stead called for a recess at the request of the commission. The meeting was called back to order at 8:2 p.m.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 17-77, Recreational Vehicle (RV) as Employee Dwelling Units

Chair Stead read the title into the record. City Planner Abboud commented on the discussion the commission had during the worksession at the previous meeting and noted the following:

- Current regulations allow RV's up to 90 days, but not allowed to hook up to city water and sewer
- There are a total of 22 lots in Marine Commercial and Marine Industrial
- The language proposed is conceptual the city attorney will draft the actual ordinance
- The Port and Harbor Advisory Commission voted six to one in favor of further exploration of the idea
- Some items to determine or clarify were:
 - o Allowable number of RV's per lot
 - o Allow hook up to city water and sewer
 - o Length of time - Permanent? 4 months? April 1- October 1?
 - o Should the RV be registered? Operable? The only other place that Title 21 addresses registered vehicles is in the definition of junk.

Commissioner Highland noted that a short report of what was discussed at the worksession would have been very helpful in the minutes since she was unable to attend the last meeting. She was unaware how this could be accomplished but it would be a value added to the minutes. She asked if a memo was received from the Port & Harbor Commission.

City Planner Abboud explained that there was a discussion with the Port and Harbor Advisory Commission and they voted six to one in favor of further exploration of the idea and the information in the packet represents what came from the prior meeting and worksession. He further noted that nothing was set in stone and there was still plenty of time to discuss and change things. The questions and concerns were listed and the definition of RV is for temporary use. The Planning Commission would work on it and have Public Hearings and they could adopt the code and see how it goes and make changes as necessary.

Discussion ensued on the concept to allow the RV's to encourage business; the community value; there is an allowance to bring in a structure in the code, differs in residential areas; improvements to lots; the prevalence of RV's currently on the Spit; the cost of an RV which is a self-contained living space; defining it as an accessory dwelling unit would cause conflict within in the city code; keeping it consistent in the code to just allow it for 90 days is really stringent and not necessary; intent or purpose of the need of an RV for an employee, caretaker or business owner; the number in non-compliance is unknown currently; preference not to allow more than one RV per lot whether Marine Industrial or Marine

Commercial; allowing hookup to city water and sewer; imposing a time frame with consideration of the ability to hook up to water and sewer was considered, questions asked of the member in the audience revealed that before city water and sewer was activated they use the city public facilities across the street and then they had their own water and sewer hookup for the season, it was determined that no time frame be implemented; concerns expressed regarding the vehicles being road worthy including road legal; motor homes do not detract from Spit.

Further discussion ensued on sending a memo to the Port and Harbor Commission on the proposed regulations, enforcing the regulations and current staffing will make it very difficult for the Planning department to enforce these new regulations; preference to make an annual inspection and or renewal of a permit and since that would only amount to 22 lots this should not prove to be too onerous on staff; the regulations that require 40,000 sf for a RV park were reviewed briefly and the situation on why the one was not allowed or renewed.

Chair Stead directed the commission back to the item on the agenda.

City Planner Abboud requested clarification on a requirement to hook up to city water and sewer. Commissioner Bentz stated that how it was worded in the packet would suffice and could be included in the annual permit requirement.

City Planner Abboud will bring the Commission's recommendations to the Port and Harbor Advisory Commission for review and comment.

B. Staff Report 17-78, comprehensive Plan Update – Chapter 6 Public Services and Facilities

Chair Stead read the title into the record.

City Planner Abboud commented that they were almost down to the final stretch. He stated that this represents the formatting changes, includes staffing levels desired, equipment priorities, increasing volunteers, providing ample public safety. These are the first two objectives and there are still several more to work on.

Most of the Chapter stayed the same.

Commissioner Highland inquired if it was true on the number reflected in the statement on page 122 under Objective A, Current Status, fifth line, approximately 30 individuals support the department's staff. City Planner Abboud responded that the Chief's reviewed this and provided the information.

Commissioner Highland then questioned, on page 123, Under Near-term Priorities, line 9, in 20XX?

City Planner Abboud will need to research what year that should reflect. He also noted that the Police Department is now at full staffing for officers.



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Memorandum

TO: Port and Harbor Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: August 17, 2017
SUBJECT: RV's as dwellings on the Spit

Introduction

The Homer Advisory Planning Commission discussed allowing RV's as dwelling units at their August 16th meeting, and came to the following consensus:

1. RV's used as dwellings should be allowed on a permanent basis. There is no seasonal time limit. RV's do not have to move at any time.
2. Only 1 RV is allowed per lot.
3. City water and wastewater hook ups are not required, but should be allowed.
4. RV's should be parked safely.

Rough draft code language:

21.54.3xx Standards for recreational vehicles in MC and MI zoning districts.

Outside of recreational vehicle parks, the use of recreational vehicles in the MC and MI zoning districts shall conform to the following standards, except to the extent otherwise specified in the regulations applicable in the zoning district:

a. As an accessory to a permitted structure a lot, one recreational vehicle per lot may be used for living purposes to accommodate persons while employed on site. A recreational vehicle used for such purposes must be a self-contained recreational vehicle and must have a receptacle approved by law for collection of liquid and semi-solid wastes. Direct hook-up to municipal water and sewer is allowed with Public Works approval. If the unit is not hooked up to City water and sewer, the business owner shall provide the Planning Department with a plan of how solid waste and greywater will be handled.

b. While the recreational vehicle being used to accommodate employees is parked on the property, it must be parked in a manner that will not create a dangerous or unsafe condition on the lot or adjacent properties. Parking in such fashion that the recreational vehicle may tip or roll constitutes a dangerous and unsafe condition. A parked recreational vehicle used to accommodate employees must be in a condition for the safe and effective performance of its intended function as an operable motor vehicle.

- c. Use of a recreational vehicle to accommodate employees as allowed in subsection (a) is allowed without a time limit.
- d. Such use to accommodate employees must be approved by the property owner, and in the case of property under lease, by both the lessee and the property owner.

The Commission also suggested some sort of annual permit review, to verify people living in the RV are employees. Planning staff is not sure how to best accommodate this idea.

Staff Recommendation

Discuss the recommendations of the Planning Commission and provide any comments. The next step is for staff to work with the attorney to create a draft ordinance, and for the Planning Commission to hold a public hearing.

Attachments

Minutes excerpt of August 16, 2017

- Wireless Edge is building a communications tower on the spit. There is no timeline yet for when it will be complete.
- Met with the New Captain of the Port for the Coast Guard and had a good introduction.
- Maintenance and Repairs were done on the tug in the beginning of August; including engine tune up and new couplings.
- Met with Senator Murkowski's Aids and talked about Harbor Expansion.
- Auction Block has filed for bankruptcy but the buyers are still interested and still plan on buying the space.
- Several EMS call outs
- High Mast Light project started in August and will be complete on the 28th of September.
- Invited to speak at SOBA Conference about clean harbors, grants, and projects
- EMS Response to fuel float assisted by Matt Clarke. AED was used and the man survived.
- Arctic Works will be in Homer the first week of October for inspection.

Commissioner Donich suggested that the Port and Harbor make it known to the public that the Fishing License Fees goes into new developments at the Harbor. Mr. Donich explained that people like to know where their money is going.

PUBLIC HEARING

PENDING BUSINESS

A. Caretaker RV's on the Spit


I. Memo to Port and Harbor Advisory Commission from Deputy City Planner Re: RV's as Dwellings on the Spit August 17, 2017

I. Planning Advisory Commission Meeting Minutes August 16, 2017

City Planner Rick Abboud addressed the commission about the Caretaker RV on the Spit issue. Mr. Abboud explained that the Planning Commission has set up some basic rules for the RV process. Mr. Abboud explained that the more rules the commission sets in place, the harder it will be to enforce rules. The following are points that Mr. Abboud covered;

- RV's used as dwellings should be allowed on a permanent basis
- There is no seasonal time limit
- RV's do not have to move at any time
- Only one RV per lot is allowed
- City water and wastewater hook up are not required, but should be allowed
- RV's should be parked safely
- Only for Owner or Employee, No Renting or Leasing allowed

Commissioner Ulmer asked Mr. Abboud why the people who already have RV's on their property don't get grandfathered in; instead of changing all of City Code.



Mr. Abboud replied by saying that in order to grandfather someone in, having caretaker RV's would have to have been legal at the time the RV was placed on the lot. So because it is illegal to live in RV's, it wouldn't be just to grandfather them in.

Commissioner Stockburger mentioned that he thought there was going to be some sort of rule stating that the RV's had to be mobile. His concern is that the RV's will start to become part of the structure and become permanent. Mr. Abboud stated he would look into this farther and bring it back at another meeting.

Harbormaster Hawkins explained his concerns about the RV's and properties becoming junk yards. He explained that the Harbor has worked very hard to clean up junk and he worries that it will be taking a step backwards by allowing people to live onsite all year round. He also stated that animals would also be an issue of concern and they would need to set rules of what kinds they will allow and what kinds they won't.

NEW BUSINESS

INFORMATIONAL ITEMS

- A. Port & Harbor Monthly Statistical Report for July 2017
- B. Port & Harbor Monthly Statistical Report for August 2017
- C. Water/Sewer Bills Report July 2017
- D. Water/ Sewer Bills Report August 2017
- E. Crane and Ice Report
- F. Deep Water Dock Report
- G. Pioneer Dock Report
- H. Dock Water Report
- I. Council Meeting Attendance

Commissioner Carroll stated that he would not be here in October, so they would have to make other arrangements for someone to attend the Council Meetings. Commissioner Donich stated that he would be able to make the later meeting on the 23rd. Commissioner Hartley confirmed that he will be at the November Council Meeting.

Harbormaster Hawkins brought attention to the November 15th Regular Meeting. He explained that he will be out of town for the Expo in Seattle as will many Commissioners. He said it may be in our best interest to cancel the November 15th Meeting.

The November 15th Regular Meeting has been cancelled by general consensus of the commission.

COMMENTS OF THE AUDIENCE

COMMENTS OF CITY STAFF



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Staff Report PL 17-92

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: December 6, 2017
SUBJECT: RV's as employee dwelling units in MI and MC Districts

Introduction

The Commission has provided the Planning Office with the parameters under which this ordinance is acceptable. The City Attorney has reviewed and provided the draft ordinance.

Analysis

The ordinance starts with the addition of "Employee-occupied recreational vehicle" in the Definitions used in zoning section of code, 21.03.040. In order to amend this section all current definitions are included since there are no breaks in the alphabetical list of definitions. This is found on lines 289 – 290.

"Employee-occupied recreational vehicle" means a recreational vehicle provided to an employee by his or her employer for housing.

No more amendment are found until Section 2, line 902. Here you will find the provision for the RV's in the code that borrows the existing code related to standards of RV parks. Added is HCC 21.54.325, Standards for recreational vehicles in the Marine Commercial District and the Marine Industrial District. You will find standards for the use including:

- Allowance for one (1) per lot
- Must have receptacle for the collection of solid and semi-solid wastes
- Must be parked safely
- Must be operable on the road
- May not occupy an otherwise required parking space
- May be hooked up to water and sewer with approval

Currently, HCC 21.54.32 provides standards for RV's in the residential districts. RV's cannot hook up to city water and sewer - this is a zoning regulation, not a constraint of the water and sewer system. This section of code was modified for use on the Spit.

There are approximately 12 Marine Commercial and 10 Marine Industrial lots affected.

Staff Recommendation: Hold a public hearing and make recommendation to City Council or Planning Department.

Attachments

Draft Ordinance

Memorandum PL 17-08

August 17, 2017 Memo from Deputy City Planner to Port and Harbor Planning Commission

September 27, 2017 Meeting Minutes of the Port and Harbor Planning Commission

August 16, 2017 Staff Report PL 17-77

August 16, 2017 Meeting Minutes of the HAPC

August 2, 2017 Staff Report PL 17-71

August 2, 2017 Meeting Minutes of the HAPC

July 19, 2017 Staff Report PL 17-65

- Could try a limited or trial period zoning to see how this zoning would work.
- Postponement until a full Commission is present
- Laws regarding open container alcohol versus open consumption marijuana is not a zoning issue
- Legality on cruise ships is not a zoning issue
- Liquor stores are considered retail operations, and are legal
- Marijuana is different in that the State has decided to abide by the Cole Memorandum
- Marijuana is on the spit and currently would be considered black market, the voters have spoken, it is legal and as testified tonight there is the revenue aspect
- Marijuana is still illegal in Federal waters, is not allowed on a vessel and so there is hesitation on providing a legal source on the spit.
- Letters received in support and against and it still carries the connotation of illegality

VENUTI/BANKS MOVED TO RECOMMEND CITY COUNCIL ALLOW RETAIL MARIJUANA FACILITIES AS A PERMITTED USE IN THE MARINE COMMERCIAL DISTRICT UNDER HOMER CITY CODE 21.28.020

Discussion ensued on separating the law enforcement issues from the zoning issues.

HIGHLAND/VENUTI MOVED TO POSTPONE TO THE JANUARY 17, 2018 MEETING UNTIL A FULL COMMISSION IS PRESENT.

Brief discussion on attendance of commissioners.

VOTE. (Postponement)NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 17-92, Ordinance to Allow One Employee Occupied RV per lot in the Marine Commercial and Marine Industrial Districts under Homer City Code 21.54

City Planner Abboud reviewed the staff report.

There was no applicant and Chair Stead opened the Public Hearing.

Don Tippy, city resident, commented and requested clarification on the definition that the recreational vehicle is provided to an employee by his or her employer for housing, he manages a business on the spit, works 16 hours days and owns an RV. He would like to know why that is a preference for the employer to provide the RV since if he owned a business he would not be buying an employee a RV to live in unless they could charge the employee but according to the rules that's not allowed.

Chair Stead allowed City Planner Abboud to respond to the request for clarification.

City Planner Abboud responded that it was a provision provided by the City Attorney to assist in enforcement of the regulation.

There was no more public testimony and Chair Stead closed the Public Hearing.

A discussion ensued on the intent of the definition and application, what was covered under the term “recreational vehicle”; that a business owner was not an employee in accordance with the Internal Revenue Service; the requirement on the owner to provide the housing; the difficulty to enforce; suggestions to reword the definition to address the intent of the Commission and provide clarification and comment received from the public.

VENUTI MOVED TO AMEND LINE 289 TO READ EMPLOYEE OCCUPIED RECREATIONAL VEHICLE MEANS A RECREATIONAL VEHICLE UTILIZED BY AN EMPLOYEE OR OWNER FOR HOUSING.

BANKS/VENUTI MOVED TO AMEND TO READ AS EMPLOYEE OCCUPIED RECREATIONAL VEHICLE MEANS A RECREATIONAL VEHICLE UTILIZED BY AN EMPLOYEE OR THE OWNER FOR HOUSING.

There was a brief discussion on the intent of the motion. There was a question on including his or her term in the definition.

Chair Stead re-stated the amendment to the main motion:
MOVED THAT “EMPLOYEE OCCUPIED RECREATIONAL VEHICLE” MEANS A RECREATIONAL VEHICLE UTILIZED BY AN EMPLOYEE OR OWNER FOR HOUSING

There was no additional discussion.

VOTE: (Amendment).NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead inquired if there was additional discussion on the main motion as amended.

Hearing none, Chair Stead re-stated the main motion as amended:
MOVED TO AMEND LINE 289 TO READ EMPLOYEE OCCUPIED RECREATIONAL VEHICLE MEANS A RECREATIONAL VEHICLE UTILIZED BY AN EMPLOYEE OR OWNER FOR HOUSING.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried

Chair Stead requested a motion to recommend the draft ordinance to City Council.

VENUTI/HIGHLAND MOVED TO ADOPT STAFF REPORT 17-92 TO ALLOW ONE EMPLOYEE OR BUSINESS OWNER OCCUPIED RECREATIONAL VEHICLE PER LOT IN THE MARINE COMMERCIAL AND INDUSTRIAL DISTRICTS UNDER HOMER CITY CODE 21.54

BANKS/HIGHLAND MOVED TO APPEND THE MOTION TO FORWARD THE DRAFT ORDINANCE AS AMENDED TO CITY COUNCIL.

There was brief discussion on public comments submitted and enforcement once this is implemented.

VOTE (Amendment). NON-OBJECTION. UNANIMOUS CONSENT.

Motion is carried.

Chair Stead inquired is there was any additional discussion on the motion as amended.

There was no further discussion.

VOTE. (Main motion.) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 17-93, Comprehensive Plan Update, Chapter 6 Public Services and Facilities

Chair Stead read the title into the record and invited City Planner Abboud to review his report.

Commissioner Banks requested a brief recess. Chair Stead called for a five minute recess at 7:48 p.m. The meeting was called back to order at 7:53 p.m.

City Planner Abboud reviewed the additions submitted to Chapter 6 by Public Works Director Meyer. He provided clarification at the request of commissioners on the following:

- pages 141 and 142, Section I-F-4 and I-F-7
- The existing sewer system is adequate to handle additional needs of the city as shown by the information provided by Public Works Director Meyer.

City Planner Abboud noted that this document will be combined and a draft comprehensive plan should be available for input from the public after the first of the year. He anticipated conducting possibly an Open House event, putting notices in the paper and having electronic options for public input.

CITY OF HOMER
HOMER, ALASKA

City Manager

ORDINANCE 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE 21.03.040 TO DEFINE “EMPLOYEE-OCCUPIED RECREATIONAL VEHICLES” AND AMENDING HCC CHAPTER 21.54 TO ADD HCC 21.54.325, PERMITTING EMPLOYEE-OCCUPIED RECREATIONAL VEHICLES IN THE MARINE COMMERCIAL AND MARINE INDUSTRIAL ZONING DISTRICTS AND AMENDING HCC 21.54.200 AND 21.54.210 TO REFLECT THE NEWLY PERMITTED USE IN THESE DISTRICTS.

WHEREAS, there are many commercial and industrial entities which have expressed interest in locating recreational vehicles on their work premises for the purpose of housing employees; and

WHEREAS, it is in the City’s best interest to support employer-provided housing so long as that housing does not place the City of Homer, its residents, and/or its citizens at risk; and

WHEREAS, permitting employee-occupied recreational vehicles in the marine industrial and commercial zoning districts falls within the purpose of those zoning districts and promotes the City’s best interest,

NOW THEREFORE, The City of Homer Ordains:

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

21.03.040 Definitions used in zoning code.

As used in this title, the words and phrases defined in this section shall have the meaning stated, except where (a) the context clearly indicates a different meaning or (b) a special definition is given for particular chapters or sections of the zoning code.

“Abut” means to touch by sharing a common boundary at one or more points. Two adjacent lots separated by a road right-of-way do not abut.

“Accessory building” means an incidental and subordinate building customarily incidental to and located on the same lot occupied by the principal use or building, such as a detached garage incidental to a residential building.

41 “Accessory use” means a use or activity that is customary to the principal use on the
42 same lot, and which is subordinate and clearly incidental to the principal use.

43 “ADT” or “average daily traffic” means the estimated number of vehicles traveling
44 over a given road segment during one 24-hour day. ADT is usually obtained by
45 sampling and may be seasonally adjusted.

46 “Adverse impact” means a condition that creates, imposes, aggravates or leads to
47 inadequate, impractical, detrimental, unsafe, or unhealthy conditions on a site
48 proposed for development or on off-site property or facilities.

49 Aggrieved. See “person aggrieved.”

50 “Agricultural activity” shall mean farming, including plowing, tillage, fertilizing,
51 cropping, irrigating, seeding, cultivating or harvesting for the production of food and
52 fiber products (excluding commercial logging and timber harvesting operations); the
53 grazing or raising of livestock (excluding feedlots); aquaculture; sod production;
54 orchards; Christmas tree plantations; nurseries; and the cultivation of products as part
55 of a recognized commercial enterprise. “Agricultural activity” excludes private stables
56 and public stables.

57 “Agricultural building” means a building used to shelter farm implements, hay, grain,
58 poultry, livestock, horticulture, or other farm products, in which there is no human
59 habitation and which is not used by the public.

60 “Aisle” means an area within a parking lot that is reserved exclusively for ingress,
61 egress and maneuvering of automobiles.

62 “Alley” means a public thoroughfare, less than 30 feet in width, that affords only a
63 secondary means of access to abutting property.

64 “Alteration” means any change, addition or modification in construction, occupancy or
65 use.

66 “Animal unit equivalent” is a convenient denominator for use in calculating relative
67 grazing impact of different kinds and classes of domestic livestock. An animal unit
68 (AU) is generally one mature cow of approximately 1,000 pounds and a calf as old as
69 six months of age, or their equivalent. Animal unit equivalents vary according to kind
70 and size of animals.

71 The following table of AU equivalents applies to the Homer Zoning Code.

Kinds and classes of animals equivalent	Animal- unit
--	-------------------------

Kinds and classes of animals equivalent	Animal-unit
Slaughter/feed cattle	1.00
Mature dairy cattle	1.40
Young dairy cattle	0.60
Horse, mature	2.00
Sheep, mature	0.20
Lamb, one year of age	0.15
Goat, mature	0.15
Kid, one year of age	

72 0.10 Exotic species (e.g., llamas, alpaca, reindeer, musk ox, bison and elk) and unlisted
73 species require application to the Planning Commission for determination of AU
74 equivalents.

75 Apartment House. See “dwelling, multiple-family.”

76 “Area, building” means the total area, taken on a horizontal plane at the main grade
77 level, of a building, exclusive of steps.

78 “Area, floor” means the total area of all floors of a building as measured to the outside
79 surfaces of exterior walls, including attached garages, porches, balconies, and other
80 structures when covered by a roof.

81 “Area, footprint” has the same meaning as “area, building.”

82 “Area, lot” means the total horizontal net area within the boundary lines of a lot,
83 exclusive of rights-of-way for streets and alleys.

84 “Area ratio, floor” or “floor area ratio” means the ratio of floor area of all buildings on
85 a lot to the area of the lot.

86 “Arterial” means a street whose principal function is the transmission of vehicular
87 through-traffic, that performs a major role in serving the transportation needs of the
88 community, and that is identified as a “major arterial” or “community arterial” in the
89 Homer Roads and Streets Master Plan.

90 “Assisted living home” has the meaning given in AS 47.32.900.

91 “Auto and trailer sales or rental area” means an automobile related use that may
92 consist of any combination of the following:

93 1. An open, outdoor display area for automobiles, light trucks or trailers for rent, lease
94 or sale;

95 2. Buildings for the indoor display and sale or leasing of automobiles, light trucks or
96 trailers, and sale of parts and accessories customarily incidental to the sale of such
97 vehicles; and

98 3. Buildings at the location of a motor vehicle dealership used for auto repairs
99 customarily incidental to the operation of a dealership.

100 “Auto fueling station” means any premises used to sell motor fuels and lubrication to
101 motor vehicles. An auto fueling station may include the sale of minor accessories.
102 Auto fueling station does not include auto repair.

103 “Auto repair” means service and repair of motor vehicles, trailers and similar
104 mechanical equipment, including painting, upholstering, rebuilding, reconditioning,
105 body and fender work, frame straightening, undercoating, engine or transmission
106 rebuilding or replacement, tire retreading or recapping, and the like. It also includes
107 minor service work to automobiles or light trucks including tune up, lubrication,
108 alignment, fuel system, brakes, mufflers, and replacement of small items.

109 “Basement” means any floor level partly or wholly underground, except when such
110 floor level meets the definition of “story.”

111 “BCWP district” means the “Bridge Creek Watershed Protection District” described in
112 Chapter 21.40 HCC.

113 “Bed and breakfast” means a dwelling in which an individual or family resides and
114 rents bedrooms in the dwelling to overnight guests, if the bed and breakfast use is
115 accessory to the principal use of the dwelling as the primary residence of the operator.
116 If the dwelling has six or more bedrooms available for rental to overnight guests it is a
117 hotel and not a bed and breakfast.

118 “Bluff” means an abrupt elevation change in topography of at least 15 feet, with an
119 average slope of not less than 200 percent (two feet difference in elevation per one
120 foot of horizontal distance).

121 “Boat storage yard” means a lot used for the indoor or outdoor commercial dry storage
122 of boats.

123 “Bridge Creek Watershed” means the watershed contributing to the City’s reservoir at
124 Bridge Creek.

125 “Buffer” means an open space, landscaped area, fence, wall, berm, or any combination
126 thereof used to physically separate or screen one use or property from another so as to
127 shield or block visibility, noise, lights, or other undesirable effects.

128 “Buffer, runoff” means an area of natural or planted vegetation through which
129 stormwater runoff flows in a diffuse manner so that the runoff does not become
130 channelized and that provides for infiltration of the runoff and filtering of silt and
131 pollutants. The buffer is measured landward from the normal full water elevation of
132 impounded structures and from the top of the bank of each side of a stream, river,
133 ditch, or other channel.

134 “Buffer, stream” means a runoff buffer of a designated distance on each side of a
135 channel measured perpendicularly from the top of the bank of each side of a stream,
136 river, ditch, or other channel.

137 “Building” means any structure used or intended for supporting or sheltering any use
138 or occupancy.

139 “Building construction” means the placing of construction materials in a permanent
140 position and fastened in a permanent manner in the course of constructing or erecting a
141 building.

142 “Building height” is the vertical distance from grade to the maximum point of
143 measurement of the building, measured according to HCC 21.05.030.

144 “Building, main” means the building of chief importance or function on the lot.

145 “Business, open air” or “open air business” means the retail sale or display of
146 merchandise or services, including but not limited to farmers’ markets and flea
147 markets, conducted outdoors or under a canopy for protection from the elements and
148 held on a regular or periodic basis. Open air business does not include (1) outdoor
149 display or sales of goods or services by a retail or wholesale business that is
150 principally located in a building, or (2) sales, services or rentals of any kind of boat or
151 motorized vehicle.

152 “Business, retail” means a place of business principally engaged in selling goods,
153 substances or commodities in small quantities to the ultimate consumer, and may
154 include rendering services incidental to the sale of such goods, substances or
155 commodities. The term “retail business” does not include, as either a principal or
156 accessory use, automobile oriented uses, the sale, rental, storage, service, or repair of
157 any motor vehicles, or any use separately defined or listed in any zoning district.

158 “Business, wholesale” or “wholesale” means a place of business principally engaged
159 in selling or distributing goods, substances or commodities in quantity to retailers or to
160 industrial, commercial or institutional users mainly for resale or business use.

161 “Campground” means a parcel of land where two or more campsites are located that
162 provides facilities for temporary recreational living in any manner other than a
163 permanent building.

164 “Cemetery” means land used or intended to be used for burial of the dead and
165 dedicated for cemetery purposes, including columbaria and mausoleums when
166 operated in conjunction with and within the boundary of such cemetery.

167 “Channel protection storage volume” or “Cpv” means the volume used to design
168 structural management practices to control stream channel erosion.

169 Church. See “religious, cultural, and fraternal assembly.”

170 “City Engineer” means an engineer within the Homer Department of Public Works
171 designated by the Director of Public Works.

172 “Clearing” means the removal of trees and brush from the land, but shall not include
173 the ordinary pruning of trees or shrubs or mowing of grass.

174 “Clinic” means a professional office with facilities for providing outpatient medical,
175 dental or psychiatric services, which may include as incidental to the principal use a
176 dispensary to handle medication and other merchandise prescribed by occupants in the
177 course of their professional practices.

178 “Coalescing plate separators” or “CPS” are oil/water separators that employ a series of
179 oil-attracting plates. Oil droplets collect and float to the surface, where they can be
180 skimmed off or removed mechanically and separators may be installed above or below
181 ground.

182 “Coastal bluff” means a bluff whose toe is within 300 feet of the mean high water line
183 of Kachemak Bay.

184 “Cold storage” means a building equipped with refrigeration or freezing facilities that
185 provides cold or frozen storage or freezing services.

186 “Collocation” means the placement or installation of wireless communications
187 equipment on an existing wireless communications support structure or in an existing
188 equipment compound.

189 “Commercial vehicle” means any motor vehicle defined in AS 28.90.990 as a
190 commercial motor vehicle or any motor vehicle with signs or logos exceeding nine
191 square feet in combined area.

192 “Commission” means the Homer Advisory Planning Commission.

193 “Community Design Manual” means the Community Design Manual for the City of
194 Homer, adopted by City Council Resolution 04-34, as may be amended from time to
195 time.

196 Comprehensive Plan. See HCC 21.02.010.

197 “Construction camp” means one or more buildings, trailers, mobile homes or similar
198 structures used to house workers or employees for logging, mining, off-shore and on-
199 shore construction, development and other projects, installed primarily for the duration
200 of the project or operation and not open for use by the general public as
201 accommodations or for permanent mobile home living.

202 “Date of distribution” means the date on which a City official mails a written decision
203 or order issued under the zoning code or, if the document is personally delivered, the
204 date of such personal delivery.

205 “Day care facility” means any establishment for the care of children, whether or not
206 for compensation, excluding day care homes and schools. Such day care facility must
207 also be duly licensed by the State, if so required by State law or regulation.

208 “Day care home” means the principal dwelling unit of one or more persons who
209 regularly provide(s) care, in the dwelling unit, whether or not for compensation, during
210 any part of the 24-hour day, to eight or less children at any one time, not including
211 adult members of the family residing in the dwelling. The term “day care home” is not
212 intended to include baby-sitting services of a casual, nonrecurring nature, child care
213 provided in the child’s own home, or cooperative, reciprocating child care by a group
214 of parents in their respective dwellings.

215 “Department” or “Planning Department” means the department or division of the City
216 of Homer under the direction of the City Planner, whose functions and powers include
217 the administration and enforcement of the zoning code as described in Chapter 21.90
218 HCC.

219 “Design year” means the year that is 10 years after the opening date of development.

220 “Detention, extended” means a stormwater design feature that provides gradual release
221 of a volume of water in order to increase settling of pollutants and protect downstream
222 channels from frequent storm events.

223 “Detention structure” means a permanent structure for the temporary storage of water
224 runoff that is designed so as not to create a permanent pool of water.

225 “Develop” or “development activity” means to construct or alter a structure or to make
226 a physical change to the land, including but not limited to excavations, grading, fills,
227 road construction, and installation of utilities.

228 “Development” means all manmade changes or improvements on a site, including
229 buildings, other structures, parking and loading areas, landscaping, paved or graveled
230 areas, and areas devoted to exterior display, storage, or activities. Development
231 includes improved open areas such as public spaces, plazas and walkways, but does
232 not include natural geologic forms or unimproved land. See also “project.”

233 “Development activity plan” or “DAP” means a plan, prepared according to standards
234 set forth in this title, that provides for the control of stormwater discharges, the control
235 of total suspended solids, and the control of other pollutants carried in runoff during
236 construction and the use of the development.

237 “Development, new” means development on a site that was previously unimproved or
238 that has had previously existing buildings demolished.

239 “Direct discharge” means the concentrated release of stormwater to tidal waters or
240 vegetated tidal wetlands from new development or redevelopment projects in critical
241 habitat areas.

242 “Dividers” means areas of landscaping that separate from each other structures or
243 improvements, including parking lots or buildings.

244 “Dog lot” means any outdoor area where more than six dogs over the age of five
245 months are kept.

246 “Dormitory” means a building or portion of a building that provides one or more
247 rooms used for residential living purposes by a number of individuals that are rented
248 or hired out for more than nominal consideration on a greater than weekly or pre-
249 arranged basis. A building or structure that provides such rooms on less than a weekly
250 basis shall be classified as a “hotel” or “motel,” “rooming house,” or other more
251 suitable classification. “Dormitory” excludes hotel, motel, shelter for the homeless and
252 bed and breakfast.

253 “Drainage area” means that area contributing water runoff to a single point measured
254 in a horizontal plane, which is enclosed by a ridge line.

255 “Dredging/filling” means an activity that involves excavating along the bottom of a
256 water body for the purpose of channeling, creating a harbor, mineral extraction, etc.,
257 and the subsequent deposition of the dredge material to build up or expand an existing
258 land mass or to create a new one.

259 “Drip line” means the outermost edge of foliage on trees, shrubs, or hedges projected
260 to the ground.

261 “Drive-in car wash” means automated or manual car wash facilities and equipment
262 used for retail car wash services enclosed within a building, which may include

263 accessory vacuum cleaning and other equipment for car interior detailing outside of a
264 building.

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

268 “Dwelling” or “dwelling unit” means any building or portion thereof designed or
269 arranged for residential occupancy by not more than one family and includes facilities
270 for sleeping, cooking and sanitation.

271 “Dwelling, duplex” means a building designed or arranged for residential occupancy
272 by two families living independently, the structure having only two dwelling units.

273 “Dwelling, factory built” means a structure containing one or more dwelling units that
274 is built off-site, other than a manufactured home, and: (1) is designed only for erection
275 or installation on a site-built permanent foundation; (2) is not designed to be moved
276 once so erected or installed; and (3) is designed and manufactured to comply with a
277 nationally recognized model building code or an equivalent local code, or with a State
278 or local modular building code recognized as generally equivalent to building codes
279 for site-built housing.

280 “Dwelling, multiple-family” means a building or a portion thereof designed for
281 residential occupancy by three or more families living independently in separate
282 dwelling units.

283 “Dwelling, single-family” means a detached dwelling unit designed for residential
284 occupancy by one family.

285 “Easement” means a grant or reservation by the owner of an interest in land for the use
286 of such land for a specific purpose or purposes, and which must be conveyed or
287 reserved by an instrument affecting the land.

288 Educational Institution. See “school.”

289 **“Employee-occupied recreational vehicle” means a recreational vehicle provided**
290 **to an employee by his or her employer for housing.**

291 “Entertainment establishment” means a public or private institution or place of
292 business providing live or pre-recorded shows or performances for entertainment.

293 “Equipment compound” means the area occupied by a wireless communications
294 support structure and within which wireless communications equipment is located.

295 “Extractive enterprises” means uses and activities that involve the removal of ores,
296 liquids, gases, minerals, or other materials or substances from the earth’s surface or
297 subsurface.

298 “Extreme flood volume” or “Qf” means the storage volume required to control those
299 infrequent but large storm events in which overbank flows reach or exceed the
300 boundaries of the 100-year floodplain.

301 “Family” means an individual or two or more persons related by blood, marriage or
302 adoption, or a group not to exceed six unrelated persons living together as a single
303 housekeeping unit in a dwelling unit.

304 “Farmers’ market” means a location where the primary activity is the sale of goods:

305 1. Grown upon the land that the seller controls, in the case of fruits, nuts, vegetables,
306 other plant products, or other processed agricultural products;

307 2. Bred, raised, cultivated or collected by the seller, in the case of animal, poultry,
308 viticulture, vermiculture, aquaculture, eggs, honey and bee products;

309 3. Cooked, canned, preserved, or otherwise significantly treated by the seller, in the
310 case of prepared foods; or

311 4. Created, sewn, constructed, or otherwise fashioned from component materials by
312 the seller.

313 Fence Height. See HCC 21.05.030(d).

314 “Financial institution” means banks, credit unions, saving and loan companies,
315 stockbrokers, and similar businesses.

316 “Flow attenuation” means prolonging the flow time of runoff to reduce the peak
317 discharge.

318 “Garage, parking” means any building (including an underground structure), except
319 one described as a private garage, used principally for the parking or storage of motor
320 vehicles.

321 “Garage, private” means a building, or a portion of a building, in which motor vehicles
322 used only by the occupants of the building(s) located on the premises are stored or
323 kept.

324 Garage, Public. See “auto repair.”

325 “Gardening, personal use” means gardening for personal purposes as an accessory use
326 to the primary residential use of a lot.

327 “Glare” means direct light emitted by a luminaire that causes reduced visibility of
328 objects or momentary blindness.

329 “Grade” in reference to adjacent ground elevation means the lowest point of elevation
330 of the existing surface of the ground within the area between the structure and a line
331 five feet from the structure.

332 “Grading” means any act by which soil is cleared, stripped, stockpiled, excavated,
333 scarified, or filled, or any combination thereof.

334 “Group care home” means a residential facility that provides training, care,
335 supervision, treatment or rehabilitation to the aged, disabled, infirm, those convicted of
336 crimes or those suffering the effects of drugs or alcohol. The term “group care home”
337 does not include day care homes, day care facilities, foster homes, schools, hospitals,
338 assisted living homes, nursing facilities, jails or prisons.

339 “Guest room” means a single unit for the accommodation of guests without kitchen or
340 cooking facilities in a bed and breakfast, rooming house, hotel or motel.

341 “Guesthouse” means an accessory building without kitchen or cooking facilities and
342 occupied solely by nonpaying guests or by persons employed on the premises.

343 “Helipad” means any surface where a helicopter takes off or lands, but excludes
344 permanent facilities for loading or unloading goods or passengers, or for fueling,
345 servicing or storing helicopters.

346 “Heliports” means any place including airports, fields, rooftops, etc., where helicopters
347 regularly land and take off, and where helicopters may be serviced or stored.

348 Highway. See “street” and “State highway.”

349 “Home occupation” means any use customarily conducted entirely within a dwelling
350 or a building accessory to a dwelling, and carried on by the dwelling occupants, that is
351 clearly incidental and secondary to the use of the dwelling for dwelling purposes and
352 does not change the character thereof, and includes no display of stock in trade, no
353 outside storage of materials or equipment and no commodity sold upon the premises.
354 “Home occupation” does not include bed and breakfast.

355 “Hospital” has the meaning given in AS 47.32.900.

356 “Hostel” means any building or portion of a building containing dormitory-style
357 sleeping accommodations for not more than 15 guests that are used, rented or hired out
358 on a daily or longer basis.

359 “Hotel” or “motel” means any building or group of buildings containing six or more
360 guest rooms that are used, rented or hired out to be occupied for sleeping purposes by

361 guests. “Hotel” or “motel” also means any building or group of buildings containing
362 five or less guest rooms that are used, rented or hired out to be occupied for sleeping
363 purposes by more than 15 guests. The terms “hotel” and “motel” exclude bed and
364 breakfast, rooming house, dormitory, shelter for the homeless, and hostel.

365 “Impervious coverage” means an area of ground that, by reason of its physical
366 characteristics or the characteristics of materials covering it, does not absorb rain or
367 surface water. All parking areas, driveways, roads, sidewalks and walkways, whether
368 paved or not, and any areas covered by buildings or structures, concrete, asphalt, brick,
369 stone, wood, ceramic tile or metal shall be considered to be or have impervious
370 coverage.

371 “Impound yard” means a lot, establishment, area, facility or place of business used for
372 the temporary custody of abandoned or junk vehicles, as defined in HCC 18.20.010, or
373 other abandoned or illegally stored personal property pending determination of
374 possessory or proprietary rights therein. If impounded property is held in custody
375 longer than six months, it shall be classified as a junk yard and not an impound yard.

376 “Independent business” means a business establishment that operates independently of
377 other business establishments. If retail and wholesale business establishments have
378 common management or common controlling ownership interests, they are not
379 operated independently of one another.

380 “Infiltration” means the passage or movement of water into the soil surface.

381 “Islands,” when used to describe landscaped areas within parking lots, means compact
382 areas of landscaping within parking lots designed to support mature trees and plants.

383 “Itinerant merchant” means a “transient or itinerant merchant” as defined in HCC
384 8.08.010.

385 “Joint use parking area” means a parking lot that contains required off-street parking
386 spaces for more than one lot.

387 “Junk” means any worn out, wrecked, scrapped, partially or fully dismantled,
388 discarded, or damaged goods or tangible materials. Junk includes, without limitation,
389 motor vehicles that are inoperable or not currently registered for operation under the
390 laws of the State and machinery, equipment, boats, airplanes, metal, rags, rubber,
391 paper, plastics, chemicals, and building materials that cannot, without further
392 alteration or reconditioning, be used for their original purpose.

393 “Junkyard” means any lot, or portion of a lot, that is used for the purpose of outdoor
394 collection, storage, handling, sorting, processing, dismantling, wrecking, keeping,
395 salvage or sale of junk.

396 “Kennel” means any land and any buildings thereon where three or more dogs, cats, or
397 other animals at least four months of age are kept for boarding, propagation or sale. If
398 a use meets the definitions of both dog lot and kennel, it shall be classified as a dog
399 lot.

400 “Kitchen” means any room or part of a room intended or designed to be used for
401 cooking or the preparation of food. The presence of a range or oven, or utility
402 connections suitable for servicing a range or oven, shall be considered as establishing
403 a kitchen.

404 “Landscaping” means lawns, trees, plants and other natural materials, such as rock and
405 wood chips, and decorative features, including sculpture.

406 “Level of service” or “LOS” means a qualitative measure describing operational
407 conditions within a traffic stream, based on service measures such as speed and travel
408 time, freedom to maneuver, traffic interruptions, comfort, and convenience. Six levels
409 of service, from A to F, are used to represent a range of operating conditions with LOS
410 A representing the best operating conditions and LOS F the worst.

411 1. “LOS A” means the LOS at which vehicles are almost completely unimpeded in
412 their ability to maneuver within the traffic stream, passing demand is well below
413 passing capacity, drivers are delayed no more than 30 percent of the time by slow
414 moving vehicles.

415 2. “LOS B” means the LOS at which the ability to maneuver a vehicle is only slightly
416 restricted; passing demand approximately equals passing capacity, and drivers are
417 delayed up to 45 percent of the time; the level of physical and psychological comfort
418 provided to drivers is still high.

419 3. “LOS C” means the LOS at which the ability to maneuver a vehicle is noticeably
420 restricted and lane changes require more care and vigilance on the part of the driver;
421 percent time delays are up to 60 percent; traffic will begin to back up behind slow
422 moving vehicles.

423 4. “LOS D” means the LOS at which speeds begin to decline with increasing traffic
424 flow, density begins to increase somewhat more quickly, passing demand is very high
425 while passing capacity approaches zero, and the driver experiences reduced physical
426 and psychological comfort levels; the percentage of time motorists are delayed
427 approaches 75 percent, even minor incidents can be expected to back up traffic
428 because the traffic stream has little space to absorb disruptions.

429 5. “LOS E” means the LOS at which roadway is at capacity; the percentage of time
430 delay is greater than 75 percent, passing is virtually impossible, as there are virtually
431 no usable gaps in the traffic stream; vehicles are closely spaced, leaving little room to
432 maneuver, physical and psychological comfort afforded to the driver is poor.

433 6. “LOS F” means the LOS at which traffic is heavily congested with traffic demand
434 exceeding traffic capacity, there is a breakdown in vehicular flow, and vehicle delay is
435 high.

436 “Light trespass” means light emitted by a luminaire that shines beyond the boundaries
437 of the property on which the luminaire is located.

438 “Living ground cover” means low growing, spreading, perennial plants that provide
439 continuous coverage of the area.

440 “Living plant life other than ground cover” means plants, including, but not limited to,
441 trees, flower beds, rock gardens, shrubs and hedges.

442 “Loading space” means an off-street space on the same lot with a building or
443 contiguous to a group of buildings, designated or intended for the use of temporarily
444 parked commercial vehicles while loading and unloading, and that abuts upon a street,
445 alley or other appropriate means of access.

446 “Lodging” means any building or portion of a building that does not contain a
447 dwelling unit and that contains no more than five guest rooms that are used, rented or
448 hired out to be occupied for sleeping purposes by guests.

449 LOS. See “level of service.”

450 “Lot” means a single parcel of land of any size, the boundaries of which have been
451 established by some legal instrument of record, that is recognized and described as a
452 unit for the purpose of transfer of ownership. It may shown on a subdivision plat map,
453 or record of survey map, or described by metes and bounds and recorded in the office
454 of the District Recorder. “Lot” includes tracts and parcels of land of any size or shape.

455 “Lot, corner” means a lot situated at the intersection of two or more streets having an
456 angle of intersection of not more than 135 degrees.

457 “Lot depth” means the horizontal distance between the front and rear lot lines
458 measured on the longitudinal centerline.

459 “Lot, interior” means a lot other than a corner lot.

460 “Lot line, front” means the shortest lot line that is a street line. In the case of (1) a
461 square, or nearly square-shaped, corner lot, or (2) a through lot, the owner may choose
462 which street to designate as the front of the lot by giving written notice to the
463 Department. Once the choice of frontage has been made, it cannot be changed unless
464 all requirements for yard space with the new front lot line are satisfied.

465 “Lot line, rear” means a lot line that is opposite and most distant from the front lot line
466 and, in case of an irregular or triangular lot, a line 10 feet in length within the lot,
467 parallel to and at the maximum distance from the front lot line.

468 “Lot line, side” means any lot boundary line that is not a front lot line or rear lot line.

469 “Lot, through” means a lot having a frontage on two parallel or approximately parallel
470 streets.

471 “Lot width” means the width of a lot calculated according to HCC 21.05.050.

472 “Luminaire” means a complete lighting unit, including a lamp or lamps together with
473 parts to distribute light.

474 “Luminaire, cut-off” means a luminaire that allows no direct light from the luminaire
475 above the horizontal plane through the luminaire’s lowest light emitting part, in its
476 mounted form either through manufacturing design or shielding.

477 “Luminaire, height of” means the vertical distance from the ground directly below the
478 centerline of the luminaire to the lowest direct light emitting part of the luminaire.

479 “Ministorage” means one or more buildings containing units available for rent for the
480 purpose of the general storage of household goods and personal property in which
481 each unit (1) is separated from all other such units, (2) is fully enclosed, and (3) does
482 not have an area greater than 600 square feet.

483 “Mitigation plan” means a plan designed to mitigate the effect of impervious cover on
484 water flow and loss of ground cover, and may include systems of water impoundment,
485 settling ponds, grease and sand traps, and leach fields among others.

486 “Mobile commercial structure” means a structure constructed as a movable or portable
487 unit, capable of being transported on its own chassis or wheels, that is designed for
488 nonpermanent uses and placed on a nonpermanent foundation and is used in any
489 activity that promotes, supports or involves a land use permitted outright in the zoning
490 district in which the mobile commercial unit is to be placed.

491 “Mobile food service” has the meaning defined in HCC 8.11.020 and, for purposes of
492 the zoning code, is treated as a temporary business.

493 “Mobile home” or “manufactured home” means a structure, transportable in one or
494 more sections: (1) that in the traveling mode is eight feet or more in width or 40 feet or
495 more in length, or when erected on site is 320 square feet or more; and (2) that is built
496 on a permanent chassis and is designed for use as a dwelling with or without a
497 permanent foundation when the plumbing, heating, and electrical systems contained
498 therein are connected to the required utilities. A mobile home shall be construed to
499 remain a mobile home whether or not wheels, axles, hitch or other appurtenances of

500 mobility are removed, and regardless of the nature of the foundation provided. A
501 mobile home shall not be construed to be a recreational vehicle or a factory built
502 dwelling.

503 “Mobile home park” means one or more lots developed and operated as a unit with
504 individual sites and facilities to accommodate two or more mobile homes.

505 “Native vegetation” means native plant communities that are undisturbed or
506 mimicked.

507 “Natural or manmade features” means features in landscaping other than plants,
508 including, but not limited to, boulders, or planters.

509 Nonconforming Lot. See HCC 21.61.010.

510 Nonconforming Structure. See HCC 21.61.010.

511 Nonconforming Use. See HCC 21.61.010.

512 “Nursing facility” means a facility that is primarily engaged in providing skilled
513 nursing care or rehabilitative services and related services for those who, because of
514 their mental or physical condition, require care and services above the level of room
515 and board. “Nursing facility” does not include a facility that is primarily for the care
516 and treatment of mental diseases or an assisted living home.

517 “Occupancy” means the purpose for which a building is used or intended to be used.
518 The term may also include the building or room housing such use. Change of
519 occupancy does not result from a mere change of tenants or proprietors.

520 “Office” means a physical location designed for, or used as, the office of professional,
521 business, administrative, institutional, charitable, personal service or public
522 organizations or persons, but does not include direct retail or wholesale sale of goods
523 except for those sales that are clearly incidental to the principal office use.

524 “Office, general business” means an office maintained and operated for the conduct of
525 management level administrative services or in which individuals or entities are
526 provided services in office settings in the nature of government, business, real estate,
527 insurance, property management, title companies, investment and financial, personnel,
528 travel, and similar services, including business offices of public utilities or other
529 activities when the service rendered is a service customarily associated with office
530 services. Offices that are part of and are located with a business or industrial firm in
531 another category are considered accessory to that firm’s primary activity. Professional
532 office is excluded.

533 “Office, professional” means an office maintained and operated for the conduct of a
534 professional business or occupation requiring the practice of a learned art or science

535 through specialized knowledge based on a degree issued by an institute of higher
536 learning, including but not limited to medicine, dentistry, law, architecture,
537 engineering, accounting, and veterinary medicine. General business office and clinic
538 are excluded.

539 “Off-road vehicle” means any motorized vehicle designed for or capable of cross-
540 country travel on or immediately over land, water, sand, snow, ice, wetland, or other
541 natural terrain, except that such terms exclude (1) registered motorboats, (2) military,
542 fire, emergency, and law enforcement vehicles when used for such military,
543 emergency, and law enforcement purposes, and (3) any vehicle whose use is expressly
544 approved by the City of Homer.

545 “Oil water separators” means passive, physical separation systems, designed for
546 removal of oils, fuels, hydraulic fluids, and similar products from water. They are
547 generally large-capacity, underground cement vaults installed between a drain and the
548 connecting storm drain pipe. These vaults are designed with baffles to trap sediments
549 and retain floating oils. The large capacity of the vault slows down the wastewater,
550 allowing oil to float to the surface and solid material to settle out.

551 “Open space” means an area reserved or developed for recreational uses or preserved
552 for its natural amenities. Open space may include squares, parks, bicycle and
553 pedestrian paths, refuges, campgrounds, picnic areas, playgrounds, and gardens.
554 “Open space” does not include outdoor recreation facilities.

555 “Overbank flood protection volume” or “Qp” means the volume controlled by
556 structural practices to prevent an increase in the frequency of out of bank flooding
557 generated by development.

558 “Overlay district” means a defined area with supplementary regulations that is
559 superimposed upon all or part of one or more underlying zoning districts. The
560 boundaries of an overlay district are usually shown on the official map, but may be
561 established by description.

562 “Overslope development” means an overslope platform and the structures located on
563 the overslope platform.

564 “Overslope platform” means an elevated horizontal structure designed to support
565 buildings that are located above the slope between an upland lot and the water of the
566 Homer small boat harbor.

567 “Parking lot” means an off-street, ground level open area, usually improved,
568 containing parking spaces for motor vehicles.

569 “Parking lot, double-loaded” means all or any portion of a parking lot in which there
570 are parking spaces on both sides of the driving aisle.

571 “Parking lot, single-loaded” means all or any portion of a parking lot in which there
572 are parking spaces on only one side of the driving aisle.

573 “Parking space” is a space in a parking lot that is reserved for the parking of a vehicle.

574 “Parking stall” is synonymous with “parking space.”

575 “Peak hour” in reference to traffic means a one-hour period representing the highest
576 hourly volume of traffic flow on the adjacent street system during the morning (a.m.
577 peak hour), during the afternoon or evening (p.m. peak hour) or representing the hour
578 of highest volume of traffic entering or exiting a site (peak hour of generator).

579 “Pedestrian way” means a maintained walkway or path, no less than four feet wide,
580 that connects two or more focal points of pedestrian activity, including other
581 pedestrian ways, trails, transit stops, street or parking area crossings, or building entry
582 points. Sidewalks may be pedestrian ways.

583 “Performance standards” means minimum requirements or maximum allowable limits
584 on the effects or characteristics of a use.

585 “Permeable, continuous nonliving ground cover” means landscaping surfaces made up
586 of materials such as, but not limited to, crushed rock, bark and mulch.

587 “Permit” means any permit, approval or other authorization issued by the City under
588 the authority of the Homer Zoning Code or regulations.

589 “Person aggrieved” means a person who shows proof of the adverse effect an action or
590 determination taken or made under the Homer Zoning Code has or could have on the
591 use, enjoyment, or value of real property owned by that person. An interest that is no
592 different from that of the general public is not sufficient to establish aggrievement.

593 “Personal service” means a business primarily engaged in providing services involving
594 the care of an individual or his or her personal goods or apparel.

595 “Pipeline” means a line six inches or larger, which may include accessory pumps,
596 valves and control devices, for conveying liquids, gases or finely divided solids that
597 are constructed within rights-of-way or easements or from one parcel to another.
598 However, for the purpose of securing a conditional use permit the following are
599 excluded: the mains, hydrants, pumps, services, and pressure stations of the City of
600 Homer water utility; the mains, services, manholes and lift stations of the City of
601 Homer sewer utility and the local service mains, valves and services of a gas utility
602 legally authorized to provide such service within the City.

603 “Planned unit development” or “PUD” means a residential, commercial, office,
604 industrial, or other type of development, or a combination thereof, approved under the
605 conditional use procedures and applicable provisions of this title and characterized by

606 comprehensive planning for the entire project, the clustering of buildings to preserve
607 open space and natural features, and provision for the maintenance and use of open
608 space and other facilities held in common by the property owners within the project.

609 “Planning Commission” means the Homer Advisory Planning Commission.

610 “Pollutant” in reference to waters means any substance that causes contamination or
611 other alteration of the physical, chemical, or biological properties of waters including
612 change in temperature, taste, color, turbidity, or odor of the waters, or such discharge
613 of any liquid, gaseous, solid, radioactive or other substance into the waters that will or
614 is likely to create a nuisance or render such waters harmful. These substances include,
615 but are not limited to, any dredge, spoil, solid waste, incinerator residue, oil, grease,
616 garbage, sewage, sludge, medical waste, chemical waste, biological materials, heat,
617 petrochemical, and sediment.

618 “Pollution, nonpoint source” means pollution from any source other than from any
619 discernible, confined, and discrete conveyances and shall include, but not be limited
620 to, parking lots and roof tops and include substances such as pathogens,
621 petrochemicals, sediments, debris, toxic contaminants, or nutrients.

622 “Pollution, point source” means pollution from any discernible, confined, and discrete
623 conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit,
624 well, discrete fissure, container, landfill leachate collection system, vessel or other
625 floating craft from which pollutants are or may be discharged.

626 Principal Use. See “use, principal.”

627 “Project” means an existing or proposed development.

628 “Public spaces” means space containing amenities for public use or enjoyment, for
629 example, benches, bike racks, water features, public art, and kiosks that enhance the
630 community.

631 “Public utility facility or structure,” for the purpose of requiring a conditional use
632 permit, means (1) any facility or structure owned and operated by a public or private
633 utility, or (2) a telecommunications tower or antenna, but it excludes water distribution
634 mains, pressure stations and hydrants, sewage collection lines, manholes and lift
635 stations, underground and overhead electrical, cable and telephone lines and poles,
636 street lights and small wind energy systems.

637 “Ravine” means a long, deep hollow in the earth’s surface with walls that have a
638 height of at least 15 feet and an average slope of not less than 500 percent (five feet
639 difference in elevation per one foot of horizontal distance).

640 “Recharge volume” or “Rev” means that portion of the water quality volume used to
641 maintain groundwater recharge rates at development sites.

642 “Recreational facility, indoor” means a building used for indoor sports, recreation,
643 physical activities or games such as bowling alleys, racquetball courts, skating rinks,
644 and other physical recreation activities.

645 “Recreational facility, outdoor” means a lot used for outdoor sports activities or games
646 such as skating rinks, batting cages, sports fields, golf courses, miniature golf, driving
647 ranges, equestrian arenas, open air performing arts centers and similar activities. It
648 does not include sport fishing in the waters of any watercourse, water body, or
649 Kachemak Bay.

650 “Recreational vehicle” is a vehicular unit, other than a manufactured home, that is
651 designed and manufactured as temporary lodging for travel, recreational and vacation
652 use, and which is either self-propelled, mounted on or pulled by another vehicle.
653 Examples include, but are not limited to, a travel trailer, camping trailer, truck camper,
654 motor home, and fifth-wheel trailer.

655 “Recreational vehicle park” means a parcel of land that has been planned and
656 improved for use by two or more recreational vehicles for transient occupancy.

657 “Religious, cultural and fraternal assembly” means a use or building owned or
658 maintained by an organized religious organization or nonprofit entity for assemblies
659 for social, cultural, civic, or philanthropic purposes, or where persons regularly
660 assemble for worship.

661 “Reservoir” means a pond, lake, or basin, either natural or artificial, for the storage,
662 regulation, and control of water.

663 “Residential districts” or “residential zoning districts” means the rural residential,
664 urban residential, and residential office zoning districts.

665 “Retention structure” means a permanent structure that provides for the storage of
666 water runoff.

667 “Right-of-way” means the entire width of property dedicated for a public street or
668 private easement providing ingress and egress from property abutting thereon.

669 Road. See “street.”

670 “Roadside stand” means a temporary structure on land adjacent to a street, usually for
671 the attraction of motorists for profit-making purposes. Common roadside stands sell
672 local food, produce, firewood, handcrafted items or imported goods.

673 “Rooming house” means a dwelling containing not more than five guest rooms that are
674 used, rented or hired out to be occupied for sleeping purposes by guests. A rooming
675 house shall not accommodate in excess of 15 guests. A rooming house shall also
676 include any structures associated with the dwelling, such as guest cabins; provided,

677 that a conditional use permit was obtained for any associated structures, if a permit is
678 required in order to have more than one building containing a permitted principal use
679 on the lot. “Rooming house” does not include bed and breakfast.

680 “School” means an institution or place for instruction or education, including all
681 structures and land necessary to the accomplishment of educational purposes.

682 “School, commercial” means a school for the teaching of clerical, managerial,
683 administrative, service or artistic skills. This applies to schools operated privately for
684 profit that do not offer a complete educational curriculum, e.g., beauty school,
685 modeling school and secretarial school. Commercial school does not include trade,
686 skilled or industrial school.

687 “School, private” means a school that provides a complete educational curriculum and
688 is owned and operated by private educational, religious, charitable, or other institution.
689 It may provide elementary, secondary or post-secondary levels of education.

690 “School, public” means a school owned and operated or chartered by the Kenai
691 Peninsula Borough or the State or University of Alaska for the purpose of public
692 education.

693 “School, trade, skilled or industrial” means a school for the teaching of industrial,
694 construction, technical and skilled trades skills, including schools operated by or for
695 labor unions. Examples include welding, carpentry, electrician, and similar training
696 schools.

697 “Sediment” means soils or other surficial materials transported or deposited by the
698 action of wind, water, ice, or gravity as a product of erosion.

699 “Senior housing” means attached or detached independent living developments,
700 including retirement communities, age-restricted housing and active adult
701 communities.

702 Service Station. See “auto fueling station” and “auto repair.”

703 “Setback” means the required minimum distance between the lot line and a building,
704 measured according to Chapter 21.05 HCC. The setback area establishes a required
705 yard in which structures are prohibited or limited as provided in the zoning code.

706 “Sewer, community” means that portion of a nonpublic sewerage serving:

707 1. One or more multifamily dwellings;

708 2. A mobile home park, a trailer park, or a recreational vehicle park;

709 3. Two or more:

- 710 a. Single-family homes or duplexes;
- 711 b. Commercial establishments;
- 712 c. Industrial establishments; or
- 713 d. Institutions; or
- 714 4. Any combination of two or more of the structures listed in subsections (3)(a)
715 through (d) of this definition.
- 716 “Sewer, public” means a sewer system operated for the benefit of the public by the
717 City of Homer or a public utility under a certificate of convenience and necessity
718 issued by the Regulatory Commission of Alaska or by its predecessor or successor
719 agency.
- 720 “Shelter for the homeless” means a building used primarily to provide on-site meals,
721 shelter and secondary personal services such as showers and haircuts to the homeless
722 and the needy on a nonpermanent basis for no or nominal compensation.
- 723 Sign. See HCC 21.60.040.
- 724 “Site” means any lot, tract, or parcel of land, or a portion thereof, or any combination
725 thereof that is in one ownership or is contiguous and in diverse ownership, where
726 development exists or will be created as one unit, subdivision, or project.
- 727 “Site plan” means a plan, to scale, showing the proposed use and development of a
728 site. The plan generally includes lot lines, streets, points of vehicular access to the site,
729 building sites, reserved open space, existing buildings, major landscape features (both
730 natural and manmade), and the locations of utility lines. Additional information may
731 be required on a site plan by applicable provisions of the zoning code.
- 732 “Slash pile” means a row or pile of woody debris from timber harvesting, land
733 clearing, or similar activity.
- 734 “Slope” means, with respect to two points on the surface of the ground, the ratio,
735 expressed as a percentage, of the difference between their elevations divided by the
736 horizontal distance between them. Slope is measured as provided in HCC 21.05.040.
- 737 “Small wind energy system” means a wind energy system having a rated capacity of
738 less than 25 kilowatts and a total height less than 170 feet, whose primary function is
739 to provide electric power for on-site consumption.
- 740 “Stabilization” means the prevention of soil movement by any of various vegetative or
741 structural means.

742 “Stable, private” means an accessory building in which one or more horses are kept for
743 private use and enjoyment and not for boarding, hire or sale; or in which not more than
744 one horse is kept for boarding, hire or sale.

745 “Stable, public” means a building in which two or more horses are kept for boarding,
746 hire or sale.

747 “State highway” means a street designated by the State as a part of the State highway
748 system.

749 “Steep slope” means an elevation change in topography of at least 15 feet, with an
750 average slope of not less than 45 percent (one foot difference in elevation per 2.22 feet
751 of horizontal distance). A steep slope can occur naturally or can be created by
752 excavation into or filling over natural ground.

753 “Stormwater management” means:

754 1. For quantitative control, a system of vegetative and structural measures that control
755 the increased volume and rate of surface runoff caused by manmade changes to the
756 land; and

757 2. For qualitative control, a system of vegetative, structural, and other measures that
758 reduce or eliminate pollutants that might otherwise be carried by surface runoff.

759 “Stormwater management, off-site” means the design and construction of a facility
760 necessary to control stormwater from more than one development.

761 “Stormwater management, on-site” means the design and construction of systems
762 necessary to control stormwater within an immediate development site.

763 “Stormwater management plan” or “SWP” means a set of drawings or other
764 documents prepared according to the requirements of this title and submitted by a
765 person as a prerequisite to obtaining a stormwater management approval. A SWP will
766 contain all of the information and specifications pertaining to stormwater management.

767 “Stormwater runoff” means flow on the surface of the ground, resulting from
768 precipitation or snow melt.

769 “Story” means that portion of a building included between the upper surface of any
770 floor and the upper surface of the floor next above, except that the topmost story shall
771 be that portion of a building included between the upper surface of the topmost floor
772 and the ceiling or roof above. If the finished floor level directly above a basement or
773 cellar is more than six feet above grade for more than 50 percent of the total perimeter
774 or is more than 12 feet above grade at any point, such basement or cellar shall be
775 considered a story.

776 “Story, half” means a story under a gable, hip, gambrel or mansard roof, the wall
777 plates of which on at least two of its opposite exterior walls are not more than two feet
778 above the floor of such story.

779 “Stream” means any body of flowing water, including a river, creek, tributary, or other
780 watercourse.

781 “Stream banks” are defined by the steep or sloping ground that borders a stream and
782 confines the water in the natural channel when the water level or flow is normal.

783 “Stream, intermittent” means a stream that does not flow continuously but stops or
784 dries up from time to time.

785 “Stream, perennial” means a stream that flows continuously throughout the year, in
786 contrast to an intermittent stream.

787 “Street” means a public thoroughfare including a public street, road or highway of any
788 description that affords a principal means of access to abutting property. Street does
789 not include alley or driveway.

790 “Street line” means the line of demarcation between a street right-of-way and the
791 abutting lot(s).

792 “Stripping” means any activity that removes the vegetative surface cover including
793 tree removal, clearing, grubbing and storage or removal of topsoil.

794 “Structural alteration” means any change of the supporting members of a building or
795 structure such as bearing walls, columns, beams or girders.

796 “Structure” means anything constructed or erected that requires location on the ground
797 or that is attached to something having location on the ground.

798 “Studio” means a room, rooms or building where an artist or photographer does work,
799 a place where dancing lessons, music lessons, or similar artistic lessons are given, or
800 where radio or television programs are produced or where recordings are made.

801 “Taxi” means any motor vehicle, permitted and licensed by the City, having a
802 manufactured-rated seating capacity of nine passengers or less engaged in the carrying
803 of persons in exchange for receiving fares, not operated over a fixed route, and subject
804 to calls from a central location or otherwise operated for hire to perform public
805 transportation.

806 “Taxi operation” means a taxi business operated from a fixed location, but not limited
807 in its operation to any particular route, which may include a dispatch office and
808 vehicle fleet parking.

809 “Timber growing, harvesting and forest crops” means the growing, harvesting, or both,
810 for commercial purposes, of (1) trees including, without limitation, live trees,
811 Christmas trees and tree products in the form of logs, chunks, bark chips or similar
812 items; or (2) minor forest crops such as cones, ferns, greenery, berries and moss.

813 “Total suspended solids” means the sum of the organic and inorganic particles (e.g.,
814 sediment) suspended in and carried by a fluid (e.g., water).

815 “Tower, amateur radio” means a fixed vertical structure used exclusively to support an
816 antenna used by an amateur radio operator licensed by the Federal Communications
817 Commission, plus its accompanying base plates, anchors, guy cables and hardware.

818 “Tower, communications” means a fixed vertical structure built for the primary
819 purpose of supporting wireless communications equipment, plus its accompanying
820 base plates, anchors, guy cables and hardware.

821 “Townhouse” means a building on its own separate lot containing one dwelling unit
822 that occupies space from the ground to the roof and is attached to one or more other
823 townhouse dwelling units by at least one common wall.

824 “Trip” in reference to traffic means a single one-way motor vehicle movement either
825 to or from a subject property or study area.

826 “Turbidity” means an expression of the optical property that causes light to be
827 scattered and absorbed rather than transmitted in straight lines through a water sample;
828 turbidity in water is caused by the presence of suspended matter such as clay, silt,
829 finely divided organic and inorganic matter, plankton, and other microscopic
830 organisms.

831 “Use” means the purpose for which land or a structure is occupied, arranged, designed
832 or intended, or for which either land or a structure is or may be occupied or
833 maintained.

834 “Use, principal” means the use of a lot or structure that is of chief importance or
835 function on the lot.

836 “Variance” means any deviation from the requirements of the zoning code authorized
837 by the Planning Commission pursuant to Chapter 21.72 HCC.

838 “Vehicle fleet” means a group of vehicles operated under unified control.

839 Vehicle Maintenance. See “auto repair.”

840 Vehicle Repair. See “auto repair.”

841 “Visibility or vision clearance” means the assurance of adequate and safe vision
842 clearance particularly for vehicle operators and pedestrians; a specified area of
843 clearance at corners of intersections where no plantings, walls, structures or temporary
844 or permanent obstructions exceeding a specified height above the curb level are
845 allowed.

846 “Water-dependent” means a use or activity that can be carried out only on, in or
847 adjacent to water areas because the use requires access to the water body.

848 “Water quality volume” or “WQv” means the volume needed to capture and treat 90
849 percent of the average annual runoff volume at a development site.

850 “Water-related” means a use or activity that is not directly dependent upon access to a
851 water body, but which provides goods and services that are directly associated with
852 water-dependent uses or activities.

853 “Watercourse” means any natural or artificial stream, river, creek, ditch, channel,
854 canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any
855 adjacent area that is subject to inundation from overflow or floodwater.

856 “Watershed” means any area of land that water flows or drains under or across ground
857 on its way to a lake, pond, river, stream, or wetland. A watershed can be delineated on
858 a topographical map by connecting the high points of the contour lines surrounding
859 any water body.

860 “Wetland” means an area of land that is inundated or saturated by surface or
861 groundwater at a frequency and duration sufficient to support, and that under normal
862 circumstances do support, a prevalence of vegetation typically adapted for life in
863 saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and
864 similar areas.

865 Wholesale. See “business, wholesale.”

866 “Wind energy system” means a wind turbine and its supporting wind energy system
867 tower.

868 “Wind energy system tower” means a fixed vertical structure that supports a wind
869 turbine, including a monopole or lattice tower, plus its accompanying base plates,
870 anchors, guy cables and hardware.

871 “Wind turbine” means a bladed or other type of rotating mechanism that converts wind
872 energy into electric energy.

873 “Wireless communications equipment” means the set of equipment and network
874 components used in the provision of wireless communications services, including
875 without limitation antennas, transmitters, receivers, base stations, equipment shelters,

876 cabinets, emergency generators, power supply cables, and coaxial and fiber optic
877 cables, but excluding any wireless communications support structure.

878 “Wireless communications services” means transmitting and receiving information by
879 electromagnetic radiation, by an operator (other than an amateur radio operator)
880 licensed by the Federal Communications Commission.

881 “Wireless communications support structure” means a structure that is designed to
882 support, or is capable of supporting, wireless communications equipment, including a
883 communications tower, utility pole, or building.

884 “Yard” means a required open, unoccupied space on a lot. A yard is unobstructed by
885 any structure or portion of a structure from 30 inches above the general ground level of
886 the graded lot upward, except (1) fences, walls, posts, poles and other customary yard
887 accessories, ornaments and furniture may be permitted in any yard subject to height
888 limitations and requirements limiting obstruction of visibility, and (2) certain
889 structures may be permitted in certain yards when authorized by code provisions
890 applicable to a particular zoning district.

891 “Yard, front” means a yard extending across the full width of a lot, the depth of which
892 is the minimum horizontal distance between the front lot line and a line parallel
893 thereto.

894 “Yard, rear” means a yard extending across the full width of the lot, the depth of
895 which is the minimum horizontal distance between the rear lot line and a line parallel
896 thereto.

897 “Yard, side” means a yard between a main building and the side lot line extending
898 from the front yard to the rear yard.

899 “Zoning code” means this title.

900 “Zoning districts” means those districts established and described in Division II of this
901 title.

902 Section 2. Section 21.54.200 entitled “Standards for recreational vehicle parks-General” is
903 amended to read as follows:

904
905 Section 21.54.200 Standards for recreational vehicle parks-General.

906
907 HCC 21.54.200 through 21.54.340~~25~~ establish standards governing recreational vehicle
908 parks, **recreational vehicles in residential zoning districts, and employee-occupied**
909 **recreational vehicles.**

910
911 Section 3: Section 21.54.210 entitled “Spaces and occupancy” is amended to read as follows:
912

913 Section 21.54.210 Space and occupancy.

914

915 a. Space Size. The space provided for each recreational vehicle shall be a minimum of 600
916 square feet, exclusive of any space used for common areas, driving lanes, walkways,
917 general use structures, and landscaped areas.

918

919 b. Identification. Each recreational vehicle space shall be plainly marked and numbered for
920 identification.

921

922 c. Occupancy. Only one recreational vehicle shall occupy a space. Recreational vehicle
923 parks may be open on a year-round basis. **Except as otherwise permitted under this title,**
924 ~~n~~No recreational vehicle shall be parked for occupancy in a recreational vehicle park for
925 more than 30 continuous days, nor shall a recreational vehicle be parked for occupancy in
926 a recreational vehicle park for more than 120 days in any 12-month period.

927

928

929 Section 4. Homer City Code 21.54 is amended to add section 21.54.325 to read as follows:

930

931 21.54.325 Standards for recreational vehicles in the Marine Commercial District and the
932 Marine Industrial District.

933

934 Outside of recreational vehicle parks, the use of recreational vehicles in the marine
935 commercial and industrial zoning districts shall conform to the following standards:

936

937 a. A property owner may have one employee-occupied recreational vehicle per lot. An
938 employee-occupied recreational vehicle must be a self-contained recreational vehicle
939 and must have a receptacle approved by law for collection of liquid and semi-solid
940 wastes. While the employee-occupied recreational vehicle is parked on the property, it
941 must be parked in a manner that will not create a dangerous or unsafe condition on the
942 lot or adjacent properties. Parking in such fashion that the recreational vehicle may tip
943 or roll constitutes a dangerous and unsafe condition. A parked employee-occupied
944 recreational vehicle must be in a condition for the safe and effective performance of its
945 intended function as an operable motor vehicle.

946

947 b. An employee-occupied recreational vehicle may not be placed in a parking space
948 required to comply with the Homer Zoning Code.

949

950 c. An employee-occupied recreational vehicle may not directly hook-up to municipal
951 water and sewer without first obtaining written approval by the Public Works Director
952 or his or her designee. The Public Works Director shall grant approval for direct hook-
953 up to the municipal water and sewer if he or she determines that the applicant is in full
954 compliance with this Title. A permit under this subsection may only be submitted by a
955 property owner or a lessee of the property.

956

957 Section 5: This ordinance is of a permanent and general character and shall be included in the
958 City Code.

959
960 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS __ DAY OF
961 _____, 2017.

962
963 CITY OF HOMER

964
965
966
967 _____
968 BRYAN ZAK, MAYOR

969 ATTEST:

970
971
972 _____
973 MELISSA JACOBSEN, MMC, CITY CLERK

974
975
976 AYES:

977 NOES:

978 ABSTAIN:

979 ABSENT:

980
981
982 First Reading:

983 Public Hearing:

984 Second Reading:

985 Effective Date:

986
987
988 Reviewed and approved as to form:

989
990
991 _____
992 Mary K. Koester, City Manager

Holly Wells, City Attorney

993
994 Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Planning

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(p) 907-235-3106

(f) 907-235-3118

Memorandum PL 17-08

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: November 28, 2017
SUBJECT: Planning Staff review of ordinance permitting employee-occupied RV's in the Marine Commercial and Marine Industrial Districts.

Planning Staff review per 21.95.040

21.95.040 Planning Department review of code amendment. The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

A. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Staff response: This proposal to varying degrees supports the goals and objectives listed below.

1. 2008 Comprehensive Plan Chapter 4, Land Use Goal 1: Guide Homer's growth with a focus on increasing the supply and diversity of housing, protect community character, encouraging infill, and helping minimize global impacts of public facilities including limiting greenhouse gas emissions. Objective E: Consider regional and global impacts of development in Homer. Implementation Strategy 2: Encourage a concentrated development pattern to reduce the need for vehicle trips and encourage non-motorized transportation.
2. 2008 Comprehensive Plan Chapter 8, Economic Vitality Goal 9: Encourage a range of sustainable housing options suitable for diverse income levels.

B. Will be reasonable to implement and enforce.

Staff response: The ordinance may be challenging to enforce. It will be reasonable when working with the cooperation of leasees and owners.

C. Will promote the present and future public health, safety and welfare.

Staff response: This amendment promotes health, safety and welfare by locating 'extra eye's' in commercial and industrial areas that have experienced a fair amount of crime.

D. Is consistent with the intent and wording of the other provisions of this title.

Staff response: This amendment has been reviewed by the City Attorney and is consistent with the intent, wording and purpose of HCC Title 21.

STAFF COMMENTS/RECOMMENDATIONS:

Planning staff has reviewed the ordinance per 21.95.040 and recommends the Planning Commission conduct a public hearing, and make a recommendation to the City Council.

