



43           2.72.050 Zoning powers and duties.

44           2.72.060 Record of proceedings.

45  
46       2.72.010 Homer ~~Advisory~~ Planning Commission established.

47  
48       a. In order to maximize local involvement in planning, and in the implementation and  
49       modification of the Homer zoning ordinance, the Homer ~~Advisory~~ Planning Commission is  
50       established. ~~Advisory~~ Planning Commission jurisdiction is limited to the area within the City  
51       boundaries.

52  
53       b. The Homer ~~Advisory~~ Planning Commission shall have seven members. No more than one of  
54       its members may be from outside the City limits. Members shall be appointed by the Mayor  
55       subject to confirmation by the City Council.

56  
57       c. A Chairman and Vice-Chairman of the Commission shall be selected annually and shall be  
58       appointed from and by the appointive members.

59  
60       d. **In addition to the seven Commission members appointed by the Mayor, the Mayor, City**  
61       **Manager or the City Manager's designee** ~~or his designee and Public Works Director, or his~~  
62       ~~designee,~~ shall serve as consulting members of the Commission **when the Commission is**  
63       **sitting in its advisory-only capacity.** ~~In addition to the seven appointive members, and may~~  
64       ~~attend all meetings as consultants, but~~ **Consulting members of the Commission** shall have  
65       no vote.

66  
67       2.72.020 Incorporation of State law.

68  
69       The laws of the State of Alaska and dealing with the planning and zoning commissions present  
70       and future are incorporated into this chapter as if expressly included in this chapter.

71  
72       2.72.030 Duties and powers.

73  
74       The Commission shall be required to do the following:

75  
76       a. Develop, adopt, alter or revise, subject to approval by the City Council, a master plan for the  
77       physical development of the City. Such master plan with accompanying maps, plats, charts,  
78       descriptive and explanatory matter shall show the Commission's recommendations for the  
79       development of the City territory, and may include, among other things:

80  
81           1. Development of the type, location and sequence of all public improvements;

82  
83           2. The relocation, removal, extension or change of use of existing or future public ways,  
84           grounds, spaces, buildings, properties and utilities;

3. The general extent and location of rehabilitation areas.

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

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

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

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

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

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

g. Make or cause to be made surveys, maps and plans relating to the location and design of any public building, dock, beach, ski ground, statue, memorial, park, parkway, boulevard, street, alley or playground. For the purpose of implementing this subsection, all departments of the City considering any such improvement are required, and all public agencies not a part of the City are requested, to inform the Commission of the proposed improvement, and submit such pertinent information to the Commission and within such time as will enable the Commission to recommend to City Council whether the proposed improvement is consistent with the general plan and established planning principles. No public improvement shall be authorized by City Council until the recommendation of the Commission shall have been received, but the City Council shall not be bound by that recommendation.

2.72.040 Terms of Commission members.

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

1. Three members shall be appointed for three-year terms;
2. Two members shall be appointed for two-year terms;
3. Two members shall be appointed for one-year terms.

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

c. Any Commissioner who shall have two successive unexcused absences shall be subject to removal by the Commission by a majority vote of the members present.

2.72.050 Zoning powers and duties.

~~a. The Homer Advisory Planning Commission, sitting as the Homer Advisory Planning Commission to the Kenai Peninsula Borough, shall exercise zoning authority delegated by the Borough Assembly:~~

~~1. Interpret the provisions of this chapter and make zoning compliance determinations when requested by the local administrative official;~~

~~2. Act upon requests for PUDs, variances and conditional use permits; and~~

~~3. Prepare and recommend to the Homer City Council modifications to the Homer City zoning ordinance.~~

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

~~c. The fee schedule shall be established by resolution of the City Council.~~

**The Commission shall act in an advisory capacity to the Kenai Peninsula Borough Planning Commission regarding the following matters:**

**1. Subdivision plat proposals.**

**2. Right-of-way and easement vacation petitions.**

**3. City of Homer Comprehensive Plan amendments.**

2.72.060 Record of proceedings.

The Commission shall meet regularly twice a month, and permanent records or minutes shall be kept of Commission proceedings, and such minutes shall record the vote of each member upon every question. Copies of such minutes shall be filed in the office of the City Clerk, shall be provided to the City Council not later than its first regular meeting after their preparation, and shall be a public record open to inspection by any person.

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

11.12.010 Street address assignment plan adopted.

A plan for assigning street addresses in the City of Homer, Alaska, dated January 8, 1975, and amended August 13, 1979, as prepared by the Homer Advisory Planning Commission is adopted. The plan is to be kept on file in the office of the City Clerk, and is subject to amendment by Council resolution.

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

21.03.040 Definitions used in zoning code.

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

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

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

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

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

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

Aggrieved. See “person aggrieved.”

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

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

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

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

214  
215 "Alteration" means any change, addition or modification in construction, occupancy or use.

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

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

222 **Kinds and classes of animals**

<b>Animal- equivalent</b>	<b>unit</b>
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

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

226  
227 Apartment House. See "dwelling, multiple-family."

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

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

235  
236 "Area, footprint" has the same meaning as "area, building."

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

241 "Area ratio, floor" or "floor area ratio" means the ratio of floor area of all buildings on a lot to  
242 the area of the lot.

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

247  
248 "Assisted living home" has the meaning given in AS 47.32.900.

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

- 252 1. An open, outdoor display area for automobiles, light trucks or trailers for rent, lease  
253 or sale;
- 254 2. Buildings for the indoor display and sale or leasing of automobiles, light trucks or  
255 trailers, and sale of parts and accessories customarily incidental to the sale of such  
256 vehicles; and
- 257 3. Buildings at the location of a motor vehicle dealership used for auto repairs  
258 customarily incidental to the operation of a dealership.

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

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

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

273  
274 "BCWP district" means the "Bridge Creek Watershed Protection District" described in Chapter  
275 21.40 HCC.

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

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

286  
287 "Boat storage yard" means a lot used for the indoor or outdoor commercial dry storage of  
288 boats.

289  
290 "Bridge Creek Watershed" means the watershed contributing to the City's reservoir at Bridge  
291 Creek.

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

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

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

306  
307 "Building" means any structure used or intended for supporting or sheltering any use or  
308 occupancy.

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

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

315  
316 "Building, main" means the building of chief importance or function on the lot.

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

324



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

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

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

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

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

345  
346 Church. See "religious, cultural, and fraternal assembly."

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

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

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

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

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

365

366 "Cold storage" means a building equipped with refrigeration or freezing facilities that provides  
367 cold or frozen storage or freezing services.

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

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

374  
375 "Commission" means the Homer ~~Advisory~~ Planning Commission.

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

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

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

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

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

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

405  
406 "Design year" means the year that is 10 years after the opening date of development.  
407

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

491  
492 "Educational Institution". See "school."

493  
494 "Employee-occupied recreational vehicle" means a recreational vehicle utilized by an  
495 employee or employer for housing.

496  
497 "Entertainment establishment" means a public or private institution or place of business  
498 providing live or pre-recorded shows or performances for entertainment.

499  
500 "Equipment compound" means the area occupied by a wireless communications support  
501 structure and within which wireless communications equipment is located.

502  
503 "Extractive enterprises" means uses and activities that involve the removal of ores, liquids,  
504 gases, minerals, or other materials or substances from the earth's surface or subsurface.

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

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

513  
514 "Farmers' market" means a location where the primary activity is the sale of goods:

- 515 1. Grown upon the land that the seller controls, in the case of fruits, nuts, vegetables,  
516 other plant products, or other processed agricultural products;  
517 2. Bred, raised, cultivated or collected by the seller, in the case of animal, poultry,  
518 viticulture, vermiculture, aquaculture, eggs, honey and bee products;  
519 3. Cooked, canned, preserved, or otherwise significantly treated by the seller, in the  
520 case of prepared foods; or  
521 4. Created, sewn, constructed, or otherwise fashioned from component materials by  
522 the seller.

523  
524 Fence Height. See HCC 21.05.030(d).

525  
526 "Financial institution" means banks, credit unions, saving and loan companies, stockbrokers,  
527 and similar businesses.

528  
529 "Flow attenuation" means prolonging the flow time of runoff to reduce the peak discharge.

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

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

536 Garage, Public. See "auto repair."

537  
538 "Gardening, personal use" means gardening for personal purposes as an accessory use to the  
539 primary residential use of a lot.

540  
541 "Glare" means direct light emitted by a luminaire that causes reduced visibility of objects or  
542 momentary blindness.

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

547  
548 "Grading" means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, or  
549 filled, or any combination thereof.

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

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

559  
560 "Guesthouse" means an accessory building without kitchen or cooking facilities and occupied  
561 solely by nonpaying guests or by persons employed on the premises.

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

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

569 Highway. See "street" and "State highway."

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

or equipment and no commodity sold upon the premises. "Home occupation" does not include bed and breakfast.

"Hospital" has the meaning given in AS 47.32.900.

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

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

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

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

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

"Infiltration" means the passage or movement of water into the soil surface.

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

"Itinerant merchant" means a "transient or itinerant merchant" as defined in HCC 8.08.010.

"Joint use parking area" means a parking lot that contains required off-street parking spaces for more than one lot.

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

624  
625 "Junkyard" means any lot, or portion of a lot, that is used for the purpose of outdoor collection,  
626 storage, handling, sorting, processing, dismantling, wrecking, keeping, salvage or sale of junk.

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

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

635  
636 "Landscaping" means lawns, trees, plants and other natural materials, such as rock and wood  
637 chips, and decorative features, including sculpture.

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

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

649 2. "LOS B" means the LOS at which the ability to maneuver a vehicle is only slightly  
650 restricted; passing demand approximately equals passing capacity, and drivers are  
651 delayed up to 45 percent of the time; the level of physical and psychological comfort  
652 provided to drivers is still high.

653 3. "LOS C" means the LOS at which the ability to maneuver a vehicle is noticeably  
654 restricted and lane changes require more care and vigilance on the part of the driver;  
655 percent time delays are up to 60 percent; traffic will begin to back up behind slow  
656 moving vehicles.

657 4. "LOS D" means the LOS at which speeds begin to decline with increasing traffic flow,  
658 density begins to increase somewhat more quickly, passing demand is very high while



659 passing capacity approaches zero, and the driver experiences reduced physical and  
660 psychological comfort levels; the percentage of time motorists are delayed approaches  
661 75 percent, even minor incidents can be expected to back up traffic because the traffic  
662 stream has little space to absorb disruptions.

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

667 6. "LOS F" means the LOS at which traffic is heavily congested with traffic demand  
668 exceeding traffic capacity, there is a breakdown in vehicular flow, and vehicle delay is  
669 high.

670  
671 "Light trespass" means light emitted by a luminaire that shines beyond the boundaries of the  
672 property on which the luminaire is located.

673  
674 "Living ground cover" means low growing, spreading, perennial plants that provide  
675 continuous coverage of the area.

676  
677 "Living plant life other than ground cover" means plants, including, but not limited to, trees,  
678 flower beds, rock gardens, shrubs and hedges.

679  
680 "Loading space" means an off-street space on the same lot with a building or contiguous to a  
681 group of buildings, designated or intended for the use of temporarily parked commercial  
682 vehicles while loading and unloading, and that abuts upon a street, alley or other appropriate  
683 means of access.

684  
685 "Lodging" means any building or portion of a building that does not contain a dwelling unit  
686 and that contains no more than five guest rooms that are used, rented or hired out to be  
687 occupied for sleeping purposes by guests.

688  
689 "LOS". See "level of service."

690  
691 "Lot" means a single parcel of land of any size, the boundaries of which have been established  
692 by some legal instrument of record, that is recognized and described as a unit for the purpose  
693 of transfer of ownership. It may shown on a subdivision plat map, or record of survey map, or  
694 described by metes and bounds and recorded in the office of the District Recorder. "Lot"  
695 includes tracts and parcels of land of any size or shape.

696  
697 "Lot, corner" means a lot situated at the intersection of two or more streets having an angle of  
698 intersection of not more than 135 degrees.

699

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

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

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

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

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

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

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

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

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

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

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

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

“Mobile commercial structure” means a structure constructed as a movable or portable unit, capable of being transported on its own chassis or wheels, that is designed for nonpermanent

uses and placed on a nonpermanent foundation and is used in any activity that promotes, supports or involves a land use permitted outright in the zoning district in which the mobile commercial unit is to be placed.

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

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

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

"Native vegetation" means native plant communities that are undisturbed or mimicked.

"Natural or manmade features" means features in landscaping other than plants, including, but not limited to, boulders, or planters.

Nonconforming Lot. See HCC 21.61.010.

Nonconforming Structure. See HCC 21.61.010.

Nonconforming Use. See HCC 21.61.010.

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

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

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

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

796  
797 “Office, professional” means an office maintained and operated for the conduct of a  
798 professional business or occupation requiring the practice of a learned art or science through  
799 specialized knowledge based on a degree issued by an institute of higher learning, including  
800 but not limited to medicine, dentistry, law, architecture, engineering, accounting, and  
801 veterinary medicine. General business office and clinic are excluded.

802  
803 “Off-road vehicle” means any motorized vehicle designed for or capable of cross-country travel  
804 on or immediately over land, water, sand, snow, ice, wetland, or other natural terrain, except  
805 that such terms exclude (1) registered motorboats, (2) military, fire, emergency, and law  
806 enforcement vehicles when used for such military, emergency, and law enforcement purposes,  
807 and (3) any vehicle whose use is expressly approved by the City of Homer.

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

814  
815 “Open space” means an area reserved or developed for recreational uses or preserved for its  
816 natural amenities. Open space may include squares, parks, bicycle and pedestrian paths,  
817 refuges, campgrounds, picnic areas, playgrounds, and gardens. “Open space” does not include  
818 outdoor recreation facilities.

819  
820 “Overbank flood protection volume” or “Qp” means the volume controlled by structural  
821 practices to prevent an increase in the frequency of out of bank flooding generated by  
822 development.

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

827 .  
828 "Overslope development" means an overslope platform and the structures located on the  
829 overslope platform.

830  
831 "Overslope platform" means an elevated horizontal structure designed to support buildings  
832 that are located above the slope between an upland lot and the water of the Homer small boat  
833 harbor.

834  
835 "Parking lot" means an off-street, ground level open area, usually improved, containing  
836 parking spaces for motor vehicles.

837  
838 "Parking lot, double-loaded" means all or any portion of a parking lot in which there are  
839 parking spaces on both sides of the driving aisle.

840  
841 "Parking lot, single-loaded" means all or any portion of a parking lot in which there are parking  
842 spaces on only one side of the driving aisle.

843  
844 "Parking space" is a space in a parking lot that is reserved for the parking of a vehicle.

845  
846 "Parking stall" is synonymous with "parking space."

847  
848 "Peak hour" in reference to traffic means a one-hour period representing the highest hourly  
849 volume of traffic flow on the adjacent street system during the morning (a.m. peak hour),  
850 during the afternoon or evening (p.m. peak hour) or representing the hour of highest volume  
851 of traffic entering or exiting a site (peak hour of generator).

852  
853 "Pedestrian way" means a maintained walkway or path, no less than four feet wide, that  
854 connects two or more focal points of pedestrian activity, including other pedestrian ways,  
855 trails, transit stops, street or parking area crossings, or building entry points. Sidewalks may  
856 be pedestrian ways.

857  
858 "Performance standards" means minimum requirements or maximum allowable limits on the  
859 effects or characteristics of a use.

860  
861 "Permeable, continuous nonliving ground cover" means landscaping surfaces made up of  
862 materials such as, but not limited to, crushed rock, bark and mulch.

863  
864 "Permit" means any permit, approval or other authorization issued by the City under the  
865 authority of the Homer Zoning Code or regulations.

866  
867 "Person aggrieved" means a person who shows proof of the adverse effect an action or  
868 determination taken or made under the Homer Zoning Code has or could have on the use,  
869 enjoyment, or value of real property owned by that person. An interest that is no different from  
870 that of the general public is not sufficient to establish aggrievement.

871  
872 "Personal service" means a business primarily engaged in providing services involving the care  
873 of an individual or his or her personal goods or apparel.

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

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

889  
890 "Planning Commission" means the Homer Advisory Planning Commission.

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

899  
900 "Pollution, nonpoint source" means pollution from any source other than from any  
901 discernible, confined, and discrete conveyances and shall include, but not be limited to,  
902 parking lots and roof tops and include substances such as pathogens, petrochemicals,  
903 sediments, debris, toxic contaminants, or nutrients.

904  
905 "Pollution, point source" means pollution from any discernible, confined, and discrete  
906 conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well,

discrete fissure, container, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.

Principal Use. See "use, principal."

"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.

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

952  
953 "Reservoir" means a pond, lake, or basin, either natural or artificial, for the storage, regulation,  
954 and control of water.

955  
956 "Residential districts" or "residential zoning districts" means the rural residential, urban  
957 residential, and residential office zoning districts.

958  
959 "Retention structure" means a permanent structure that provides for the storage of water  
960 runoff.

961  
962 "Right-of-way" means the entire width of property dedicated for a public street or private  
963 easement providing ingress and egress from property abutting thereon.

964  
965 Road. See "street."

966  
967 "Roadside stand" means a temporary structure on land adjacent to a street, usually for the  
968 attraction of motorists for profit-making purposes. Common roadside stands sell local food,  
969 produce, firewood, handcrafted items or imported goods.

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

978  
979 "School" means an institution or place for instruction or education, including all structures and  
980 land necessary to the accomplishment of educational purposes.

981  
982 "School, commercial" means a school for the teaching of clerical, managerial, administrative,  
983 service or artistic skills. This applies to schools operated privately for profit that do not offer a  
984 complete educational curriculum, e.g., beauty school, modeling school and secretarial school.  
985 Commercial school does not include trade, skilled or industrial school.

986  
987 "School, private" means a school that provides a complete educational curriculum and is  
988 owned and operated by private educational, religious, charitable, or other institution. It may  
989 provide elementary, secondary or post-secondary levels of education.



991 "School, public" means a school owned and operated or chartered by the Kenai Peninsula  
992 Borough or the State or University of Alaska for the purpose of public education.

993  
994 "School, trade, skilled or industrial" means a school for the teaching of industrial, construction,  
995 technical and skilled trades skills, including schools operated by or for labor unions. Examples  
996 include welding, carpentry, electrician, and similar training schools.

997  
998 "Sediment" means soils or other surficial materials transported or deposited by the action of  
999 wind, water, ice, or gravity as a product of erosion.

1000  
1001 "Senior housing" means attached or detached independent living developments, including  
1002 retirement communities, age-restricted housing and active adult communities.

1003  
1004 Service Station. See "auto fueling station" and "auto repair."

1005  
1006 "Setback" means the required minimum distance between the lot line and a building,  
1007 measured according to Chapter 21.05 HCC. The setback area establishes a required yard in  
1008 which structures are prohibited or limited as provided in the zoning code.

1009  
1010 "Sewer, community" means that portion of a nonpublic sewerage serving:

- 1011 1. One or more multifamily dwellings;  
1012 2. A mobile home park, a trailer park, or a recreational vehicle park;  
1013 3. Two or more:  
1014 a. Single-family homes or duplexes;  
1015 b. Commercial establishments;  
1016 c. Industrial establishments; or  
1017 d. Institutions; or  
1018 4. Any combination of two or more of the structures listed in subsections (3)(a) through  
1019 (d) of this definition.

1020  
1021 "Sewer, public" means a sewer system operated for the benefit of the public by the City of  
1022 Homer or a public utility under a certificate of convenience and necessity issued by the  
1023 Regulatory Commission of Alaska or by its predecessor or successor agency.

1024  
1025 "Shelter for the homeless" means a building used primarily to provide on-site meals, shelter  
1026 and secondary personal services such as showers and haircuts to the homeless and the needy  
1027 on a nonpermanent basis for no or nominal compensation.

1028  
1029 Sign. See HCC 21.60.040.

1030

1031 "Site" means any lot, tract, or parcel of land, or a portion thereof, or any combination thereof  
1032 that is in one ownership or is contiguous and in diverse ownership, where development exists  
1033 or will be created as one unit, subdivision, or project.  
1034

1035 "Site plan" means a plan, to scale, showing the proposed use and development of a site. The  
1036 plan generally includes lot lines, streets, points of vehicular access to the site, building sites,  
1037 reserved open space, existing buildings, major landscape features (both natural and  
1038 manmade), and the locations of utility lines. Additional information may be required on a site  
1039 plan by applicable provisions of the zoning code.  
1040

1041 "Slash pile" means a row or pile of woody debris from timber harvesting, land clearing, or  
1042 similar activity.  
1043

1044 "Slope" means, with respect to two points on the surface of the ground, the ratio, expressed  
1045 as a percentage, of the difference between their elevations divided by the horizontal distance  
1046 between them. Slope is measured as provided in HCC 21.05.040.  
1047

1048 "Small wind energy system" means a wind energy system having a rated capacity of less than  
1049 25 kilowatts and a total height less than 170 feet, whose primary function is to provide electric  
1050 power for on-site consumption.  
1051

1052 "Stabilization" means the prevention of soil movement by any of various vegetative or  
1053 structural means.  
1054

1055 "Stable, private" means an accessory building in which one or more horses are kept for private  
1056 use and enjoyment and not for boarding, hire or sale; or in which not more than one horse is  
1057 kept for boarding, hire or sale.  
1058

1059 "Stable, public" means a building in which two or more horses are kept for boarding, hire or  
1060 sale.  
1061

1062 "State highway" means a street designated by the State as a part of the State highway system.  
1063

1064 "Steep slope" means an elevation change in topography of at least 15 feet, with an average  
1065 slope of not less than 45 percent (one foot difference in elevation per 2.22 feet of horizontal  
1066 distance). A steep slope can occur naturally or can be created by excavation into or filling over  
1067 natural ground.  
1068

1069 "Stormwater management" means:

- 1070 1. For quantitative control, a system of vegetative and structural measures that control  
1071 the increased volume and rate of surface runoff caused by manmade changes to the  
1072 land; and

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

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

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

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

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

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

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

“Stream” means anybody of flowing water, including a river, creek, tributary, or other watercourse.

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

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

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

1113 "Street" means a public thoroughfare including a public street, road or highway of any  
1114 description that affords a principal means of access to abutting property. Street does not  
1115 include alley or driveway.

1116  
1117 "Street line" means the line of demarcation between a street right-of-way and the abutting  
1118 lot(s).

1119  
1120 "Stripping" means any activity that removes the vegetative surface cover including tree  
1121 removal, clearing, grubbing and storage or removal of topsoil.

1122  
1123 "Structural alteration" means any change of the supporting members of a building or structure  
1124 such as bearing walls, columns, beams or girders.

1125  
1126 "Structure" means anything constructed or erected that requires location on the ground or  
1127 that is attached to something having location on the ground.

1128  
1129 "Studio" means a room, rooms or building where an artist or photographer does work, a place  
1130 where dancing lessons, music lessons, or similar artistic lessons are given, or where radio or  
1131 television programs are produced or where recordings are made.

1132  
1133 "Taxi" means any motor vehicle, permitted and licensed by the City, having a manufacturer-  
1134 rated seating capacity of nine passengers or less engaged in the carrying of persons in  
1135 exchange for receiving fares, not operated over a fixed route, and subject to calls from a central  
1136 location or otherwise operated for hire to perform public transportation.

1137  
1138 "Taxi operation" means a taxi business operated from a fixed location, but not limited in its  
1139 operation to any particular route, which may include a dispatch office and vehicle fleet  
1140 parking.

1141  
1142 "Timber growing, harvesting and forest crops" means the growing, harvesting, or both, for  
1143 commercial purposes, of (1) trees including, without limitation, live trees, Christmas trees and  
1144 tree products in the form of logs, chunks, bark chips or similar items; or (2) minor forest crops  
1145 such as cones, ferns, greenery, berries and moss.

1146  
1147 "Total suspended solids" means the sum of the organic and inorganic particles (e.g., sediment)  
1148 suspended in and carried by a fluid (e.g., water).

1149  
1150 "Tower, amateur radio" means a fixed vertical structure used exclusively to support an  
1151 antenna used by an amateur radio operator licensed by the Federal Communications  
1152 Commission, plus its accompanying base plates, anchors, guy cables and hardware.

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

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

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

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

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

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

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

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

Vehicle Maintenance. See “auto repair.”

Vehicle Repair. See “auto repair.”

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

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

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

1196 "Water-related" means a use or activity that is not directly dependent upon access to a water  
1197 body, but which provides goods and services that are directly associated with water-  
1198 dependent uses or activities.

1199  
1200 "Watercourse" means any natural or artificial stream, river, creek, ditch, channel, canal,  
1201 conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area that  
1202 is subject to inundation from overflow or floodwater.

1203  
1204 "Watershed" means any area of land that water flows or drains under or across ground on its  
1205 way to a lake, pond, river, stream, or wetland. A watershed can be delineated on a  
1206 topographical map by connecting the high points of the contour lines surrounding any water  
1207 body.

1208  
1209 "Wetland" means an area of land that is inundated or saturated by surface or groundwater at  
1210 a frequency and duration sufficient to support, and that under normal circumstances do  
1211 support, a prevalence of vegetation typically adapted for life in saturated soil conditions.  
1212 Wetlands generally include swamps, marshes, bogs, and similar areas.

1213  
1214 Wholesale. See "business, wholesale."

1215  
1216 "Wind energy system" means a wind turbine and its supporting wind energy system tower.

1217  
1218 "Wind energy system tower" means a fixed vertical structure that supports a wind turbine,  
1219 including a monopole or lattice tower, plus its accompanying base plates, anchors, guy cables  
1220 and hardware.

1221  
1222 "Wind turbine" means a bladed or other type of rotating mechanism that converts wind energy  
1223 into electric energy.

1224  
1225 "Wireless communications equipment" means the set of equipment and network components  
1226 used in the provision of wireless communications services, including without limitation  
1227 antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency  
1228 generators, power supply cables, and coaxial and fiber optic cables, but excluding any wireless  
1229 communications support structure.

1230  
1231 "Wireless communications services" means transmitting and receiving information by  
1232 electromagnetic radiation, by an operator (other than an amateur radio operator) licensed by  
1233 the Federal Communications Commission.

1234  
1235 "Wireless communications support structure" means a structure that is designed to support,  
1236 or is capable of supporting, wireless communications equipment, including a communications  
1237 tower, utility pole, or building.

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

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

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

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

“Zoning code” means this title.

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

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

22.10.040 Applicable and exempted subdivisions.

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

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

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

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

d. Previous exceptions shall not be considered grounds for granting exception.

Section 5. 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 12 day of August, 2019.

CITY OF HOMER

Ken Castner  
KEN CASTNER, MAYOR

ATTEST:

Melissa Jacobsen

MELISSA JACOBSEN, MMC, CITY CLERK

YES: 6  
NÖ: 0  
ABSTAIN: 0  
ABSENT: 0

First Reading: 6.24.19  
Public Hearing: 7.22.19  
Second Reading: 8.12.19  
Effective Date: 8.13.19

Reviewed and approved as to form:

Katie Koester  
Katie Koester, City Manager

Date: 8.20.19



Holly Wells  
Holly Wells, City Attorney

Date: 12.13.19