

WORK SESSION AGENDA

1. Call to Order 5:30 p.m.
2. Webinar – 60 minutes:
APA Education/Lincoln Institute of Land Policy, 2009. Informed Decisions: A Guide to Gathering Facts and Evidence. www.planning.org/store/product/?ProductCode=STR_TIDA
3. Discussion of Items on the Regular Meeting Agenda
4. Public Comments
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
5. Commission Comments
6. Adjournment

REGULAR MEETING AGENDA

1. Call to Order

2. Approval of Agenda

3. Public Comment

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

4. Reconsideration

5. Adoption of Consent Agenda

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

A. Approval of Minutes of June 4, 2014 meeting **pg. 5**

B. Decisions and Findings for CUP 2014-07 564 E Pioneer Ave. request for a setback reduction along Lee Dr. **pg.11**

6. Presentations

7. Reports

A. Staff Report PL 14-55, City Planner's Report **pg. 17**

8. Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 14-56, Changeable copy and internally lit sign in the Gateway Business District **pg. 19**

9. Plat Consideration

10. Pending Business

A. Staff Report PL 14-57, Towers **pg. 23**

B. Staff Report PL 14-58, Heliports **pg. 37**

C. Staff Report PL 14-59, Creation of the East End Residential/Commercial Mixed Use District **pg. 51**

11. New Business

12. Informational Materials

A. City Manager's Report from the June 9, 2014 City Council Meeting **pg. 59**

13. Comments of the Audience

Members of the audience may address the Commission on any subject. (3 minute time limit)

14. Comments of Staff

15. Comments of the Commission

16. Adjournment

Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.
Next regular meeting is scheduled for July 16, 2014. A work session will be held at 5:30 pm.

Session 14-11, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on June 4, 2014 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS ERICKSON, HIGHLAND, STEAD, STROOZAS, VENUTI

ABSENT: BOS, SLONE

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/STEAD SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Comment

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

None

Reconsideration

None

Adoption of Consent Agenda

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

A. Approval of Minutes of May 21, 2014 meeting

Chair Venuti called for a motion to adopt the consent agenda.

HIGHLAND/STEAD SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Presentations

Reports

A. Staff Report PL 14-49, City Planner's Report

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

Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 14-50, Ordinance 14-xx amending the Homer City Code to include "Open Air Businesses" as a permitted use in the Central Business District and General Commercial 2 District and remove Farmer's Market as Permitted use from the Central Business District.

City Planner Abboud reviewed the staff report.

Chair Venuti opened the public hearing.

There were no comments and the hearing was closed.

There was brief discussion to clarify the recommended action in the staff report.

HIGHLAND/STEAD MOVED TO STRIKE OPEN AIR BUSINESS AS A PERMITTED USE IN THE CBD AND ADD FARMERS MARKET IN ITS PLACE, AS CURRENTLY FOUND IN CODE.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

STEAD/HIGHLAND MOVED TO FORWARD ORDINANCE 14-20, AS AMENDED, TO CITY COUNCIL AND RECOMMEND THEIR ADOPTION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Plat Consideration

- A. Staff Report PL 14-51, Bidarka Heights Unit 3 Knutson Replat Preliminary Plat

City Planner Abboud reviewed the staff report.

There was no applicant or public comment.

There was brief discussion regarding the street name Highland Drive being west Highland. There wasn't adequate information to determine which was correct.

ERICKSON/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 14-51 AND APPROVE BIDARKA HEIGHTS UNIT 3 KNOTSON REPLAT PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was no discussion

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Pending Business

- A. Staff Report PL 14-53, Changeable Copy and Internally Lit Sign in the Gateway Business District

City Planner Abboud reviewed the staff report.

The commissioners briefly discussed their preferences regarding changeable copy and internally illuminated signs in the Gateway Business District (GBD). They addressed differences in externally and internally lit signs. There was general consensus that having a public information sign would be beneficial for the Lutheran Church for the purpose of public service information and emergency notifications.

STROOZAS/ERICKSON MOVED THAT CHANGEABLE COPY AND INTERNALLY LIT SIGNS IN THE GATEWAY BUSINESS DISTRICT AS SPELLED OUT IN STAFF REPORT PL 14-41 USING THE TWO AMENDMENTS TO TABLE THREE IN HOMER SIGN CODE 21.60.060 WOULD ALLOW CHANGEABLE COPY SIGNS IN THE GBD AND INTERNALLY ILLUMINATED SIGNS IN THE GBD.

There was no further discussion.

VOTE: YES: STEAD, HIGHLAND, ERICKSON, VENUTI, STROOZAS

Motion carried.

- B. Staff Report PL 14-54, Towers

City Planner Abboud reviewed the staff report.

The Commission discussed information from provided from other municipalities and discussion points included:

- There will probably always be issues with most locations
- Should the city plan for locations that they can be allowed
- Tower location is generally dictated by where the coverage is needed
- We won't be able to get around having them in residential districts
- There are federal regulations that come into play that over rule other regulations, particularly for cellular towers
- Limiting tower height relating to property set backs
- Co-locating towers blending in with the building structure
- Everyone has cell phones and land lines are going away, and having cell phones is a matter of public safety
- It would be beneficial to hear from the wireless communication industry
- Determining at what point would a tower have to be approved by CUP

Commissioner Stead made the following suggestions:

- It has to meet all the FCC requirements with spectral analysis and location, also the coverage are they propose to have with the tower, including back scatter and side scatter, main load, and what they are trying hit on the path.
- Tell what the frequencies are and whether or not any other radio device in the area will be affected.
- Include alternate locations that can be considered.
- Relating to wind energy towers, there are transmission lines that incorporate wind harvesting capability in them, as well as on home generators that are not obtrusive. Those things may want to be considered relating to wind towers.
- Regulate by zoning district, regulate by height, structural safety maybe, setback differences yes, and in the CUP process ask about alternative considerations and spectral analysis according to the FCC to tell us if they are reasonable in the locations.
- The FCC will regulate and mandate in their broadband initiatives.

Staff will work with the information tonight and try to come up with suggestions on regulations.

Commissioner Erickson was excused and left the meeting.

New Business

A. Staff Report PL 14-52, Creating the East End Residential Commercial Mixed Use District

The Commission began reviewing a list of uses to be considered in this district during the worksession. They resumed their review and went through the end of the list. They will look at dimensional requirements and guidelines on landscaping and concealment of certain things.

City Planner Abboud said staff will work with tonight's information and bring something back for review.

Informational Materials

A. City Manager's Report from the May 27, 2014 City Council Meeting

Comments of the Audience

Members of the audience may address the Commission on any subject. (3 minute time limit)

None

Comments of Staff

City Planner Abboud advised the commissioner's they will be receiving a certified mail from Joe Carter's attorney. The City Attorney will be reviewing the information.

Comments of the Commission

Commissioner Highland noted that the Commission has taken on duties of the Transportation Advisory Committee and would like to get back to work on safe streets.

Commissioner Stroozas wished everyone happy solstice.

Commissioner Stead had no comment.

Chair Venuti commented that he attended the street dinner that was put on by the Old Town group. It was interesting to see the community come together and to see their vision. He encouraged that the City continue to support what they are doing down there. Traffic calming is a big issue there.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 8:20 p.m. The next regular meeting is scheduled for June 18, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

HOMER ADVISORY PLANNING COMMISSION

Meeting of May 21, 2014

RE: Conditional Use Permit (CUP) 14-07

Address: 564 E. Pioneer Avenue

Legal: T 6S R 13W SEC 20 Seward Meridian HM 0750018 GLACIER VIEW SUB NO 1 REPLAT LTS 1 8 & 9
BLK 4 LOT 8-A

DECISION

Introduction

Leslie Mastick (the "Applicant") applied to the Homer Advisory Planning Commission (the "Commission") for a conditional use permit under Homer City Code HCC 21.18.040(b)(4) in the Central Business District for a reduced building setback along Lee Street for an existing structure.

The back of the building encroaches 7.5 feet into the 20 foot building setback of Lee Drive.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on May 21, 2014. Notice of the public hearing was published in the local newspaper and sent to 25 property owners of 14 parcels.

At the May 21, 2014 meeting of the Commission, the Commission voted unanimously to approve the request with seven Commissioners present.

Evidence Presented

City Planner Abboud reviewed the staff report. Kenton Bloom, surveyor and Leslie Mastick, property owner and applicant, gave a brief overview and history of the Homer's Jeans building. Ken Castner, city resident, commented in support of the reduction of the setback.

Findings of Fact

After careful review of the record and consideration of testimony presented at the hearing, the Commission determines that Condition Use Permit 14-07 is approved allowing the existing building to encroach 7.5 feet into the 20 foot building setback of Lee Drive.

The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.030 and 21.71.040.

a. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district.

Finding 1: HCC 21.18.040(b)4 authorizes a reduced setback from a dedicated right of way as a conditional use in the Central Business District. 21.18.020(a) authorizes retail business and 21.18.020(c) authorizes professional and general business offices.

b. The proposed use(s) and structure(s) are compatible with the purpose of the zoning district in which the lot is located.

Finding 2: The existing building is a structure that provides space for existing retail uses. The structure and centrally located retail activity are compatible uses with the purpose of the district.

c. The value of the adjoining property will not be negatively affected greater than that anticipated from other permitted or conditionally permitted uses in this district.

Analysis: The building within the setback area will not negatively affect the usage of adjoining lots; residential, commercial, and vacant land, park, and the college.

Finding 3: The building setback reduction on Lee Drive is not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.

d. The proposal is compatible with existing uses of surrounding land.

Analysis: Lee Drive is the boundary between the Central Business District to the South, and the Urban Residential District to the north. Existing land uses to the north include vacant land, and single family homes to the northeast. The building at 564 E Pioneer Ave is oriented to Pioneer Ave; all building entrances and the parking lot face Pioneer Ave. The building is pushed to the north side of the lot, up against the Lee Drive right of way. The building is one story, and has been back filled to about the grade of the existing Lee Drive. The portion that is within the building setback area was constructed in 1977-78. There is no record of complaints or problems with the building location from neighboring property owners, in the 30 + years since it was constructed.

Finding 4: The build setback area reduction as presented is compatible with existing uses of surrounding land.

e. Public services and facilities are or will be, prior to occupancy, adequate to serve the proposed use and structure.

Finding 5: Existing public, water, sewer, and fire services are adequate to serve the structure.

f. Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.

Analysis: The existing bulk and scale of the structure has not caused a harmful effect on the desirable neighborhood character. Lee Drive is uphill from Pioneer Ave; staff estimates there is a 10-12 foot drop from Lee Drive down to the parking lot level. The rear of the building has been back filled, so that Lee Drive is about level with the roof line. The property owner by right could build as high as 35 feet adjacent to Lee Drive, which would have a greater effect on the bulk and scale of the structure on a street that fronts residentially zoned land. The roofline of the existing building is approximately at grade, or slightly higher than Lee Drive. The existing building has little effect on current neighborhood character.

Finding 6: The portion of the building within the 20 foot building setback does not cause undue harmful effect upon desirable neighborhood character.

g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.

Analysis: The existing building does not impinge on the exiting street. There is an existing sewer line in the right of way. The location of the building does not appear to cause any limitations for future improvement of Lee Drive up to City road standards.

Finding 7: Reducing the building setback area will not be detrimental to the health, safety or welfare of the surrounding area of the City as a whole.

h. The proposal does or will comply with the applicable regulations and conditions specified in this title for such use.

Condition 1: No zoning permit shall be granted prior to approval of nonconforming status for the side setback encroaches per HCC 21.61.030(e).

Finding 8: With an approved CUP, this proposal will comply with the applicable regulations and conditions specified in HCC Title 21.

i. The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan.

Analysis: Goals of the Land Use Chapter of the Homer Comprehensive Plan include Goal 4 Objective A: Encourage a concentrated, pedestrian oriented, attractive business/commerce district in the CBD following the guidelines found in the Town Center Plan. Implementation Strategy 3: Revise land use policies to encourage and permit the types of uses, sites and buildings needed for a successful town center. Changes include establishing maximum building setbacks (“build to” lines), increased maximum building heights, standards for the relationships of buildings to the street and rules encouraging mixed use, including office or residential uses such as apartments above retail.

HCC 21.18.040(b)4 allows for a reduction in the building setback along rights of way, as recommended by the Comprehensive Plan. Approval of the CUP will allow the property owner to

apply for and receive zoning permits now and in the future. The owner's current plans include adding an office space above a retail location. Denial of the CUP will result in the denial of any new zoning permits.

Finding 9: The proposal is not contrary to the applicable land use goals and objects of the Comprehensive Plan.

j. The proposal will comply with all applicable provisions of the Community Design Manual.

Analysis: The applicant provided a CDM review as part of the application. The majority of the review focused on the future second story addition, which does not require a CUP or CDM review. The subject of this CUP is the back of the existing building.

Finding 10: There are no applicable provisions of the CDM for the existing building within the twenty foot building setback.

In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:

- 1. Special yards and spaces.**
- 2. Fences, walls and screening.**
- 3. Surfacing of vehicular ways and parking areas.**
- 4. Street and road dedications and improvements (or bonds).**
- 5. Control of points of vehicular ingress and egress.**
- 6. Special restrictions on signs.**
- 7. Landscaping.**
- 8. Maintenance of the grounds, buildings, or structures.**
- 9. Control of noise, vibration, odors, lighting or other similar nuisances.**
- 10. Limitation of time for certain activities.**
- 11. A time period within which the proposed use shall be developed and commence operation.**
- 12. A limit on total duration of use or on the term of the permit, or both.**
- 13. More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.**
- 14. Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.**

Conclusion: Based on the foregoing findings of fact and law, Conditional Use Permit 2014-07 is hereby approved, with findings 1-10 and condition 1.

Condition 1: No zoning permit shall be granted prior to approval of nonconforming status for the side setback encroaches per HCC 21.61.030(e).

_____	_____
Date	Chair, Franco Venuti

_____	_____
Date	City Planner, Rick Abboud

NOTICE OF APPEAL RIGHTS

Pursuant to Homer City Code, Chapter 21.93.060, any person with standing that is affected by this decision may appeal this decision to the Homer Board of Adjustment within thirty (30) days of the date of distribution indicated below. Any decision not appealed within that time shall be final. A notice of appeal shall be in writing, shall contain all the information required by Homer City Code, Section 21.93.080, and shall be filed with the Homer City Clerk, 491 East Pioneer Avenue, Homer, Alaska 99603-7645.

CERTIFICATION OF DISTRIBUTION

I certify that a copy of this Decision was mailed to the recipients listed below on _____, 2014. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

_____	_____
Date	Travis Brown, Planning Clerk

Leslie Mastick
564 E. Pioneer Avenue
Homer, AK 99603

Kenton Bloom
1044 Suite A East End Rd.
Homer, AK 99603

Tom Klinkner
Birch, Horton, Bittner & Cherot
1127 West 7th Ave.
Anch, AK 99501

Walt Wrede
City of Homer
491 E Pioneer Avenue
Homer, AK 99603



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

STAFF REPORT PL 14-55

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: June 18, 2014
SUBJECT: City Planner's Report

City Council – Nothing in the Planning realm was found on the City Council Agenda. Although, on the next agenda will be the Planning Commission's recommendation regarding Farmers Market/Open Air Business.

Staff activities: I plan to be in Anchorage to attend state sponsored seminars on business retention and development and will miss this meeting. A lot of development activity is occurring and with it comes getting notice to those operating outside of our regulations. Time is being spent "chasing dump trucks." We are getting notices out to those filling lots that need plans to do so.

Julie continues to work with the Parks and Recreation Commission. She is also knee deep in getting RFP's for the recreation needs assessment that was sponsored by the City Council.

Public Safety Building: The next meeting of the Public Safety Building Committee is scheduled for June 17th at 5:30pm in the City Council Chambers if you are interested in attending.

DOT Projects: The City Council did provide a resolution of support for the DOT scoped project for Pioneer Avenue.

Capital Improvement Projects: It is now time to submit new projects. I have come to consider two. One: Pioneer Avenue enhancement. As explained previously, the state cut the project extensively and still wishes the City to take control after the proposed improvements. If we could get drainage improvements along with sidewalk and street level lighting, the City would be much more inclined to take the road over from the State. Two: Citywide storm water plan. This has been at the forefront of many conversations at the Planning Commission and really needs no more explanation to this group. Please give your inclination for support of these two project or another you may have so that administration could would up a proposal.

Appeal: CUP 14-05, Windjammer Suites has been appealed. Take appropriate precautions in your conversations about the subject.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report PL 14-56

TO: Homer Advisory Planning Commission (HAPC)
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
DATE: June 18, 2014
SUBJECT: Changeable copy and internally lit sign in the Gateway Business District

Background: At the June 4, 2014 meeting the Commission discussed Staff Report PL 14-53 and PL 14-41 which put forth two requests to amend the sign standards in the Gateway Business District. The Commission voted to allow both changeable copy and internally lit signs in the Gateway Business District.

“STROOZAS/ERICKSON MOVED THAT CHANGEABLE COPY AND INTERNALLY LIT SIGNS IN THE GATEWAY BUSINESS DISTRICT AS SPELLED OUT IN STAFF REPORT PL 14-41 USING THE TWO AMENDMENTS TO TABLE THREE IN HOMER SIGN CODE 21.60.060 WOULD ALLOW CHANGEABLE COPY SIGNS IN THE GBD AND INTERNALLY ILLUMINATED SIGNS IN THE GBD.

VOTE: YES: STEAD, HIGHLAND, ERICKSON, VENUTI, STROOZAS”

Attached is the DRAFT ordinance to:

1. Allow changeable copy signs in the GBD, and
2. Allow internally illuminated signs in the GBD.

Public Notice: “AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING TABLE 3 PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT, FOLLOWING HOMER CITY CODE 21.60.060, SIGNS ON PRIVATE PROPERTY, TO PERMIT CHANGEABLE COPY SIGNS AND ILLUMINATION INTERNAL IN THE GATEWAY BUSINESS DISTRICT. “

Staff Recommendation: Hold a public hearing and forward recommendation to City Council.

Attachment:

1. Draft ordinance

**CITY OF HOMER
HOMER, ALASKA**

Planning

DRAFT ORDINANCE 14-xx

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING TABLE 3 PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT, FOLLOWING HOMER CITY CODE 21.60.060, SIGNS ON PRIVATE PROPERTY, TO PERMIT CHANGEABLE COPY SIGNS AND ILLUMINATION INTERNAL IN THE GATEWAY BUSINESS DISTRICT.

THE CITY OF HOMER ORDAINS:

Section 1. Table 3, Permitted Sign Characteristics by Zoning District, following Homer City Code 21.60.060, Signs on private property, is amended to read as follows:

Sign Type	Table 3.													
	RR	UR	RO	INS (a)	CBD	TC	GBD	GC1	GC2	EEMU	MC	MI	OSR	PS(e)
Animated (b)	N	N	N	N	P	P	N	P	N	P	P	N	N	N
Changeable Copy (c)	N	N	N	P	P	P	PN	P	P	P	P	P	N	PH
Illumination Internal	N	N	N	P	P	P	PN	P	P	P	P	P	N	N
Illumination External	N	N	N	P	P	P	P	P	P	P	P	P	N	PH
Neon (d)	N	N	N	N	P	P	N	P	P	P	P	P	N	N
<u>Notes to Table 3</u> a. The INS column does not represent a zoning district. It applies to institutional uses permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established organization or corporation of a public, non-profit or public safety/benefit nature, <i>i.e.</i> , schools, churches and hospitals. b. Animated signs may not be neon or change colors or exceed three square feet in area. c. Changeable Copy signs must be wall or pole mounted, and may not be flashing. d. Neon signs may not be flashing and may not exceed 32 square feet. e. The PS column does not represent a zoning district. It applies to Public Signs permitted under the zoning code, in all zoning districts.														

Section 2. This Ordinance is of a permanent and general character and shall be included in the City Code.

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

P:\PACKETS\2014 PCPacket\Ordinance\Sign-Gateway\Draft ordinance for June 18 2014 meeting.docx

21 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
22 _____ 2014.

23
24
25 CITY OF HOMER

26
27
28
29 _____
30 MARY E. WYTHE, MAYOR

31 ATTEST:

32
33
34 _____
35 JO JOHNSON, CMC, CITY CLERK

36
37 YES:

38 NO:

39 ABSTAIN:

40 ABSENT:

41
42 First Reading:

43 Public Hearing:

44 Second Reading:

45 Effective Date:

46
47 Reviewed and approved as to form:

48
49
50 _____
51 Walt E. Wrede, City Manager

52 Date: _____

Thomas F. Klinkner, City Attorney
Date: _____

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



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report PL 14-57

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: June 18, 2014
SUBJECT: Towers

Introduction

This staff report is intended to guide discussion on what the scope of regulation should be for towers. The attachments include information on the height of existing towers in Homer, including two towers you can see from the City Hall parking lot; the KBBI pole across the street, and the HEA tower at HEA.

Please bring staff report 12-54 from the last meeting. We will continue to refer to this staff report and all its attachments over the summer.

The general tools the Commission has to regulate towers include zoning districts, height, setbacks, and structural safety. Regulation that prevents the provision of telecommunications service to the community will not stand in court. Federal law trumps local zoning. This is relevant because there will be demand for towers in the core area of Homer. This is where the businesses and customers are! (Not all of these towers will be cell towers and they may not have the same protections under federal law; examples would be the City's equipment for conducting city business, the hospital, and local internet providers such as Spit with Spots or Horizon Satellite.) We can expect to get tower applications in neighborhoods that don't want them. What are the minimum standards a tower should meet?

Analysis

One of the review criteria for changes to the zoning code states: "Will be reasonable to implement and enforce." Towers and antenna are and will continue to be part of our urban landscape. As staff and the Commission consider tower regulations, please keep in mind the work load it creates for the Commission and for staff.

At some point, if the regulation is technical, it requires review by a qualified professional. We currently require this higher level of review for steep slope plans, storm water plans, traffic

impact analysis, fire marshal, etc. The Commission should consider what elements of structural safety you would like to have 3rd party review of for towers.

Definitions: When is a tower tall enough to be regulated?

1. Staff recommends regulations for towers over 60 feet. The current building height maximum is 35 feet. Staff thinks up to 25 foot antenna on top of a building might not need to be regulated. A 35 building with a 25 foot tower is 60 feet. Thinking further about height, it would be most simple to regulate building mounted and ground installed towers the same. Therefore, all towers, whether on a building or on the ground, would be regulated when over 60 feet tall.

Height of towers, when a CUP is required, and maximum heights.

2. Staff recommends different height regulations based on district. See table on next page.

- The Spit, MI, MC, OSR, GC2 and East End Mixed Use, and western GC1 district at the top of Baycrest would have no height limitation. A tower in these districts would not trigger a CUP. They would be subject to staff review, and whatever standards are enacted in the zoning code.
- A CUP would be required in Rural Residential for towers over 100 feet. (?) Open to discussion!
- In the core part of town, CBD, Town Center, RO, UR, GC1 south of Beluga Lake, and the GBD, CUP's would be required for towers over 60 feet. Should there be a height limit?
- Conservation zones: CUP over 60 feet? Most of the conservation zoned areas have a conservation easement that would probably not allow for a tower, or they are locations where a tower is unlikely. But staff would like to have towers addressed in this district.

District	Height at which a CUP is needed (feet)	Max Height?
CBD	60	120
TC	60	120
GBD	60	120
GC1 (Beluga Lake)	60	120
RO	60	120
UR	60	120

	CUP required	Max height?
RR	<u>100 ?</u>	None
CONS	<u>?</u>	None
GC2	None	None
EEMU	None	None
MI	None	None
MC	None	None
OSR	None	None
BCWPD	None	None

Setback Requirements/Fall zones

Staff recommends discussing and reaching consensus on the following questions:

3. Can rights of way, and 20 foot building setback areas, be considered fall zones?

Example: There are several existing towers on Skyline Drive. If a new tower were to be built, could Skyline Drive right of way, and the 20 foot building setback across the street, be used as fall zone?

4. Should there be an option to allow a reduced fall zone area? If increased safety standards are used, can the fall zone be reduced? Juneau has a 50% reduction option.

5. Can structures on the subject property be exempt from the fall area standards? For example KBBi has a tower, and the fall zone only affects the KBBi building.

Staff Recommendation:

Discuss items one through five and provide staff direction. With the Commission's input, staff will work on a draft ordinance.

1. Consensus that towers over 60 feet will be regulated. Towers under 60 will not.
2. Consensus that height regulations and when a CUP will be required will vary by district.
3. Can rights of way, and 20 foot building setback areas, be considered fall zones?
4. Should there be an option to allow a reduced fall zone area? If increased safety standards
5. Can structures on the subject property be exempt from the fall area standards?

Attachments

Heights of some existing towers in Homer
Memorandum from City Attorney Re: Applicable Law Affecting Cell Towers
Staff Report 14-54 (See June 4th meeting packet)

Heights of some Existing Towers in Homer

6/10/2014, source: City-data.com

Towers are registered in meters. There are 3.28 feet to a meter.

Towers you can see from the city hall lower parking lot:

KBBI at the radio station 25.3m, 83 feet

HEA 3977 Lake Street 30.5m, 100 feet

Other examples:

End of the Spit, near the fuel tanks and the condos: 19.8 and 22.9 meters, 65 and 75 feet

4588 Homer Spit Road, ferry terminal: 15 m, 49 feet

KBBI in Kachemak City 41566 Old Squaw St, 83.8m, 275 feet

Big orange tower north of Anchor Point (Stariski Tower) 102 meters, 334 feet

Radio towers on Diamond Ridge: 124 M, 407 feet

Skyline Drive towers: 15 meters, 24 meters, 49 feet, 79 feet. Some up to 100 feet?

Short “tower” examples:

Homer police station, 8 meters, 26 feet

Fish and game on Douglas Ave: 15M, 49 feet

Homer Junior High 9 meters, 30 feet

Library 9.1 feet

MEMORANDUM

TO: HOLLY C. WELLS

FROM: MITCHI V. MCNABB

RE: APPLICABLE LAW AFFECTING CELL TOWERS

CLIENT: CITY OF HOMER

FILE NO.: 506,742.563

DATE: DECEMBER 4, 2013

In response to your request for general research on the state of the law regarding cell phone towers, I provide the following.

The Telecommunications Act of 1934 (the "Act"), as amended, expressly allows municipalities to enact local zoning rules regarding the placement, construction and modification of personal wireless service providers' facilities/equipment. This allows municipalities to require such providers to obtain a special use permit before placing wireless telecommunications equipment. As set out below, however, municipalities are subject to certain limitations:

- A municipality may not unreasonably discriminate among providers of equivalent services. 47 U.S.C. § 332(c)(7)(B)(i).
- A municipality may not prohibit or have the effect of prohibiting the provision of personal wireless services (defined as commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services). *Id.*
- A municipality must act on a request to place, construct or modify personal wireless service facilities within a reasonable time after the request is filed, taking into account the nature and scope of the request. 47 U.S.C. § 332(c)(7)(B)(ii).
- A municipality's decision to deny a request to place, construct or modify personal wireless service facilities must be in writing and supported by substantial evidence in a written record. 47 U.S.C. § 332(c)(7)(B)(iii).

- Neither a state nor a municipality may regulate the placement, construction and modification of personal wireless facilities on the basis of environmental effects of radio frequency emissions to the extent that the facilities comply with FCC regulations regarding the emissions. 47 U.S.C. § 332(c)(7)(B)(iv).

The FCC can preempt any state or local statute, regulation, or legal requirement that it determines, after notice and hearing, violates 47 U.S.C. § 253 (a) or (b), which govern the removal of barriers to entry.¹ 47 U.S.C. § 253(d) of the Telecommunications Act of 1934.

While the Act does not define “reasonable period of time,” the FCC defined it in a 2009 order commonly called the “Shot Clock Order,”² which, among other things, set specific timelines for how long a municipality has to decide a request to locate personal wireless facilities:

- A “reasonable period of time” is presumptively 90 days to process a request for a personal wireless service facility siting application that requests collocation;
- For all other requests, a “reasonable period of time” is presumptively 150 days.
- If the municipality fails to act within those time periods, then a presumptive “failure to act” under § 332(c)(2)(B)(v) has occurred, and wireless providers may seek judicial relief within 30 days of the failure to act. 47 U.S.C. § 332(c)(7)(B)(v). The municipality can rebut the presumption of reasonableness.
- The 90- and 150-day timeframes can be extended by mutual consent of the wireless provider and the municipality, which tolls the 30-day period to file suit.

¹ 47 U.S.C. § 253(a) states: “No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.”

47 U.S.C. § 253(b) states: “Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with section 254 of this title, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.”

² See Petition for Declaratory Ruling to Clarify Provisions of Section 332(C)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance, WT Docket No. 08-165, *Declaratory Ruling*, 24 FCC Rcd 13994 (2009), *recon. denied*, 25 FCC Rcd 11157 (2010), *aff’d sub nom. City of Arlington, Texas v. FCC*, 668 F.3d 229 (5th Cir. 2012), *aff’d*, 133 S.Ct. 1863 (2013).

- If the review period in a local ordinance is shorter or longer than the 90-day or 150-day periods, an applicant may pursue any remedies granted under local regulation when the applicable local review period has lapsed. So if the local review period is longer, the applicant can sue after 90 or 150 days, subject to the 30-day limit on filing, and may wait to pursue any remedies granted under local regulation until the applicable local time limit has expired. If the local review period is shorter, the applicant must wait until the 90-day or 150-day period has expired before bringing suit.
- If a municipality notifies the applicant within the first 30 days after receipt of an application that the application is incomplete, the time it takes for the applicant to respond to a request for additional information does not count towards the 90 or 150 days.

The FCC has also clarified that a municipality cannot deny a wireless facility siting application solely because service to the area in question is available from another provider.

The Fifth Circuit Court of Appeals has upheld the Shot Clock Order. *City of Arlington Texas v. FCC*, 668 F.3d 229 (5th Cir. 2012).

In February 2012, President Obama signed the "Middle Class Tax Relief and Job Creation Act of 2012" ("Spectrum Act"). Most of the Act relates to the extension of unemployment benefits and tax cut. One of its clauses, however, limits a municipality's power to review requests relating to modifying an existing cell tower or replacing existing equipment on a cell tower. A municipality must approve "any eligible facilities request" to modify an existing wireless tower or base station "that does not substantially change the physical dimensions of such tower or base station." The Act defines "eligible facilities request" as any request to modify an existing cell tower or base station that involves collocating new equipment,³ removing equipment, or replacing equipment. 47 U.S.C. § 1455(a).

On September 27, 2013, the FCC issued a *Notice of Proposed Rulemaking* aimed at expediting the deployment of wireless broadband facilities. The FCC has proposed clarification of terms such as "transmission equipment," "wireless," "existing wireless tower or base station," "collocation," "removal," and "substantially change the physical dimensions" that could affect local oversight and authority over the deployment of wireless equipment on existing facilities and structures. It also seeks comment on the remedies that should be available to enforce the Spectrum Act in cases where state or local governments fail to act on an applicant's request to deploy wireless facilities. The FCC has suggested that a "deemed granted" remedy could be imposed when a local government fails to act within a specified period of time. Comments are due 60 days, and reply comments 90 days, after the *Notice* is published in the Federal

³ "Collocation" involves placing wireless equipment on preexisting structures rather than constructing new support structures.

Register. We are monitoring this issue and will notify you of changes in the law that could impact the City's Planning Commission.

MVM/

SECTION 10.194, DANE COUNTY CODE OF ORDINANCES

PROCEDURE AND STANDARDS FOR THE PLACEMENT, CONSTRUCTION OR MODIFICATION OF COMMUNICATION TOWERS.

This section provides the procedures and standards for issuance of conditional use permits for the placement, construction or modification of communication towers as defined in section 10.01(78m).

- (1)** It is intended that conditional use permits shall be issued under this section to accommodate the expansion of wireless communication technology while minimizing the number of tower sites through the requirement that permitted towers be placed or constructed so that they may be utilized for the collocation of antenna arrays to the extent technologically and economically feasible.
- (2)** No conditional use permit for the placement or construction of a tower shall be issued unless the applicant presents to the committee credible evidence establishing to a reasonable degree of certainty the following:

 - a. No existing communication tower is located within the area in which the applicant's equipment must be located; or
 - b. No existing communication tower within the area in which the applicant's equipment must be located is of sufficient height to meet applicant's requirements and the deficiency in height cannot be remedied at a reasonable cost; or
 - c. No existing communication tower within the area in which the applicant's equipment must be located has sufficient structural strength to support applicant's equipment and the deficiency in structural strength cannot be remedied at a reasonable cost; or
 - d. The applicant's equipment would cause electromagnetic interference with equipment on the existing communication tower(s) within the area in which the applicant's equipment must be located, or the equipment on the existing communication tower(s) would cause interference with the applicant's equipment and the interference, from whatever source, cannot be eliminated at a reasonable cost; or
 - e. The fees, costs or contractual provisions required by the owner in order to collocate on an existing communication tower are unreasonable relative to industry norms; or
 - f. The applicant demonstrates that there are other factors that render existing communication towers unsuitable or unavailable and establishes that the public interest is best served by the placement or construction of a new communication tower.

- (3) The cost of eliminating impediments to collocation shall be deemed reasonable if it does not exceed by 25 percent the cost of constructing a new tower on which to mount applicant's equipment.
- (4) In the event the committee determines that it is necessary to consult with a third party in considering the factors listed in subsection (2) above, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. Failure to pay such costs and expenses or provide information requested by the committee shall be grounds for denial or revocation of a conditional use permit. The applicant may provide to the committee the names of consultants which the applicant believes are qualified to assist in resolving the issues before the committee.
- (5) In applying the standards and criteria set forth in section 10.255(2), D. C. Ords., to applications for conditional use permits for the placement or construction of a communication tower the committee shall, unless it is shown to be unreasonable, condition the grant of the permit upon the applicant placing or constructing the communication tower so as to accommodate, at a minimum height of 150 feet, the collocation of two additional antenna arrays similar in size and function to that placed on the tower by the applicant. Collocation sites need not be available on the tower as initially placed or constructed, provided that the tower will support at the specified minimum height the later addition of the required number of collocation sites. Notwithstanding the height and number of collocation sites on the tower as initially placed or constructed, the communication tower design approved and permitted under this ordinance shall be for a tower of 150 feet in height and shall include the required collocation sites. The holder of a permit under this section shall make the collocation sites required hereunder available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions which are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the collocation sites and a fair return on investment.
- (6) Unless otherwise provided herein, a conditional use permit is required for any modification of a communication tower which significantly alters the appearance or structural integrity of the tower or which involves the installation of antenna or equipment differing in size and function from that previously installed on the tower. The committee shall apply the standards under section 10.255(2), D. C. Ords., when considering an application for a conditional use permit to allow the modification of an existing communication tower. In addition, the committee shall consider the reasonableness, based on economic and technological feasibility, of conditioning the grant of the conditional use permit upon modifying the tower in a manner which would accommodate the collocation of one or more additional antenna arrays.

- (7) Upon written inquiry by the committee the recipient of a conditional use permit under this section shall have the burden of presenting credible evidence establishing to a reasonable certainty the continued compliance with all conditions placed upon the conditional use permit. Failure to establish compliance with all conditions placed upon the conditional use permit shall be grounds for revocation of the permit. In the event the committee determines that it is necessary to consult with a third party to ascertain compliance with conditions on a conditional use permit, all reasonable costs and expenses associated with such consultation shall be borne by the holder of the subject conditional use permit. Failure to pay such costs and expenses or provide information requested by the committee shall be grounds for revocation of the conditional use permit. The holder of the subject conditional use permit may provide to the committee the names of consultants which the permit holder believes are qualified to assist in resolving the issues before the committee. In any event, where a dispute arises under this ordinance involving an applicant for a conditional use permit and the holder of a conditional use permit hereunder, the committee may allocate consulting costs and expenses between the applicant and permit holder.
- (8) A conditional use permit shall not be required for collocation on an existing tower permitted under this section, provided the collocated antenna array or equipment is similar in size and function to that installed by the holder of the conditional use permit for the tower, does not significantly alter the appearance or structural integrity of the tower approved and permitted under this section, and is fully in compliance with all conditions contained in the original conditional use permit. The holder of the conditional use permit for any tower on which collocation occurs shall within 30 days of such collocation provide the committee with written notification of the identity of the collocator and the nature of the equipment installed. Within 30 days of the date on which any collocated use ceases, the permit holder shall provide the committee with written notice of the cessation of such use.
- (9) The holder of a conditional use permit for a tower and any user collocating under this ordinance shall each be permitted to construct a building of no more than 14 feet in height and 314 square feet in floor area for use directly incidental and necessary to the use of the tower. Two or more users of the tower may build a single building with a floor area of no more than 314 square feet per user sharing the building. Buildings constructed or used by tower collocators shall be subject to conditions established for the conditional use permit for the tower.
- (10) Conditional use permits issued hereunder shall identify the primary type or types of transmission equipment which is to be placed on the subject communication tower. Any communication tower on which the transmission equipment so identified is no longer placed or used for a continuous period of 12 months shall, upon notification by the committee, be removed by the holder of the conditional use permit issued under this section. If the tower is not removed

within 60 days of such notification, the county may remove the tower at the expense of the holder of the conditional use permit.

- (11) The committee may require that an applicant for a conditional use permit under this section provide information regarding the applicant's then current plans for future placement or construction of communication towers in Dane County in addition to the tower which is the subject of the application.

[History: cr., OA 57, 1996-97, pub. 09/02/97.]



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report PL 14-58

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
DATE: June 18, 2014
SUBJECT: Heliports

Introduction: The attached “heliport” ordinance represents your discussions and motions describing where heliports and helipads would be allowed and how they would be permitted. Staff requests additional review to allow a ‘helipad’ as a permitted use in the BCWPD.

Helipad in the BCWPD: On May 7, 2014 a motion was made to require a Conditional Use Permit for a helipad in the Bridge Creek Watershed Protection District. This could be problematic when one considers that the BCWPD is an overlay district with the purpose to prevent the degradation of water quality. Key is the definition for “helipad” which does not include any buildings, fueling or servicing of helicopters, in other words a “helipad” would have little impact on water quality.

HCC 21.40.010: The purpose of this chapter (BCWPD) is to prevent the degradation of the water quality and protect the Bridge Creek Watershed to ensure its continuing suitability as a water supply source for the City’s public water utility. These provisions benefit the public health, safety, and welfare of the residents of the City of Homer and other customers of the City’s water system by restricting land use activities that would impair the water quality, or increase the cost for treatment.

“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.

BCWPD is an overlay district: which means that the “underlying” zoning district, in this case, the Rural Residential District, with more stringent provisions, applies. The RR lots within the BCWPD are smaller in acreage and are closer to Skyline Drive. Neither “heliports” nor “helipads” are allowed in the RR district. The remaining BCWPD lots are outside City limits.

CUP review: One of the review criteria for a CUP is to check for compatibility with the purpose of the zoning district, HCC 21.71.030 (b). A ‘helipad’ is compatible with the purpose of BCWPD. Other conditional uses in the BCWPD target potential impacts to water quality, such as cemeteries, timber harvesting, and agricultural activity, HCC 21.40.060.

Staff recommendations: Based on the purpose of the BCWPD staff recommends a motion to allow ‘helipad’ as a permitted use in the BCWPD, HCC 21.40.050.

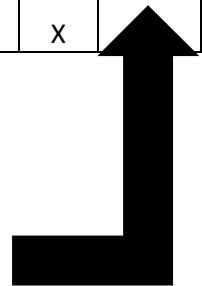
These two grids represent the attached draft ordinance.

Heliports	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	EEMU	MC	MI	OSR	BCWP
CUP needed											X		
Not Allowed	X	X	X	X	X	X	X	X (outside of airport)	X	X		X	x

Helipad	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	EEMU	MC	MI	OSR	BCWP
CUP needed			X (hospital only)					X			X		X
Not Allowed	X	X		X	X	X	X		X	X		X	

Attachments

1. Draft ordinance June 18, 2014
2. Minutes excerpt of May 7th meeting



CITY OF HOMER
HOMER, ALASKA

ORDINANCE 14-__

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, 21.26.030, 21.28.030 AND 21.32.030, CONDITIONAL USES AND STRUCTURES; AND HOMER CITY CODE 21.40.050, 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, GENERAL COMMERCIAL 2, MARINE COMMERCIAL AND OPEN SPACE – RECREATION ZONING DISTRICTS; TO ADD HELIPAD AS A CONDITIONAL USE ACCESSORY TO A HOSPITAL IN THE RESIDENTIAL OFFICE ZONING DISTRICT AND TO ADD HELIPAD AS A CONDITIONAL USE IN THE GENERAL COMMERCIAL 2 ZONING DISTRICT AND BRIDGE CREEK WATERSHED PROTECTION DISTRICT.

THE CITY OF HOMER 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:

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

- a. Planned unit development, limited to residential uses only;
- b. Religious, cultural and fraternal assembly;
- c. Cemeteries;

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

- d. Kennels;
- e. Commercial greenhouses and tree nurseries offering sale of plants or trees grown on premises;
- f. Mobile home parks;
- g. Public utility facilities and structures;
- h. Pipelines and railroads;
- ~~i. Heliports;~~
- ij. Storage of heavy equipment, vehicles or boats over 36 feet in length as an accessory use incidental to a permitted or conditionally permitted principal use;
- jk. Day care facilities; provided, however, that outdoor play areas must be fenced;
- kl. Group care home;
- lm. Assisted living home;
- mn. More than one building containing a permitted principal use on a lot;
- no. Indoor recreational facilities;
- op. Outdoor recreational facilities;
- pq. Public school and private school;
- qr. One small wind energy system having a rated capacity exceeding 10 kilowatts, provided that it is the only wind energy system of any capacity on the lot.

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

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 Chapter 21.71 HCC:

- a. Planned unit development, excluding all industrial uses;
- b. Townhouse developments;
- c. Day care facilities; provided, however, that outdoor play areas must be fenced;
- d. Religious, cultural and fraternal assembly;
- e. Hospitals;
- f. Pipelines and railroads;
- ~~g. Heliports;~~
- gh. Storage of heavy equipment or boats over 36 feet in length as an accessory use incidental to a permitted or conditionally permitted principal use;
- hi. Private stables and the keeping of larger animals not usually considered pets, including paddocks or similar structures or enclosures utilized for keeping of such animals as an accessory use incidental to a primary residential use; such use shall be conditioned on not causing unreasonable disturbance or annoyances to occupants of neighboring property, and on sufficient land to harbor such animals;
- ij. Group care home;

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

83 ~~jk.~~ Assisted living home;
84 ~~kl.~~ More than one building containing a permitted principal use on a lot;
85 ~~lm.~~ Indoor recreational facilities;
86 ~~mn.~~ Outdoor recreational facilities;
87 ~~no.~~ One small wind energy system having a rated capacity exceeding 10 kilowatts,
88 provided that it is the only wind energy system of any capacity on the lot.
89

90 Section 4. HCC 21.16.030, Conditional uses and structures (Residential Office), is
91 amended to read as follows:
92

93 21.16.030 Conditional uses and structures. The following uses may be permitted in the
94 Residential Office District when authorized by conditional use permit issued in accordance with
95 Chapter 21.71 HCC:

- 96 a. Planned unit developments, excluding all industrial uses;
97 b. Townhouses;
98 c. Public or private schools;
99 d. Hospitals and medical clinics;
100 e. Public utility facilities and structures;
101 f. Mortuaries;
102 g. Day care facilities; provided, however, that outdoor play areas must be fenced;
103 h. More than one building containing a permitted principal use on a lot;
104 i. Group care homes;
105 **j. Helipads, but only as an accessory use incidental to a hospital conditional use;**
106 ~~kj.~~ One small wind energy system having a rated capacity exceeding 10 kilowatts;
107 provided, that it is the only wind energy system of any capacity on the lot;
108 ~~lk.~~ Other uses approved pursuant to HCC 21.04.020.
109

110 Section 5. HCC 21.18.030, Conditional uses and structures (Central Business District), is
111 amended to read as follows:
112

113 21.18.030 Conditional uses and structures. The following uses may be permitted in the
114 Central Business District when authorized by conditional use permit issued in accordance with
115 Chapter 21.71 HCC:

- 116 a. Planned unit developments, excluding all industrial uses;
117 b. Indoor recreational facilities and outdoor recreational facilities;
118 c. Mobile home parks;
119 d. Auto fueling stations;
120 e. Public utility facilities and structures;
121 f. Pipeline and railroads;
122 ~~g. Heliports;~~

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

- 123 ~~gh.~~ Greenhouses and garden supplies;
124 ~~hi.~~ Light or custom manufacturing, repair, fabricating, and assembly, provided such
125 use, including storage of materials, is wholly within an enclosed building;
126 ~~ij.~~ Shelter for the homeless, provided any lot used for such shelter does not abut a
127 residential zoning district;
128 ~~jk.~~ More than one building containing a permitted principal use on a lot;
129 ~~kl.~~ Group care homes and assisted living homes;
130 ~~lm.~~ Drive-in car washes, but only on the Sterling Highway from Tract A-1 Webber
131 Subdivision to Heath Street;
132 ~~na.~~ One small wind energy system having a rated capacity exceeding 10 kilowatts;
133 provided, that it is the only wind energy system of any capacity on the lot;
134 ~~ne.~~ Other uses approved pursuant to HCC 21.04.020.
135

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

139 21.24.030 Conditional uses and structures. The following uses may be permitted in the
140 General Commercial 1 District when authorized by conditional use permit issued in accordance
141 with Chapter 21.71 HCC:

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

159 Section 7. HCC 21.26.030, Conditional uses and structures (General Commercial 2), is
160 amended to read as follows:
161
162

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

163 21.26.030 Conditional uses and structures. The following uses may be permitted in the
164 General Commercial 2 District when authorized by conditional use permit issued in accordance
165 with Chapter 21.71 HCC

- 166 a. Planned unit development, excluding all industrial uses;
- 167 b. Townhouse developments;
- 168 c. Day care facilities; provided, however, that outdoor play areas must be fenced;
- 169 d. Religious, cultural and fraternal assembly;
- 170 e. Hospitals;
- 171 f. Pipelines and railroads;
- 172 ~~g. Heliports;~~
- 173 **gh.** Storage of heavy equipment or boats over 36 feet in length as an accessory use
174 incidental to a permitted or conditionally permitted principal use;
- 175 **hi.** Private stables and the keeping of larger animals not usually considered pets,
176 including paddocks or similar structures or enclosures utilized for keeping of such animals as an
177 accessory use incidental to a primary residential use; such use shall be conditioned on not
178 causing unreasonable disturbance or annoyances to occupants of neighboring property, and
179 on sufficient land to harbor such animals;
- 180 **ij.** Group care home;
- 181 **jk.** Assisted living home;
- 182 **kl.** More than one building containing a permitted principal use on a lot;
- 183 ~~lm.~~ Indoor recreational facilities;
- 184 **mn.** Outdoor recreational facilities;
- 185 **ne.** One small wind energy system having a rated capacity exceeding 10 kilowatts;
186 provided, that it is the only wind energy system of any capacity on the lot;
- 187 **o. Helipads.**

188
189 Section 8. HCC 21.28.030, Conditional uses and structures (Marine Commercial), is
190 amended to read as follows:

191
192 21.28.030 Conditional uses and structures. The following uses may be permitted in the
193 Marine Commercial District when authorized by conditional use permit issued in accordance
194 with Chapter 21.71 HCC:

- 195 a. Drinking establishments;
- 196 b. Public utility facilities and structures;
- 197 ~~c. Heliports;~~
- 198 **cd.** Hotels and motels;
- 199 **de.** Lodging;
- 200 **ef.** More than one building containing a permitted principal use on a lot;
- 201 **fg.** Planned unit developments, limited to water-dependent and water-related uses,
202 with no dwelling units except as permitted by HCC 21.28.020(o);

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

203 ~~gh.~~ Indoor recreational facilities;
204 ~~hi.~~ Outdoor recreational facilities;
205 ~~ij.~~ The location of a building within a setback area required by HCC 21.28.040(b). In
206 addition to meeting the criteria for a conditional use permit under HCC 21.71.030, the building
207 must meet the following standards:

- 208 1. Not have a greater negative effect on the value of the adjoining property than
209 a building located outside the setback area; and
- 210 2. Have a design that is compatible with that of the structures on the adjoining
211 property.

212
213 21.30.030 Conditional uses and structures.

214 The following uses may be permitted in the Marine Industrial District when authorized
215 by conditional use permit issued in accordance with Chapter 21.71 HCC:

- 216 a. Planned unit development, limited to water-dependent or water-related uses and
217 excluding all dwellings;
- 218 b. Boat sales, rentals, service, repair and storage, and boat manufacturing;
- 219 c. Extractive enterprises related to other uses permitted in the district;
- 220 d. Campgrounds;
- 221 e. Bulk petroleum storage;
- 222 f. Heliports;
- 223 g. Indoor recreational facilities;
- 224 h. Outdoor recreational facilities;
- 225 i. Public utility facilities and structures;
- 226 j. The location of a building within a setback area required by HCC 21.30.040(b). In
227 addition to meeting the criteria for a conditional use permit under HCC 21.71.030, the building
228 must meet the following standards:
 - 229 1. Not have a greater negative effect on the value of the adjoining property than a
230 building located outside the setback area; and
 - 231 2. Have a design that is compatible with that of the structures on the adjoining
232 property. [Ord. 13-11(A) § 7, 2013; Ord. 08-29, 2008].

233 ~~k. Helipads.~~

234
235 Section 9. HCC 21.32.030, Conditional uses and structures (Open Space -- Recreation),
236 is amended to read as follows:

237
238 21.32.030 Conditional uses and structures. The following uses may be conditionally
239 permitted in the Open Space – Recreation District when authorized by conditional use permit
240 issued in accordance with Chapter 21.71 HCC:

- 241 a. Public utility facilities and structures;
- 242 b. Any structures used for uses permitted outright in the district;

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

- c. Fishing gear and boat storage;
- d. Campgrounds;
- e. Pipelines and railroads;
- f. Parking areas;
- ~~g. Heliports;~~
- ~~g~~**h.** Other open space and recreation uses;
- ~~h~~**i.** Indoor recreational facilities;
- ~~i~~**j.** Outdoor recreational facilities.

Section 10. HCC 21.40.050, Permitted uses and structures (Bridge Creek Watershed Protection District), is amended to read as follows:

21.40.050 Permitted uses and structures. The following uses and structures are permitted outright in the BCWP district, except when such use or structure requires a conditional use permit by reason of its nature, size or other reasons set forth in this chapter. Permitted uses and structures remain subject to all applicable provisions of this chapter:

- a. Single-family dwelling;
- b. Duplex dwelling;
- c. Multiple-family dwelling, provided the structure conforms to HCC 21.14.040(a)(2);
- d. Public parks and playgrounds;
- e. Rooming houses or bed and breakfast establishments;
- f. Storage of personal commercial fishing gear in a safe and orderly manner;
- g. Private storage in yards, in a safe and orderly manner, of equipment, including trucks, boats, recreational vehicles and automobiles; provided, that all are in good mechanical and operable condition, and if subject to licensing, currently able to meet licensing requirements; and further provided, that the stored items do not create impervious cover in excess of the limits in HCC 21.40.070;
- h. Other customary accessory uses incidental to any of the principal permitted uses listed in the BCWP district, such as limited personal use gardening as described in HCC 21.40.090(c);
- i. Temporary (seasonal) roadside stands for the sale of produce grown on the premises;
- j. Mobile homes, subject to the requirements set forth in HCC 21.54.100;
- k. Day care homes;
- l. Up to four recreational vehicles on a lot as a temporary dwelling not to exceed 90 days' occupancy per vehicle in any calendar year;
- m. Religious, cultural, and fraternal assembly;
- n. Public schools and private schools;
- o. Day care facilities;
- p. Ministorage;
- q. As an accessory use, one small wind energy system per lot having a rated capacity

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

not exceeding 10 kilowatts;

~~**r. Helipads.**~~

Section 10. HCC 21.40.060 Conditional uses and structures. (Bridge Creek Watershed Protection District), is amended to read as follows:

The following uses are permitted in the BCWP district if authorized by a conditional use permit granted in accordance with Chapter 21.71 HCC and subject to the other requirements of this chapter:

- a. Cemeteries;
- b. Public utility facilities and structures;
- c. Timber harvesting operations, timber growing, and forest crops, provided they conform to HCC 21.40.100;
- d. Agricultural activity and stables, if they conform to HCC 21.40.090, but not including farming of swine;
- e. Other uses similar to uses permitted and conditionally permitted in the BCWP district, as approved by written decision of the Planning Commission upon application of the property owner and after a public hearing;
- f. Uses, activities, structures, exceptions, or other things described as requiring a conditional use permit in HCC 21.40.080(a), 21.40.110(b) or any other provision of this chapter;
- g. More than one building containing a permitted principal use on a lot. [Ord. 10-05, 2010; Ord. 08-29, 2008]

h. Helipads.

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____ 2014.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

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

323

324 YES:

325 NO:

326 ABSTAIN:

327 ABSENT:

328

329 First Reading:

330 Public Hearing:

331 Second Reading:

332 Effective Date:

333

334 Reviewed and approved as to form:

335

336

337

338 _____
Walt E. Wrede, City Manager

339 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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

STEAD/BOS - MOVED TO ADOPT STAFF REPORT PL 14-40 AND APPROVE BARNETT SUBDIVISION, QUIET CREEK ADDITION 2014 PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

Discussion regarding written documentation from the property owner.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Staff Report PL 14-42, Draft Ordinance 14-XX Amending Homer City Code 21.03.040 Definitions to include "Hospital" and "Helipad" and redefining where heliports and helipads are permitted.

Deputy City Planner Engebretsen provided a summary of the staff report.

Discussion ensued regarding the commission's previous action on this ordinance.

HIGHLAND/- MOVED THAT THE COMMISSION ONLY ALLOW HELIPORTS IN THE AIRPORT AREA AND THAT HELIPADS ARE ONLY ALLOWED AT THE AIRPORT.

The motion died for lack of a second.

Discussion ensued on allowing heliports and helipads in Marine Industrial; the difference between a heliport and helipad; locations on the spit zoned Marine Industrial; previous lessons learned; a Conditional Use Permit is required;

ERICKSON/HIGHLAND - MOVED THAT HELIPAD IS ALLOWED WITH A CUP IN MARINE INDUSTRIAL AND HELIPORTS ARE NOT ALLOWED IN MARINE INDUSTRIAL.

Further discussion ensued on allowing helipads or heliports on the spit.

VOTE. NO. BOS, HIGHLAND, VENUTI, STROOZAS

VOTE. YES. ERICKSON, STEAD

Motion failed.

STEAD/ERICKSON - MOVED THAT HELIPADS BE ALLOWED IN MARINE INDUSTRIAL WITH A CUP.

There was a brief discussion on supporting points for allowing a helipad would be consistent if a heliport is already allowed.

VOTE. YES. ERICKSON, STEAD, VENUTI, STROOZAS, BOS

VOTE. NO. HIGHLAND.

Motion carried.

HIGHLAND/BOS - MOVED TO CHANGE HELIPADS BEING PERMITTED OUTRIGHT IN THE BRIDGE CREEK WATER PROTECTION (BCWP) TO REQUIRE A CUP FOR HELIPADS.

There was a discussion on the pros and cons to allowing helipads by CUP process only.

VOTE. NO. STEAD, STROOZAS.

VOTE. YES. VENUTI, HIGHLAND, BOS, ERICKSON.

Motion carried.

Staff explained the table for GC2 that Heliports are permitted outright at the airport and that helipads are allowed only by CUP process for GC2.

Commissioners requested the following changes:

- under the RO Helipads CUP needed insert Hospital.
- remove the permitted outright from the table for Helipad
- remove the permitted outright from the table for Heliports and include an explanation for the airport

NEW BUSINESS

A. Staff Report PL 14-41, Draft Ordinance 14-XX Amending Homer City Code 21.60.060 Table 3 Permitted Sign Characteristics by Zoning District to permit Changeable Copy and Internally Illuminated signs in the Gateway Business District

Staff reviewed the report. Recommendation to allow changeable copy signage and discuss allowing internally lit signage at this meeting.

A lengthy discussion was entertained on the pros and cons of changeable copy and whether the signage was internally lit or externally lit. Staff requested the commission come to consensus on what they would like to see and then the public can weigh in on the guidelines as presented. Currently signage that is externally lit is allowed.

Staff stated that the commission initiated an ordinance. This item can be postponed and discussed later. They can vote on it. The commissioners can recommend no changes be made and Council will make the final decisions.

Staff confirmed any commissioner can initiate a zoning ordinance referencing HCC 21.95.010. The next step is a public hearing held by the commission; the commission will then submit a recommendation to City Council will make the final decision.

Further discussion covered allowing permanent changeable copy signs on private property in the gateway business district, urban residential, rural residential and residential office districts; adding the word "permanent"; adding portable signs not permitted.

Staff summarized the recommendations of the commission and stated this would be back before the commission in June.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report 14-59

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: June 18, 2014
SUBJECT: Creation of the East End Residential/Commercial Mixed Use District

Review: Last meeting we reviewed the list of permitted and conditional uses for consideration in the district. The Commission agreed with the concept of allowing some of the uses that would be found in the Central Business District to the new district. The concept furthered was that the district would accommodate commercial activities that have a relative low impact and not generate a great deal of traffic. This eliminates the “heavier” activities found exclusively in the general commercial and industrial districts as well as other activities that generate more traffic such as larger retail or wholesale.

Discussion: The Comprehensive plan describes this area as one that would support more commercial activities than the Residential Office district. As it is not considered as an expansion of the CBD, we need to be careful not to introduce too much competition, as it is desirable to have a compact business district and not encourage strip development. Keep this in mind when reviewing the new list of uses. The old list ended with “r” for permitted uses. Mortuaries have moved into permitted uses from conditional. Daycare is still a conditional use. Check the new list and review it against the uses found in the CBD, as this is the next district in relationship to an upzoned commercial district.

Next for consideration is development and dimensional requirements with some thought about design and landscaping. I believe that the RO designations for dimensional requirement are appropriate. I am looking for some guidance on design and landscape. I do not believe that we would want corrugated or simple block structures to line the road leading to the CBD, but not sure if it needs to go the level of the Gateway District, although I have no problem with that, as it is a “Gateway”, just from East End. I also think that more attention should be given to landscape than is found in the East End Mixed Use district. I do not need all the specifics, just a consensus on just how far we should go. Then I can refine the district for review at the next meeting. This would be a good time to review the Design Manual and see what concepts may be ripe for this area.

Staff Recommendation: Review and make recommendations regarding the permitted and conditional uses. Give consideration and recommendation for the amount of design and landscape that might be appropriate for the district.

Attachments:

1. Ordinance 14-xx EERCMD

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 14-__

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE xx.xx.xxx, CREATING THE EAST
END RESIDENTIAL C OMMERCIAL MIXED USE DISTRICT.

THE CITY OF HOMER ORDAINS:

Section 1. HCC xx.xx. East end residential commercial mixed use district:

xx.xx.010 Purpose. Allow a number of small scale commercial developments to be mixed with residential uses. Opportunities for commercial and retail uses are to be more extensive than the Rural Office District.

Section 2. HCC xx.xx.020, Permitted uses and structures.

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

- a. Single-family and duplex dwelling, excluding mobile homes;
- b. Multiple-family dwelling, provided the structure conforms to HCC 21.14.040(a)(2) and excluding mobile homes;
- c. Public parks and playgrounds;
- d. Rooming house, bed and breakfast and hostel;
- e. Home occupations; provided they conform to the requirements of HCC 21.51.010;
- f. Professional offices and general business offices;
- g. Personal services;
- h. Museums, libraries and similar institutions;
- i. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;
- j. Religious, cultural and fraternal assembly;
- k. Storage of the occupant's personal commercial fishing gear in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to a permitted or conditionally permitted principal use;
- l. Private exterior storage of the occupant's personal noncommercial equipment, including noncommercial trucks, boats, campers and not more than one recreational vehicle in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to a permitted or conditionally permitted principal use;
- m. Other customary accessory uses to any of the permitted uses listed in the Residential Office District; provided, that no separate permit shall be issued for the construction of any detached accessory building prior to that of the main building;
- n. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory

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

use in a manner consistent with the requirements of the Homer City Code and as long as such animals are kept as pets and their numbers are such as not to unreasonably annoy or disturb occupants of neighboring property;

- o. Day care homes; provided, however, that outdoor play areas must be fenced;
- p. Recreational vehicles, subject to the standards set out in HCC 21.54.320;
- q. As an accessory use, one small wind energy system per lot having a rated capacity not exceeding 10 kilowatts;
- r. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single-family dwelling on a lot;
- s. Apartment units located in a building primarily devoted to business or commercial uses;
- t. Day care homes and facilities: provided, however, that outdoor play areas must be fenced;
- u. General business offices and professional offices;
- v. Mortuaries;
- w. Offices;
- x. Personal services;
- y. Publishing, printing and bookbinding;
- z. Studios;
- aa. Cemeteries.

Section 3. HCC xx.xx.xxx, Conditional uses and structures.

xx.xx.030 Conditional uses and structures. The following uses may be permitted in the East End Residential Commercial Mixed Use District when authorized by conditional use permit issued in accordance with Chapter 21.71 HCC:

- a. Planned unit developments, excluding all industrial uses;
- b. Townhouses;
- c. Public or private schools;
- d. Hospitals and medical clinics;
- e. Public utility facilities and structures;
- f. Day care facilities; provided, however, that outdoor play areas must be fenced;
- g. More than one building containing a permitted principal use on a lot;
- h. Group care homes;
- i. One small wind energy system having a rated capacity exceeding 10 kilowatts; provided, that it is the only wind energy system of any capacity on the lot;
- j. Other uses approved pursuant to HCC 21.04.020

Section 4. HCC xx.xx.040, Dimensional requirements. The following dimensional

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

requirements shall apply to all structures and uses in the East End Residential Commercial Mixed Use District.

a. The minimum lot size is 7,500 square feet.

b. Building Setbacks.

1. Buildings shall be set back 20 feet from all dedicated rights-of-way.

2. Residential buildings shall be set back from all other lot boundary lines according to the number of stories as follows:

Number of Stories	Setback (in feet)
1 story	5 feet
1 1/2 stories	6 feet
2 stories	7 feet
2 1/2 stories	8 feet

3. Nonresidential buildings shall be set back 15 feet from all other lot boundary lines, except that this setback may be reduced to not less than the setback that would apply under subsection (b)(2) of this section if the reduction is approved by the State Fire Marshal.

c. The maximum building height shall be 35 feet.

d. Detached accessory buildings may not occupy more than 25 percent of a required rear or side yard and no portion of a required front yard, and shall be located at least five feet from the nearest part of a main building and five feet from all property lines.

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

Section 5. HCC xx.xx.050, Site and access.

a. A zoning permit for any nonresidential use or structure shall not be issued by the City without an approved site plan and an approved level two right-of-way access plan that conform to the standards of Chapter 21.73 HCC.

b. All access points to rights-of-way shall conform to the standards of a level two right-of-way access plan stated in Chapter 21.73 HCC. This applies to all uses and structures.

Section 6. HCC xx.xx.060, Traffic requirements.

A conditional use permit is required for every use that:

a. Is estimated to generate more than 100 vehicle trips during any hour of the day calculated utilizing the Trip Generation Handbook, Institute of Transportation

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

Engineers, 9th Edition;

b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;

c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during any hour of the day due to a change in land use or intensity of use; or

d. Is expected to generate traffic that will detract from the safety of, or degrade by one level of service, the highway, road, street, alley or intersection.

Section 8. HCC xx.xx.070, Site development standards.

a. All single-family and duplex residential development in the East End Residential Commercial Mixed Use District shall comply with the level one site development standards contained in HCC 21.50.020.

b. All multifamily residential and all commercial development on lands in this district shall conform to the level two site development standards set forth in HCC 21.50.030.

Section 9. HCC xx.xx.080, Nuisance standards.

The nuisance standards of HCC 21.59.010 apply to all development, uses, and structures in this zoning district.

Section 10. HCC xx.xx.090 Lighting Standards.

The level one lighting standards of HCC 21.59.030 apply to all development, uses, and structures in this zoning district.

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____ 2014.

CITY OF HOMER

MARY E. WYTHE, MAYOR

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

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

MANAGER'S REPORT

June 9, 2014

TO: MAYOR WYTHE / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

NOTE: Some of these items appeared in the last report. I have updated them and brought them back in case the Council wanted to discuss.

1. BlueCrest Energy: We have received copies of the BlueCrest Energy Operating Plan and Oil Discharge Prevention and Contingency Plan for members of the public who may want to review these documents. They are located at the Clerk's office and both PDF, disk, and paper format are available. BlueCrest is preparing to conduct operations at the Stiriski site.
2. Pioneer Dock: On Tuesday, June 3, Bryan, Carey, Aaron, and I met with AMHS and R&M Engineering Consultants to discuss proposed improvements at the Pioneer Dock. DOT/PF has obtained funding (1.6 Million) to make improvements that would better accommodate AMHS vessels. The improvements include additional fender panels, a wraparound fender at the end of the dock to accommodate vessel pivoting maneuvers in certain weather conditions, dolphin improvements, and a covered walkway for passengers with associated electrical and lighting work. One of the things we talked about most was the NMFS requirement that the contractors must stop work if Beluga Whales were within 3,000 meters. Monitoring must take place and this may drive the project cost, if it is even achievable. Construction is expected in either the Spring or the fall of 2015.
3. North to the Future Report: Attached please see a report from Katie on progress and plans for the North to the Future Book project.
4. Strategic Planning: Attached please see a follow-up report from Katie on Strategic Planning. Hopefully we can find some time to discuss this during the meeting.
5. Research Reserve: On Wednesday, June 4th, I was invited to meet with the Kachemak Bay Research Reserve Board to discuss the future of the Reserve and efforts to find a new State partner. I will be happy to talk about this in detail at the meeting.
6. Old Town: The Tentative Agenda contained an ordinance appropriating funds for additional traffic calming measures in Old Town, sponsored by Councilmember Van Dyke. That ordinance was pulled because all of the cost estimates were not yet obtained by packet time.

ATTACHMENTS

1. Memorandum 14-094 from Community and Economic Development Coordinator, Re: Strategic Planning.
2. Memorandum 14-095 from Community and Economic Development Coordinator, Re: Alaska: *North to the Future*.