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11-26-18 yj

**CITY OF HOMER
HOMER, ALASKA**

Smith

ORDINANCE 18-51

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING HOMER CITY CODE CHAPTER 21.18 CENTRAL
BUSINESS DISTRICT, SECTION 21.18.020 PERMITTED USES AND
STRUCTURES TO DELETE MARIJUANA CULTIVATION FACILITIES
AS A PERMITTED USE.

WHEREAS, Marijuana cultivation produces an odor that many consider disruptive to neighboring stores, restaurants, and service providers in the Commercial Business District; and

WHEREAS, The commercial activities of testing and selling of marijuana is a natural fit for the Commercial Businesses District in Homer that is rich with a variety of business activity; and

WHEREAS, Cultivation of marijuana is incompatible with the dense retail nature of the Commercial Business District.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Homer, Alaska that:

Section 1. Homer City Code Chapter 21.18 Central Business District, Section 21.18.020 Permitted uses and structures is hereby amended to read:

21.18.020 Permitted uses and structures.

The following uses are permitted outright in the Central Business 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. Retail business where the principal activity is the sale of merchandise and incidental services in an enclosed building;
- b. Personal service establishments;
- c. Professional offices and general business offices;
- d. Restaurants, clubs and drinking establishments that provide food or drink for consumption on the premises;
- e. Parking lots and parking garages, in accordance with Chapter 21.55 HCC;

- 44
- 45 f. Hotels and motels;
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- 47 g. Mortuaries;
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- 49 h. Single-family, duplex, and multiple-family dwellings, including townhouses, but not
50 including mobile homes;
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- 52 i. Floatplane tie-up facilities and air charter services;
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- 54 j. Parks;
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- 56 k. Retail and wholesale sales of building supplies and materials, only if such use, including
57 storage of materials, is wholly contained within one or more enclosed buildings;
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- 59 l. Customary accessory uses to any of the permitted uses listed in the CBD district; provided,
60 that a separate permit shall not be issued for the construction of any detached accessory
61 building prior to that of the main building;
- 62
- 63 m. Mobile homes, provided they conform to the requirements set forth in HCC 21.54.100;
- 64
- 65 n. Home occupations, provided they conform to the requirements of HCC 21.51.010;
- 66
- 67 o. Ministorage;
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- 69 p. Apartment units located in buildings primarily devoted to business or commercial uses;
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- 71 q. Religious, cultural, and fraternal assembly;
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- 73 r. Entertainment establishments;
- 74
- 75 s. Public, private and commercial schools;
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- 77 t. Museums and libraries;
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- 79 u. Studios;
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- 81 v. Plumbing, heating and appliance service shops, only if such use, including the storage of
82 materials, is wholly within an enclosed building;
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- 84 w. Publishing, printing and bookbinding;
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- 86 x. Recreational vehicle parks only if located south of the Sterling Highway (Homer Bypass) from
87 Lake Street west to the boundary of the Central Business District abutting Webber Subdivision,
88 and from Heath Street to the west side of Lakeside Village Subdivision, provided they shall
89 conform to the standards in HCC 21.54.200 and following sections;
- 90 y. Taxi operation limited to a dispatch office and fleet parking of no more than five vehicles;
91 maintenance of taxis must be conducted within an enclosed structure, and requires prior
92 approval by the City Planner of a site, access and parking plan;
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- 94 z. Mobile food services;
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- 96 aa. Itinerant merchants, provided all activities shall be limited to uses permitted outright
97 under this zoning district;
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- 99 bb. Day care homes and facilities; provided, however, that outdoor play areas must be fenced;
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- 101 cc. Rooming house, bed and breakfast and hostel;
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- 103 dd. Auto repair and auto and trailer sales or rental areas, but only on Main Street from Pioneer
104 Avenue to the Sterling Highway, excluding lots with frontage on Pioneer Avenue or the Sterling
105 Highway, subject to the following additional requirements: Vehicles awaiting repair or service,
106 inoperable vehicles, vehicles for parts, and vehicles awaiting customer pickup shall be parked
107 indoors or inside a fenced enclosure so as to be concealed from view, on all sides. The fence
108 shall be a minimum height of eight feet and constructed to prohibit visibility of anything inside
109 of the enclosure. The portion of any vehicle exceeding eight feet in height may be visible
110 outside of the fence. Vehicle parts (usable or unusable), vehicle service supplies, and any other
111 debris created in the repair or servicing of vehicles shall also be stored indoors or inside the
112 fenced enclosure out of view of the public;
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- 114 ee. Farmers' market;
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- 116 ff. Dormitory;
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- 118 gg. Financial institutions;
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- 120 hh. As an accessory use, one small wind energy system per lot having a rated capacity not
121 exceeding 10 kilowatts;
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- 123 ii. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal
124 single-family dwelling on a lot;
- 125
- 126 jj. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities
127 as defined by State law.

