

Filed  
3/12/18

**CITY OF HOMER  
HOMER, ALASKA**

Aderhold/  
Cannabis Advisory Commission

**ORDINANCE 18-08**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING HOMER CITY CODE 21.28.020, PERMITTED USES AND  
STRUCTURES; ADDING MARIJUANA RETAIL FACILITIES IN THE  
MARINE COMMERCIAL DISTRICT.

WHEREAS, It is in the City's best interest to draft comprehensive regulations regarding  
the use of property within the City to cultivate, manufacture marijuana or to operate a retail  
store selling marijuana; and

WHEREAS, The City is dedicated to drafting regulations that prevent the distribution of  
marijuana to minors; prevents revenue from the sale of marijuana from going to criminal  
enterprises, gangs, and cartels; prevents the diversion of marijuana from states where it is legal  
under state law in some form to other states; prevents state-authorized marijuana activity  
from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal  
activity; prevents violence and the use of firearms in the cultivation and distribution of  
marijuana; prevents drugged driving and the exacerbation of other adverse public health  
consequences associated with marijuana use; prevents the growing of marijuana on public  
lands and the attendant public safety and environmental dangers posed by marijuana  
production on public land; and prevents marijuana possession or use on federal property.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.28.020 is hereby amended to read as follows:

Section 21.28.020 Permitted uses and structures.

The following uses are permitted outright in the Marine Commercial District, except  
when such use requires a conditional use permit by reason of size, traffic volumes, or  
other reasons set forth in this chapter:

- a. Offices for tourism-related charter and tour businesses, such as fishing, flightseeing,  
day excursions and boat charters and tours;
- b. Marine equipment sales, rentals, service, repair and storage;

**[Bold and underlined added. Deleted language stricken through.]**

c. Retail stores limited to the sale of seafood products, sporting goods, curios, and arts and crafts;

d. Business offices for water-dependent and water-related activities such as fish brokers, off-shore oil and gas service companies, and stevedores;

e. Customary accessory uses that are clearly subordinate to the main use of the lot or building such as piers or wharves; provided, that separate permits shall not be issued for the construction of an accessory structure prior to that of the main structure;

f. Mobile food services;

g. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this zoning district;

h. Recreational vehicle parks, provided they shall conform to the standards in Chapter 21.54 HCC;

i. Restaurants;

j. Cold storage facilities;

k. Campgrounds;

l. Manufacturing, processing, cooking, and packing of seafood products;

m. Parks;

n. Boat launching or moorage facilities, marinas;

o. Caretaker, business owner or employee housing as an accessory use to a primary use, and limited to no more than 50 percent of the floor area of a building and for use by an occupant for more than 30 consecutive days;

p. Lodging as an accessory use, limited to no more than 50 percent of the floor area of a building;

q. As an accessory use, one small wind energy system per lot;

**r. Marijuana retail facilities as defined by state law.**

**Section 2.** This ordinance shall take effect upon its adoption by the Homer City Council.

Section 3. This ordinance is of a permanent and general character and shall be included in the City code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_ day of \_\_\_\_\_ 2018.

CITY OF HOMER

\_\_\_\_\_  
BRYAN ZAK, MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Reading:

Second Reading:

Effective Date:

Reviewed and approved as to form:

\_\_\_\_\_  
Katie Koester, City Manager

\_\_\_\_\_  
Holly C. Wells, City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_