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**CITY OF HOMER
HOMER, ALASKA**

Planning

ORDINANCE 13-11(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE §21.03.040 TO ADD A DEFINITION OF LODGING; AMENDING HOMER CITY CODE §§21.28.020, 21.28.030, 21.28.040 AND 21.28.070, REGARDING THE MARINE COMMERCIAL ZONING DISTRICT; AMENDING HOMER CITY CODE §§21.30.020, 21.30.030, 21.30.040 AND 21.30.070, REGARDING THE MARINE INDUSTRIAL ZONING DISTRICT; AND ADOPTING HOMER CITY CODE §21.50.040, SITE DEVELOPMENT STANDARDS - LEVEL 3, TO IMPLEMENT THE HOMER SPIT COMPREHENSIVE PLAN.

THE CITY OF HOMER ORDAINS:

Section 1. HCC §21.03.040, Definitions, is amended by adding a definition of “lodging” to read as follows:

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

Section 2. HCC §21.28.020, Permitted uses and structures, is amended to read as follows:

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

a. Offices for tourism related charter and tour businesses, such as fishing, flightseeing, day excursions and boat charters and tours ;

b. Marine equipment sales, rentals, service, repair and storage ;

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

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

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

f. Mobile food services;

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

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

i. Restaurants;

- 47 j. Cold-storage facilities;
- 48 k. Campgrounds;
- 49 l. Manufacturing, processing, cooking, and packing of seafood products;
- 50 m. Parks;
- 51 n. Boat launching or moorage facilities, marinas;
- 52 o. Caretaker, business owner or employee housing as an accessory use to a primary
53 use, and limited to no more than 50% of the floor area of a building and for use by an occupant
54 for more than 30 consecutive days;
- 55 p. Lodging as an accessory use, limited to no more than 50% of the floor area of a
56 building;
- 57 q. As an accessory use, one small wind energy system per lot.

58
59 Section 3. HCC §21.28.030, Conditional uses and structures, is amended to read as
60 follows:

61
62 21.28.030 Conditional uses and structures. The following uses may be permitted in the
63 Marine Commercial District when authorized by conditional use permit issued in accordance
64 with HCC Chapter 21.71:

- 65 a. Drinking establishments;
- 66 b. Public utility facilities and structures;
- 67 c. Heliports;
- 68 d. Hotels and motels;
- 69 e. Lodging;
- 70 f. More than one building containing a permitted principal use on a lot;
- 71 g. Planned unit developments, limited to water-dependent and water-related uses,
72 with no dwelling units except as permitted by HCC §21.28.020(o);
- 73 h. Indoor recreational facilities;
- 74 i. Outdoor recreational facilities;
- 75 j. The location of a building within a setback area required by HCC §21.28.040(b).

76 In addition to meeting the criteria for a conditional use permit under HCC §21.71.030, the
77 building must meet the following standards:

- 78 1. Not have a greater negative affect on the value of the adjoining property
79 than a building located outside the setback area; and
- 80 2. Have a design that is compatible with that of the structures on the
81 adjoining property.

82
83 Section 4. HCC §21.28.040, Dimensional requirements, is amended to read as follows:

84
85 21.28.040 Dimensional requirements. The following dimensional requirements shall
86 apply to all structures and uses in the marine commercial district:

- 87 a. The minimum lot size is 20,000 square feet, except for lots lawfully platted before
88 December 12, 2006. The minimum lot width is 150 feet, except for lots lawfully platted before
89 December 12, 2006.
- 90 b. Setbacks. No building may be located in a required setback area without an
91 approved conditional use permit.

92 1. Buildings shall be set back 20 feet from all dedicated rights-of-way.
93 Alleys are not subject to a 20 foot setback requirement. The setback requirements from
94 any lot line abutting an alley will be determined by the dimensional requirements of
95 subparagraph (2) below.

96 2. Buildings shall be set back five feet from all other lot boundary lot lines.

97 c. The maximum building height is 35 feet.

98 d. No lot shall contain more than 8,000 square feet of building area (all buildings
99 combined), nor shall any lot contain building area in excess of 70 percent of the lot area without
100 an approved conditional use permit.

101 e. Building Area and Dimensions - Retail and Wholesale.

102 1. The total floor area of retail and wholesale business uses within a single
103 building shall not exceed 25,000 square feet.

104 2. In no event may a conditional use permit, Planned Unit Development, or
105 variance be granted that would allow a building to exceed the limits of subparagraph
106 (e)(1) and no nonconforming use or structure may be expanded in any manner that would
107 increase its nonconformance with the limits of subparagraph (e)(1).
108

109 Section 5. HCC §21.28.070, Site development requirements, is amended to read as
110 follows:

111
112 21.28.070 Site development requirements. All development on lands in this district shall
113 conform to the level three site development standards set forth in HCC §21.50.040 and the
114 following requirements:

115 a. Development shall not impair public use of adjacent publicly-owned tidelands.

116 b. Buildings and roadways shall be located to minimize alteration to the natural
117 terrain.

118 c. Grading and filling shall not alter the storm berm except as necessary to correct
119 unsafe conditions.

120 d. Point source discharges to a waterway shall conform to the applicable regulations
121 of the Alaska Department of Environmental Conservation.
122

123 Section 6. HCC §21.30.020 Permitted uses and structures, is amended to read as follows:
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125 21.30.020 Permitted uses and structures. The following uses are permitted outright in the
126 Marine Industrial District, except when such use requires a conditional use permit by reason of
127 size, traffic volumes, or other reasons set forth in this chapter:

128 a. Port and harbor facilities;

129 b. Manufacturing, processing and packing of sea products;

130 c. Cold-storage;

131 d. Dry docks;

132 e. Wharves and docks, marine loading facilities, ferry terminals, marine railways;

133 f. Marine equipment sales, rentals, service, repair and storage;

134 g. Boat launching or moorage facilities, marinas, boat charter services;

- 135 h. Warehouse and marshaling yards for storing goods awaiting transfer to marine
136 vessels or off-loaded from a marine vessel and awaiting immediate pickup by land-based
137 transportation;
- 138 i. Mobile food services;
- 139 j. Itinerant merchants, provided all activities shall be limited to uses permitted
140 outright under this zoning district;
- 141 k. Recreational vehicle parks, provided they shall conform to the standards in HCC
142 § 21.54.
- 143 l. Caretaker, business owner or employee housing as an accessory use to a primary
144 use, and limited to no more than 50% of the floor area of a building and for use by an occupant
145 for more than 30 consecutive days;
- 146 m. More than one building containing a permitted principal use on a lot;
- 147 n. Restaurant as an accessory use;
- 148 o. Parks;
- 149 p. As an accessory use, one small wind energy system per lot.
- 150

151 Section 7. HCC §21.30.030 Conditional uses and structures, is amended to read as
152 follows:

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154 21.30.030 Conditional uses and structures. The following uses may be permitted in the
155 Marine Industrial District when authorized by conditional use permit issued in accordance with
156 HCC Chapter 21.71:

- 157 a. Planned unit development, limited to water-dependent or water-related uses and
158 excluding all dwellings;
- 159 b. Boat sales, rentals, service, repair and storage, and boat manufacturing;
- 160 c. Extractive enterprises related to other uses permitted in the district;
- 161 d. Campgrounds;
- 162 e. Bulk petroleum storage;
- 163 f. Heliports;
- 164 g. Indoor recreational facilities;
- 165 h. Outdoor recreational facilities;
- 166 i. Public utility facilities and structures.
- 167 j. The location of a building within a setback area required by HCC §21.28.040(b).

168 In addition to meeting the criteria for a conditional use permit under HCC §21.71.030, the
169 building must meet the following standards:

- 170 1. Not have a greater negative affect on the value of the adjoining property
171 than a building located outside the setback area; and
- 172 2. Have a design that is compatible with that of the structures on the
173 adjoining property.
- 174

175 Section 8. HCC §21.30.040 Dimensional requirements, is amended to read as follows:

176

177 21.30.040 Dimensional requirements. The following dimensional requirements shall
178 apply to all structures and uses in the marine industrial district:

- 179 a. Lot Size. The minimum lot size is 6,000 square feet.

180 b. Setbacks. No building may be located in a required setback area without an approved
181 conditional use permit.

182 1. Buildings shall be set back 20 feet from all dedicated rights-of-way.
183 Alleys are not subject to a 20 foot setback requirement. The setback requirements from
184 any lot line abutting an alley will be determined by the dimensional requirements of
185 subparagraph (2) below.

186 2. Buildings shall be set back five feet from all other lot boundary lot lines.

187 c. The maximum building height is thirty-five feet.

188 d. No lot shall contain more than 8,000 square feet of building area (all buildings
189 combined), nor shall any lot contain building area in excess of 70 percent of the lot area without
190 an approved conditional use permit.

191 e. Building Area and Dimensions - Retail and Wholesale.

192 1. The total floor area of retail and wholesale business uses within a single
193 building shall not exceed 25,000 square feet.

194 2. In no event may a conditional use permit or variance be granted that
195 would allow a building to exceed the limits of subparagraph (d)(1) and no nonconforming
196 use or structure may be expanded in any manner that would increase its nonconformance
197 with the limits of subparagraph (d)(1).
198

199 Section 9. HCC §21.30.070 Site development requirements, is amended to read as
200 follows:
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202 21.30.070 Site development requirements. All site development shall conform to the level
203 three site development standards contained in HCC §21.50.040 and the following requirements:

204 a. Development shall not impair public use of adjacent publicly-owned tidelands.

205 b. Buildings and roadways shall be located to minimize alteration to the natural
206 terrain.

207 c. Grading and filling shall not alter the storm berm except as necessary to correct
208 unsafe conditions.

209 d. Point source discharges to a waterway shall conform to the applicable regulations
210 of the Alaska Department of Environmental Conservation.
211

212 Section 10. HCC §21.50.040 Site Development standards - Level 3, is adopted to read as
213 follows:
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215 21.50.040 Site Development standards - Level 3. This section establishes level three site
216 development standards. Level three standards apply when specified by the applicable zoning
217 district regulations or by another provision of the code.

218 a. Site Development.

219 1. Development shall not adversely impact other properties by causing
220 damaging alteration of surface water drainage, surface water ponding, slope failure,
221 erosion, siltation, or root damage to neighboring trees, or other adverse effects.

222 2. Upon completion of earthwork, all exposed slopes, and all cleared, filled,
223 and disturbed soils shall be protected against subsequent erosion by methods, such as, but
224 not limited to, landscaping, planting, and maintenance of vegetative cover.

225 b. Landscaping Requirements. Landscaping shall include the retention of native
226 vegetation to the maximum extent possible and shall include, but is not limited to, the following:

227 1. A buffer of three feet minimum width along all lot lines where setbacks
228 permit; except where a single use is contiguous across common lot lines, such as, but not
229 limited to, shared driveways and parking areas. Whenever such contiguous uses cease the
230 required buffers shall be installed.

231 2. In addition to the types of plantings listed in the definition of landscaping
232 in HCC §21.03.040, landscaping may include planter boxes and hanging basket
233 plantings. Amenities for public use such as bike racks, benches, trash receptacles and
234 information kiosks, may be substituted for an equal area of required landscaping.


235
236 Section 11. This Ordinance is of a permanent and general character and shall be included
237 in the City Code.

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239 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 13th day of May,
240 2013.

241
242 CITY OF HOMER

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245 _____
246 FRANCIE ROBERTS, MAYOR PRO TEMPORE
247

248 ATTEST:

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250 _____
251 JO JOHNSON, CMC, CITY CLERK
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256 YES: 5
257 NO: 1
258 ABSTAIN: 0
259 ABSENT: 0
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264 First Reading: 4/22/13
265 Public Hearing: 5/13/13
266 Second Reading: 5/13/13
267 Effective Date: 5/14/13
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270 Reviewed and approved as to form:

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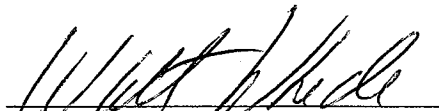
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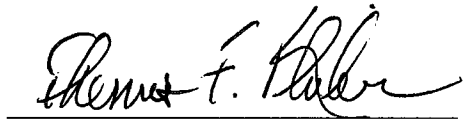
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Walt Wrede, City Manager

Date: 5/16/13



Thomas F. Klinkner, City Attorney

Date: 5-23-13