

1 CITY OF HOMER
2 HOMER, ALASKA

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4 ORDINANCE 13-42(A)
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6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE DEFINITION OF "DISCONTINUED" IN HOMER
8 CITY CODE 21.61.015, DEFINITIONS, TO EXTEND THE TIME
9 REQUIRED TO DISCONTINUE A NONCONFORMING USE FROM 12
10 MONTHS TO ~~36~~ 24 MONTHS.

11
12 WHEREAS, The City's zoning code permits the continuation of a lawful nonconforming
13 use subject to limitations; and

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15 WHEREAS, One such limitation is that the right to maintain a nonconforming use
16 terminates when the use ceases and has not substantially resumed for a period of 12
17 consecutive months; and

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19 WHEREAS, Due to factors outside the control of the former or successor operator of a
20 nonconforming use, the time required for a successor operator to resume the operation of
21 the use may exceed 12 months, resulting in an unfair forfeiture of the right to maintain the
22 use; and

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24 WHEREAS, A ~~36~~ 24-month limit on the time a nonconforming use may cease will
25 provide a more reasonable time for a successor operator to accomplish the steps necessary
26 to resume operation of the use.

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28 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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30 Section 1. The definition of "Discontinued" in HCC 21.61.015, Definitions, is hereby
31 amended to read as follows:

32
33 "Discontinued" means that a nonconforming use has ceased, and has not
34 substantially resumed, for a period of 24 ~~36-12~~ consecutive months, regardless of intent.

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

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39 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
40 _____ 2013.

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[Added language underlined. ~~Deleted language stricken through.~~]

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CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form.

Walt Wrede, City Manager

Thomas F. Klinkner, City Attorney

Date: _____

Date: _____

Fiscal Note: N/A

[Added language underlined. Deleted language stricken through.]