

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

**CITY OF HOMER
HOMER, ALASKA**

Planning Commission

ORDINANCE 22-68(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE SECTIONS 21.12, RURAL RESIDENTIAL DISTRICT; 21.14, URBAN RESIDENTIAL DISTRICT; 21.16 RESIDENTIAL OFFICE DISTRICT; 21.18, CENTRAL BUSINESS DISTRICT; 21.20, TOWN CENTER DISTRICT; 21.22, GATEWAY BUSINESS DISTRICT; 21.24, GENERAL COMMERCIAL 1 DISTRICT; 21.26, GENERAL COMMERCIAL 2 DISTRICT; AND HOMER CITY CODE 21.27, EAST END MIXED USE DISTRICT REGARDING CONDITIONAL USES IN EACH DISTRICT.

WHEREAS, It is in the interests of the City to make allowances for uses in districts according to the guidance set forth in the 2018 Homer Comprehensive Plan and the Purpose of the districts described in Homer City Code; and

WHEREAS, A Conditional Use Permit (CUP) should be a consideration for uses which, due to form or function, may require special conditions in order to minimize possible negative externalities; and

WHEREAS, Some uses may be inappropriate for a district in consideration of the purpose of the district and the negative externalities that may be found in the use itself, or those of the district itself; and

WHEREAS, The Homer Planning Commission has reviewed the subjects and actions of past CUP permits that have been routinely granted with few, if any, special conditions; and

WHEREAS, The Homer Planning Commission, using the guidance of the 2018 Homer Comprehensive Plan and the Purpose statements found in code for the zoning districts, has identified conditional uses and structures that would be more appropriately listed as permitted uses or eliminated.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.12, Rural Residential District is amended to read as follows:

21.12.020 Permitted uses and structures.

The following uses are permitted outright in the Rural Residential District:

[Bold and underlined added. Deleted language stricken through.]

45 s. ~~One detached~~ **Up to four** dwelling units, excluding mobile homes, ~~as an accessory building~~
46 ~~to a principal single family dwelling~~ on a lot subject to the requirements of HCC 21.12.040
47 **and located in an area depicted for Urban Residential zoning by the Future Land Use**
48 **Map in the 2018 Homer Comprehensive Plan.**

49
50 21.12.030 Conditional Uses and Structures.

51
52 m. More than one building containing a permitted principal use on a lot **except as provided**
53 **for in HCC 21.12.020(s);**

54
55 Section 2. Homer City Code Chapter 21.14, Urban Residential District is amended as
56 follows:

57
58 21.14.020 Permitted uses and structures.

59
60 The following uses are permitted outright in the Urban Residential District:

61
62 **r. Townhouse developments**

63
64 **s. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)(a)&(b)**
65 **excluding mobile homes.**

66
67 21.14.030 Conditional uses and structures.

68
69 The following uses may be permitted in the Urban Residential District when authorized by
70 conditional use permit issued in accordance with Chapter 21.71 HCC:

71
72 a. Planned unit development, excluding all industrial uses;

73
74 ~~b.~~ Townhouse developments;

75
76 ~~e~~b. Day care facilities; provided, however, that outdoor play areas must be fenced;

77
78 ~~d~~c. Religious, cultural and fraternal assembly;

79
80 e. Hospitals;

81
82 ~~f~~d. Pipelines and railroads;

83
84 k. More than one building containing a permitted principal use on a lot, **except as provided**
85 **for in HCC 21.14.020(s);**

86
87

88 Section 3. Homer City Code Chapter 21.16, Residential Office District is amended as
89 follows:

90

91 21.16.020 Permitted uses and structures.

92

93 The following uses are permitted outright in the Residential Office District:

94

95 **s. Townhouses**

96

97 **t. Mortuaries**

98

99 **u. Day care facilities; provided, however, that outdoor play areas must be fenced;**

100

101 **v. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)(a)&(b)**
102 **excluding mobile homes.**

103

104 **w. Group care homes.**

105

106 21.16.030 Conditional uses and structures.

107

108 The following uses may be permitted in the Residential Office District when authorized by
109 conditional use permit issued in accordance with Chapter 21.71 HCC:

110

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

112

113 ~~b. Townhouses;~~

114

115 ~~c. Public or private schools;~~

116

117 ~~d. Hospitals and medical clinics;~~

118

119 ~~e. Public utility facilities and structures;~~

120

121 ~~f. Mortuaries;~~

122

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

124

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

126

127 ~~i. Group care homes;~~

128

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

130

131 ~~k~~**f.** One small wind energy system having a rated capacity exceeding 10 kilowatts; provided,
132 that it is the only wind energy system of any capacity on the lot;

133
134 ~~l~~**g.** Other uses approved pursuant to HCC 21.04.020.

135
136 h. More than one building containing a permitted principal use on a lot, **except as provided**
137 **for in HCC 21.16.020(v)**;

138
139 21.16.040 Dimensional requirements.

140
141 The following dimensional requirements shall apply to all structures and uses in the
142 Residential Office District:

143
144 e. No lot shall contain more than 8,000 square feet of building area (all buildings combined),
145 nor shall any lot contain building area in excess of 30 percent of the lot area, without an
146 approved conditional use permit.

147
148 Section 4. Homer City Code Chapter 21.18, Central Business District is amended to read
149 as follows:

150
151 21.18.020 Permitted uses and structures.

152
153 The following uses are permitted outright in the Central Business District, except when such
154 use requires a conditional use permit by reason of size, traffic volumes, or other reasons set
155 forth in this chapter:

156
157 **ll. Greenhouses and garden supplies.**

158
159 **mm. Up to 4 buildings on a lot excluding mobile homes, except as provided for in HCC**
160 **21.18.030.**

161
162 **nn. Group care homes and assisted living homes**

163
164 **oo. Indoor and outdoor recreational facilities.**

165
166 21.18.030 Conditional uses and structures

167
168 The following uses may be permitted in the Central Business District when authorized by
169 conditional use permit issued in accordance with Chapter 21.71 HCC:

170
171 a. Planned unit developments, excluding all industrial uses;

172
173 ~~b. Indoor recreational facilities and outdoor recreational facilities;~~

- 174
175 ~~eb.~~ Mobile home parks;
176
177 ~~ec.~~ Auto fueling stations;
178
179 ~~ed.~~ Public utility facilities and structures;
180
181 ~~fe.~~ Pipeline and railroads;
182
183 ~~g.~~ Greenhouses and garden supplies;
184 ~~hf.~~ Light or custom manufacturing, repair, fabricating, and assembly, provided such use,
185 including storage of materials, is wholly within an enclosed building;
186
187 ~~ig.~~ Shelter for the homeless, provided any lot used for such shelter does not abut a residential
188 zoning district;
189
190 ~~jh.~~ More than one building containing a permitted principal use on a lot;
191
192 ~~k.~~ Group care homes and assisted living homes;
193
194 ~~li.~~ Drive-in car washes, but only on the Sterling Highway from Tract A-1 Webber Subdivision to
195 Heath Street;
196
197 ~~mj.~~ One small wind energy system having a rated capacity exceeding 10 kilowatts; provided,
198 that it is the only wind energy system of any capacity on the lot;
199
200 ~~nk.~~ Other uses approved pursuant to HCC 21.04.020.

201
202 21.18.040 Dimensional requirements.

203
204 The following dimensional requirements shall apply to all structures and uses in the Central
205 Business District:

- 206
207 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined),
208 nor shall any lot contain building area in excess of 30 percent of the lot area, without an
209 approved conditional use permit.

210
211 Section 5. Homer City Code Chapter 21.20, Town Center District is amended as follows:

212
213 21.20.020 Permitted uses and structures

214

215 The following uses are permitted outright in the Town Center District, except when such use
216 requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth
217 in this chapter:

218

219 **aa. Greenhouse and garden supplies**

220

221 **bb. Indoor and outdoor recreational facilities**

222

223 **cc. Group care and assisted living facilities.**

224

225 **dd. Self-service laundries**

226

227 21.20.030 Conditional uses and structures.

228

229 The following uses may be permitted in the Town Center District when authorized by
230 conditional use permit issued in accordance with Chapter 21.71 HCC:

231

232 a. Planned unit developments, limited only to uses otherwise permitted in this district;

233

234 b. Indoor recreational facilities;

235

236 ~~c. Greenhouses and garden supplies;~~

237

238 ~~d.~~ **dc.** Light or custom manufacturing, repair, fabricating, and assembly, provided such use,
239 including storage of materials, is wholly within an enclosed building;

240

241 ~~e. Group care homes and assisted living homes;~~

242

243 **fd.** Other uses approved pursuant to HCC 21.04.020;

244

245 **ge.** Outdoor recreational facilities;

246

247 ~~hf.~~ **hf.** Customary accessory uses to any of the permitted uses listed in the TCD district; provided,
248 that a separate permit shall not be issued for the construction of any type of accessory building
249 prior to that of the main building;

250

251 ~~i. Self-service laundries;~~

252

253 ~~j. Retail sales of hardware, appliances and furniture, building supplies and materials, but only~~
254 ~~if such use, including storage of goods and materials, is wholly contained within one or more~~
255 ~~enclosed buildings;~~

256

257 ~~k. Plumbing, heating and appliance repair shops, but only if such use, including storage of~~

258 ~~goods and materials, is wholly contained within one or more enclosed buildings;~~

259

260 ~~g.~~ One wind energy system having a rated capacity exceeding 10 kilowatts; provided, that it is
261 the only wind energy system on any capacity of the lot.

262

263 Section 6. Homer City Code Chapter 21.22, Gateway Business District is amended as
264 follows:

265

266 21.22.020 Permitted uses and structures.

267

268 The following uses are permitted outright in the Gateway Business District, except when such
269 use requires a conditional use permit by reason of size, traffic volumes, or other reasons set
270 forth in this chapter:

271

272 **r. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)(a)&(b)**
273 **excluding mobile homes.**

274

275 21.22.020 Conditional Uses and Structures.

276

277 a. More than one building containing a permitted principal use on a lot, **except as provided**
278 **for in HCC 21.22.020(r).**

279

280 21.22.040 Dimensional requirements.

281

282 The following dimensional requirements shall apply to all structures and uses in the Gateway
283 Business District:

284

285 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined),
286 nor shall any lot contain building area in excess of 30 percent of the lot area, without an
287 approved conditional use permit.

288

289 Section 7. Homer City Code Chapter 21.24, General Commercial District 1 is amended
290 as follows:

291

292 21.24.020 Permitted uses and structures.

293

294 The following uses are permitted outright in the General Commercial 1 District, except when
295 such use requires a conditional use permit by reason of size, traffic volumes, or other reasons
296 set forth in this chapter:

297

298 **mm. Townhouses;**

299

300 **nn. Day care facilities; provided, however, that outdoor play areas must be fenced;**

301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343

oo. Indoor and outdoor recreational facilities;

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

21.24.030 Conditional uses and structures.

The following uses may be permitted in the General Commercial 1 District when authorized by conditional use permit issued in accordance with Chapter 21.71 HCC:

- a. Campgrounds;
- b. Crematoriums;
- c. Multiple-family dwelling;
- d. Public utility facility or structure;
- e. Mobile home parks;
- f. Planned unit developments;
- ~~g. Townhouses;~~ **g. Townhouses**
- ~~hg. Pipelines and railroads;~~
- ~~ih. Shelter for the homeless, provided any lot used for such shelter does not abut an RO, RR, or UR zoning district;~~
- ~~j. More than one building containing a permitted principal use on a lot;~~
- ~~k. Day care facilities; provided, however, that outdoor play areas must be fenced;~~
- ~~li. Other uses approved pursuant to HCC 21.04.020;~~
- ~~m. Indoor recreational facilities;~~
- ~~n. Outdoor recreational facilities.~~

21.24.040 Dimensional requirements.

The following dimensional requirements shall apply to all structures and uses in the General Commercial 1 District:

344 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined),
345 nor shall any lot contain building area in excess of 30 percent of the lot area without an
346 approved conditional use permit.

347

348 Section 8. Homer City Code Chapter 21.26, General Commercial District 2 is amended
349 as follows:

350

351 21.26.020 Permitted uses and structures.

352

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

356

357 **x. Impound yards;**

358

359 **y. More than one building containing a permitted principal use on a lot;**

360

361 **z. Indoor and outdoor recreational facilities.**

362

363 21.26.030 Conditional uses and structures.

364

365 The following uses may be permitted in the General Commercial 2 District when authorized by
366 conditional use permit issued in accordance with Chapter 21.71 HCC:

367

368 ~~a.~~ Mobile home parks;

369

370 ~~ba.~~ Construction camps;

371

372 ~~eb.~~ Extractive enterprises, including the mining, quarrying and crushing of gravel, sand and
373 other earth products and batch plants for asphalt or concrete;

374

375 ~~ec.~~ Bulk petroleum product storage above ground;

376

377 ~~ed.~~ Planned unit developments, excluding residential uses;

378

379 ~~fe.~~ Campgrounds;

380

381 ~~gf.~~ Junk yard;

382

383 ~~hg.~~ Kennels;

384

385 ~~ih.~~ Public utility facilities and structures;

386

- 387 ~~ji. Pipelines and railroads;~~
388
389 ~~k. Impound yards;~~
390
391 ~~lj. Shelter for the homeless, provided any lot used for such shelter does not abut an urban, rural~~
392 ~~or office residential zoning district;~~
393
394 ~~m. More than one building containing a permitted principal use on a lot;~~
395
396 ~~n. Day care facilities; provided, however, that outdoor play areas must be fenced;~~
397
398 ~~o. Group care homes and assisted living homes;~~
399
400 ~~pk. Other uses approved pursuant to HCC 21.04.020;~~
401
402 ~~q. Indoor recreational facilities;~~
403
404 ~~r. Outdoor recreational facilities.~~

405
406 21.26.040 Dimensional requirements.

407
408 The following dimensional requirements shall apply to all structures and uses in the General
409 Commercial 2 District:

- 410
411 ~~d. No lot shall contain more than 8,000 square feet of building area (all buildings combined),~~
412 ~~nor shall any lot contain building area in excess of 30 percent of the lot area without an~~
413 ~~approved conditional use permit.~~

414
415 Section 9. Homer City Code Chapter 21.27, East End Mixed Use District is amended as
416 follows:

417
418 21.27.020 Permitted uses and structures.

419
420 The following uses are permitted outright in the East End Mixed Use District, except when such
421 use requires a conditional use permit by reason of size, traffic volumes, or other reasons set
422 forth in this chapter:

423
424 **pp. Indoor and outdoor recreational facilities.**

425
426 21.27.030 Conditional uses and structures.

427
428 The following conditional uses may be permitted in the East End Mixed Use District when
429 authorized by conditional use permit issued in accordance with Chapter 21.71 HCC:

- 430
- 431 j. Indoor recreational facilities;
- 432
- 433 k. Outdoor recreational facilities;
- 434

435 21.27.040 Dimensional requirements.

436

437 The following dimensional requirements shall apply to all structures and uses in the East End
438 Mixed Use District:

439

440 ~~d. No lot shall contain more than 8,000 square feet of building area (all buildings combined),~~
441 ~~nor shall any lot contain building area in excess of 30 percent of the lot area without an~~
442 ~~approved conditional use permit.~~

443

444 Section 10. This ordinance shall take effect upon its adoption by the Homer City
445 Council.

446

447 Section 11. This ordinance is of a permanent and general character and shall be
448 included in the City code.

449

450 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 24th day of
451 October 2022.

452

453 CITY OF HOMER

454 

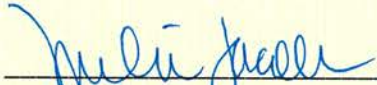
455 _____

456 KEN CASTNER, MAYOR

457

458 ATTEST:

459

460 

461 _____

462 MELISSA JACOBSEN, MMC, CITY CLERK

463

464 YES: 5

465 NO: 0

466 ABSTAIN: 0

467 ABSENT: 1

468

469 First Reading: 10.10.22

470 Public Reading: 10.24.22

471 Second Reading: 10.24.22

472 Effective Date: 10.25.22

