



# AGENDA ITEM REPORT

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## **Ordinance 23-08, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 21.20, Town Center District. Planning Commission.**

**Item Type:** Ordinance  
**Prepared For:** City Council  
**Meeting Date:** 13 Feb 2023  
**Staff Contact:** Rick Abboud  
**Attachments:** [Ordinance 23-08](#)  
[Planning Commission Meeting Backup](#)

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### **Summary Statement:**

Due to a typographical error found in Ordinance 22-68A, two uses were listed in two separate classifications in the Town Center District. A review of the staff report and minutes makes it clear that the intention of the Planning Commission was to strike the uses from Conditional Uses and Structures and add them to the Permitted Uses and Structures section.

The Commission reviewed the proposed ordinance at their meeting of January 4 and held a Public Hearing on the item at their meeting on January 18th where the Commission voted with unanimous consent to recommend that the City Council adopt the proposed ordinance.

### **Staff Recommendation:**

Introduce Ordinance 23-08 and schedule public hearing and second reading on February 27, 2023.

**CITY OF HOMER  
HOMER, ALASKA**

Planning Commission

**ORDINANCE 23-08**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING HOMER CITY CODE SECTION 21.20, TOWN CENTER  
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 district described in Homer City Code; and

WHEREAS, The Homer Planning Commission, using the guidance of the 2018 Homer Comprehensive Plan and the Purpose statement in code for the zoning district, has identified conditional uses and structures that would be more appropriately listed as permitted uses; and

WHEREAS, The Town Center District has adopted extensive regulations including architectural standards and site development standards which provides adequate measures applicable to all developments; and

WHEREAS, The proposed ordinance clears up unintended conflict of uses.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.20, Town Center District is amended to read as follows:

21.20.030 Conditional uses and structures.

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

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

~~b. Indoor recreational facilities;~~

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

~~dc.~~ Other uses approved pursuant to HCC 21.04.020;

~~e. Outdoor recreational facilities;~~

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

45  
46 ~~fd.~~ Customary accessory uses to any of the permitted uses listed in the TCD district;  
47 provided, that a separate permit shall not be issued for the construction of any type of  
48 accessory building prior to that of the main building;

49  
50 ~~ge.~~ One wind energy system having a rated capacity exceeding 10 kilowatts; provided,  
51 that it is the only wind energy system on any capacity of the lot.

52  
53  
54 Section 3. This ordinance shall take effect upon its adoption by the Homer City Council.

55  
56 Section 4. This ordinance is of a permanent and general character and shall be included  
57 in the City code.

58  
59 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this \_\_\_\_\_ day of  
60 \_\_\_\_\_ 2023.

61  
62 CITY OF HOMER

63  
64 \_\_\_\_\_  
65 KEN CASTNER, MAYOR

66  
67 ATTEST:

68  
69 \_\_\_\_\_  
70  
71 MELISSA JACOBSON, MMC, CITY CLERK

72  
73 YES:

74 NO:

75 ABSTAIN:

76 ABSENT:

77  
78 First Reading:  
79 Public Reading:  
80 Second Reading:  
81 Effective Date:



# AGENDA ITEM REPORT

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## Correction of Town Center District Uses and consideration of multiple dwellings in Residential and Central Business Districts.

**Item Type:** Action Memorandum  
**Prepared For:** Planning Commission  
**Meeting Date:** 04 Jan 2023  
**Staff Contact:** Rick Abboud, City Planner  
**Department:** Planning  
**Attachments:** [Draft Ordinance 23-xx](#)

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### Summary Statement:

After adoption of Ordinance 22-68(A), I found a typo error and an opportunity for clarification. I have found an-inadvertent oversight where the indoor and outdoor recreational facilities uses were added to conditional uses in the Town Center District and were not deleted from the list of permitted uses and structures in the district. Additionally, questions regarding the amount of dwellings in the districts where up to four structures/units are allowed to be permitted outright were raised.

### Analysis

The conditionally permitted items is easily cured by the by the attached simple amendment deleting them.

The issue raised about multiple structures is discussed below.

### Rural Residential

Allowance for dwellings depends of delivery of water and sewer. If one has city water and sewer services, they have an allowance for a dwelling per 10,000 square feet of lot. If someone has just water or just sewer service they have an allowance for one dwelling per 20,000 square feet. If one has access to neither city water nor sewer they have an allowance of 40,000 square feet per dwelling.

The new code provides an allowance for multiple structures, *“Up to four dwelling units, excluding mobile homes, on a lot subject to the requirements of HCC 21.12.040 and located in an area*

*depicted for Urban Residential zoning by the Future Land Use Map in the 2018 Homer Comprehensive Plan.”*

The code, when applied in entirety, adequately addresses density and site development standards. The spatial requirements dictate that, in any event, no more dwelling units than prescribed in code are allowed (as described above). The allowance for duplex or multi-family structures in addition to single-family structures could limit site impact when compared with single unit structures (which is the preferred choice, so far). I believe it is the best policy that 4 dwelling units are allowed in any format that is allowed in the district. This provides developers with a choice to consider options that may minimize overall site impacts. In any event, one could not exceed the number of dwellings allowed dependent on water and sewer service. Below are the definitions of the dwellings permitting in all the districts where up to four structures are a permitted use.

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

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

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

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

### Urban and Office Residential Districts

Here the question of dwelling density was brought up.

The language is under permitted structures and uses states, *“Up to four buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)(a) and (b), excluding mobile homes.”*

Requirements for permitted multi-family:

21.14.040(a)(2)(a) and (b),

*a. The total floor area shall not be more than four-tenths the lot area;*

*b. The total open area shall be at least 1.1 times the total floor area. Open area is any portion of the lot not covered or used for parking spaces and maneuvering.”*

Current regulations address acceptable densities. In these districts, single-family, duplexes, and multi-family dwellings are allowed as permitted structures. When up to four buildings are proposed,

they are required to meeting the floor area ratios stated above for multi-family dwellings. This does not introducing a greater allowance for development, it makes an allowance for additional formats in which to deliver multiple dwelling units. The intensity of the use is not any different than that of what is permissible in a multi-family scenario. In these districts one could find single-family dwellings that exceed the floor area ratio for multi-family structures. It is appropriate to have allowances for similar uses and structures that are permissible in the district.

### Central Business District (CBD)

Here the permitted uses and structures allows, “Up to four buildings on a lot excluding mobile homes, except as provided for in HCC 21.18.030.” HCC 21.18.030, Conditional Uses and Structures does require a conditional use permit (CUP) for more than 4 buildings. There are no restriction that limits this to dwellings only, as both residential and commercial development is allowed in the district.

To consider the effect of the change we must look at all the applicable regulations. In the CBD, a level two site plan per HCC 21.50.030 is applicable. This section of code regulates disturbances including provision for slopes, drainage, development activity plans, storm water plans, and landscaping requirements. Additionally, per HCC 21.18.040(d), if all buildings combined were over 8000 square feet or the building area was in excess of 30% of the lot, a CUP is required. Nothing about site development requirements would change except that one could add up to four separate structures without a CUP, if the development did not trigger the requirement provided in other provisions of code. The provision in applicable to both dwellings and commercial structures.

In consideration of the options for ‘up to four structures’, I find that the code change is beneficial to the City of Homer. The changes make it less onerous to develop in an acceptable fashion in accordance to long-standing development regulations, a new format is allowed that is not introducing additional allowances for density or site development. It also supports an avenue for possible provisions of affordable housing options.

### **Staff Recommendation:**

Review the proposed amendment and recommend a public hearing.

### **Attachments:**

[Draft Ordinance 23-xx](#)

City Planner Abboud reviewed his staff report that was presented in the packet and responded to questions from the Commission regarding Army Corps of Engineers and wetlands permits in the City, new Planning permitting software, and status of the RFP for Title 21 and Comprehensive Plan re-writes.

## **8. PUBLIC HEARING(S)**

## **9. PLAT CONSIDERATION(S)**

## **10. PENDING BUSINESS**

10. A. Correction of Town Center District Uses and Consideration of Multiple Dwellings in Residential and Central Business Districts.

City Planner Abboud reviewed the staff report that was included in the packet.

Commissioner Barnwell addressed the importance of the Comprehensive Plan update related to zoning matters and the zoning map, and that the Planning Commission needs to be involved in the process.

Commissioner Highland shared her concern with multiple dwellings or multifamily dwellings in rural residential due to increased traffic, increased people in the area, but also recognizes there's an increase in population in the area that's affecting things.

HIGHLAND/VENUTI MOVED TO FORWARD THE DRAFT ORDINANCE AMENDING HOMER CITY CODE SECTIONS 21.12 RR D 21.14 TC DISTRICT AS PRESENTED TO PUBLIC HEARING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

## **11. NEW BUSINESS**

## **12. INFORMATIONAL MATERIALS**

12. A. Planning Commission 2023 Calendar

## **13. COMMENTS OF THE AUDIENCE**

## **14. COMMENTS OF THE STAFF**

City Planner Abboud and City Clerk Jacobsen had no comments.

## **COMMENTS OF THE COMMISSION**

Commissioner Highland commented here we are in 2023, so onward and outward.



# AGENDA ITEM REPORT

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## Ordinance 23-xx, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 21.20, Town Center District Correcting Duplicate Uses. Planning Commission.

**Item Type:** Action Memorandum  
**Prepared For:** Planning Commission  
**Meeting Date:** 18 Jan 2023  
**Staff Contact:** Rick Abboud, City Planner  
**Department:** Planning  
**Attachments:** [Planning Staff Review Memo](#)  
[Draft Ordinance 23-xx](#)

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### Summary Statement:

#### Introduction

After adoption of the ordinance, I found a typo error. The uses of indoor and outdoor recreational facilities were added to permitted uses in the Town Center District and were not struck from the list of conditional uses and structures in the district.

#### Analysis

The issue of not striking the conditionally permitted items is easily cured by striking them. After reviewing the backup material including the meeting minutes it is clear that the intention of the Commission was to move the uses to “permitted” from “conditional” uses and structures.

Briefly, it was found that adequate regulations exist to allow facilities to be developed according to existing regulations and forego Conditional Use Permits (CUP’s). Many characteristics including guidelines for architecture and landscaping are found to apply to permitted uses and structures. These guidelines ensure that development will reflect the intent of the district.

#### Staff Recommendation:

Planning staff has reviewed the ordinance per HCC 21.95.040 and recommends the Planning Commission conduct a public hearing, and recommends approval to the City Council.



**Attachments:**

[Planning Staff Review Memo](#)

[Draft Ordinance 23-xx](#)



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

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## MEMORANDUM

TO: Homer Planning Commission  
FROM: Rick Abboud, AICP, City Planner  
DATE: January 9, 2023  
SUBJECT: Planning Staff review of draft ordinance removing duplicate references to uses in the Town Center District

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### Planning Staff review per 21.95.040

#### 21.95.040 Planning Department review of code amendment

The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Analysis: The proposed amendment aligns with Goal 3, Objective A, create a clear, coordinated regulatory framework that guides development. Removing the duplicate listed uses implements the changes recommended by the Commission and adopted by the Council and clearly up conflict in the code.

Finding 1: The proposed amendment is consistent with the Comprehensive Plan.

b. Will be reasonable to implement and enforce.

Analysis: The proposed ordinance clears up confusion and contradiction in code.

Finding 2: The proposed ordinance will be reasonable to implement and enforce.

c. Will promote the present and future public health, safety and welfare.

Analysis: The proposed ordinance allows for development according to established standards in Homer City Code found appropriate for the in the district.

***Finding 3:*** The proposed ordinance will promote the present and future public health, safety, and welfare.

d. Is consistent with the intent and wording of the other provisions of this title.

***Analysis:*** The ordinance has been reviewed for consistency for its use in title 21 and has not been found to be in conflict with other regulations.

***Finding 4:*** The proposed ordinance is consistent with the intent and wording of other provision in Title 21.

**STAFF COMMENTS/RECOMMENDATIONS:**

Planning staff has reviewed the ordinance per HCC 21.95.040 and recommends the Planning Commission conduct a public hearing, and recommends approval to the City Council.

City Planner Abboud reviewed his staff report that was presented in the packet. He requested a volunteer for the February 13, 2023 Council meeting.

Commissioner Venuti commented on the importance of having a report from the Commission and if someone does not show the Commission should submit a written report.

Chair Smith responded that he submits a written report and it was just a coincidence that Commissioner Stark was unavailable and the Clerk was out of town that his report did not get submitted for the last Council meeting.

Commissioner Barnwell stated that he was actually scheduled to report for the last Council meeting but was unable to attend due to his wife's health issues but concurred with Commissioner Venuti on the importance of a written or verbal report submitted to Council for each meeting.

Commissioner Highland commented on the integrity of the Chair and if he stated that a report was submitted then it was and it just did not make it to the Clerk for the supplemental packet. She then questioned the City Planner if he received her application for the APA membership.

City Planner Abboud confirmed that he received her application. He then responded to comments and questions from the Commission on the following:

- Presentation on Housing Forum
  - o Housing Forum demographics used
  - o Involvement with the Kenai Peninsula Housing Coalition
  - o Possible Moratorium on AirBnB's
  - o Business Licensing within City Limits
- Port & Harbor Worksession and the role that HDR played and obtaining a copy of the presentation
  - o Presentation should be available on the city website for that meeting date
- Planning Commission decision to deny permit for preliminary plat last September was approved by the Borough Planning Commission.
  - o Requesting training on that topic so the Commission is better informed
- Information in the City Manager's report that City Hall was once a bank

## **8. PUBLIC HEARING(S)**

8.A. Ordinance 23-xx, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 21.20, Town Center District Correcting Duplicate Uses. Planning Commission.

Chair Smith introduced the topic and deferred to City Planner Abboud.

City Planner Abboud provided his Agenda Item Report 23-04, noting that this was coming back to the Commission because the uses of indoor and outdoor recreational facilities were added to permitted uses in the Town Center District and were not struck from the list of conditional uses and structures in the district.

Chair Smith opened the Public Hearing. Hearing and seeing no one in the public wishing to provide comment he closed the public hearing and opened the floor to comments and or questions from the Commission.

Commissioner Highland noted that on line 50 it stated one wind energy system having a rated capacity exceeding 10 kilowatts and questioned if that should be corrected to state “not exceeding”?

City Planner Abboud pointed out that it is correct as it is under Conditional Uses and structures.

Chair Smith called for a motion and second.

HIGHLAND/VENUTI - MOVED TO ADOPT STAFF REPORT PC23-03 AND RECOMMEND APPROVAL OF THE DRAFT ORDINANCE AMENDING HOMER CITY CODE SECTION 21.20, TOWN CENTER DISTRICT, CORRECTING DUPLICATE USES (AS PRESENTED or AMENDED) AND FORWARD TO CITY COUNCIL FOR APPROVAL.

There was no further discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **9. PLAT CONSIDERATION(S)**

### **10. PENDING BUSINESS**

### **11. NEW BUSINESS**

#### 11.A. Shed Roof Design in the City of Homer

Chair Smith introduced the topic and deferred to the City Planner.

City Planner Abboud stated that he had assigned this topic to the Associate Planner Vaz and deferred to her.

Associate Planner Vaz provided a review of Agenda Item Report 23-05 for the Commission. She noted that the city does not have an adopted residential building code at this time. Ms. Vaz included examples of more prescriptive design requirements from other communities. She recommended that the Commission could request additional research be done or that the issue could be addressed during the Comprehensive Plan development with public outreach and input on the subject.

Chair Smith provided the reason to bring this topic before the Commission for discussion and requested their input going forward or not.

Discussion ensued by the Commissioners with each member providing their opinion on design requirements in relation to shed roof design elements. It was agreed by consensus that the Commission did not want to take any further action and it was not a topic that was a responsibility of the Commission at this time.

Associate Planner Vaz was complemented on her thorough and concise reporting on the topic and the Commission expressed looking forward to working with her in the future and welcomed her to the Planning Department and Homer.