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**CITY OF HOMER
HOMER, ALASKA**

Planning

ORDINANCE 14-49(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.03.040, DEFINITIONS; HOMER CITY CODE 21.12.030, 21.14.030, 21.16.030, 21.18.030, 21.24.030, 21.28.030, 21.30.030, AND 21.32.030, CONDITIONAL USES AND STRUCTURES; AND HOMER CITY CODE 21.26.020, PERMITTED USES AND STRUCTURES, TO DEFINE THE TERMS HELIPAD AND HOSPITAL, TO DELETE HELIPORT AS A CONDITIONAL USE IN THE RURAL RESIDENTIAL, URBAN RESIDENTIAL, CENTRAL BUSINESS DISTRICT, GENERAL COMMERCIAL 1, MARINE COMMERCIAL AND OPEN SPACE – RECREATION ZONING DISTRICTS; TO DELETE HELIPORT AS A PERMITTED USE IN THE GENERAL COMMERCIAL 2 DISTRICT, TO ADD HELIPAD AS A CONDITIONAL USE ACCESSORY TO A HOSPITAL IN THE RESIDENTIAL OFFICE ZONING DISTRICT AND AS A CONDITIONAL USE IN THE MARINE INDUSTRIAL ZONING DISTRICT.

WHEREAS, The City of Homer, Alaska regulates where permanent facilities for the operation of helicopters may be located through zoning district regulations; and

WHEREAS, It is in the City's best interest to limit the operation of heliports and helipads to the areas where the activity is most compatible to the allowed uses of the zoning districts;

THE CITY OF HOMER HEREBY ORDAINS:

Section 1. HCC 21.03.040 Definitions, is amended by adding definitions of "helipad" and "hospital" to read as follows:

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

"Hospital" has the meaning given in AS 47.32.900.

Section 2. HCC 21.12.030, Conditional uses and structures (Rural Residential), is amended to read as follows:

43 21.12.030 Conditional uses and structures. The following uses may be permitted in
44 the Rural Residential District when authorized by conditional use permit issued in
45 accordance with Chapter 21.71 HCC:

- 46 a. Planned unit development, limited to residential uses only;
- 47 b. Religious, cultural and fraternal assembly;
- 48 c. Cemeteries;
- 49 d. Kennels;
- 50 e. Commercial greenhouses and tree nurseries offering sale of plants or trees grown
51 on premises;
- 52 f. Mobile home parks;
- 53 g. Public utility facilities and structures;
- 54 h. Pipelines and railroads;
- 55 i. Storage of heavy equipment, vehicles or boats over 36 feet in length as an accessory
56 use incidental to a permitted or conditionally permitted principal use;
- 57 j. Day care facilities; provided, however, that outdoor play areas must be fenced;
- 58 k. Group care home;
- 59 l. Assisted living home;
- 60 m. More than one building containing a permitted principal use on a lot;
- 61 n. Indoor recreational facilities;
- 62 o. Outdoor recreational facilities;
- 63 p. Public school and private school;
- 64 q. One small wind energy system having a rated capacity exceeding 10 kilowatts,
65 provided that it is the only wind energy system of any capacity on the lot.

67 Section 3. HCC 21.14.030, Conditional uses and structures (Urban Residential), is
68 amended to read as follows:

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70 21.14.030 Conditional uses and structures. The following uses may be permitted in the
71 Urban Residential District when authorized by conditional use permit issued in accordance
72 with Chapter 21.71 HCC:

- 73 a. Planned unit development, excluding all industrial uses;
- 74 b. Townhouse developments;
- 75 c. Day care facilities; provided, however, that outdoor play areas must be fenced;
- 76 d. Religious, cultural and fraternal assembly;
- 77 e. Hospitals;
- 78 f. Pipelines and railroads;
- 79 g. Storage of heavy equipment or boats over 36 feet in length as an accessory use
80 incidental to a permitted or conditionally permitted principal use;
- 81 h. Private stables and the keeping of larger animals not usually considered pets,

82 including paddocks or similar structures or enclosures utilized for keeping of such animals as
83 an accessory use incidental to a primary residential use; such use shall be conditioned on not
84 causing unreasonable disturbance or annoyances to occupants of neighboring property, and
85 on sufficient land to harbor such animals;

86 i. Group care home;

87 j. Assisted living home;

88 k. More than one building containing a permitted principal use on a lot;

89 l. Indoor recreational facilities;

90 m. Outdoor recreational facilities;

91 n. One small wind energy system having a rated capacity exceeding 10 kilowatts,
92 provided that it is the only wind energy system of any capacity on the lot.

93
94 Section 4. HCC 21.16.030, Conditional uses and structures (Residential Office), is
95 amended to read as follows:

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97 21.16.030 Conditional uses and structures. The following uses may be permitted in the
98 Residential Office District when authorized by conditional use permit issued in accordance
99 with Chapter 21.71 HCC:

100 a. Planned unit developments, excluding all industrial uses;

101 b. Townhouses;

102 c. Public or private schools;

103 d. Hospitals and medical clinics;

104 e. Public utility facilities and structures;

105 f. Mortuaries;

106 g. Day care facilities; provided, however, that outdoor play areas must be fenced;

107 h. More than one building containing a permitted principal use on a lot;

108 i. Group care homes;

109 j. Helipads, but only as an accessory use incidental to a hospital conditional use;

110 k. One small wind energy system having a rated capacity exceeding 10 kilowatts;
111 provided, that it is the only wind energy system of any capacity on the lot;

112 l. Other uses approved pursuant to HCC 21.04.020.

113
114 Section 5. HCC 21.18.030, Conditional uses and structures (Central Business District),
115 is amended to read as follows:

116
117 21.18.030 Conditional uses and structures. The following uses may be permitted in the
118 Central Business District when authorized by conditional use permit issued in accordance
119 with Chapter 21.71 HCC:

120 a. Planned unit developments, excluding all industrial uses;

- 121 b. Indoor recreational facilities and outdoor recreational facilities;
- 122 c. Mobile home parks;
- 123 d. Auto fueling stations;
- 124 e. Public utility facilities and structures;
- 125 f. Pipeline and railroads;
- 126 g. Greenhouses and garden supplies;
- 127 h. Light or custom manufacturing, repair, fabricating, and assembly, provided such
- 128 use, including storage of materials, is wholly within an enclosed building;
- 129 i. Shelter for the homeless, provided any lot used for such shelter does not abut a
- 130 residential zoning district;
- 131 j. More than one building containing a permitted principal use on a lot;
- 132 k. Group care homes and assisted living homes;
- 133 l. Drive-in car washes, but only on the Sterling Highway from Tract A-1 Webber
- 134 Subdivision to Heath Street;
- 135 m. One small wind energy system having a rated capacity exceeding 10 kilowatts;
- 136 provided, that it is the only wind energy system of any capacity on the lot;
- 137 n. Other uses approved pursuant to HCC 21.04.020.

138
139 Section 6. HCC 21.24.030, Conditional uses and structures (General Commercial 1), is
140 amended to read as follows:

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142 21.24.030 Conditional uses and structures. The following uses may be permitted in the
143 General Commercial 1 District when authorized by conditional use permit issued in
144 accordance with Chapter 21.71 HCC:

- 145 a. Campgrounds;
- 146 b. Crematoriums;
- 147 c. Multiple-family dwelling;
- 148 d. Public utility facility or structure;
- 149 e. Mobile home parks;
- 150 f. Planned unit developments;
- 151 g. Townhouses;
- 152 h. Pipelines and railroads;
- 153 i. Shelter for the homeless, provided any lot used for such shelter does not abut an RO,
- 154 RR, or UR zoning district;
- 155 j. More than one building containing a permitted principal use on a lot;
- 156 k. Day care facilities; provided, however, that outdoor play areas must be fenced;
- 157 l. Other uses approved pursuant to HCC 21.04.020;
- 158 m. Indoor recreational facilities;
- 159 n. Outdoor recreational facilities.

160 Section 7. HCC 21.26.020, Permitted uses and structures (General Commercial 2), is
161 amended to read as follows:

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163 The following uses are permitted outright in the General Commercial 2 District, except
164 when such use requires a conditional use permit by reason of size, traffic volumes, or other
165 reasons set forth in this chapter:

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167 a. Production, processing, assembly and packaging of fish, shellfish and seafood
168 products;

169 b. Construction, assembly and storage of boats and boat equipment;

170 c. Manufacture and assembly of pottery and ceramics, musical instruments, toys,
171 novelties, small molded products, electronic instruments and equipment and electrical
172 devices;

173 d. Research and development laboratories;

174 e. Trade, skills or industrial schools;

175 f. Publishing, printing and bookbinding facilities;

176 g. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service
177 and repair, excluding storage of vehicles or equipment that is inoperable or in need of repair;

178 h. Storage and distribution services and facilities, including truck terminals,
179 warehouses and storage buildings and yards, contractors' establishments, lumberyards and
180 sales, or similar uses;

181 i. Airports and air charter operations;

182 j. Underground bulk petroleum storage;

183 k. Cold storage facilities;

184 l. Parking lots and parking garages, in accordance with Chapter 21.55 HCC;

185 m. Mobile commercial structures;

186 n. Accessory uses to the uses permitted in the GC2 district that are clearly subordinate
187 to the main use of the lot or building, such as wharves, docks, restaurant or cafeteria facilities
188 for employees; or caretaker or dormitory residence if situated on a portion of the principal
189 lot; provided, that separate permits shall not be issued for the construction of any type of
190 accessory building prior to that of the main building;

191 o. Taxi operation;

192 p. Mobile food services;

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

195 r. Recreational vehicle parks, provided they shall conform to the standards in Chapter
196 21.54 HCC;

197 s. Hotels and motels;

198 t. Dormitory;

- 199 u. As an accessory use, one small wind energy system per lot;
200 v. Open air business. [Ord. 14-20(S) § 1, 2014; Ord. 09-34(A) § 17, 2009; Ord. 08-29,
201 2008].

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203 Section 8. HCC 21.28.030, Conditional uses and structures (Marine Commercial), is
204 amended to read as follows:

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206 21.28.030 Conditional uses and structures. The following uses may be permitted in the
207 Marine Commercial District when authorized by conditional use permit issued in accordance
208 with Chapter 21.71 HCC:

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a. Drinking establishments;

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b. Public utility facilities and structures;

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c. Hotels and motels;

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d. Lodging;

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e. More than one building containing a permitted principal use on a lot;

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f. Planned unit developments, limited to water-dependent and water-related uses,

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with no dwelling units except as permitted by HCC 21.28.020(o);

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g. Indoor recreational facilities;

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h. Outdoor recreational facilities;

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i. The location of a building within a setback area required by HCC 21.28.040(b). In

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addition to meeting the criteria for a conditional use permit under HCC 21.71.030, the

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building must meet the following standards:

221

1. Not have a greater negative effect on the value of the adjoining property
222 than a building located outside the setback area; and

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2. Have a design that is compatible with that of the structures on the adjoining
224 property.

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226 Section 9. HCC 21.30.030, Conditional uses and structures (Marine Industrial), is
227 amended to read as follows:

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229 21.30.030 Conditional uses and structures. The following uses may be permitted in the
230 Marine Industrial District when authorized by conditional use permit issued in accordance
231 with Chapter 21.71 HCC:

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a. Planned unit development, limited to water-dependent or water-related uses and
233 excluding all dwellings;

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b. Boat sales, rentals, service, repair and storage, and boat manufacturing;

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c. Extractive enterprises related to other uses permitted in the district;

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d. Campgrounds;

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e. Bulk petroleum storage;

- 238 f. Helipads;
- 239 g. Heliports;
- 240 h. Indoor recreational facilities;
- 241 i. Outdoor recreational facilities;
- 242 j. Public utility facilities and structures;
- 243 k. The location of a building within a setback area required by HCC 21.30.040(b). In
- 244 addition to meeting the criteria for a conditional use permit under HCC 21.71.030, the
- 245 building must meet the following standards:
- 246 1. Not have a greater negative effect on the value of the adjoining property than a
- 247 building located outside the setback area; and
- 248 2. Have a design that is compatible with that of the structures on the adjoining
- 249 property.

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251 Section 10. HCC 21.32.030, Conditional uses and structures (Open Space --
252 Recreation), is amended to read as follows:

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254 21.32.030 Conditional uses and structures. The following uses may be conditionally
255 permitted in the Open Space – Recreation District when authorized by conditional use permit
256 issued in accordance with Chapter 21.71 HCC:
- 257 a. Public utility facilities and structures;
 - 258 b. Any structures used for uses permitted outright in the district;
 - 259 c. Fishing gear and boat storage;
 - 260 d. Campgrounds;
 - 261 e. Pipelines and railroads;
 - 262 f. Parking areas;
 - 263 g. Other open space and recreation uses;
 - 264 h. Indoor recreational facilities;
 - 265 i. Outdoor recreational facilities.

266
267 Section 11. This Ordinance is of a permanent and general character and shall be
268 included in the City Code.

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270 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 27th day of October, 2014.

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272 CITY OF HOMER


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276 MARY E. WYTHE, MAYOR

277 ATTEST:

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281 
JO JOHNSON, MMC, CITY CLERK

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288 YES: 5

289 NO: 0

290 ABSTAIN: 0

291 ABSENT: 1

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295 First Reading: 10/13/14

296 Public Hearing: 10/27/14

297 Second Reading: 10/27/14

298 Effective Date: 10/28/14

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302 Reviewed and approved as to form:

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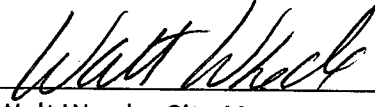
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Walt Wrede, City Manager

Date: 10/30/14


Thomas F. Klinkner, City Attorney

Date: 11-3-14