

1 CITY OF HOMER
2 HOMER, ALASKA

Lord/Mayor

3
4 ORDINANCE 23-40

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE SECTIONS 21.12, RURAL
8 RESIDENTIAL DISTRICT; 21.14 URBAN RESIDENTIAL DISTRICT;
9 21.18 CENTRAL BUSINESS DISTRICT; 21.24 GENERAL
10 COMMERCIAL 1 DISTRICT; 21.26 GENERAL COMMERCIAL 2
11 DISTRICT REGARDING CONDITIONAL USES IN EACH DISTRICT.

12
13 WHEREAS, Via Ordinance 22-68(A) the Homer City Council codified as an allowable use
14 the construction of up to four residential units on a single lot in certain zoning districts; and

15
16 WHEREAS, The Homer City Council has growing concerns that multiple-unit
17 construction on a single lot can create neighborhood disturbances that may need mitigation
18 measures or restrictions; and

19
20 WHEREAS, Increasing density in the City of Homer should to be done thoughtfully and
21 with significant community participation and buy-in through a thorough comprehensive
22 planning and Title 21 review; and

23
24 WHEREAS, The best procedure at this time of notice and review is through the
25 application of a Conditional Use Permit; and

26
27 WHEREAS, It is in the City's best interest to revert the zoning code back to require
28 Conditional Use Permits for increased building density on lots in certain zoning districts until
29 a more thorough vetting happens specifically surrounding building density.

30
31 NOW THEREFORE, The City of Homer Ordains:

32
33 Section 1. Homer City Code Chapter 21.12, Rural Residential District is amended as
34 follows:

35 Chapter 21.12.020 Permitted Uses and Structures

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

37
38 s. One detached ~~up to four~~ dwelling units, excluding mobile homes, as an accessory building
39 to a principal single family dwelling on a lot subject to the requirements of HCC 21.12.040

[Bold and underlined added. Deleted language stricken through]

40 ~~and located in an area depicted for Urban Residential zoning by the Future Land Use Map in~~
41 ~~the 2018 Homer Comprehensive Plan.~~

42

43 21.12.030 Conditional Uses and Structures

44

45 m. More than one building containing a permitted principal use on a lot ~~except as provided for~~
46 ~~in Hcc 21.12.020(s)~~

47

48 Section 2. Homer City Code Chapter 21.14, Urban Residential District is amended as
49 follows:

50 21.14.020 Permitted Uses and Structures.

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

52 ~~s. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)(a)&(b)~~
53 ~~excluding mobile homes.~~

54 21.14.030 Conditional uses and structures.

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

57 k. More than one building containing a permitted principal use on a lot, ~~except as provided~~
58 ~~for in HCC 21.14.020(s);~~

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

61 21.16.020 Permitted Uses and Structures.

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

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

65 21.16.030 Conditional uses and structures.

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

68 h. More than one building containing a permitted principal use on a lot, ~~except as provided~~
69 ~~for in HCC 21.16.020(v);~~

70 Section 4. Homer City Code Chapter 21.18, Central Business District is amended as
71 follows:

72 21.18.020 Permitted Uses and Structures.

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

76 ~~mm. Up to 4 buildings on a lot excluding mobile homes, except as provided for in HCC~~
77 ~~21.18.030.~~

78 Section 5. Homer City Code Chapter 21.22, Gateway Business District is amended as
79 follows:

80 21.22.020 Permitted Uses and Structures.

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

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

86 21.22.030 Conditional Uses and Structures.

87 a. More than one building containing a permitted principal use on a lot, ~~except as provided~~
88 ~~for in HCC 21.22.020(r).~~

89 Section 5. Homer City Code Chapter 21.24, General Commercial1 District is amended as
90 follows:

91 21.24.020 Permitted Uses and Structures.

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

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

96 21.24.030 Conditional Uses and Structures.

97 **j. More than one building containing a permitted principal use on a lot**

98 Section 6. Homer City Code Chapter 21.26, General Commercial 2 District is amended
99 as follows:

100 21.24.020 Permitted Uses and Structures.

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

104 ~~y. More than one building containing a permitted principal use on a lot.~~

105 21.26.030 Conditional Uses and Structures.

106 **l. More than one building containing a permitted principal use on a lot**

107 Section 7. This ordinance is of a permanent and general character and shall be
108 included in Homer City Code.

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110 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 28th day of August, 2023.

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CITY OF HOMER



KEN CASTNER, MAYOR

120 ATTEST:

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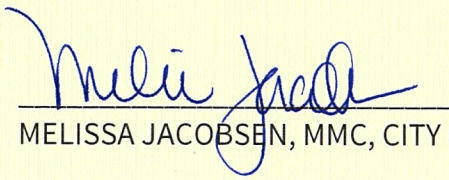
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MELISSA JACOBSEN, MMC, CITY CLERK

Introduction: June 12, 2023

Public Hearing: August 28, 2023

Second Reading: August 28, 2023

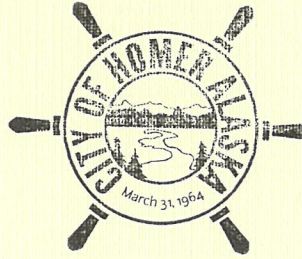
Effective Date: August 29, 2023

YES: 4

NO: 3

ABSTAIN: 0

ABSENT: 0





MEMORANDUM

Ordinance 23-40, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Sections 21.12, Rural Residential District; 21.14 Urban Residential District; 21.18 Central Business District; 21.24 General Commercial 1 District; 21.26 General Commercial 2 District Regarding Conditional Uses in each District. Lord/Mayor.

Item Type: Action Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: August 22, 2023
From: Ryan Foster, AICP, City Planner
Through: Rob Dumouchel, City Manager

At the July 19, 2023 Joint Planning Commission and Economic Development Work Session City Planner Foster and Economic Development Manager Engebretsen facilitated discussion and answered questions regarding the following topics:

- The proposed changes represented in Ordinance 23-40
- The changes adopted by Ordinance 22-68(A)
- Density, zoning districts, infrastructure, and what that means for how the City is planned
- Some of the proposed changes are reversing the number of units back to one in addition to the principal allowed without a CUP
- Administrative burden of processing CUP applications within each zoning district

City Planner Foster reviewed the materials provided in the packet for each district and then addressed four questions for each district: What is the impact of the proposed text amendments, does it fit well with the district, any additional goals to consider, and comments or edits?

At the August 2, 2023 Planning Commission Work Session, the notes from the July 19, 2023 meeting were provided along with a draft recommendation based on the Joint Work Session discussion. The Planning Commission discussed further and drafted recommendations for consideration and voting at the August 16, 2023 regular meeting public hearing. Below are the recommended comments to the City Council for all seven of the zoning districts addressed in Ordinance 23-40.

The Planning Commission supports the new language in the proposed zoning text amendment.

In addition, a typographical error was found.

A typographical error in City Code for General Commercial 1, pp not on website, oo is correct.

RECOMMENDATION:

Staff recommends City Council review and consider the recommended comments of the Planning Commission in support of the Ordinance 23-40 zoning text amendment.

ATTACHMENTS:

SR 23-48 CUP Zoning Text Amendment Recommendations

SR 23-46 CUP Zoning Text Amendment Work Session Notes



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

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Staff Report PL 23-46

TO: Homer Planning Commission
FROM: Ryan Foster, AICP, City Planner
DATE: July 26, 2023
SUBJECT: Ordinance 23-40 CUP Zoning Text Amendment Work Session Notes

Introduction

At the July 19, 2023 Joint Planning Commission and Economic Development Work Session City Planner Foster and Economic Development Manager Engebretsen facilitated discussion and answered questions regarding the following topics:

- The proposed changes represented in Ordinance 23-40
- The changes adopted by Ordinance 22-68(A)
- Density, zoning districts, infrastructure, and what that means for how the City is planned
- Some of the proposed changes are reversing the number of units back to one in addition to the principal allowed without a CUP
- Administrative burden of processing CUP applications within each zoning district

City Planner Foster reviewed the materials provided in the packet for each district and then addressed four questions for each district: What is the impact of the proposed text amendments, does it fit well with the district, any additional goals to consider, and comments or edits.

RR Impact: Removes FLUM UR Map as consideration for more dwelling units
Removes up to 4 units/need CUP
Fewer Opportunities for housing/labor
Fewer units per property would be more expensive

Fit: Good fit/low density of both Title 21 and Comp Plan

Goals: Slow sprawl, put density where it is planned

Comments: Commissions support the proposed ZTA

UR Impact: Removes up to 4 units dwellings outright

Could increase cost per dwelling unit for required CUP approval
Approved CUPs are tied to property and need to be managed
Density causes reduction in green space and wildlife corridors
Maintains existing character/density in established neighborhoods
More CUPs increases workload on Commission and Staff

Fit: None noted

Goals: Provide mix of housing types and can maintain neighborhood character
Get community buy-in for proposed density changes in existing neighborhoods

Comments/Edits: Commissions support the proposed ZTA

CBD Impact: Removes up to 4 buildings on a lot
Requiring CUPs for more buildings
Maintains character of existing neighborhood
Potential impact to business opportunity and growth for property owner
CUP difficult CUP process
Potential for misuse and disturbances with more structures/STR

Fit: Not an efficient use of time or effort for CUP
Reducing the number of buildings could reduce density in high density district

Goals: Need certainty for development/expansion
More buildings result in fewer strip malls

Comments: Commissions do not support the proposed ZTA

GC1 Impact: More than one building is not the typical trigger for CUP in district
More than 1 building requires CUP
Possible impact to property/business for construction/expansion

Fit: None noted

Goals: District is difficult to safely accommodate pedestrians

Comments: **Commissions do not support the proposed ZTA**
When to address wildlife/wetlands?

Typographical error in City Code, pp not on website, oo is correct

GC2

Not reviewed, all present support the proposed ZTA

RO

Impact: Removes by rights for up to 4 buildings dwellings
Discourages dwellings units construction/expansion
Reduces residential infill/affordable housing

Fit: Infill would be a good fit with current code
Residential is more the focus and office has to fit in the residential aspect

Goals: Could use affordable housing

Comments: Commissions do not support the proposed ZTA

GBD

Impacts: Removes by-right up to 4 buildings on a lot as dwelling units

Fit: Fits the Purpose of the district with exception of dwelling rentals/business

Goals: None noted

Comments: Commissions support the proposed ZTA

Consider similarities/differences between districts in HCC

Attachments:

Ordinance 23-40: Amending Title 21 Regarding Conditional Use Permits

City of Homer Zoning Map



City of Homer

www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603

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(p) 907-235-3106
(f) 907-235-3118

Staff Report PL 23-48

TO: Homer Planning Commission
FROM: Ryan Foster, AICP, City Planner
DATE: August 9, 2023
SUBJECT: Ordinance 23-40 CUP Zoning Text Amendment Recommendations

Introduction

At the July 19, 2023 Joint Planning Commission and Economic Development Work Session City Planner Foster and Economic Development Manager Engebretsen facilitated discussion and answered questions regarding the following topics:

- The proposed changes represented in Ordinance 23-40
- The changes adopted by Ordinance 22-68(A)
- Density, zoning districts, infrastructure, and what that means for how the City is planned
- Some of the proposed changes are reversing the number of units back to one in addition to the principal allowed without a CUP
- Administrative burden of processing CUP applications within each zoning district

City Planner Foster reviewed the materials provided in the packet for each district and then addressed four questions for each district: What is the impact of the proposed text amendments, does it fit well with the district, any additional goals to consider, and comments or edits.

At the August 2, 2023 Planning Commission Work Session, the notes from the July 19, 2023 meeting were provided along with a draft recommendation based on Joint Work Session discussion. The Planning Commission discussed further and drafted recommendations for consideration and voting at the August 16, 2023 regular meeting public hearing. Below are draft recommended comments to the City Council for each of the zoning districts in the Ordinance 23-40.

Rural Residential District

Proposed Text:

s. **One detached** ~~up to four~~ dwelling units, excluding mobile homes, **as an accessory building**

to a principal single family dwelling 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.

21.12.030 Conditional Uses and Structures

m. More than one building containing a permitted principal use on a lot ~~except as provided for in Hcc 21.12.020(s)~~

Recommendation: *The Planning Commission supports the new language in the proposed zoning text amendment.*

Urban Residential

Proposed Text:

21.14.020 Permitted Uses and Structures.

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

~~s. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14040(a)(2)(a)&(b) excluding mobile homes.~~

21.14.030 Conditional uses and structures.

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

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

Recommendation: *The Planning Commission supports the new language in the proposed zoning text amendment.*

Central Business District

Proposed Text:

21.18.020 Permitted Uses and Structures.

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

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

Recommendation: *The Planning Commission supports the new language in the proposed zoning text amendment.*

General Commercial 1

Proposed Text:

Section 5. Homer City Code Chapter 21.24, General Commercial1 District is amended as follows:

21.24.020 Permitted Uses and Structures.

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

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

21.24.030 Conditional Uses and Structures.

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

Recommendation: *The Planning Commission supports the new language in the proposed zoning text amendment.*

A Typographical error in City Code, pp not on website, oo is correct.

General Commercial 2

Proposed Text:

Section 6. Homer City Code Chapter 21.26, General Commercial 2 District is amended as follows:

21.24.020 Permitted Uses and Structures.

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

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

21.26.030 Conditional Uses and Structures.

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

Recommendation: *The Planning Commission supports the new language in the proposed zoning text amendment.*

Residential Office

Proposed Text:

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

21.16.020 Permitted Uses and Structures.

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

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

21.16.030 Conditional uses and structures.

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

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

Recommendation: *The Planning Commission supports the new language in the proposed zoning text amendment.*

Gateway Business District

Proposed Text:

Section 5. Homer City Code Chapter 21.22, Gateway Business District is amended as follows:

21.22.020 Permitted Uses and Structures.

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

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

21.22.030 Conditional Uses and Structures.

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

Recommendation: *The Planning Commission supports the new language in the proposed zoning text amendment.*

Attachments:

Ordinance 23-40: Amending Title 21 Regarding Conditional Use Permits

SR 23-46 Ordinance 23-40 Work Session Notes



MEMORANDUM

Ordinance 23-40, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Sections 21.12, Rural Residential District; 21.14 Urban Residential District; 21.18 Central Business District; 21.24 General Commercial 1 District; 21.26 General Commercial 2 District Regarding Conditional Uses in each District. Lord/Mayor.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: August 21, 2023
From: Economic Development Advisory Commission
Through: Julie Engebretsen, Economic Development Manager

City Council referred Ordinance 23-40 to the Planning and Economic Development Advisory Commissions. The commissions held a joint work session on July 19th, discussing the proposed amendments at length. The EDC further discussed the ordinance at their regular meeting on August 8, 2023.

Comments from the EDC:

1. Don't treat all the zoning districts the same.
2. Homer needs broader community discussion on what is appropriate development in different parts of town.
3. The Commission had a lot of discussion but did not reach consensus on a recommendation on the ordinance.

RECOMMENDATION:

Informational Only.

Attachment: Unapproved minutes excerpt from 8/8/23 EDC meeting

The group will meet again Tuesday, August 22 at 5:30 p.m. at Grace Ridge Brewing. Mr. Kim will report back to the group after the next meeting.

G. HERC Update

Economic Development Manager Engebretsen covered the following:

- Limited, hazardous materials assessment of the big building in addition to a detailed report of the small building
 - o Asbestos, lead paint, and PCBs in concentrations that currently cannot be disposed of in the state.
 - o Economic Development Manager Engebretsen will meet with the City Council for a work session on Monday, August 14 to discuss the results.
- Results of the assessment are posted on the City's website for the public to view.

PUBLIC HEARING

PENDING BUSINESS

- A. Housing Update
Memorandum EDC 23-030

Discussion on the housing update took place earlier in the meeting when Chair Marks and City Planner Foster conducted their slideshow presentation.

- B. EDC Mission Statement
Action Item Report EDC 23-031

Chair Marks directed all commissioners to review the draft of the mission statement provided by Mr. Perez. The Commission decided that the statement needs some revising, which Mr. Kim and Ms. Arevalo agreed to edit together.

- C. EDC Bylaws

Chair Marks reviewed the changes to the wording of the bylaws, including:

- "The City Manager shall assign a staff liaison to the commission."
- Changing "APPROVAL OF MINUTES" to "CONSENT AGENDA" on the agenda.

BROWN/AREVALO MOVED TO ACCEPT THE CHANGES TO THE BYLAWS

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

- A. Ordinance 23-40
Agenda Item Report EDC 23-032

Chair Marks provided an overview of the recent work session with the Planning Commission regarding Ordinance 23-40 and this Commission's role in considering the economic impact of the changes in the ordinance. Economic Development Manager Engebretsen reviewed her memorandum in the packet and explained the purpose of Conditional Use Permits and how the rules apply to different zoning districts.

After in-depth discussion regarding 4 dwelling units on a lot for residential districts and 4 buildings on a lot in commercial districts, Economic Development Manager Engebretsen concluded by saying that the Commission had reached a consensus that it doesn't want to treat all zoning districts the same. The Commissioners were in agreeance that they had differing opinions on the subject, and the Commission felt that it needs to have a broader discussion at a future time. Ms. Engebretsen added that she would write a memo to share with all of the Commissioners, in addition to sending it to the City Council.

B. City of Homer Draft 2024-29 Capital Improvement Plan (CIP)
Memorandum from Special Projects and Communications Coordinator

Economic Development Manager Engebretsen welcomed discussion about which projects the commission felt should be of highest priority. The Commission was in general consensus from the start of debate that the Slope Stability & Erosion Mitigation Program was the project of highest priority. Ms. Arevalo then went on to say that she felt the A-Frame Water Transmission Line Replacement was the project of next highest priority, followed by the Steel Grid. The Commission agreed with both of these opinions, and Ms. Engebretsen added that they could submit more than just their top three priority projects to City Council. The Commission then determined that they also wanted to add the Pioneer Avenue Gateway Redevelopment project to the list in addition to the Homer Harbor Critical Float System Replacement project.

GAMBLE/BROWN MOVED TO SUBMIT TO THE CITY COUNCIL THEIR TOP FIVE PRIORITY PROJECTS IN THE FOLLOWING ORDER:

1. Slope Stability
2. A-Frame Water
3. Steel Gird
4. Pioneer Ave/Gateway
5. Floats

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. Recommendation to City Council on a Sterling Highway Underpass at Diamond Creek

Chair Marks introduced the item by reading the title. Ms. Arevalo then gave a little more insight on the proposal, saying that the DOT is already planning on redoing the stretch of road from Anchor Point to Homer in addition to widening the culver that exists at Diamond Creek to accommodate wildlife. She

From: [Frank Griswold](#)
To: [Melissa Jacobsen](#)
Cc: [Renee Krause](#); [Department Planning](#)
Subject: Proposed Ordinance 23-40
Date: Sunday, July 23, 2023 10:08:08 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear City Council and Planning Commission,

The caption of proposed Ordinance 23-40 is inaccurate and misleading. The subject amendments primarily pertain to permitted uses, not conditional uses. Some listed conditional uses may be amended as a consequence of deleting permitted uses from the zoning code but those relatively minor conditional use amendments would clearly be secondary to the main purpose of Ordinance 23-40. The caption of Ordinance 23-40 should be corrected and all future public notices should reflect its true purpose i.e., deleting specific listed permitted uses allowing multiple structures per lot in five zoning districts.

Whereas clause #3 of Ordinance 23-40 states: "WHEREAS, Increasing density in the City of Homer should to be done thoughtfully and with significant community participation and buy-in through a thorough comprehensive planning and Title 21 review." Ordinance 23-40 is designed to rescind some of the myriad amendments arbitrarily enacted via Ordinance 22-68(A). *All* of the amendments enacted via Ordinance 22-68(A) should have been done thoughtfully and with significant community participation, but as conceded in whereas clause #3, they clearly were not. Therefore, the scope of proposed Ordinance 23-40 should be expanded such that Ordinance 22-68(A) be rescinded in its entirety.

Frank Griswold

CITY OF HOMER HOMER, ALASKA

ORDINANCE 23-40

Lord/Mayor

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE SECTIONS 21.12, RURAL RESIDENTIAL DISTRICT; 21.14 URBAN RESIDENTIAL DISTRICT; 21.18 CENTRAL BUSINESS DISTRICT; 21.24 GENERAL COMMERCIAL 1 DISTRICT; 21.26 GENERAL COMMERCIAL 2 DISTRICT REGARDING CONDITIONAL USES IN EACH DISTRICT.