



Homer City Hall

491 E. Pioneer Avenue

Homer, Alaska 99603

www.cityofhomer-ak.gov

City of Homer Agenda

Planning Commission Worksession

Wednesday, July 20, 2022 at 5:30 PM

Cowles Council Chambers and via Zoom Webinar

Webinar ID: 936 2815 3389 Passcode: 865591

Dial: (669) 900 6833 or (253 215 8782 or Toll Free 888 788 0099 or 877 853 5247

CALL TO ORDER, 5:30 P.M.

AGENDA APPROVAL

DISCUSSION TOPIC(S)

A. Staff Report 22-44, Review of Conditional Uses and Structures

REGULAR AGENDA

COMMENTS OF THE AUDIENCE (3 minute time limit)

ADJOURNMENT

Next Regular Meeting is Wednesday, August 3, 2022, at 6:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar.



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Staff Report PL 22-44

TO: HOMER PLANNING COMMISSION
FROM: RICK ABOUD, AICP, CITY PLANNER
DATE: JULY 20, 2022
SUBJECT: CUP REDUCTION

Introduction

In an effort to be more efficient with the use of planning resources and encourage developments recommended through the comprehensive plan and city code, I am performing a comprehensive review of how we may lower the prevalence of Conditional Use Permits (CUP) to consider allowing items as a permitted use, disallowing altogether, or modifying them. I will review district by district in order to provide the best context and perspective. Along the way we may start thinking or recommending a more streamlined or consistent language for uses.

We will be using a format throughout the document the first lists the intent of the district as proposed by the Comprehensive Plan then applicability of the Community Design Manual when applicable. This is to put a prospective on how a use and/or density and design concerns are be supported in a district. Next, is a list of the code that makes a use or structure a Conditional Use. I used colored font to highlight the opportunities for change. This will be a long discussion and likely take several meetings to address.

Analysis

Rural Residential (RR)

Comprehensive Plan

- **Intent** The R-3 district is intended to provide areas for low density residential development and limited agricultural pursuits.
- **Primary Use** Low-density residential development in outlying locations, generally with less services and/or lower level of service than in urban areas.
- **Other Uses, Allowances, and Specifications**
 - Areas generally not served by water and sewer, nor likely to be served in the near future.
 - Larger lot sizes or cluster subdivisions to preserve sense of open space.
 - Allows accessory housing units by right (subject to standards).
 - Allows bed and breakfasts by right, subject to standards (for purposes of this plan B&B defined as lodging where owner proprietor resides on site)

- Allows home-based businesses by right, subject to standards; allows some larger non-retail business activities subject to administrative review.
- **Development standards**
 - Option for higher densities and cluster development. Encourage open space subdivisions as alternative to more typical lot layouts.
 - Ensure newer housing is compatible with character of older neighborhoods.

Homer City Code (HCC)

The purpose of the Rural Residential District is primarily to provide an area in the City for low-density, primarily residential, development; allow for limited agricultural pursuits; and allow for other uses as provided in this chapter.

- a. Planned unit development, limited to residential uses only;
- b. Religious, cultural and fraternal assembly;
- c. Cemeteries;
- 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. 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;
- j. Day care facilities; provided, however, that outdoor play areas must be fenced;
- k. Group care home;
- l. Assisted living home;
- m. [More than one building containing a permitted principal use on a lot;](#)
- n. Indoor recreational facilities;
- o. Outdoor recreational facilities;
- p. Public school and private school;
- q. 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

a. Lot Size.

1. The minimum lot area shall be 40,000 square feet, plus 40,000 square feet for each dwelling unit in excess of one unit in areas not served by public sewer and water.
2. Each lot shall contain a minimum of 20,000 square feet, plus 20,000 square feet per dwelling unit in excess of one unit if one of the following conditions exists:
 - a. The lot is served by public water supply approved by the State Department of Environmental Conservation; or
 - b. The lot is served by public or community sewer approved by the State Department of Environmental Conservation.

3. Each lot shall contain a minimum of 10,000 square feet, plus 10,000 square feet per dwelling unit in excess of one unit if the lot is served by both public water and sewer that satisfy both conditions of subsection (a)(2) of this section.

Staff: The overwhelming amount of CUP's in the RR District are for 'more than one', 16 out of 20 in the last ten years to be exact. This is mostly a result of the extension of water and sewer services into the district. Ideally, the zoning would change as service is extended into subdivisions, especially those that are centrally located and designated on the Land Use Recommendations Map. We can consider the allowance of 'more than one' with the recommendations of the Future Land Use Map. The lot size requirements with the provision of water and/or sewer are listed above for reference.

Recommended revisions: Allow development of units according to the provision of water and sewer services subject to screening of dumpsters (screening of dumpsters for any multi-family (3 or more) is to be material for all the districts). The rest of the conditions typically addressed in CUP's for this district include a reminder to follow lighting rules and proof of compliance with DEC regulation, which is required by terms of a zoning permit. Only once did we ask that development adjust the sighting to provide an increased buffer for the existing neighbors.

While our code allows anyone in the RR district to reduce the space necessary for dwelling to one per 10,000 square feet, we should consider areas where we would want to preserve the a rural density standard. I am a proponent of creating more opportunity for density, I believe that there is room and some expectation of rural areas maintaining the rural standards of one dwelling unit per 40,000 square feet regardless of the provisioning of city water and sewer. Ideally, this is best accomplishes with reference in the comprehensive plan.

It is a good time to review the rest of the CUP's listed above. I have found that the occurrences of the other CUP's are minimal and they are structures and activities not necessarily associated with the vision for RR. It is also a time to consider if such activity should be allowed at all. Discuss.

Urban Residential (UR)

Comprehensive Plan

UR (URBAN RESIDENTIAL)

- **Intent** The R-1 district is intended to provide more intense residential development in the city core, in a manner that matches Homer's small town character and encourages increased densities near pedestrian-oriented commercial areas.
- **Primary Use** Medium and medium-high density residential including single-family, duplex, and multiple-family; allow for a variety in housing types and housing price levels.
- **Other Uses, Allowances, and Specifications**
 - Areas generally served by water and sewer; central locations with excellent access to a range of urban services and facilities.

- Residential is primary use; but allows for other uses where these uses maintain residential character.
- Moderate lot size minimums (for example, 6000 square foot lots for single family homes).
- Allows bed and breakfasts by right, allows second units and duplexes by right (both subject to standards). (For purposes of this plan, a B&B is defined as lodging where owner proprietor resides on site.)
- Allows home-based businesses by right (subject to standards).
- **Development standards**
 - Encourage attractive, diverse housing types (vs. “cookie-cutter” subdivisions).
 - Ensure newer housing is compatible with character of older neighborhoods (for example, by requiring transitional densities, buffer uses).

Homer City Code (HCC)

The Urban Residential District is primarily intended to provide a sound environment for medium-density residential occupancy including single-family, duplex and low-rise multiple-family dwellings of various types and designs and other compatible uses as provided in this chapter.

The following uses may be permitted in the Residential Office 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. Storage of heavy equipment or boats over 36 feet in length as an accessory use incidental to a permitted or conditionally permitted principal use;
- h. 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;
- i. Group care home;
- j. Assisted living home;
- k. [More than one building containing a permitted principal use on a lot](#);
- l. Indoor recreational facilities;
- m. Outdoor recreational facilities;
- n. 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.

Dimensional requirements *(these are standards commonly referred to in other districts)*

2. Multiple-family dwelling containing three or more units shall meet the following standards:

- a. The total floor area shall not be more than four-tenths the lot area;
- b. The total open area shall be at least 1.1 times the total floor area. Open area is any portion of the lot not covered or used for parking spaces and maneuvering.

Staff: We have had 5 CUP's in the UR District in the last ten years, 2 'more than one', a daycare facility (denied), indoor recreation/more than one, and a townhouse. Not as much opportunity here for reductions.

Recommended revisions: I believe that we could consider allowing 'more than one' while applying the density standards of multi-family to 3 or more units on a lot (I suggest that this be carried forth to all other districts when served with water and sewer). This would not be out of line with the multi-family standards which are allowed outright. The only difference is that they are not found in a single structure. I also feel that this standard should also apply to townhouse.

Residential Office (RO)

Comprehensive Plan

RO (RESIDENTIAL OFFICE)

- **Intent** The intent of the RO district is to allow for a range of residential and residential compatible uses. While allowing office, certain commercial and other business uses, buildings and sites must have a scale and character similar to single family detached or small multi-family homes. This district serves as a transition zone between commercial and residential neighborhoods.
- **Primary Use** Provide a mix of low-density to medium-density residential uses with certain specified businesses and offices which may include professional services, administrative services and/or personal services, but does not include direct retail or wholesale transactions except for sales which are incidental to the provision of services.
- **Other Uses, Allowances, and Specifications**
 - Areas served by public water and sewer, full range of other urban services, close to other urban services.
 - Moderate lot size minimums (for example, 7500 square feet); allows for attached housing.
 - Guide use to create/maintain an attractive highway environment
- **Design and development standard**
 - Required (not advisory) standards to maintain residential character/residential scale of buildings (e.g., height, setbacks, parking location, signage).
 - Advisory design guidelines regarding building style (e.g., use of materials, architectural style).

- Allow for limited commercial signage, consistent with overall goal of retaining a largely residential character.

Homer City Code (HCC)

The Residential Office District is primarily intended for a mixture of low-density to medium-density residential uses and certain specified businesses and offices, which may include professional services, administrative services and personal services, but generally not including direct retail or wholesale transactions except for sales that are incidental to the provision of authorized services. A primary purpose of the district is to preserve and enhance the residential quality of the area while allowing certain services that typically have low traffic generation, similar scale and similar density. The district provides a transition zone between commercial and residential neighborhoods.

The following uses may be permitted in the Residential Office 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. [Mortuaries](#);
- g. [Day care facilities; provided, however, that outdoor play areas must be fenced](#);
- h. [More than one building containing a permitted principal use on a lot](#);
- i. [Group care homes](#);
- j. Helipads, but only as an accessory use incidental to a hospital conditional use;
- k. 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;
- l. Other uses approved pursuant to HCC [21.04.020](#).

Dimensional requirements

- 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.

Staff: We have had 16 CUP's in the RO district in the last ten years including 7 'more than one', 5 medical clinics (one more than 8000sf, mostly found in subsequent medical district), 4 - 8000sf, and 2 daycare facilities (math does add up due to multiple CUP triggers).

Recommended revisions: Townhouses and 'more than one' can be handled as previously suggested. I see mortuaries and group care homes as something that the district can reasonable support, as it is not direct wholesale or retail which is not provisioned in the district, these along with medical clinic would only be a CUP when provisioned with more than 8,000sf

in a lot. I see no reason require a CUP for daycare in the district. This leaves us with a discussion of the 'more than 30% building area. Perhaps we could discuss the '8000', if any are uncomfortable with the number. I do high recommend that the '30%' does not disappear in concept but we should move the bar.

Medical District (M)

Comprehensive Plan

MEDICAL DISTRICT

Intent: Acknowledge demand for medical services will increase with a larger, aging population. Enact zoning regulations that allow medical services to expand with the growing need for life long medical care, in a localized area near the hospital.

Homer City Code (HCC)

The purpose of the Medical District is to provide an area near the hospital to support medical facilities and other professional office and limited commercial uses. The district is meant to accommodate a mixture of residential and nonresidential uses. Pedestrian-friendly designs and amenities are encouraged.

The following uses may be permitted in the Medical District when authorized by conditional use permit issued in accordance with Chapter [21.71](#) HCC:

- a. Planned unit developments, excluding all industrial uses;
- b. Public or private schools;
- c. Hospitals;
- d. Public utility facilities and structures;
- e. Mortuaries;
- f. Group care homes;
- g. Helipads, but only as an accessory use incidental to a hospital conditional use;
- h. 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;
- i. Other uses approved pursuant to HCC [21.04.020](#);
- j. Parking garage.

d. 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.

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 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

Staff: The Medical District is new and has not recorded a CUP. I do not suggest any amendments.

Central Business District (CBD)

Comprehensive Plan

CBD (CENTRAL BUSINESS DISTRICT)

- **Intent** The intent of the CBD commercial district is to provide a mixed use business district in the core area of Homer, with greater allowance for vehicular use than in the Downtown district, but still with a character that encourages pedestrian use.
- **Primary Use** Provide a centrally located area within the City for a mixture of urban uses and activities, including general retail shopping, personal and professional services, educational institutions, entertainment establishments, restaurants and related businesses, civic uses, recreation, and residential uses. Allow a mixture of residential and commercial uses but conflicts resolved in favor of business.
- **Other Uses, Allowances, and Specifications**
 - Areas served by public water and sewer, full range of other urban services
 - Allow and encourage relatively high densities (sufficient concentration of uses to encourage circulation by foot).
 - On-site parking required (option for shared parking with an approved parking plan).
 - Residential densities – for example, multi-family up to 6 units per acre - allowed by right
- **Development standards include:**
 - Create an attractive, pedestrian-oriented environment (e.g., landscaped parking, standards to humanize buildings such as clearly articulated entries).
 - Advisory guidelines regarding design character, so buildings and other structures within the district are compatible with one another and with the surrounding area.
 - Control signage to maintain visual quality (for example, avoid large, highly illuminated signs).

Community Design Manual – Applicable to uses and structures requiring a CUP

Chapter 1. Architecture, Chapter 2. Site Design, Chapter 3. Lighting (applicable to all uses).

These Chapter's apply to all non-residential uses and uses with more than 12 residential units in the Central Business District.

Homer City Code (HCC)

The following uses may be permitted in the Central Business District when authorized by conditional use permit issued in accordance with Chapter [21.71](#) HCC:

- a. Planned unit developments, excluding all industrial uses;
- b. [Indoor recreational facilities and outdoor recreational facilities](#);
- c. Mobile home parks;
- d. [Auto fueling stations](#);
- e. Public utility facilities and structures;
- f. Pipeline and railroads;
- g. [Greenhouses and garden supplies](#);
- h. Light or custom manufacturing, repair, fabricating, and assembly, provided such use, including storage of materials, is wholly within an enclosed building;
- i. Shelter for the homeless, provided any lot used for such shelter does not abut a residential zoning district;
- j. [More than one building containing a permitted principal use on a lot](#);
- k. [Group care homes and assisted living homes](#);
- l. Drive-in car washes, but only on the Sterling Highway from Tract A-1 Webber Subdivision to Heath Street;
- m. 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;
- n. Other uses approved pursuant to HCC [21.04.020](#).

4. If approved by a conditional use permit, the setback from a dedicated right-of-way, except from the Sterling Highway or Lake Street, may be reduced.

d. 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.

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 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.

Staff: There have been 25 CUP's in the CBD in the last ten years. These were for a wide variety of reasons, including many with multiple triggers. There were 9 'more than one's' (including 4 that were greater than 8000sf), 8 setback reductions, 7 'more than 8000sf' (commonly with additional triggers), 2 manufacturing, 2 'more than 30%', a greenhouse, mobile home park, group care, auto fueling station, and an amendment.

Recommended revisions: Move recreational facilities, auto fueling, greenhouses, more than one, group care and assisted living to permitted uses. Consider moving the bar for 30% building coverage, something like 50% would be more appropriate for an area where we encourage density. (This is a district under guidance of CDM, CUP requires review). I am still formulating the value of the 30% building coverage, its purpose is unclear in my understanding of our regulation and what exactly we are looking to address. It is something that rarely or possibly has never been the sole reason for a CUP.

Town Center District (TC)

Town Center Plan

The following goals and objectives from the Homer Comprehensive Plan (1999 Update) are particularly relevant to planning for development in Homer's Town Center:

- Improve the attractiveness and usability of the business core to encourage use of the area.
- Encourage a balance of open space and attractive, retail-oriented development of vacant land in the business/core area.
- Actively pursue a theme for Pioneer Avenue. Support the establishment of a Town Square and connecting green spaces through town.
- Develop an integrated system of trails, sidewalks, and walkways to connect City parks, schools, recreational areas, and the downtown core area.
- Encourage and enhance the cultural and educational amenities of Homer.
- Guide growth and development in areas planned or zoned Central Business District (CBD) to provide a centrally located business/commercial area and focal point for the community.
- The City, in cooperation with private business owners, shall research and evaluate steps involved in creating and enabling a Pioneer Avenue theme and town square to become a reality.
- Work with the community to develop a centralized Town Square that includes a cultural center, interfacing with existing organizations and institutions to explore partnerships and shared parking.
- Investigate innovative funding mechanisms to provide funding for development of the Town Square with cultural and other facilities and public art programs

Homer City Code (HCC)

The primary purpose of the Town Center District is to provide a centrally located area in Homer for a core business area and a community focal point. Pedestrian-friendly designs and amenities are encouraged.

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

- a. Planned unit developments, limited only to uses otherwise permitted in this district;
- b. [Indoor recreational facilities;](#)
- c. [Greenhouses and garden supplies;](#)
- d. Light or custom manufacturing, repair, fabricating, and assembly, provided such use, including storage of materials, is wholly within an enclosed building;
- e. [Group care homes and assisted living homes;](#)
- f. Other uses approved pursuant to HCC [21.04.020](#);
- g. [Outdoor recreational facilities;](#)
- h. Customary accessory uses to any of the permitted uses listed in the TCD district; provided, that a separate permit shall not be issued for the construction of any type of accessory building prior to that of the main building;
- i. [Self-service laundries;](#)
- j. [Retail sales of hardware, appliances and furniture, building supplies and materials, but only if such use, including storage of goods and materials, is wholly contained within one or more enclosed buildings;](#)
- k. [Plumbing, heating and appliance repair shops, but only if such use, including storage of goods and materials, is wholly contained within one or more enclosed buildings;](#)
- l. One wind energy system having a rated capacity exceeding 10 kilowatts; provided, that it is the only wind energy system on any capacity of the lot

d. 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.

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 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

Staff: Only one CUP as development has never taken off in the TC district.

Recommended revisions: recreational facilities, greenhouses, group care, assisted living, and laundries should be acceptable within our regulations. The retail sales of hardware and etc. along with plumbing and etc. should be eliminated and treated as permitted equivalents (and sometime we should look at the permitted uses as to not ‘pigeon hole’ specific details of retail operations).

Gateway Business District (GBD)

Comprehensive Plan

G-MU (Gateway Mixed Use)

- **Intent** The intent of the G-MU district is to provide land uses that primarily cater to the tourism and visitor industry of Homer and to promote year round activity. The gateway district serves as the primary roadway entry into Homer. It will provide an attractive built environment and promote those uses that will not compete with the DT, CBD and GC districts.
- **Primary Use** Promote mixed-use development, with emphasis on the visitor industry. Serve needs and interests of the visitor industry, as well as year-round residents and Homer's role as the Gateway to Kachemak Bay (not to conflict w/CBD). Minimize future traffic congestion along the Sterling Highway corridor and preserve the experience residents and visitors have when entering Homer by way of the Sterling Highway.
- Commercial uses are primary objective; focus on “Gateway” appropriate businesses such as visitor amenities, hotels – no gas stations, fast-food, strip development.
- **Other Uses, Allowances, and Specifications**
 - Areas served by public water and sewer, full range of other urban services.
 - Allow and encourage relatively high densities (sufficient concentration of uses to encourage circulation by foot).
 - Residential densities – for example, multi-family up to 6 units per acre - allowed by right; higher densities with administrative review or use dimensional standards like CBD above.
- **Development standards**
 - Advisory guidelines re “Gateway” design character.
 - Encourage parking behind buildings (through appropriate set-back rules).
 - Design standards that create an entry point the community can be proud of - attractive, pedestrian-oriented to a degree (e.g., landscaped parking).
 - Control signage to maintain visual quality (for example, avoid large, highly illuminated signs).

Community Design Manual – Applicable to uses and structures requiring a CUP

Chapter 1. Architecture, Chapter 2. Site Design, Chapter 3. Lighting (applicable to all uses).

These Chapter's apply to all non-residential uses and uses with more than 12 residential units in the Central Business District.

Homer City Code (HCC)

The purpose of the Gateway Business District is primarily to promote mixed use development, with an emphasis on visitor-oriented business. Conflicts between residential and business uses are resolved in favor of business. Among the goals of the Gateway Business District regulations are the minimization of future traffic congestion along the Sterling Highway corridor, and preservation of the favorable experience residents and visitors have when entering Homer by way of the Sterling Highway.

The following conditional uses may be permitted in the Gateway Business District when authorized in accordance with Chapter [21.71](#) HCC:

- a. More than one building containing a permitted principal use on a lot.
- b. One 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.
- c. Other uses approved pursuant to HCC [21.04.020](#).
- d. 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.

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 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

Staff: So far, we have had one property with a CUP in the GBD for 'more than one', the same property amended the CUP.

Recommended revisions: Follow previous recommendation for dealing with more than one and consider moving the bar for 30% building area lot coverage.

General Commercial 1 (GC1)

Comprehensive Plan

- **Intent** The intent of the GC-1 district is to provide for auto-oriented business.
- **Primary Use** Provide for a diverse array of commercial, retail, and civic uses; commercial uses are primary objective. Applied in locations where the auto is primary means of access.
- **Other Uses, Allowances, and Specifications**
 - Areas served by public water and sewer, full range of other urban services.
 - Residential densities – for example, residential uses up to 6 units per acre allowed by right; higher densities with administrative review or use dimensional standards like CBD above.
 - On-site parking required (option for shared parking with an approved parking plan).
 - Guide use to create/maintain an attractive highway environment.
- **Development standards** include:
 - Control signage to maintain visual quality (for example, avoid large, highly illuminated signs).
 - Provide for safe pedestrian circulation.

Homer City Code (HCC)

The General Commercial 1 (GC1) District is primarily intended to provide sites for businesses that require direct motor vehicle access and may require larger land area, and to provide business locations in proximity to arterials and transportation centers. It is also intended to minimize congestion and adverse effects on adjacent residential districts and on the appearance of the community.

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

- a. Campgrounds;
- b. Crematoriums;
- c. [Multiple-family dwelling](#);
- d. Public utility facility or structure;
- e. Mobile home parks;
- f. Planned unit developments;
- g. [Townhouses](#);
- h. Pipelines and railroads;
- i. Shelter for the homeless, provided any lot used for such shelter does not abut an RO, RR, or UR zoning district;
- j. More than one building containing a permitted principal use on a lot;

- k. Day care facilities; provided, however, that outdoor play areas must be fenced;
- l. Other uses approved pursuant to HCC [21.04.020](#);
- m. Indoor recreational facilities;
- n. Outdoor recreational facilities.

d. 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.

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 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

Staff: We have had 9 CUP's in the GC1 District. All of these except a multi-family dwelling involved 'more than one' (5 were on Lakeshore Dr.).

Recommended revisions: Recreational facilities can be permitted uses. I recommend that 'more than one' be allowed by right using current regulations. 30% building area should be reconsidered. This district brings up the concept of consideration for me of the general thought of differences between 'multi-family' and multiple individual structures, would we ever want to think of the congregation of small structures to be treated like multi-family. This could be an approach for the inclusion of 'tiny homes' in the zoning regime.

General Commercial 2 (GC2)

Comprehensive Plan

- **Intent** The intent of the GC-2 district is to locate commercial and industrial uses where access to transportation infrastructure is a primary consideration. This district will also serve as a reserve to allow for future commercial and industrial expansion.
- **Primary Use** Promote a sound heavy commercial area within the community with good access to main roads, and reserve land for future industrial expansion. Designed to permit manufacturing, processing, assembly, packaging, or treatment of products within enclosed utilities and facilities required to serve these uses.

Residential uses permitted, recognizing the primacy of light industrial and commercial activities. Residential uses limited; certain retail enterprises limited. Performance standards for heavy commercial uses, especially where the district abuts other zoning districts. Allows for heavier commercial uses – manufacturing, processing, packaging, and support of airport activities / needs.

- **Other Uses, Allowances, and Specifications**

- Accessible by vehicle/direct access.
- Allows for mixed use, live/work, provides larger lots than would be available in CBD
- On-site parking required.

- **Development standards include:**

- Minimal – basic guidelines for parking, minimal setbacks
- Encourage basic landscaping, screening

Homer City Code (HCC)

The purpose of the General Commercial 2 District is primarily to provide a sound area for heavy commercial and industrial uses within the community designed to permit manufacturing, processing, assembly, packaging, or treatment of products and other uses described in this chapter. Residential uses and certain retail enterprises are purposely limited.

The following uses may be permitted in the General Commercial 2 District when authorized by conditional use permit issued in accordance with Chapter [21.71](#) HCC:

a. Mobile home parks;

b. Construction camps;

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

d. Bulk petroleum product storage above ground;

e. Planned unit developments, excluding residential uses;

f. Campgrounds;

g. Junk yard;

h. Kennels;

i. Public utility facilities and structures;

j. Pipelines and railroads;

k. Impound yards;

l. Shelter for the homeless, provided any lot used for such shelter does not abut an urban, rural or office residential zoning district;

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

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

o. Group care homes and assisted living homes;

p. Other uses approved pursuant to HCC [21.04.020](#);

q. Indoor recreational facilities;

r. Outdoor recreational facilities.

d. 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.

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 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.

Staff: No CUP's have been issued in GC2

Recommended revisions: We can transfer several conditional uses to permitted when considering the purpose of the district including petroleum storage, impound yards, more than one, and recreation facilities. A discussion can be had regarding the appropriateness of things like mobile home parks, daycares, group and assisted living homes. These uses generally would not upset the goings on of a commercial district, it's more about protecting themselves from the possible negative externalities of the allowed uses.

As the district is to support heavy commercial and industrial activities, we should eliminate CUP for spatial limits and let development regulations guide the development.

East End Mixed Use District (EEMU)

Comprehensive Plan

- **Intent** The intent of the E-MU district is to allow a wide variety of commercial, industrial, and heavy industrial uses in a district with access to the boatyard, marine services, and the airport; and to ensure such uses, which are important to Homer's economy, continue to have a viable location.
- **Primary Use** Mixed-use development with fewer constraints on uses than existing GC-1 and GC-2. Designed to accommodate the wide range of uses found in the area today, as well as other future uses; examples include industrial, marine-oriented, construction services (including batch plants), storage, and artist workshops. Residential and retail are allowable, but residential/retail and commercial conflicts will be resolved in favor of commercial/industrial uses.

- **Other Uses, Allowances and Specifications**
 - Allows for mixed use, live/work, provides larger lots than would be available in CBD.
 - On-site parking required.
 - Guide use to create/maintain an attractive highway environment.
- **Development standards**
 - Minimal – basic guidelines for parking, setbacks.
 - Encourage basic landscaping.
 - Properties adjacent to the Conservation zone should use best management practices when developing near the southern edge of the property. Strategies may include, but are not limited to, 100 foot buffer zones along the southern property lines adjacent to the conservation areas, tree retention (bird habitat, moose cover), habitat and vegetation retention, and storm water and pollution management techniques. Developers are encouraged to use a combination of techniques to minimize impacts within 100 feet of the south property line and to provide for storm water filtration. Development is encouraged to concentrate on the northern portions of these lots.

Homer City Code (HCC)

The East End Mixed Use (EEMU) District is primarily intended to provide sites for businesses that require direct motor vehicle access and may require larger land area. The district is meant to accommodate a mixture of existing and accessory residential with nonresidential uses. When a conflict exists between residential and nonresidential uses conflicts shall be resolved in favor of nonresidential uses.

The following conditional uses may be permitted in the East End Mixed Use District when authorized by conditional use permit issued in accordance with Chapter [21.71](#) HCC:

- a. Construction camps;
- b. Extractive enterprises, including crushing of gravel, sand and other earth products and batch plants for asphalt or concrete;
- c. Auto fueling stations;
- d. Bulk petroleum product storage;
- e. Planned unit developments;
- f. Junk yard;
- g. Kennels;
- h. Public utility facilities and structures;
- i. Impound yards;
- j. Indoor recreational facilities;
- k. Outdoor recreational facilities;
- l. Other uses approved pursuant to HCC [21.04.020](#).

d. 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.

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 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

Staff: We have had 4 CUP's in the EEMU District, 3 for the same lot that kept expanding operations, all for more than 8000sf.

Recommended revisions: As the district is noted for the support of commercial and heavy industrial, we should consider eliminating CUP for coverage. We can use developmental regulations to permit, screening is required by code.

Marine Commercial District (MC)

Comprehensive Plan

MC (MARINE COMMERCIAL) (See also 2011 Homer Spit Comprehensive Plan)

Provide adequate space for the commercial needs which service and support water-dependent industries and facilities; encourage adequate separation between allied but potentially incompatible commercial and industrial uses while providing proximate locations for the mutual benefit of such water-oriented commercial and water dependent industrial uses. Commercial enterprise permitted to the extent that it services and supports the water-dependent industries which are important to Homer's economic base (e.g., fishing, marine transportation, off-shore energy development, recreation, and tourism) and to the extent that location elsewhere creates unnecessary hardship for the users of such commercial services. Performance standards are required to minimize the impact of commercial development on the natural features on which it depends.

Homer City Code (HCC)

The purpose of the Marine Commercial District is primarily for water-related and water-dependent uses and the business and commercial uses that serve and support them, including but not limited to fishing, marine transportation, off-shore energy development, recreation and tourism. It is recognized that unique natural features of Homer's marine environment contribute significantly to the economic and social environments; therefore, performance

standards are required to minimize the impact of development on the natural features on which they depend.

The following uses may be permitted in the Marine Commercial District when authorized by conditional use permit issued in accordance with Chapter [21.71](#) HCC:

- a. Drinking establishments;
- b. Public utility facilities and structures;
- c. Hotels and motels;
- d. Lodging;
- e. More than one building containing a permitted principal use on a lot;
- f. Planned unit developments, limited to water-dependent and water-related uses, with no dwelling units except as permitted by HCC [21.28.020](#)(o);
- g. Indoor recreational facilities;
- h. Outdoor recreational facilities;
- i. The location of a building within a setback area required by HCC [21.28.040](#)(b). In addition to meeting the criteria for a conditional use permit under HCC [21.71.030](#), the building must meet the following standards:
 1. Not have a greater negative effect on the value of the adjoining property than a building located outside the setback area; and
 2. Have a design that is compatible with that of the structures on the adjoining property.

b. Setbacks. No building may be located in a required setback area without an approved conditional use permit.

d. 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 70 percent of the lot area without an approved conditional use permit.

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 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.

Staff: We have had 6 CUP's in the MC District. 3 of those involved setback reductions. Also we have had a restaurant, more than one's, 2 overslope, lodging, heliport, and a 8000sf. It would

be a good process to get feedback from the Port and Harbor Commission to incorporate into our discussion.

Marine Industrial (MI)

Comprehensive Plan

MI (MARINE INDUSTRIAL) (See also 2011 Homer Spit Comprehensive Plan)

Provide adequate space for those industrial uses that require direct marine access for their operation and to encourage the most efficient utilization of land. Promote marine-dependent industries important to Homer's economic base (e.g., fishing, fish processing, marine transportation, off-shore oil development, and tourism); give priority to those uses, and minimize conflicts among industrial, commercial and recreational uses.

Homer City Code (HCC)

The purpose of the General Commercial 2 District is primarily to provide a sound area for heavy commercial and industrial uses within the community designed to permit manufacturing, processing, assembly, packaging, or treatment of products and other uses described in this chapter. Residential uses and certain retail enterprises are purposely limited.

The following uses may be permitted in the General Commercial 2 District when authorized by conditional use permit issued in accordance with Chapter [21.71](#) HCC:

- a. Mobile home parks;
- b. Construction camps;
- c. Extractive enterprises, including the mining, quarrying and crushing of gravel, sand and other earth products and batch plants for asphalt or concrete;
- d. Bulk petroleum product storage above ground;
- e. Planned unit developments, excluding residential uses;
- f. Campgrounds;
- g. Junk yard;
- h. Kennels;
- i. Public utility facilities and structures;
- j. Pipelines and railroads;
- k. Impound yards;
- l. Shelter for the homeless, provided any lot used for such shelter does not abut an urban, rural or office residential zoning district;
- m. More than one building containing a permitted principal use on a lot;
- n. Day care facilities; provided, however, that outdoor play areas must be fenced;
- o. Group care homes and assisted living homes;
- p. Other uses approved pursuant to HCC [21.04.020](#);
- q. Indoor recreational facilities;
- r. Outdoor recreational facilities.

2. If approved by conditional use permit, buildings up to 55 feet in height may be allowed.

d. 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.

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 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.

Staff: We have had 6 CUP's in the MI District, the Harbor Building (overslope), bulk petro/8000sf/30%, 2 other similar uses (later rezoned to MC), and a PUD for a restroom/guard shack. Again, I would like to run the concept by the Port and Harbor Commission for their recommendations.

Staff Recommendation

Continue discussion on items and address new issues and any requests for additional information in subsequent meetings