

CITY OF HOMER  
HOMER, ALASKA

Mayor

ORDINANCE 19-32

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 2.72 ADVISORY PLANNING COMMISSION; HOMER CITY CODE 11.12.010 STREET ADDRESS ASSIGNMENT PLAN ADOPTED; HOMER CITY CODE 21.03.040 DEFINITIONS USED IN ZONING; AND HOMER CITY CODE 22.10.040 APPLICABLE AND EXEMPTED SUBDIVISIONS TO CHANGE THE NAME OF THE ADVISORY PLANNING COMMISSION TO THE PLANNING COMMISSION THROUGHOUT.

WHEREAS, The Homer Advisory Planning Commission provides local knowledge and advice to the Kenai Peninsula Borough Planning Commission for matters that fall within their authority; and

WHEREAS, The Homer Advisory Planning Commission provides Advisory comments concerning municipal policy and code development to the Homer City Council; and

WHEREAS, The Homer Advisory Planning Commission has been granted the authority to interpret the City's planning and zoning code and render decisions; and

WHEREAS, The inclusion of the word "Advisory" in the Commission's name, has connotations of it being only Advisory; and

WHEREAS, The Commission regularly and legally act in a quasi-judicial and decisive body.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. HCC Chapter 2.72 Advisory Planning Commission is hereby amended as follows:

Chapter 2.72  
~~ADVISORY~~ PLANNING COMMISSION

Sections:

2.72.010 Homer ~~Advisory~~ Planning Commission established.

2.72.020 Incorporation of State law.

2.72.030 Duties and powers.

43 2.72.040 Terms of Commission members.

44 2.72.050 Zoning powers and duties.

45 2.72.060 Record of proceedings.

46

47 Prior legislation: Ord. 16-100.1.

48

49 2.72.010 Homer ~~Advisory~~ Planning Commission established.

50

51 a. In order to maximize local involvement in planning, and in the implementation and  
52 modification of the Homer zoning ordinance, the Homer ~~Advisory~~ Planning Commission is  
53 established. ~~Advisory~~ Planning Commission jurisdiction is limited to the area within the City  
54 boundaries.

55

56 b. The Homer ~~Advisory~~ Planning Commission shall have seven members. No more than one of  
57 its members may be from outside the City limits. Members shall be appointed by the Mayor  
58 subject to confirmation by the City Council.

59

60 c. A Chairman and Vice-Chairman of the Commission shall be selected annually and shall be  
61 appointed from and by the appointive members.

62

63 d. The Mayor, City Manager or his designee and Public Works Director, or his designee, shall  
64 serve as consulting members of the Commission in addition to the seven appointive members,  
65 and may attend all meetings as consultants, but shall have no vote. [Ord. [82-15](#), 1982; Ord. [79-](#)  
66 [12](#), 1979. Code 1967 § 16-100.1; Code 1981 § 1.76.010].

67

68 2.72.020 Incorporation of State law.

69

70 The laws of the State of Alaska dealing with the planning and zoning commissions present and  
71 future are incorporated into this chapter as if expressly included in this chapter. [Ord. [82-15](#)  
72 § 2, 1982. Code 1967 § 16-100.2; Code 1981 § 1.76.020].

73

74 2.72.030 Duties and powers.

75

76 The Commission shall be required to do the following:

77

78 a. Develop, adopt, alter or revise, subject to approval by the City Council, a master plan for the  
79 physical development of the City. Such master plan with accompanying maps, plats, charts,  
80 **descriptive and explanatory matter shall show the Commission's recommendations for the**  
81 **development of the City territory, and may include, among other things:**

82

83 1. Development of the type, location and sequence of all public improvements;

84

85           2. The relocation, removal, extension or change of use of existing or future public ways,  
86           grounds, spaces, buildings, properties and utilities;

87

88           3. The general extent and location of rehabilitation areas.

89

90           When a master plan for the City has been approved by the Council, amendments, revisions and  
91           extensions thereof may be adopted by the Council after consideration and report by the  
92           Commission;

93

94           b. Review and comment on all proposed vacations, abbreviated subdivision plats, subdivision  
95           plat waivers, and preliminary plats of land within the City before their submittal to the Kenai  
96           Peninsula Borough, as provided in KPBC 20.25.050;

97

98           c. Draft an official map of the City and recommend or disapprove proposed changes in such  
99           map;

100

101           d. Promote public interest in and understanding of the master plan and of general regulations  
102           with regard to planning and zoning;

103

104           e. Make investigations regarding any matter related to City planning;

105

106           f. Make and prepare reports, prints, plats and plans for approval by the City Council;

107

108           g. Make or cause to be made surveys, maps and plans relating to the location and design of any  
109           public building, dock, beach, ski ground, statue, memorial, park, parkway, boulevard, street,  
110           alley or playground. For the purpose of implementing this subsection, all departments of the  
111           City considering any such improvement are required, and all public agencies not a part of the  
112           City are requested, to inform the Commission of the proposed improvement, and submit such  
113           pertinent information to the Commission and within such time as will enable the Commission  
114           to recommend to City Council whether the proposed improvement is consistent with the  
115           general plan and established planning principles. No public improvement shall be authorized  
116           by City Council until the recommendation of the Commission shall have been received, but the  
117           City Council shall not be bound by that recommendation. [Ord. [14-41](#) § 1, 2014; Code 1967 § 16-  
118           100.3; Code 1981 § 1.76.030].

119

120           2.72.040 Terms of Commission members.

121

122           a. Members of the first Commission shall be appointed for the following terms:

123               1. Three members shall be appointed for three-year terms;

124               2. Two members shall be appointed for two-year terms;

125               3. Two members shall be appointed for one-year terms.

126

127 b. At the end of the respective terms set forth in subsection (a) of this section, members shall  
128 be appointed for full three-year terms.

129  
130 c. Any Commissioner who shall have two successive unexcused absences shall be subject to  
131 removal by the Commission by a majority vote of the members present. [Ord. 78-2 § 1, 1978.  
132 Code 1967 § 16-100.4; Code 1981 § 1.76.040].

133  
134 2.72.050 Zoning powers and duties.

135  
136 a. The Homer ~~Advisory~~ Planning Commission shall exercise zoning authority delegated by the  
137 Borough Assembly:

138  
139 1. Interpret the provisions of this chapter and make zoning compliance determinations  
140 when requested by the local administrative official;  
141 2. Act upon requests for PUDs, variances and conditional use permits; and  
142 3. Prepare and recommend to the Homer City Council modifications to the Homer City  
143 zoning ordinance.

144 b. The Homer ~~Advisory~~ Planning Commission shall adopt additional procedural rules  
145 approved by the City Council.

146 c. The fee schedule shall be established by resolution of the City Council. [Ord. [82-15](#)  
147 § 3, 1982. Code 1981 § 1.76.050].

148  
149 2.72.060 Record of proceedings.

150  
151 The Commission shall meet regularly twice a month, and permanent records or minutes shall  
152 be kept of Commission proceedings, and such minutes shall record the vote of each member  
153 upon every question. Copies of such minutes shall be filed in the office of the City Clerk, shall  
154 be provided to the City Council not later than its first regular meeting after their preparation,  
155 and shall be a public record open to inspection by any person. [Ord. [14-41](#) § 2, 2014; Ord. [89-](#)  
156 [21\(A\)](#) § 3, 1989. Code 1967 § 16-100.6; Code 1981 § 1.76.060].

157  
158 Section 2. HCC 11.12.010 Street address assignment plan adopted is hereby amended  
159 to read:

160  
161 11.12.010 Street address assignment plan adopted.

162  
163 A plan for assigning street addresses in the City of Homer, Alaska, dated January 8, 1975, and  
164 amended August 13, 1979, as prepared by the Homer ~~Advisory~~ Planning Commission is  
165 adopted. The plan is to be kept on file in the office of the City Clerk, and is subject to  
166 amendment by Council resolution. [Ord. 13-28(A) § 2, 2013. Code 1967 § 14-600.1].

167  
168

169            Section 3. HCC 21.03.040 Definitions used in zoning code shall be amended as follows:

170

171            21.03.040 Definitions used in zoning code.

172

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

176

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

179

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

183

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

186

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

190

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

194

195            **Aggrieved. See “person aggrieved.”**

196

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

203

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

207

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

210

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

213

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

215

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

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

221

Kinds and classes of animals	Animal- equivalent 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	0.10

222

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

225

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

227

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

230

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

234

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

236

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

239

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

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

246

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

248

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

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

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

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

258

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

262

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

269

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

272

273 “BCWP district” means the “Bridge Creek Watershed Protection District” described in Chapter  
274 21.40 HCC.

275

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

281

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

285  
286 “Boat storage yard” means a lot used for the indoor or outdoor commercial dry storage of  
287 boats.

288  
289 “Bridge Creek Watershed” means the watershed contributing to the City’s reservoir at Bridge  
290 Creek.

291  
292 “Buffer” means an open space, landscaped area, fence, wall, berm, or any combination thereof  
293 used to physically separate or screen one use or property from another so as to shield or block  
294 visibility, noise, lights, or other undesirable effects.

295  
296 “Buffer, runoff” means an area of natural or planted vegetation through which stormwater  
297 runoff flows in a diffuse manner so that the runoff does not become channelized and that  
298 provides for infiltration of the runoff and filtering of silt and pollutants. The buffer is measured  
299 landward from the normal full water elevation of impounded structures and from the top of  
300 the bank of each side of a stream, river, ditch, or other channel.

301  
302 “Buffer, stream” means a runoff buffer of a designated distance on each side of a channel  
303 measured perpendicularly from the top of the bank of each side of a stream, river, ditch, or  
304 other channel.

305  
306 “Building” means any structure used or intended for supporting or sheltering any use or  
307 occupancy.

308  
309 “Building construction” means the placing of construction materials in a permanent position  
310 and fastened in a permanent manner in the course of constructing or erecting a building.

311  
312 “Building height” is the vertical distance from grade to the maximum point of measurement of  
313 the building, measured according to HCC 21.05.030.

314  
315 “Building, main” means the building of chief importance or function on the lot.

316  
317 “Business, open air” or “open air business” means the retail sale or display of merchandise or  
318 services, including but not limited to farmers’ markets and flea markets, conducted outdoors  
319 or under a canopy for protection from the elements and held on a regular or periodic basis.  
320 Open air business does not include (1) outdoor display or sales of goods or services by a retail  
321 or wholesale business that is principally located in a building, or (2) sales, services or rentals of  
322 any kind of boat or motorized vehicle.

323



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

330

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

334

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

337

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

341

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

344

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

346

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

349

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

352

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

357

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

361

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

364

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

367

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

370

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

373

374 “Commission” means the Homer Advisory Planning Commission.

375

376 “Community Design Manual” means the Community Design Manual for the City of Homer,  
377 adopted by City Council Resolution 04-34, as may be amended from time to time.  
378 Comprehensive Plan. See HCC 21.02.010.

379

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

385

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

389

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

393

394 “Day care home” means the principal dwelling unit of one or more persons who regularly  
395 provide(s) care, in the dwelling unit, whether or not for compensation, during any part of the  
396 24-hour day, to eight or less children at any one time, not including adult members of the  
397 family residing in the dwelling. The term “day care home” is not intended to include baby-  
398 sitting services of a casual, nonrecurring nature, child care provided in the child’s own home,  
399 or cooperative, reciprocating child care by a group of parents in their respective dwellings.

400

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

404

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

406

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

410

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

413

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

417

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

423

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

428

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

431

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

434

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

437

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

440

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

447

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

450

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

455

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

458

459 “Drive-in car wash” means automated or manual car wash facilities and equipment used for  
460 retail car wash services enclosed within a building, which may include accessory vacuum  
461 cleaning and other equipment for car interior detailing outside of a building.

462

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

466

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

470

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

473

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

480

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

483

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

486

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

490 Educational Institution. See “school.”

491

492 “Employee-occupied recreational vehicle” means a recreational vehicle utilized by an  
493 employee or employer for housing.

494

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

497

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

500

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

503

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

507

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

511

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

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

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

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

519 4. Created, sewn, constructed, or otherwise fashioned from component materials by  
520 the seller.

521

522 Fence Height. See HCC 21.05.030(d).

523

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

526

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

528

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

531

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

534 Garage, Public. See “auto repair.”

535

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

538

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

541

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

545

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

548

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

554

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

557

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

560

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

564

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

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

568

569 “Home occupation” means any use customarily conducted entirely within a dwelling or a  
570 building accessory to a dwelling, and carried on by the dwelling occupants, that is clearly  
571 incidental and secondary to the use of the dwelling for dwelling purposes and does not change  
572 the character thereof, and includes no display of stock in trade, no outside storage of materials

573 or equipment and no commodity sold upon the premises. “Home occupation” does not  
574 include bed and breakfast.

575

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

577

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

581

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

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

588

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

594

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

600

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

605

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

607

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

610

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

612

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

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

621  
622 “Junkyard” means any lot, or portion of a lot, that is used for the purpose of outdoor collection,  
623 storage, handling, sorting, processing, dismantling, wrecking, keeping, salvage or sale of junk.  
624

625 “Kennel” means any land and any buildings thereon where three or more dogs, cats, or other  
626 animals at least four months of age are kept for boarding, propagation or sale. If a use meets  
627 the definitions of both “dog lot” and “kennel,” it shall be classified as a dog lot.  
628

629 “Kitchen” means any room or part of a room intended or designed to be used for cooking or  
630 the preparation of food. The presence of a range or oven, or utility connections suitable for  
631 servicing a range or oven, shall be considered as establishing a kitchen.  
632

633 “Landscaping” means lawns, trees, plants and other natural materials, such as rock and wood  
634 chips, and decorative features, including sculpture.  
635

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

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

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

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

653 4. “LOS D” means the LOS at which speeds begin to decline with increasing traffic flow,  
654 density begins to increase somewhat more quickly, passing demand is very high while  
655 passing capacity approaches zero, and the driver experiences reduced physical and  
656 psychological comfort levels; the percentage of time motorists are delayed approaches



657 75 percent, even minor incidents can be expected to back up traffic because the traffic  
658 stream has little space to absorb disruptions.

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

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

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

668  
669 **“Living ground cover” means low growing, spreading, perennial plants that provide**  
670 continuous coverage of the area.

671  
672 **“Living plant life other than ground cover” means plants, including, but not limited to, trees,**  
673 flower beds, rock gardens, shrubs and hedges.

674  
675 **“Loading space” means an off-street space on the same lot with a building or contiguous to a**  
676 group of buildings, designated or intended for the use of temporarily parked commercial  
677 vehicles while loading and unloading, and that abuts upon a street, alley or other appropriate  
678 means of access.

679  
680 **“Lodging” means any building or portion of a building that does not contain a dwelling unit**  
681 and that contains no more than five guest rooms that are used, rented or hired out to be  
682 occupied for sleeping purposes by guests.

683  
684 **LOS. See “level of service.”**

685  
686 **“Lot” means a single parcel of land of any size, the boundaries of which have been established**  
687 by some legal instrument of record, that is recognized and described as a unit for the purpose  
688 of transfer of ownership. It may shown on a subdivision plat map, or record of survey map, or  
689 described by metes and bounds and recorded in the office of the District Recorder. **“Lot”**  
690 includes tracts and parcels of land of any size or shape.

691  
692 **“Lot, corner” means a lot situated at the intersection of two or more streets having an angle of**  
693 intersection of not more than 135 degrees.

694  
695 **“Lot depth” means the horizontal distance between the front and rear lot lines measured on**  
696 the longitudinal centerline.

697  
698 **“Lot, interior” means a lot other than a corner lot.**

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

704  
705 “**Lot line, rear**” means a lot line that is opposite and most distant from the front lot line and, in  
706 case of an irregular or triangular lot, a line 10 feet in length within the lot, parallel to and at the  
707 maximum distance from the front lot line.

708  
709 “**Lot line, side**” means any lot boundary line that is not a front lot line or rear lot line.

710  
711 “**Lot, through**” means a lot having a frontage on two parallel or approximately parallel streets.

712  
713 “**Lot width**” means the **width of a** lot calculated according to HCC 21.05.050.

714  
715 “**Luminaire**” means a **complete lighting** unit, including a lamp or lamps together with parts to  
716 distribute light.

717  
718 “**Luminaire, cut-off**” means a luminaire that allows no direct light from the luminaire above the  
719 **horizontal plane through the luminaire’s lowest light emitting part, in its mounted form either**  
720 through manufacturing design or shielding.

721  
722 “**Luminaire, height of**” means the **vertical distance** from the ground directly below the  
723 centerline of the luminaire to the lowest direct light emitting part of the luminaire.

724  
725 “**Ministorage**” means **one or more** buildings containing units available for rent for the purpose  
726 of the general storage of household goods and personal property in which each unit (1) is  
727 separated from all other such units, (2) is fully enclosed, and (3) does not have an area greater  
728 than 600 square feet.

729  
730 “**Mitigation plan**” means a plan designed to **mitigate the effect of impervious cover on water**  
731 flow and loss of ground cover, and may include systems of water impoundment, settling  
732 ponds, grease and sand traps, and leach fields among others.

733  
734 “**Mobile commercial structure**” means a structure constructed as a movable or portable unit,  
735 capable of being transported on its own chassis or wheels, that is designed for nonpermanent  
736 uses and placed on a nonpermanent foundation and is used in any activity that promotes,  
737 supports or involves a land use permitted outright in the zoning district in which the mobile  
738 commercial unit is to be placed.

739

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

742

743 “Mobile home” or “manufactured home” means a structure, transportable in one or more  
744 sections: (1) that in the traveling mode is eight feet or more in width or 40 feet or more in length,  
745 or when erected on site is 320 square feet or more; and (2) that is built on a permanent chassis  
746 and is designed for use as a dwelling with or without a permanent foundation when the  
747 plumbing, heating, and electrical systems contained therein are connected to the required  
748 utilities. A mobile home shall be construed to remain a mobile home whether or not wheels,  
749 axles, hitch or other appurtenances of mobility are removed, and regardless of the nature of  
750 the foundation provided. A mobile home shall not be construed to be a recreational vehicle or  
751 a factory built dwelling.

752

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

755

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

757

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

760

761 Nonconforming Lot. See HCC 21.61.010.

762

763 Nonconforming Structure. See HCC 21.61.010.

764

765 Nonconforming Use. See HCC 21.61.010.

766

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

772

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

776

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

781

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

790  
791 **“Office, professional” means an office maintained and operated for the conduct of a**  
792 **professional business or occupation requiring the practice of a learned art or science through**  
793 **specialized knowledge based on a degree issued by an institute of higher learning, including**  
794 **but not limited to medicine, dentistry, law, architecture, engineering, accounting, and**  
795 **veterinary medicine. General business office and clinic are excluded.**

796  
797 **“Off-road vehicle” means any motorized vehicle designed for or capable of cross-country travel**  
798 **on or immediately over land, water, sand, snow, ice, wetland, or other natural terrain, except**  
799 **that such terms exclude (1) registered motorboats, (2) military, fire, emergency, and law**  
800 **enforcement vehicles when used for such military, emergency, and law enforcement purposes,**  
801 **and (3) any vehicle whose use is expressly approved by the City of Homer.**

802  
803 **“Oil water separators” means passive, physical separation systems, designed for removal of**  
804 **oils, fuels, hydraulic fluids, and similar products from water. They are generally large-capacity,**  
805 **underground cement vaults installed between a drain and the connecting storm drain pipe.**  
806 **These vaults are designed with baffles to trap sediments and retain floating oils. The large**  
807 **capacity of the vault slows down the wastewater, allowing oil to float to the surface and solid**  
808 **material to settle out.**

809  
810 **“Open space” means an area reserved or developed for recreational uses or preserved for its**  
811 **natural amenities. Open space may include squares, parks, bicycle and pedestrian paths,**  
812 **refuges, campgrounds, picnic areas, playgrounds, and gardens. “Open space” does not include**  
813 **outdoor recreation facilities.**

814  
815 **“Overbank flood protection volume” or “Qp” means the volume controlled by structural**  
816 **practices to prevent an increase in the frequency of out of bank flooding generated by**  
817 **development.**

818  
819 **“Overlay district” means a defined area with supplementary regulations that is superimposed**  
820 **upon all or part of one or more underlying zoning districts. The boundaries of an overlay district**  
821 **are usually shown on the official map, but may be established by description**

822 .

823 “Overslope development” means an overslope platform and the structures located on the  
824 overslope platform.

825

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

829

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

832

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

835

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

838

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

840

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

842

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

847

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

852

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

855

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

858

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

861

862 “Person aggrieved” means a person who shows proof of the adverse effect an action or  
863 determination taken or made under the Homer Zoning Code has or could have on the use,

864 enjoyment, or value of real property owned by that person. An interest that is no different from  
865 that of the general public is not sufficient to establish aggrievement.

866

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

869

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

877

878 **“Planned unit development” or “PUD” means a residential, commercial, office, industrial, or**  
879 **other type of development, or a combination thereof, approved under the conditional use**  
880 **procedures and applicable provisions of this title and characterized by comprehensive**  
881 **planning for the entire project, the clustering of buildings to preserve open space and natural**  
882 **features, and provision for the maintenance and use of open space and other facilities held in**  
883 **common by the property owners within the project.**

884

885 **“Planning Commission” means the Homer Advisory Planning Commission.**

886

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

894

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

899

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

904

905 **Principal Use. See “use, principal.”**

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947

“Project” means an existing or proposed development.

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

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

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

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

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

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

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

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

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

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

950

951 “Residential districts” or “residential zoning districts” means the rural residential, urban  
952 residential, and residential office zoning districts.

953

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

956

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

959

960 Road. See “street.”

961

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

965

966 “Rooming house” means a dwelling containing not more than five guest rooms that are used,  
967 rented or hired out to be occupied for sleeping purposes by guests. A rooming house shall not  
968 accommodate in excess of 15 guests. A rooming house shall also include any structures  
969 associated with the dwelling, such as guest cabins; provided, that a conditional use permit was  
970 obtained for any associated structures, if a permit is required in order to have more than one  
971 building containing a permitted principal use on the lot. “Rooming house” does not include  
972 bed and breakfast.

973

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

976

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

981

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

985

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

988



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

992  
993 **“Sediment” means soils or other surficial materials transported or deposited by the action of**  
994 **wind, water, ice, or gravity as a product of erosion.**

995  
996 **“Senior housing” means attached or detached independent living developments, including**  
997 **retirement communities, age-restricted housing and active adult communities.**

998  
999 **Service Station. See “auto fueling station” and “auto repair.”**

1000  
1001 **“Setback” means the required minimum distance between the lot line and a building,**  
1002 **measured according to Chapter 21.05 HCC. The setback area establishes a required yard in**  
1003 **which structures are prohibited or limited as provided in the zoning code.**

1004  
1005 **“Sewer, community” means that portion of a nonpublic sewerage serving:**  
1006 **1. One or more multifamily dwellings;**  
1007 **2. A mobile home park, a trailer park, or a recreational vehicle park;**  
1008 **3. Two or more:**  
1009 **a. Single-family homes or duplexes;**  
1010 **b. Commercial establishments;**  
1011 **c. Industrial establishments; or**  
1012 **d. Institutions; or**  
1013 **4. Any combination of two or more of the structures listed in subsections (3)(a) through**  
1014 **(d) of this definition.**

1015  
1016 **“Sewer, public” means a sewer system operated for the benefit of the public by the City of**  
1017 **Homer or a public utility under a certificate of convenience and necessity issued by the**  
1018 **Regulatory Commission of Alaska or by its predecessor or successor agency.**

1019  
1020 **“Shelter for the homeless” means a building used primarily to provide on-site meals, shelter**  
1021 **and secondary personal services such as showers and haircuts to the homeless and the needy**  
1022 **on a nonpermanent basis for no or nominal compensation.**

1023  
1024 **Sign. See HCC 21.60.040.**

1025  
1026 **“Site” means any lot, tract, or parcel of land, or a portion thereof, or any combination thereof**  
1027 **that is in one ownership or is contiguous and in diverse ownership, where development exists**  
1028 **or will be created as one unit, subdivision, or project.**

1029

1030 **“Site plan” means a plan, to scale, showing the proposed use and development of a site. The**  
1031 **plan generally includes lot lines, streets, points of vehicular access to the site, building sites,**  
1032 **reserved open space, existing buildings, major landscape features (both natural and**  
1033 **manmade), and the locations of utility lines. Additional information may be required on a site**  
1034 **plan by applicable provisions of the zoning code.**

1035  
1036 **“Slash pile” means a row or pile of woody debris from timber harvesting, land clearing, or**  
1037 **similar activity.**

1038  
1039 **“Slope” means, with respect to two points on the surface of the ground, the ratio, expressed**  
1040 **as a percentage, of the difference between their elevations divided by the horizontal distance**  
1041 **between them. Slope is measured as provided in HCC 21.05.040.**

1042  
1043 **“Small wind energy system” means a wind energy system having a rated capacity of less than**  
1044 **25 kilowatts and a total height less than 170 feet, whose primary function is to provide electric**  
1045 **power for on-site consumption.**

1046  
1047 **“Stabilization” means the prevention of soil movement by any of various vegetative or**  
1048 **structural means.**

1049  
1050 **“Stable, private” means an accessory building in which one or more horses are kept for private**  
1051 **use and enjoyment and not for boarding, hire or sale; or in which not more than one horse is**  
1052 **kept for boarding, hire or sale.**

1053  
1054 **“Stable, public” means a building in which two or more horses are kept for boarding, hire or**  
1055 **sale.**

1056  
1057 **“State highway” means a street designated by the State as a part of the State highway system.**  
1058

1059 **“Steep slope” means an elevation change in topography of at least 15 feet, with an average**  
1060 **slope of not less than 45 percent (one foot difference in elevation per 2.22 feet of horizontal**  
1061 **distance). A steep slope can occur naturally or can be created by excavation into or filling over**  
1062 **natural ground.**

1063  
1064 **“Stormwater management” means:**  
1065 **1. For quantitative control, a system of vegetative and structural measures that control**  
1066 **the increased volume and rate of surface runoff caused by manmade changes to the**  
1067 **land; and**  
1068 **2. For qualitative control, a system of vegetative, structural, and other measures that**  
1069 **reduce or eliminate pollutants that might otherwise be carried by surface runoff.**

1070

1071 “Stormwater management, off-site” means the design and construction of a facility necessary  
1072 to control stormwater from more than one development.

1073

1074 “Stormwater management, on-site” means the design and construction of systems necessary  
1075 to control stormwater within an immediate development site.

1076

1077 “Stormwater management plan” or “SWP” means a set of drawings or other documents  
1078 prepared according to the requirements of this title and submitted by a person as a  
1079 prerequisite to obtaining a stormwater management approval. A SWP will contain all of the  
1080 information and specifications pertaining to stormwater management.

1081

1082 “Stormwater runoff” means flow on the surface of the ground, resulting from precipitation or  
1083 snow melt.

1084

1085 “Story” means that portion of a building included between the upper surface of any floor and  
1086 the upper surface of the floor next above, except that the topmost story shall be that portion  
1087 of a building included between the upper surface of the topmost floor and the ceiling or roof  
1088 above. If the finished floor level directly above a basement or cellar is more than six feet above  
1089 grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at  
1090 any point, such basement or cellar shall be considered a story.

1091

1092 “Story, half” means a story under a gable, hip, gambrel or mansard roof, the wall plates of  
1093 which on at least two of its opposite exterior walls are not more than two feet above the floor  
1094 of such story.

1095

1096 “Stream” means any body of flowing water, including a river, creek, tributary, or other  
1097 watercourse.

1098

1099 “Stream banks” are defined by the steep or sloping ground that borders a stream and confines  
1100 the water in the natural channel when the water level or flow is normal.

1101

1102 “Stream, intermittent” means a stream that does not flow continuously but stops or dries up  
1103 from time to time.

1104

1105 “Stream, perennial” means a stream that flows continuously throughout the year, in contrast  
1106 to an intermittent stream.

1107

1108 “Street” means a public thoroughfare including a public street, road or highway of any  
1109 description that affords a principal means of access to abutting property. Street does not  
1110 include alley or driveway.

1111

1112 “Street line” means the line of demarcation between a street right-of-way and the abutting  
1113 lot(s).

1114

1115 “Stripping” means any activity that removes the vegetative surface cover including tree  
1116 removal, clearing, grubbing and storage or removal of topsoil.

1117

1118 “Structural alteration” means any change of the supporting members of a building or structure  
1119 such as bearing walls, columns, beams or girders.

1120

1121 “Structure” means anything constructed or erected that requires location on the ground or  
1122 that is attached to something having location on the ground.

1123

1124 “Studio” means a room, rooms or building where an artist or photographer does work, a place  
1125 where dancing lessons, music lessons, or similar artistic lessons are given, or where radio or  
1126 television programs are produced or where recordings are made.

1127

1128 “Taxi” means any motor vehicle, permitted and licensed by the City, having a manufacturer-  
1129 rated seating capacity of nine passengers or less engaged in the carrying of persons in  
1130 exchange for receiving fares, not operated over a fixed route, and subject to calls from a central  
1131 location or otherwise operated for hire to perform public transportation.

1132

1133 “Taxi operation” means a taxi business operated from a fixed location, but not limited in its  
1134 operation to any particular route, which may include a dispatch office and vehicle fleet  
1135 parking.

1136

1137 “Timber growing, harvesting and forest crops” means the growing, harvesting, or both, for  
1138 commercial purposes, of (1) trees including, without limitation, live trees, Christmas trees and  
1139 tree products in the form of logs, chunks, bark chips or similar items; or (2) minor forest crops  
1140 such as cones, ferns, greenery, berries and moss.

1141

1142 “Total suspended solids” means the sum of the organic and inorganic particles (e.g., sediment)  
1143 suspended in and carried by a fluid (e.g., water).

1144

1145 “Tower, amateur radio” means a fixed vertical structure used exclusively to support an  
1146 antenna used by an amateur radio operator licensed by the Federal Communications  
1147 Commission, plus its accompanying base plates, anchors, guy cables and hardware.

1148

1149 “Tower, communications” means a fixed vertical structure built for the primary purpose of  
1150 supporting wireless communications equipment, plus its accompanying base plates, anchors,  
1151 guy cables and hardware.

1152

1153 “Townhouse” means a building on its own separate lot containing one dwelling unit that  
1154 occupies space from the ground to the roof and is attached to one or more other townhouse  
1155 dwelling units by at least one common wall.

1156  
1157 “Trip” in reference to traffic means a single one-way motor vehicle movement either to or from  
1158 a subject property or study area.

1159  
1160 “Turbidity” means an expression of the optical property that causes light to be scattered and  
1161 absorbed rather than transmitted in straight lines through a water sample; turbidity in water  
1162 is caused by the presence of suspended matter such as clay, silt, finely divided organic and  
1163 inorganic matter, plankton, and other microscopic organisms.

1164  
1165 “Use” means the purpose for which land or a structure is occupied, arranged, designed or  
1166 intended, or for which either land or a structure is or may be occupied or maintained.

1167  
1168 “Use, principal” means the use of a lot or structure that is of chief importance or function on  
1169 the lot.

1170  
1171 “Variance” means any deviation from the requirements of the zoning code authorized by the  
1172 Planning Commission pursuant to Chapter 21.72 HCC.

1173  
1174 “Vehicle fleet” means a group of vehicles operated under unified control.

1175  
1176 Vehicle Maintenance. See “auto repair.”

1177  
1178 Vehicle Repair. See “auto repair.”

1179  
1180 “Visibility or vision clearance” means the assurance of adequate and safe vision clearance  
1181 particularly for vehicle operators and pedestrians; a specified area of clearance at corners of  
1182 intersections where no plantings, walls, structures or temporary or permanent obstructions  
1183 exceeding a specified height above the curb level are allowed.

1184  
1185 “Water-dependent” means a use or activity that can be carried out only on, in or adjacent to  
1186 water areas because the use requires access to the water body.

1187  
1188 “Water quality volume” or “WQv” means the volume needed to capture and treat 90 percent of  
1189 the average annual runoff volume at a development site.

1190  
1191 “Water-related” means a use or activity that is not directly dependent upon access to a water  
1192 body, but which provides goods and services that are directly associated with water-  
1193 dependent uses or activities.

1194

1195 “Watercourse” means any natural or artificial stream, river, creek, ditch, channel, canal,  
1196 conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area that  
1197 is subject to inundation from overflow or floodwater.

1198  
1199 “Watershed” means any area of land that water flows or drains under or across ground on its  
1200 way to a lake, pond, river, stream, or wetland. A watershed can be delineated on a  
1201 topographical map by connecting the high points of the contour lines surrounding any water  
1202 body.

1203  
1204 “Wetland” means an area of land that is inundated or saturated by surface or groundwater at  
1205 a frequency and duration sufficient to support, and that under normal circumstances do  
1206 support, a prevalence of vegetation typically adapted for life in saturated soil conditions.  
1207 Wetlands generally include swamps, marshes, bogs, and similar areas.

1208  
1209 Wholesale. See “business, wholesale.”

1210  
1211 “Wind energy system” means a wind turbine and its supporting wind energy system tower.

1212  
1213 “Wind energy system tower” means a fixed vertical structure that supports a wind turbine,  
1214 including a monopole or lattice tower, plus its accompanying base plates, anchors, guy cables  
1215 and hardware.

1216  
1217 “Wind turbine” means a bladed or other type of rotating mechanism that converts wind energy  
1218 into electric energy.

1219  
1220 “Wireless communications equipment” means the set of equipment and network components  
1221 used in the provision of wireless communications services, including without limitation  
1222 antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency  
1223 generators, power supply cables, and coaxial and fiber optic cables, but excluding any wireless  
1224 communications support structure.

1225  
1226 “Wireless communications services” means transmitting and receiving information by  
1227 electromagnetic radiation, by an operator (other than an amateur radio operator) licensed by  
1228 the Federal Communications Commission.

1229  
1230 “Wireless communications support structure” means a structure that is designed to support,  
1231 or is capable of supporting, wireless communications equipment, including a communications  
1232 tower, utility pole, or building.

1233  
1234 “Yard” means a required open, unoccupied space on a lot. A yard is unobstructed by any  
1235 structure or portion of a structure from 30 inches above the general ground level of the graded  
1236 lot upward, except (1) fences, walls, posts, poles and other customary yard accessories,

1237 ornaments and furniture may be permitted in any yard subject to height limitations and  
1238 requirements limiting obstruction of visibility, and (2) certain structures may be permitted in  
1239 certain yards when authorized by code provisions applicable to a particular zoning district.

1240  
1241 **“Yard, front” means a yard extending across the full width of a lot, the depth of which is the**  
1242 **minimum horizontal distance between the front lot line and a line parallel thereto.**

1243  
1244 **“Yard, rear” means a yard extending across the full width of the lot, the depth of which is the**  
1245 **minimum horizontal distance between the rear lot line and a line parallel thereto.**

1246 **“Yard, side” means a yard between a main building and the side lot line extending from the**  
1247 **front yard to the rear yard.**

1248  
1249 **“Zoning code” means this title.**

1250  
1251 **“Zoning districts” means those districts established and described in Division II of this title.**  
1252 [Ord. 18-04 § 1, 2018; Ord. 14-18(A)(S-2) § 1, 2016; Ord. 14-49(A) § 1, 2014; Ord. 13-11(A) § 1,  
1253 2013; Ord. 10-56 § 1, 2011; Ord. 09-44(S) § 1, 2009; Ord. 09-34(A) §§ 1, 2, 2009; Ord. 09-12(A) §§ 1,  
1254 2, 2009; Ord. 08-29, 2008].

1255  
1256 Section 4. HCC 22.10.040 Applicable and exempted subdivisions is amended to read as  
1257 follows:

1258  
1259 22.10.040 Applicable and exempted subdivisions.

1260  
1261 The standards of this chapter shall apply to all subdivisions in the City of Homer. Exemptions  
1262 from the requirements of this chapter may be granted concurrent with preliminary plat  
1263 approval by the Homer Advisory Planning Commission under the following conditions:

1264  
1265 a. Resubdivision of existing subdivisions not to exceed three lots, and involving no new  
1266 dedications of rights-of-way;

1267  
1268 b. Special conditions and circumstances exist which are peculiar to the property involved, and  
1269 are not generally applicable to other properties in the City. These special conditions cannot be  
1270 caused by the actions of the applicant;

1271  
1272 c. Financial hardship or inconvenience shall not be considered grounds for granting exception;

1273  
1274 d. Previous exceptions shall not be considered grounds for granting exception. [Ord. 87-8(S),  
1275 1987].

1276  
1277 Section 5. This ordinance is of a permanent and general character and shall be  
1278 included in the City Code.

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ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF HOMER

\_\_\_\_\_  
KEN CASTNER, MAYOR

ATTEST:

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

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

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

\_\_\_\_\_  
Holly Wells, City Attorney

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

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