



Homer City Hall

491 E. Pioneer Avenue

Homer, Alaska 99603

www.cityofhomer-ak.gov

City of Homer Agenda

City Council Committee of the Whole

Monday, October 10, 2022 at 5:00 PM

In Person at City Hall Cowles Council Chambers and by Zoom Webinar

<https://cityofhomer.zoom.us/j/953097829?pwd=RVVmc1YnpUUExhbFE0b0NwSCtqUT09>

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

Webinar ID: 953 097 829 Passcode: 234969

CALL TO ORDER, 5:00 P.M.

AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

CONSENT AGENDA

REGULAR MEETING AGENDA

DISCUSSION TOPIC(S)

- a. FY21 Audit - BDO
- b. Ordinance 22-68, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12, Rural Residential District; Homer City Code 21.14, Urban Residential District; Homer City Code 21.12 Residential Office District; Homer City Code 21.18, Central Business District; Homer City Code 21.20 Town Center District; Homer City Code 21.22, Gateway Business District; Homer City Code 21.24, General Commercial 1 District; Homer City Code 21.26, General Commercial 2 District; And Homer City Code 21.27, East End Mixed Use District, Regarding Conditional Uses in each District. Planning Commission. Recommended dates Introduction October 10, 2022 Public Hearing and Second Reading October 26, 2022.

Memorandum 22-169 from City Planner as backup.

COMMENTS OF THE AUDIENCE

ADJOURNMENT NO LATER THAN 5:50 P.M.

Next Regular Meeting is Monday, October 24, 2022 at 6:00 p.m., Worksession at 4:00 p.m. Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

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4 Planning Commission

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6 **ORDINANCE 22-68**

7
8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
9 AMENDING HOMER CITY CODE SECTIONS 21.12, RURAL
10 RESIDENTIAL DISTRICT; 21.14, URBAN RESIDENTIAL DISTRICT;
11 21.16 RESIDENTIAL OFFICE DISTRICT; 21.18, CENTRAL BUSINESS
12 DISTRICT; 21.20, TOWN CENTER DISTRICT; 21.22, GATEWAY
13 BUSINESS DISTRICT; 21.24, GENERAL COMMERCIAL 1 DISTRICT;
14 21.26, GENERAL COMMERCIAL 2 DISTRICT; AND HOMER CITY
15 CODE 21.27, EAST END MIXED USE DISTRICT REGARDING
16 CONDITIONAL USES IN EACH DISTRICT.
17

18 WHEREAS, It is in the interests of the City to make allowances for uses in districts
19 according to the guidance set forth in the 2018 Homer Comprehensive Plan and the Purpose
20 of the districts described in Homer City Code; and
21

22 WHEREAS, A Conditional Use Permit (CUP) should be a consideration for uses which,
23 due to form or function, may require special conditions in order to minimize possible negative
24 externalities; and
25

26 WHEREAS, Some uses may be inappropriate for a district in consideration of the
27 purpose of the district and the negative externalities that may be found in the use itself, or
28 those of the district itself; and
29

30 WHEREAS, The Homer Planning Commission has reviewed the subjects and actions of
31 past CUP permits that have been routinely granted with few, if any, special conditions; and
32

33 WHEREAS, The Homer Planning Commission, using the guidance of the 2018 Homer
34 Comprehensive Plan and the Purpose statements found in code for the zoning districts, has
35 identified conditional uses and structures that would be more appropriately listed as
36 permitted uses or eliminated.
37

38 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
39

40 Section 1. Homer City Code Chapter 21.12, Rural Residential District is amended to
41 read as follows:
42

43 21.12.020 Permitted uses and structures.
44

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

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

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

21.14.020 Permitted uses and structures.

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

r. Townhouse developments

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

21.14.030 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.~~ **b.** Day care facilities; provided, however, that outdoor play areas must be fenced;

~~d.~~ **c.** Religious, cultural and fraternal assembly;

~~e. Hospitals;~~

~~f.~~ **d.** Pipelines and railroads;

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

21.16.020 Permitted uses and structures.

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

s. Townhouses

t. Mortuaries

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

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

w. Group care homes.

21.16.030 Conditional uses and structures.

The following uses may be permitted in the Residential Office District when authorized by conditional use permit issued in accordance with 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.~~

21.16.040 Dimensional requirements.

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

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~~**40** percent of the lot area, without an approved conditional use permit.

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

21.18.020 Permitted uses and structures.

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

ll. Greenhouses and garden supplies.

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

nn. Group care homes and assisted living homes

mm. Indoor and outdoor recreational facilities.

21.18.030 Conditional uses and structures

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.~~ **b.** Mobile home parks;

~~d.~~ **c.** Auto fueling stations;

e. Public utility facilities and structures;

~~f.~~ **e.** Pipeline and railroads;

~~g. Greenhouses and garden supplies;~~

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

~~ig.~~ Shelter for the homeless, provided any lot used for such shelter does not abut a residential zoning district;

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

~~k. Group care homes and assisted living homes;~~

~~li.~~ Drive-in car washes, but only on the Sterling Highway from Tract A-1 Webber Subdivision to Heath Street;

~~mj.~~ 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;

~~nk.~~ Other uses approved pursuant to HCC 21.04.020.

21.18.040 Dimensional requirements.

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

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~~**40** percent of the lot area, without an approved conditional use permit.

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

21.20.020 Permitted uses and structures

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

aa. Greenhouse and garden supplies

bb. Indoor and outdoor recreational facilities

cc. Group care and assisted living facilities.

dd. Self-service laundries

21.20.030 Conditional uses and structures.

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

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

b. Indoor recreational facilities;

~~c. Greenhouses and garden supplies;~~

~~d.~~ **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.~~ **d.** Other uses approved pursuant to HCC 21.04.020;

~~g.~~ **e.** Outdoor recreational facilities;

~~h.~~ **f.** 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.~~ **g.** 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.

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

21.22.020 Permitted uses and structures.

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

forth in this chapter:

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

21.22.040 Dimensional requirements.

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

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~~**40** percent of the lot area, without an approved conditional use permit.

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

21.24.020 Permitted uses and structures.

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

mm. Townhouses;

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

oo. Indoor and outdoor recreational facilities;

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

21.24.030 Conditional uses and structures.

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

a. Campgrounds;

b. Crematoriums;

c. Multiple-family dwelling;

d. Public utility facility or structure;

e. Mobile home parks;

f. Planned unit developments;

~~g. Townhouses;~~

~~hg. Pipelines and railroads;~~

~~ih. Shelter for the homeless, provided any lot used for such shelter does not abut an RO, RR, or UR zoning district;~~

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

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

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

~~m. Indoor recreational facilities;~~

~~n. Outdoor recreational facilities.~~

21.24.040 Dimensional requirements.

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

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~~**40** percent of the lot area without an approved conditional use permit.

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

21.26.020 Permitted uses and structures.

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

x. Impound yards;

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

z. Indoor and outdoor recreational facilities.

21.26.030 Conditional uses and structures.

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~~**a.** Construction camps;

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

~~d~~**c.** Bulk petroleum product storage above ground;

~~e~~**d.** Planned unit developments, excluding residential uses;

~~f~~**e.** Campgrounds;

~~g~~**f.** Junk yard;

~~h~~**g.** Kennels;

~~i~~**h.** Public utility facilities and structures;

~~j~~**i.** 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~~**k.** Other uses approved pursuant to HCC 21.04.020;

~~q.~~ Indoor recreational facilities;

~~r. Outdoor recreational facilities.~~

21.26.040 Dimensional requirements.

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

~~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.~~

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

21.27.020 Permitted uses and structures.

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

pp. Indoor and outdoor recreational facilities.

21.27.030 Conditional uses and structures.

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:

~~j. Indoor recreational facilities;~~

~~k. Outdoor recreational facilities;~~

21.27.040 Dimensional requirements.

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

~~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.~~

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

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 THE CITY OF HOMER, ALASKA, this ____ day of _____ 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Reading:

Second Reading:

Effective Date:



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

MEMORANDUM 22-169

TO: MAYOR CASTNER AND THE HOMER CITY COUNCIL
FROM: RICK ABBOD, AICP, CITY PLANNER
DATE: OCTOBER 4, 2022
SUBJECT: CONDITIONAL USES

In an effort to consider the appropriateness of Conditional Use Permits (CUP's), I have been working with the Planning Commission to review Conditional Use Permits (CUP) that have come before the Planning Commission in the last ten years. We have found that a majority of the permits have been approved with few, if any, conditions. Some of these have been repetitive and become routine approvals. We then examined the districts and considered the conditional use appropriateness with intent of the district found in the Comprehensive Plan and the purpose statement found in City Code.

After examination, we found that several conditional uses were acceptable to become permitted uses that could be permitted through the Planning Office without going through the time and expense of a public hearing with the Planning Commission. Additionally, over the course of examination, the Commission found some uses that were inappropriate for the district and should be eliminated. Staff report PL22-59 provides a summary of the changes found in the draft ordinance.

The Commission feels that CUP's should be reserved for uses or structures that are likely to be in need of conditions that may not be addressed code. The draft ordinance provides an allowance for uses and structures found appropriate for the district with current underlying regulations.

The Commission worked on the subject in a work session and during four regular meetings including a public hearing on September 21st and recommends that the Homer City Council adopt the draft ordinance.

Attachments:

Draft Ordinance

Staff Reports 22-59, 22-56, 22-48, 22-44 and corresponding meeting minutes



City of Homer

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Planning

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

Staff Report PL 22-59

TO: HOMER PLANNING COMMISSION
FROM: RICK ABOUD, AICP, CITY PLANNER
DATE: SEPTEMBER 7, 2022
SUBJECT: CONDITIONAL USE PERMIT (CUP) REDUCTION

Introduction

We are holding a public hearing on the proposed ordinance, as the Planning Commission has reevaluated the need for conditional uses that have been routinely approved with no or few conditions. Many of the conditional uses have been moved to permitted uses, which allows those uses and structures to be approved administratively according to the various regulations applicable to the district without going through a hearing and gaining the approval of the Planning Commission. Additionally, a few uses have been removed from code entirely because of their impact on the district (rail roads) or, more likely, because of the impact of the district on the use, such as day cares in a district supporting heavy industrial uses.

I have modified the ordinance according to the feedback of the Commissioners at the last meeting. Additionally, I have made some minor changes after consideration of intent and impact. A comprehensive review of the proposed amendments are found below.

Rural Residential

Added allowance for up to 4 dwellings according to density allowance and when located in an area for consideration of Urban Residential zoning as identified by the Land Use Recommendations map in the Comprehensive Plan, according to existing density allowances.

Urban Residential

Moved townhouses to permitted use and allowed up to 4 dwellings subject to dimensional requirements of multi-family floor area ratio standards. Eliminated hospitals and railroads.

Residential Office

Moved townhouse, mortuaries, daycare facilities, group homes and up to four dwellings subject to multi-family floor area ratios to permitted uses. Changed requirement for a CUP regarding building area coverage from 30% to 40%. Eliminated hospitals and helipads.

Central Business District

Moved greenhouses, group homes, assisted living homes, indoor and outdoor recreational facilities, and up to 4 buildings on a lot excluding mobile homes, excepted as provided for in HCC 21.18.030(b) to permitted uses. Amended building area coverage from 30% to 40% required for a CUP. Removed railroads.

Changes noted here include reducing the building area coverage from the suggested 50% to 40% to make a better allowance for 4 building on a lot so as to not to have to specify floor area ratios for dwellings verses other structures. Additionally, recognized the allowance for mobile home parks in the district to avoid unintended conflicts in code.

Town Center District

Added greenhouses, indoor and outdoor recreational facilities, group care and assisted living facilities, and self-service laundries to permitted uses. Also eliminated the retail sales of hardware etc. and plumbing and etc. as these 'laundry lists' of uses are unnecessary and would be allowed by the current permitted uses pertaining to retail businesses (HCC 21.20.020(a)) and plumbing etc. (HCC 21.20.020(s)).

Gateway Business District

Added up to 4 dwelling units subject to floor area ratios of multi-family and moved from 30% to 40% building coverage required for a CUP.

General Commercial 1

Moved townhouses daycare facilities, indoor and outdoor recreational facilities, and more than one building on a lot to permitted uses. Moved standard for CUP from 30% lot coverage to 40%. Eliminated railroads.

General Commercial 2

Added impound yards, more than on building containing a permitted principle use on a lot and indoor and our door recreation facilities to permitted uses. Eliminated mobile home parks, day care facilities, group and assisted living homes from the district as they are incompatible with the intent district. Removed requirement for over 8000 sf and 30% building coverage to trigger a CUP.

East End Mixed Used District

Moved indoor and outdoor recreational facilities to permitted uses. Removed requirement for over 8000 sf and 30% building coverage to trigger a CUP.

Staff Recommendation

Hold a public hearing and make a recommendation for adoption to City Council.

Attachment Draft Ordinance

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3
4 Planning Commission

5
6 **ORDINANCE 22-xx**

7
8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING
9 HOMER CITY CODE SECTIONS 21.12, RURAL RESIDENTIAL DISTRICT;
10 21.14, URBAN RESIDENTIAL DISTRICT; 21.16 RESIDENTIAL OFFICE
11 DISTRICT; 21.18, CENTRAL BUSINESS DISTRICT; 21.20, TOWN CENTER
12 DISTRICT; 21.22, GATEWAY BUSINESS DISTRICT; 21.24, GENERAL
13 COMMERCIAL 1 DISTRICT; 21.26, GENERAL COMMERCIAL 2 DISTRICT;
14 AND HOMER CITY CODE 21.27, EAST END MIXED USE DISTRICT
15 REGARDING CONDITIONAL USES IN EACH DISTRICT.
16

17 WHEREAS, It is in the interests of the City to make allowances for uses in
18 districts according to the guidance set for in the 2018 Homer Comprehensive Plan and
19 the Purpose of the districts described in Homer City Code; and
20

21 WHEREAS, A Conditional Use Permit (CUP) should be a consideration for uses
22 which, due to form or function, may require special conditions in order to minimize
23 possible negative externalities; and
24

25 WHEREAS, Some uses may be inappropriate for a district in consideration of
26 the purpose of the district and the negative externalities that may be found in the use
27 itself, or those of the district itself; and
28

29 WHEREAS, The Homer Planning Commission has reviewed the subjects and
30 actions of past CUP permits that have been routinely granted with few if any special
31 conditions; and
32

33 WHEREAS, The Homer Planning Commission has found several conditional
34 uses and structures that fit within the guidance of the 2018 Homer Comprehensive
35 Plan and the Purpose statements found in code for the corresponding districts that
36 would be more appropriately listed as permitted uses and structures or eliminated.
37

38 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
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40 Section 1. Homer City Code Chapter 21.12, Rural Residential District is amended to
41 read as follows:
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43 21.12.020 Permitted uses and structures.
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The following uses are permitted outright in the Rural Residential District:

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

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

21.14.020 Permitted uses and structures.

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

r. Townhouse developments

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

21.14.030 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.~~ **b.** Day care facilities; provided, however, that outdoor play areas must be fenced;

~~d.~~ **c.** Religious, cultural and fraternal assembly;

~~e. Hospitals;~~

~~f.~~ **d.** Pipelines and railroads;

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

21.16.020 Permitted uses and structures.

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

s. Townhouses

t. Mortuaries

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

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

w. Group care homes.

21.16.030 Conditional uses and structures.

The following uses may be permitted in the Residential Office District when authorized by conditional use permit issued in accordance with 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.~~

21.16.040 Dimensional requirements.

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

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~~**40** percent of the lot area, without an approved conditional use permit.

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

21.18.020 Permitted uses and structures.

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

ll. Greenhouses and garden supplies.

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

nn. Group care homes and assisted living homes

mm. Indoor and outdoor recreational facilities.

21.18.030 Conditional uses and structures

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.~~**b.** Mobile home parks;

~~d.~~**c.** Auto fueling stations;

~~e.~~**d.** Public utility facilities and structures;

~~f.~~**e.** Pipeline and railroads;

~~g.~~ Greenhouses and garden supplies;

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

~~ig.~~ Shelter for the homeless, provided any lot used for such shelter does not abut a residential zoning district;

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

~~k. Group care homes and assisted living homes;~~

~~li.~~ Drive-in car washes, but only on the Sterling Highway from Tract A-1 Webber Subdivision to Heath Street;

~~mj.~~ 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;

~~nk.~~ Other uses approved pursuant to HCC 21.04.020.

21.18.040 Dimensional requirements.

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

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~~**40** percent of the lot area, without an approved conditional use permit.

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

21.20.020 Permitted uses and structures

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

aa. Greenhouse and garden supplies

bb. Indoor and outdoor recreational facilities

cc. Group care and assisted living facilities.

dd. Self-service laundries

21.20.030 Conditional uses and structures.

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

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

b. Indoor recreational facilities;

~~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.

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

21.22.020 Permitted uses and structures.

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

forth in this chapter:

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

21.22.040 Dimensional requirements.

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

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~~**40** percent of the lot area, without an approved conditional use permit.

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

21.24.020 Permitted uses and structures.

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

mm. Townhouses;

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

oo. Indoor and outdoor recreational facilities;

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

21.24.030 Conditional uses and structures.

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

a. Campgrounds;

b. Crematoriums;

c. Multiple-family dwelling;

d. Public utility facility or structure;

e. Mobile home parks;

f. Planned unit developments;

~~g. Townhouses;~~

~~hg. Pipelines and railroads;~~

~~ih. Shelter for the homeless, provided any lot used for such shelter does not abut an RO, RR, or UR zoning district;~~

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

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

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

~~m. Indoor recreational facilities;~~

~~n. Outdoor recreational facilities.~~

21.24.040 Dimensional requirements.

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

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~~**40** percent of the lot area without an approved conditional use permit.

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

21.26.020 Permitted uses and structures.

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

x. Impound yards;

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

z. Indoor and outdoor recreational facilities.

21.26.030 Conditional uses and structures.

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~~**a.** Construction camps;

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

~~d~~**c.** Bulk petroleum product storage above ground;

~~e~~**d.** Planned unit developments, excluding residential uses;

~~f~~**e.** Campgrounds;

~~g~~**f.** Junk yard;

~~h~~**g.** Kennels;

~~i~~**h.** Public utility facilities and structures;

~~j~~**i.** Pipelines and railroads;

~~k.~~ Impound yards;

~~l~~**j.** 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~~**k.** Other uses approved pursuant to HCC 21.04.020;

~~q.~~ Indoor recreational facilities;

~~r. Outdoor recreational facilities.~~

21.26.040 Dimensional requirements.

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

~~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.~~

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

21.27.020 Permitted uses and structures.

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

pp. Indoor and outdoor recreational facilities.

21.27.030 Conditional uses and structures.

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:

~~j. Indoor recreational facilities;~~

~~k. Outdoor recreational facilities;~~

21.27.040 Dimensional requirements.

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

~~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.~~

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

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 THE CITY OF HOMER, ALASKA, this ____ day of _____ 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSON, MMC, CITY CLERK

YES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Reading:

Second Reading:

Effective Date:

Commission or they can take it to the Borough. If they submit something different to the Borough, the Borough will contact the City and ask if the Planning Commission wants to review this again which due to the response we have gotten he will tell them yes. It might be a small thing and you can reconfigure a lot but it would be worth reviewing it again at this body to get a positive recommendation up to the Borough.

Commissioner Stark commented on the application being within the legal rights but the negative response from the public and neighboring properties that the Applicants should work further with the City Planner to address the concerns expressed tonight. He then stressed they are voting on the preliminary plat.

Commissioner Highland expressed the main the concern is that if this Commission votes to recommend approval it goes to the Borough and they will approve it and this Commission will not see it again.

City Planner Abboud confirmed that the Applicant could bring this action to the Borough even though the Commission did not recommend approval.

STARK/HIGHLAND MOVED TO AMEND MOTION TO REDUCE THE NUMBER OF LOTS.

A brief discussion on just recommending the number of lots be reduced without being specific on the number of lots to reduce to; over regulations on development; provide the opportunity to the applicants to reduce the number of lots and bring it back to the Commission; amending the motion does exactly that as the Applicant has expressed a willingness to work with the city and neighbors.

VOTE. NO. SMITH, CHIAPPONE, CONLEY

VOTE. YES. HIGHLAND, STARK

Motion failed.

There was no further discussion on the main motion.

VOTE. YES. CHIAPPONE, STARK

VOTE. NO. HIGHLAND, CONLEY, SMITH.

Motion failed.

Chair Smith called for a recess at 8:50 p.m. He called the meeting back to order at 8:58 p.m.

PUBLIC HEARINGS

A. Staff Report 22-59, Conditional Uses and Structures - Draft Ordinance Amending Title 21 Sections 21.12. Rural Residential District; 21.14, Urban Residential District; 21.16 Residential Office District 21.18 Central Business District; 21.20 Town Center District; 21.22 Gateway Business District; 21.24 GC1 General Commercial District 1; 21.26 GC2 General Commercial District 2; 21.27 East End Mixed Use District Regarding Conditional Uses in Each District. Planning Commission.

Staff Report 22-59 Conditional Use Permit Reduction

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud reviewed Staff Report 22-59 and noted the actions taken by the Planning Commission in each of the zoning districts. He noted the ordinance provides the input from the Commissioners at the September 7, 2022 regular meeting. City Planner Abboud stated that he has made some minor changes on intent and impact and provided the comprehensive review on the proposed amendments.

Chair Smith open the Public Hearing.

Karen Marks, city resident, commented that she appreciated the Commissions work on this and believed it will move toward an easier business climate and provides the time to work on those things that exceptionally difficult.

Jon Faulkner, 35 year city resident, owner operator of Lands' End Resort urged the Commission to consider a broader outreach as this significant change warrants more than social media, newspaper, and radio as they don't quite capture getting the word out to the community. He believed that this was a community consensus-driven process, and should use direct mail to advise the community. He believed that would be worth the costs of a dollar per resident at 3200 residents. He lives here and very specifically engaged and he learned about this because of attending the meeting to comment on another matter, but he believes that there are a lot of people like himself who care a great deal about this town and they may not be aware of some of these significant changes that this Commission is putting a lot of time into and Mr. Faulkner applauded the Commission for that effort. He then stated that he is an expert in development as he has spent a lifetime doing it. Condominium, hotel, residential, etcetera, etcetera. He believed that if you are truly interested in affordable housing because it is becoming the same word and almost a justification for everything that is being done he would like the Commission to apply the brakes on it for a bit and think about the context of these changes. What developer like himself might actually think about building affordable housing? An 8000 square foot limitation is the biggest impediment in his view to multifamily inexpensive housing. You are not going to get it from detached houses and that is where you keep focusing your energy. He referenced the development by Alex Treweiler located in Old Town as being a successful model. Mr. Faulkner provided an example of developing an 8000 square foot lot and the difficulties that would present to a developer. He requested the Commission to think about direct mailing the residents so that they can gain consensus on these changes.

Ken Castner, stated that when he became Mayor it was his ambition to reduce the number of conditional use permits, because that's been the root of almost all city litigation in court, and he urged the Commission at that time to either allow it or not. When there is a condition that can be permitted under certain set of circumstances, you are going to tell them how they have to conform. So there is a conformity issue, as well as the application where what you have effectively done through this change, and I congratulate you on doing it, because he believes it brings certainty by definitively stating what is either allowed or not. A person can still go for a conditional use permit, but with the expectation that there is going to be conditions.

Chair Smith seeing no further persons coming forward to provide testimony closed the public hearing. He then deferred to questions from the Commission.

Commissioner Highland noted a typographical error on line 18 of the draft ordinance, the word should be "forth" not "for" as written. She then questioned the number of residents in Homer is more in the number of 5500 referring to the comment from Mr. Faulkner regarding mailing notice of action to all city residents.

City Planner Abboud provided clarification that there are a few more opportunities to comment on this action as it will be going before the City Council. He then provided additional clarification and purpose for the changes that the Commission is recommending.

Chair Smith requested a motion and second.

HIGHLAND/CONLEY MOVE TO ADOPT STAFF REPORT 22-59 AND FORWARD DRAFT ORDINANCE AMENDING HOMER CITY CODE SECTIONS 21.12 RURAL RESIDENTIAL DISTRICT; 21.14, URBAN RESIDENTIAL DISTRICT; 21.16 RESIDENTIAL OFFICE DISTRICT; 21.18, CENTRAL BUSINESS DISTRICT; 21.20, TOWN CENTER DISTRICT;

21.22, GATEWAY BUSINESS DISTRICT; 21.24, GENERAL COMMERCIAL 1 DISTRICT; 21.26, GENERAL COMMERCIAL 2 DISTRICT; AND HOMER CITY CODE 21.27, EAST END MIXED USE DISTRICT REGARDING CONDITIONAL USES IN EACH DISTRICT TO CITY COUNCIL.

Commissioners commented on the time spent and the efforts expending in putting the information together to make all the changes.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Memorandum from Deputy City Clerk re: Final Draft Recommendations for Ordinance 22-42

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud reviewed the Memorandum prepared by Deputy City Clerk Krause. Chair Smith requested any amendments from the Commission, noting that the Clerk has requested all amendments be made by a motion.

HIGHLAND/STARK MOVED TO AMEND THE MEMORANDUM, RECOMMENDATION NUMBER TWO, TO STRIKE LANGUAGE AFTER THE WORD "PLANS".

Chair Smith noted that this amended statement was more representative of the overall discussion by the Commission to be sent to Council.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith requested additional amendments to the memorandum and hearing none he then requested a motion and second to adopt the memorandum as amended.

HIGHLAND/STARK MOVED TO ADOPT THE MEMORANDUM REGARDING RECOMMENDATIONS ON ORDINANCE 22-42 AS AMENDED AND FORWARD TO CITY COUNCIL FOR THE SEPTEMBER 26, 2022 MEETING.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.



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Staff Report PL 22-56

TO: HOMER PLANNING COMMISSION
FROM: RICK ABOUD, AICP, CITY PLANNER
DATE: SEPTEMBER 7, 2022
SUBJECT: CUP REDUCTION

Introduction

I have made a draft ordinance for the Commission to review and make any changes necessary prior to holding a public hearing. It is quite a large ordinance with 10 sections and additional eyes on it will be valuable. The information about the districts are left in the staff report so that the recommendations may be reviewed for any concerns of the Commission.

A few minor changes have been made after looking at the revisions and considering all the ramifications. The major goal of the ordinance is to address the CUP's that have become routine and required the most minimal input from the Commission for approval. These items should be considered in context of the intent of the district in the Comprehensive Plan as well as the purpose of the district in code. While there is always a chance to improve the code, especially when we have exposed this amount, I don't want to stray too much from the concept of addressing CUP's as described above. This could quickly become a project of a much larger magnitude that would require a great amount of preparation and thought on additional recommendations. We also are embarking on a proposed revision of the Comprehensive Plan with a subsequent revision of code to ensure that we enact the plan. I don't want to get too far ahead of the time when we will be considering the internal workings of code.

I am noting what was changed according to the individual districts after the district summaries and have highlighted those items found to have been moved or been removed in code by the ordinance. I have landed on the permitting of up to 4 structures supporting residential units in districts supporting multifamily dwellings. Please provide feedback on the amount and consider if it should be something different. It is generally thought that the uses that have been moved to permitted uses have reasonable considerations in the district for their support.

Commissioners are requested to take a close look and move to make changes as they see fit. Pipelines and railroads are not removed yet, please vote on a motion if you wish. This will create a record on an item that was not address in the staff reports. Of course, make a motion and vote on anything else you feel needs to be changed and to accept the changes.

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: Added allowance for up to 4 dwellings according to density allowance and when located in an area for consideration of Urban Residential zoning as identified by the Land Use Recommendations map in the Comprehensive Plan.

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: Moved townhouses to permitted use and allowed up to 4 dwellings subject to dimensional requirements of multi-family floor area ratio standards.

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: Added townhouse, mortuaries, daycare, group homes and up to four dwellings subject to multi-family floor area ratios to permitted uses. Moved requirement for a CUP regarding building area coverage from 30% to 40%. Also eliminated the retail sales of hardware etc. and plumbing and etc. as these 'laundry lists' of uses are unnecessary and would be allowed by the current permitted uses pertaining to retail businesses (HCC 21.20.020(a)) and plumbing etc. (HCC 21.20.020(s)).

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: No change.

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: Moved greenhouses, group homes, assisted living homes, indoor and outdoor recreational facilities, and up to 4 dwelling units subject to multi-family floor areas ratios to permitted uses. Moved building area coverage from 30% to 50% 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: Added greenhouses, indoor and outdoor recreational facilities, group care and assisted living facilities, and self-service laundries to permitted uses.

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: Added up to 4 dwelling units subject to floor area ratios of multi-family and moved from 30% to 40% building coverage required for a CUP.

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: Moved townhouses daycare facilities, indoor and outdoor recreational facilities, and more than one building on a lot to permitted uses. I left multi-family as a conditional use as the GC1 district is really meant to support commercial and multi-family should have some oversight to whether or not the conditions of a particular lot are better to support dwellings, which are not allowed otherwise. Moved standard for CUP from 30% lot coverage to 40%.

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: Added impound yards, more than one building containing a permitted principle use on a lot and indoor and outdoor recreation facilities to permitted uses. Eliminated mobile home parks, day care facilities, group and assisted living homes from the district as they are incompatible with the intent district. Removed requirement for over 8000 sf and 30% building coverage to trigger a CUP.

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: Moved indoor and outdoor recreational facilities to permitted uses. Removed requirement for over 8000 sf and 30% building coverage to trigger a CUP.

Staff Recommendation

Discuss changes and make motions to make any changes and recommend for public hearing.

**CITY OF HOMER
HOMER, ALASKA**

Planning Commission

ORDINANCE 22-XX

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

WHEREAS,

WHEREAS,

THE CITY OF HOMER ORDAINS:

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

21.12.020 Permitted uses and structures.

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

- a. Single-family dwelling;
- b. Duplex dwelling;
- c. Multiple-family dwelling, only if the structure conforms to HCC 21.14.040(a)(2);
- d. Public parks and playgrounds;
- e. Rooming house, bed and breakfast and hostel;
- f. Home occupations, provided they conform to the requirements of HCC 21.51.010;
- g. Agricultural activities, including general farming, truck farming, livestock farming, nurseries, and greenhouses; provided, that:
 1. Other than normal household pets, no poultry or livestock may be housed and no fenced runs may be located within 100 feet of any residence other than the dwelling on the same lot;
 2. No retail or wholesale business sales office is maintained on the premises;

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

- 48
49 h. Private stables;
50
51 i. Private floatplane tie-down as an accessory use incidental to residential use;
52
53 j. Storage of personal commercial fishing gear in a safe and orderly manner and separated by at least
54 five feet from any property line as an accessory use incidental to residential use;
55
56 k. As an accessory use incidental to residential use, the private outdoor storage of noncommercial
57 equipment, including noncommercial trucks, boats, and not more than one recreational vehicle in a
58 safe and orderly manner and separated by at least five feet from any property line, provided no stored
59 equipment, boat or vehicle exceeds 36 feet in length;
60
61 l. Other customary accessory uses incidental to any of the permitted uses listed in the RR district;
62 provided, that no separate permit shall be issued for the construction of any detached accessory
63 building prior to that of the main building;
64
65 m. Temporary (seasonal) roadside stands for the sale of produce grown on the premises;
66
67 n. Mobile homes, subject to the requirements of HCC 21.54.100;
68
69 o. Day care homes; provided, however, that outdoor play areas must be fenced;
70
71 p. Recreational vehicles, subject to the requirements of HCC 21.54.320;
72
73 q. Open space, but not including outdoor recreational facilities described in HCC 21.12.030;
74
75 r. As an accessory use, one small wind energy system per lot having a rated capacity not exceeding 10
76 kilowatts;
77
78 s. ~~One detached~~ **Up to four** dwelling units, excluding mobile homes, ~~as an accessory building to a~~
79 ~~principal single family dwelling~~ on a lot subject to the requirements of HCC 21.12.040 **and located in**
80 **an area designated for Urban Residential zoning by the Future Land Use Map in the 2018 Homer**
81 **Comprehensive Plan.**
82

83 Section 2. Homer City Code Chapter 21.14, Urban Residential District is amended as follows:
84

85 21.14.020 Permitted uses and structures.
86

87 The following uses are permitted outright in the Urban Residential District:
88

- 89 a. Single-family dwelling, excluding mobile home;
90
91 b. Duplex dwelling, excluding mobile home;
92
93 c. Multiple-family dwelling, only if the structure conforms to HCC 21.14.040(a)(2) and excluding mobile
94 home;

d. Public parks and playgrounds;

e. Home occupations, provided they conform to the requirements of HCC 21.51.010;

f. Rooming house, bed and breakfast and hostel;

g. Private floatplane tie-up facility as an accessory use incidental to residential use;

h. As an accessory use incidental to residential use, storage of personal commercial fishing gear in a safe orderly manner and separated by at least five feet from any property line;

i. As an accessory use incidental to residential use, the private outdoor storage of noncommercial equipment, including noncommercial trucks, boats, and not more than one recreational vehicle in a safe and orderly manner and separated by at least five feet from any property line, provided no stored equipment, boat or vehicle exceeds 36 feet in length;

j. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory to a residential use in a manner consistent with the requirements of all other provisions of the Homer City Code and as long as such animals are pets of the residents of the dwelling and their numbers are such as not to unreasonably annoy or disturb occupants of neighboring property;

k. Customary accessory uses to any of the permitted uses listed in the UR district; provided, that no separate permit shall be issued for the construction of any detached accessory building prior to that of the main building;

l. Day care homes; provided, however, that outdoor play areas must be fenced;

m. Recreational vehicles, subject to the standards set out in HCC 21.54.320;

n. Open space, not including outdoor recreational facilities;

o. Public schools and private schools;

p. As an accessory use, one small wind energy system per lot having a rated capacity not exceeding 10 kilowatts;

q. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single-family dwelling on a lot.

r. Townhouse developments

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

21.14.030 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.~~ b. Day care facilities; provided, however, that outdoor play areas must be fenced;
- ~~d.~~ c. Religious, cultural and fraternal assembly;
- ~~e.~~ d. Hospitals;
- ~~f.~~ e. Pipelines and railroads;
- ~~g.~~ f. 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.~~ g. 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.~~ h. Group care home;
- ~~j.~~ i. Assisted living home;
- ~~k.~~ j. More than one building containing a permitted principal use on a lot;
- ~~l.~~ k. Indoor recreational facilities;
- ~~m.~~ l. Outdoor recreational facilities;
- ~~n.~~ 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.

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

21.16.020 Permitted uses and structures.

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

- 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 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. Townhouses

t. Mortuaries

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

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

w. Group care homes.

21.16.030 Conditional uses and structures.

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

21.16.040 Dimensional requirements.

The following dimensional requirements shall apply to all structures and uses in the Residential Office 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~~40 percent of the lot area, without an approved conditional use permit.

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

21.18.020 Permitted uses and structures.

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

a. Retail business where the principal activity is the sale of merchandise and incidental services in an enclosed building;

b. Personal service establishments;

c. Professional offices and general business offices;

d. Restaurants, clubs and drinking establishments that provide food or drink for consumption on the

- premises;
- e. Parking lots and parking garages, in accordance with Chapter 21.55 HCC;
- f. Hotels and motels;
- g. Mortuaries;
- h. Single-family, duplex, and multiple-family dwellings, including townhouses, but not including mobile homes;
- i. Floatplane tie-up facilities and air charter services;
- j. Parks;
- k. Retail and wholesale sales of building supplies and materials, only if such use, including storage of materials, is wholly contained within one or more enclosed buildings;
- l. Customary accessory uses to any of the permitted uses listed in the CBD district; provided, that a separate permit shall not be issued for the construction of any detached accessory building prior to that of the main building;
- m. Mobile homes, provided they conform to the requirements set forth in HCC 21.54.100;
- n. Home occupations, provided they conform to the requirements of HCC 21.51.010;
- o. Ministorage;
- p. Apartment units located in buildings primarily devoted to business or commercial uses;
- q. Religious, cultural, and fraternal assembly;
- r. Entertainment establishments;
- s. Public, private and commercial schools;
- t. Museums and libraries;
- u. Studios;
- v. Plumbing, heating and appliance service shops, only if such use, including the storage of materials, is wholly within an enclosed building;
- w. Publishing, printing and bookbinding;
- x. Recreational vehicle parks only if located south of the Sterling Highway (Homer Bypass) from Lake Street west to the boundary of the Central Business District abutting Webber Subdivision, and from

Heath Street to the west side of Lakeside Village Subdivision, provided they shall conform to the standards in HCC 21.54.200 and following sections;

y. Taxi operation limited to a dispatch office and fleet parking of no more than five vehicles; maintenance of taxis must be conducted within an enclosed structure, and requires prior approval by the City Planner of a site, access and parking plan;

z. Mobile food services;

aa. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this zoning district;

bb. Day care homes and facilities; provided, however, that outdoor play areas must be fenced;

cc. Rooming house, bed and breakfast and hostel;

dd. Auto repair and auto and trailer sales or rental areas, but only on Main Street from Pioneer Avenue to the Sterling Highway, excluding lots with frontage on Pioneer Avenue or the Sterling Highway, subject to the following additional requirements: Vehicles awaiting repair or service, inoperable vehicles, vehicles for parts, and vehicles awaiting customer pickup shall be parked indoors or inside a fenced enclosure so as to be concealed from view, on all sides. The fence shall be a minimum height of eight feet and constructed to prohibit visibility of anything inside of the enclosure. The portion of any vehicle exceeding eight feet in height may be visible outside of the fence. Vehicle parts (usable or unusable), vehicle service supplies, and any other debris created in the repair or servicing of vehicles shall also be stored indoors or inside the fenced enclosure out of view of the public;

ee. Farmers' market;

ff. Dormitory;

gg. Financial institutions;

hh. As an accessory use, one small wind energy system per lot having a rated capacity not exceeding 10 kilowatts;

ii. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single-family dwelling on a lot;

jj. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by State law;

kk. Medical clinics.

ll. Greenhouses and garden supplies.

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

nn. Group care homes and assisted living homes

mm. Indoor and outdoor recreational facilities.

21.18.030 Conditional uses and structures

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;~~

~~eb.~~ Mobile home parks;

~~dc.~~ Auto fueling stations;

~~ed.~~ Public utility facilities and structures;

~~fe.~~ Pipeline and railroads;

~~g. Greenhouses and garden supplies;~~

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

~~ig.~~ Shelter for the homeless, provided any lot used for such shelter does not abut a residential zoning district;

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

~~k. Group care homes and assisted living homes;~~

~~li.~~ Drive-in car washes, but only on the Sterling Highway from Tract A-1 Webber Subdivision to Heath Street;

~~mj.~~ 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;

~~nk.~~ Other uses approved pursuant to HCC 21.04.020.

21.18.040 Dimensional requirements.

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

a. Lot Size.

1. The minimum lot area shall be 6,000 square feet. Lawful nonconforming lots of smaller size may be newly developed and used if off-site parking is provided in accordance with the City parking code, Chapter 21.55 HCC;
2. Multiple-family dwelling containing three or more units shall meet the standards in HCC 21.14.040(a)(2);
3. Townhouses shall meet the standards in HCC 21.53.010.

b. Building Setbacks.

1. Buildings shall be set back 20 feet from all dedicated rights-of-way, except as allowed by subsection (b)(4) of this section.
2. Nonresidential buildings shall be set back five feet from all other lot boundary lines except the minimum setback shall be two feet from all other boundary lines when firewalls are provided and access to the rear of the building is otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire Marshal.
3. Residential buildings shall be set back five feet from all other lot boundary lines.
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.
5. Alleys are not subject to a 20-foot setback requirement. The setback requirements from any lot line abutting an alley will be determined by the dimensional requirements of subsections (b)(1) and (2) of this section.
6. Any attached or detached accessory building shall maintain the same yards and setbacks as the main building.

c. Building Height. The maximum building height shall be 35 feet.

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~~**50** percent of the lot area, without an approved conditional use permit.

e. Building Area and Dimensions – Retail and Wholesale.

1. The total floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet.
2. No conditional use permit, planned unit development, or variance may be granted that would allow a building to exceed the limits of subsection (e)(1) of this section and no nonconforming use or structure may be expanded in any manner that would increase its

nonconformance with the limits of subsection (e)(1) of this section.

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

21.20.020 Permitted uses and structures

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

a. Retail business where the principal activity is the sale of merchandise and incidental services in an enclosed building;

b. Personal service establishments;

c. Offices;

d. Restaurants, clubs and drinking establishments which provide food or drink for consumption on the premises;

e. Parking lots and parking garages, in accordance with Chapter 21.55 HCC;

f. Hotels and motels;

g. Single-family, duplex, and multiple-family dwellings, but not including mobile homes or townhouses;

h. Townhouses subject to the standards of HCC 21.53.010(c), (f), (h), (i), and (o) only;

i. Parks;

j. Financial institutions;

k. Retail sale of building supplies and materials, only if such use, including storage of materials, is wholly contained within an enclosed building;

l. Home occupations, provided they conform to the standards in HCC 21.51.010;

m. Dwelling units and nonresidential uses in the same building, if each use is otherwise allowed by this chapter;

n. Religious, cultural and fraternal assemblies;

o. Entertainment establishments;

p. Private, public, and commercial schools;

q. Museums and libraries;

r. Studios;

s. Plumbing, heating and appliance service shops, only if such use, including the storage of materials, is wholly within an enclosed building;

t. Publishing, printing and bookbinding;

u. Mobile food services on City-owned land only;

v. Transient or itinerant merchants, provided all activities shall be limited to uses permitted outright under this zoning district, and only on City-owned land;

w. Day care homes and facilities; provided, however, that play areas must be fenced;

x. Rooming house, bed and breakfast and hostel;

y. Farmers' market;

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

aa. Greenhouse and garden supplies

bb. Indoor and outdoor recreational facilities

cc. Group care and assisted living facilities.

dd. Self-service laundries

21.20.030 Conditional uses and structures.

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

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

b. Indoor recreational facilities;

~~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~~**d.** Other uses approved pursuant to HCC 21.04.020;

ge. Outdoor recreational facilities;

hf. 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;~~

le. 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.

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

21.22.020 Permitted uses and structures.

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

a. Retail business;

b. General business offices and professional offices;

c. Restaurants and clubs;

d. Hotels and motels;

e. Single-family, duplex, and multiple-family dwellings, including townhouses, but not including mobile homes;

f. Open space;

g. Financial institutions;

h. Home occupations, provided they conform to the standards in HCC 21.51.010;

i. Dwelling units and nonresidential uses (if otherwise allowed by this chapter) in the same building;

j. Religious, cultural, and fraternal assembly;

k. Entertainment establishments;

l. Museums and libraries;

m. Public and private schools;

n. Studios;

o. Rooming house, bed and breakfast and hostel;

p. Personal service establishments;

q. Customary accessory uses to any of the permitted uses listed in the GBD district; provided, that separate permit shall not be issued for the construction of any type of accessory building prior to that of the main building.

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

21.22.030 Conditional uses and structures.

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.

21.22.040 Dimensional requirements.

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

a. Lot Size.

1. The minimum lot area shall be 20,000 square feet. Lawfully existing smaller lot sizes may be newly developed and used subject to the provision of off-site parking as specified in the City parking code, Chapter 21.55 HCC;

2. Multiple-family dwellings shall meet the standards in HCC 21.14.040(a)(2);

3. Townhouses shall meet the standards in HCC 21.53.010.

b. Building Setbacks.

1. Buildings shall be set back 20 feet from all dedicated rights-of-way, except as allowed by subsection (b)(4) of this section.

2. Commercial buildings shall be set back five feet from all other lot boundary lines, except the minimum setback shall be two feet from all other boundary lines when firewalls are provided and access to the rear of the building is otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire Marshal.

3. Residential buildings shall be set back five feet from all other lot boundary lines.

4. If approved by a conditional use permit, the setback from a dedicated right-of-way may be reduced.

5. Alleys are not subject to a 20-foot setback requirement from dedicated rights-of-way. The setback requirements from any lot line abutting an alley will be determined by the dimensional requirements of subsections (b)(2) and (3) of this section.

6. Any attached or detached accessory building shall maintain the same yards and setbacks as the main building.

c. Building Height. The maximum building height shall be 35 feet.

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~~40 percent of the lot area, without an approved conditional use permit.

e. Building Area and Dimensions – Retail.

1. The total floor area of retail business uses within a single building shall not exceed 8,000 square feet.

2. In buildings with more than 8,000 square feet of building area retail business use (not including the area for stocking and warehousing) is limited to no more than 8,000 square feet of floor area.

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

21.24.020 Permitted uses and structures.

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

a. Air charter operations and floatplane tie-up facilities;

b. General business offices and professional offices;

- 753
- 754 c. Dwelling units located in buildings primarily devoted to business uses;
- 755
- 756 d. Auto repair;
- 757
- 758 e. Auto and trailer sales or rental areas;
- 759
- 760 f. Auto fueling stations and drive-in car washes;
- 761
- 762 g. Building supply and equipment sales and rentals;
- 763
- 764 h. Restaurants, including drive-in restaurants, clubs and drinking establishments;
- 765
- 766 i. Garden supplies and greenhouses;
- 767
- 768 j. Heavy equipment and truck sales, rentals, service and repair;
- 769
- 770 k. Hotels and motels;
- 771
- 772 l. Lumberyards;
- 773
- 774 m. Boat and marine equipment sales, rentals, service and repair;
- 775
- 776 n. Mortuaries;
- 777
- 778 o. Open air businesses;
- 779
- 780 p. Parking lots and parking garages, in accordance with Chapter 21.55 HCC;
- 781
- 782 q. Manufacturing, fabrication and assembly;
- 783
- 784 r. Publishing, printing and bookbinding;
- 785
- 786 s. Recreation vehicle sales, rental, service and repair;
- 787
- 788 t. Retail businesses;
- 789
- 790 u. Trade, skilled or industrial schools;
- 791
- 792 v. Wholesale businesses, including storage and distribution services incidental to the products to be
- 793 sold;
- 794
- 795 w. Welding and mechanical repair;
- 796
- 797 x. Parks and open space;
- 798
- 799 y. Appliance sales and service;

z. Warehousing, commercial storage and mini-storage;

aa. Banks, savings and loans, credit unions and other financial institutions;

bb. Customary accessory uses to any of the permitted uses listed in the GC1 district; provided, that no separate permit shall be issued for the construction of any type of accessory building prior to that of the main building;

cc. Dry cleaning, laundry, and self-service laundries;

dd. Taxi operation;

ee. Mobile food services;

ff. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this zoning district;

gg. Recreational vehicle parks, provided they shall conform to the standards in Article II of Chapter 21.54 HCC;

hh. Day care homes; provided, that a conditional use permit was obtained for the dwelling, if required by HCC 21.24.030; all outdoor play areas must be fenced;

ii. Rooming house and bed and breakfast;

jj. Dormitory;

kk. As an accessory use, one small wind energy system per lot;

ll. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by State law;

mm. Townhouses;

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

oo. Indoor and outdoor recreational facilities;

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

21.24.030 Conditional uses and structures.

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

a. Campgrounds;

b. Crematoriums;

c. Multiple-family dwelling;

d. Public utility facility or structure;

e. Mobile home parks;

f. Planned unit developments;

~~g. Townhouses;~~

~~h.g.~~ Pipelines and railroads;

~~h.~~ Shelter for the homeless, provided any lot used for such shelter does not abut an RO, RR, or UR zoning district;

~~ji.~~ 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;

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

~~m.~~ Indoor recreational facilities;

~~n.~~ Outdoor recreational facilities.

21.24.040 Dimensional requirements.

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

a. Lot Size. The minimum lot size is 10,000 square feet.

b. Building Setbacks.

1. All buildings shall be set back 20 feet from all dedicated rights-of-way. Alleys are not subject to a 20-foot setback requirement. The setback requirements from any lot line abutting an alley will be determined by the dimensional requirements of subsections (b)(2) and (3) of this section;

2. Buildings shall be set back five feet from all other lot boundary lines unless adequate firewalls are provided and adequate access to the rear of the building is otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire Marshal;

3. Any attached or detached accessory building shall maintain the same yards and setbacks as the main building.

c. Building Height. The maximum building height shall be 35 feet.

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~~40 percent of the lot area without an approved conditional use permit.

e. Building Area and Dimensions – Retail and Wholesale.

1. In that area south of Beluga Lake, identified as the Ocean Drive GC1: the total square feet of floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet.

2. In that area east of Alder Lane, identified as the East End Road GC1: the total square feet of floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet.

3. In that area west of Baycrest Park, identified as Scenic Gateway GC1: the total square feet of floor area of retail and wholesale business uses within a single building shall not exceed 35,000 square feet.

4. No conditional use permit, planned unit development, or variance may be granted that would allow a building to exceed the limits of subsections (e)(1), (2) and (3) of this section and no nonconforming use or structure may be expanded in any manner that would increase its nonconformance with the limits of subsections (e)(1), (2) and (3) of this section.

f. Screening. When one or more side or rear lot lines abut land within an RO, RR, or UR district or when a side or rear yard area is to be used for parking, loading, unloading or servicing, then those side and rear yard areas shall be effectively screened by a wall, fence, or other sight-obscuring screening. Such screening shall be of a height adequate to screen activity on the lot from outside view by a person of average height standing at street level.

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

21.26.020 Permitted uses and structures.

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

a. Production, processing, assembly and packaging of fish, shellfish and seafood products;

b. Construction, assembly and storage of boats and boat equipment;

c. Manufacturing, fabrication and assembly;

d. Research and development laboratories;

e. Trade, skills or industrial schools;

f. Publishing, printing and bookbinding facilities;

g. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service and repair, excluding storage of vehicles or equipment that is inoperable or in need of repair;

h. Storage and distribution services and facilities, including truck terminals, warehouses and storage buildings and yards, contractors' establishments, lumberyards and sales, or similar uses;

i. Airports and air charter operations;

j. Underground bulk petroleum storage;

k. Cold storage facilities;

l. Parking lots and parking garages, in accordance with Chapter 21.55 HCC;

m. Mobile commercial structures;

n. Accessory uses to the uses permitted in the GC2 district that are clearly subordinate to the main use of the lot or building, such as wharves, docks, restaurant or cafeteria facilities for employees; or caretaker or dormitory residence if situated on a portion of the principal lot; provided, that separate permits shall not be issued for the construction of any type of accessory building prior to that of the main building;

o. Taxi operation;

p. Mobile food services;

q. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this zoning district;

r. Recreational vehicle parks, provided they shall conform to the standards in Chapter 21.54 HCC;

s. Hotels and motels;

t. Dormitory;

u. As an accessory use, one small wind energy system per lot;

v. Open air business;

w. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by State law;

x. Impound yards;

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

z. Indoor and outdoor recreational facilities.

21.26.030 Conditional uses and structures.

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.~~

21.26.040 Dimensional requirements.

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

a. Lot Size. The minimum lot size is 10,000 square feet.

b. Building Setbacks.

1. Buildings shall be set back 20 feet from all dedicated rights-of-way. Alleys are not subject to a 20-foot setback requirement. The setback requirements from any lot line abutting an alley will be determined by the dimensional requirements of subsection (b)(2) of this section.

2. Buildings shall be set back 10 feet from all other lot boundary lines.

3. Any accessory building shall maintain the same yards and setbacks as the main building.

c. Building Height.

1. The maximum building height is 35 feet, except as provided in subsection (c)(2) of this section.

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.~~

e. Building Area and Dimensions – Retail and Wholesale.

1. The total floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet.

2. No conditional use permit, planned unit development or variance may be granted that would allow a building to exceed the limits of subsection (e)(1) of this section and no nonconforming use or structure may be expanded in any manner that would increase its nonconformance with the limits of subsection (e)(1) of this section.

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

21.27.020 Permitted uses and structures.

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

a. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service and repair;

b. Drive-in car washes;

- 1082
- 1083 c. Building supply and equipment sales and rentals;
- 1084
- 1085 d. Garden supplies and greenhouses;
- 1086
- 1087 e. Boat and marine equipment sales, rentals, manufacturing, storage yard, service and repair;
- 1088
- 1089 f. Welding and mechanical repair;
- 1090
- 1091 g. Restaurants, including drive-in restaurants, clubs and drinking establishments;
- 1092
- 1093 h. Religious, cultural, and fraternal assembly;
- 1094
- 1095 i. Studios;
- 1096
- 1097 j. Personal services;
- 1098
- 1099 k. Agricultural activities, including general farming, truck farming, nurseries, tree farms and
- 1100 greenhouses;
- 1101
- 1102 l. Private stables;
- 1103
- 1104 m. Storage of heavy equipment, vehicles or boats;
- 1105
- 1106 n. Plumbing, heating and appliance service shops;
- 1107
- 1108 o. Home occupations on a lot whose principal permitted use is residential, provided they conform to
- 1109 the requirements of HCC 21.51.010;
- 1110
- 1111 p. Mortuaries and crematoriums;
- 1112
- 1113 q. Open air businesses;
- 1114
- 1115 r. Parking lots and parking garages, in accordance with Chapter 21.55 HCC;
- 1116
- 1117 s. Manufacturing, fabrication and assembly;
- 1118
- 1119 t. Retail businesses;
- 1120
- 1121 u. Trade, skilled or industrial schools;
- 1122
- 1123 v. Wholesale businesses, including storage and distribution services incidental to the products to be
- 1124 sold;
- 1125
- 1126 w. Parks and open space;
- 1127
- 1128 x. Warehousing, commercial storage and mini-storage;

- y. Recreational vehicles, subject to the standards in HCC 21.54.320(a), (b) and (c);
- z. Dry cleaning, laundry, and self-service laundries;
- aa. Mobile food services;
- bb. As an accessory use, one small wind energy system per lot;
- cc. Production, processing, assembly and packaging of fish, shellfish and seafood products;
- dd. Research and development laboratories;
- ee. Storage and distribution services and facilities, including truck terminals, warehouses and storage buildings and yards, contractors' establishments, lumberyards and sales, or similar uses;
- ff. Cold storage facilities;
- gg. Mobile commercial structures;
- hh. Single-family and duplex dwellings, only as an accessory use incidental to a permitted principal use; provided, that no permit shall be issued for the construction of an accessory dwelling prior to the establishment of the principal use;
- ii. The repair, replacement, reconstruction or expansion of a single-family or duplex dwelling, including a mobile home, that existed lawfully before its inclusion in the GC1, GC2 or EEMU zoning districts, notwithstanding any provision of Chapter 21.61 HCC to the contrary; provided, that a mobile home may not be used to replace or expand such a dwelling;
- jj. Customary accessory uses to any of the uses permitted in the EEMU district that are clearly subordinate to the main use of the lot or building, including without limitation wharves, docks, storage facilities, restaurant or cafeteria facilities for employees; or caretaker or employee dormitory residence if situated on a portion of the same lot as the principal use; provided, that no permit shall be issued for the construction of any type of accessory building prior to the establishment of the principal use;
- kk. Taxi operation;
- ll. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this zoning district;
- mm. More than one building containing a permitted principal use on a lot;
- nn. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory use to a residential use in a manner consistent with the requirements of all other provisions of the Homer City Code and as long as such animals are pets of the residents of the dwelling and their numbers are such as not to unreasonably annoy or disturb occupants of neighboring property;

oo. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by State law;

pp. Indoor and outdoor recreational facilities.

21.27.030 Conditional uses and structures.

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.

21.27.040 Dimensional requirements.

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

- a. Lot Size.
 - 1. The minimum area of a lot that is not served by public sewer or water shall be 40,000 square feet.
 - 2. The minimum area of a lot that is served by either a public water supply approved by the State Department of Environmental Conservation or a public or community sewer approved by

the State Department of Environmental Conservation shall be 20,000 square feet.

3. The minimum area of a lot that is served by both a public water supply approved by the State Department of Environmental Conservation and a public or community sewer approved by the State Department of Environmental Conservation shall be 10,000 square feet.

b. Building Setbacks.

1. All buildings shall be set back 20 feet from all dedicated rights-of-way other than alleys, except that adjacent to rights-of-way that lead to Kachemak Bay and have been determined to be unsuitable for road construction by resolution of the City Council, all buildings shall be set back from the boundary of the right-of-way according to the number of stories as follows:

Number of Stories	Setback (in feet)
1	5
1 ½	6
2	7
2 ½	8

2. The setback requirements from any lot line abutting an alley will be determined by the dimensional requirements of subsections (b)(3) and (4) of this section;

3. Buildings shall be set back five feet from all other lot boundary lines unless adequate firewalls are provided and adequate access to the rear of the building is otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire Marshal;

4. Any attached or detached accessory building shall maintain the same yards and setbacks as the main building.

c. Building Height.

1. The maximum building height shall be 35 feet, except as provided in subsection (c)(2) of this section.

2. When authorized by a conditional use permit, the maximum building height for a building used solely for commercial purposes shall be 75 feet. A building for which a conditional use permit has been issued under this subsection shall not contain dwelling units.

~~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.~~

e. Building Area and Dimensions – Retail and Wholesale. The total floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet. No conditional use permit, planned unit development, or variance may be granted that would allow a building to exceed the limits of this subsection, and no nonconforming use or structure may be expanded in any manner that would increase its nonconformity with the limits of this subsection.

f. Screening.

1. When one or more side or rear lot lines abut land within an RO, RR, or UR district or when a side or rear yard area is to be used for parking, loading, unloading or servicing, then those side and rear yard areas shall be effectively screened by a wall, fence, or other sight-obscuring screening. Such screening shall be of a height adequate to screen activity on the lot from outside view by a person of average height standing at street level.

2. Outside storage of materials, equipment and trash/dumpsters adjacent to East End Road and Kachemak Drive shall be screened. Screening may consist of walls, fences, landscaped berms, evergreen plantings, or any combination thereof.

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

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 THE CITY OF HOMER, ALASKA, this ____ day of _____ 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSON, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Reading:

Second Reading:

Effective Date:

- This will be funded if granted by the Federal Government
- Progress being made slowly on the Permitting Software which is needed to reduce current workload
- Met with the contractors regarding the Homer Transportation Plan and they are focusing on the human element
- Participating with Nine Star, KPEDD, SPH Foundation and Representative Vance attended regarding public transportation options for the Homer Community outside of taxi vouchers, accessible transportation, bus service that is available.
- Grading Permitting is in progress and defining requirements
- Short Term Rental regulations are being drafted and will be presented to the Planning Commission this coming winter.

Deputy City Clerk Krause confirmed that attendance at Council meeting can be done by Zoom. There were no volunteers and Chair Smith noted that he can submit a written report.

Commissioner Stark commented on the needs of the community for accessible transportation and questioned if the Commission or City has ever offered incentives for a Homer based bus business. He then mentioned the seasonal services offered. Commissioner Stark stated that the City could utilize existing services and believes that there is a number of residents, including college students, which would benefit from such a service.

City Planner Abboud responded by providing information on the CARTS service that is offered in Kenai/Soldotna area but stated that Homer does not have the same makeup and there is a voucher system employed by organizations which, it was realized later, requires the local cab companies to take deep discounts on the rates. He stated that they could look into the idea of having a service that goes up and down the peninsula and maybe the City offering vouchers at the front desk.

PUBLIC HEARINGS

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 22-56, Review of Conditional Uses and Structures

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud commented on the draft ordinance requesting the Commission input on the content to make sure he did not overlook anything or was not what was agreed upon. He then reviewed his Staff Report 22-56 for the Commission and facilitated discussion on the draft ordinance. He covered the following points:

- Purpose of the ordinance is to reduce the number of conditional use permits for typical uses considered routine in the district
- Commission can remove Item h under Rural Residential by motion
- Clarified that amendments can be made even after this is forwarded to Council
- Permitting up to four structures, supporting residential units in districts, supporting multi-family dwellings these are actions considered routine in the districts

- He did not remove pipelines or railroads at this time but requested a motion so that there was basis for the removal
 - o He responded that a motion at this time would be okay if that was the desire of the commission.
 - Question was posed if the Commission wanted to remove pipeline as the definition of that may not be oil pipeline
 - City Planner Abboud read the definition into the record
 - The Commission was requested to separate the issue of railroads and pipelines

HIGHLAND/BARNWELL MOVED TO REMOVE RAILROADS THROUGHOUT HOMER CITY CODE TITLE 21 IN RELATION TO ALLOWED OR PERMITTED USES.

There was a brief discussion on the motion as stated, where a railroad would be constructed in Homer and comments that it would be great to have a railroad from Homer to Anchorage.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Barnwell questioned if tiny homes would be included in mobile homes, referring to item f. page 19 of the packet under Rural Residential.

City Planner Abboud responded that it would depend if the tiny home was on a chassis with wheels then they would be considered an RV. He then commented on the removal of railroads would be moved to unpermitted uses throughout city code as applicable.

A discussion ensued regarding the construction standards between RV and tiny homes; if the tiny home did not have wheels then it would not be considered an RV; when the City building code is developed the requirement will require tiny homes connected to water and sewer on a permanent foundation, not movable per se. Currently it is hard to separate them since the definitions are similar. Additional points discussed were removing uses such as mobile home parks in Rural Residential and Commissioners were requested to focus on Conditional Uses at this time.

City Planner Abboud explained what he would like to do is to bring those issues to a separate meeting since he would like to discuss where they are allowed, impacts, non-conformities and implications of having a mobile home park as well as the newest existing park was put in the 1970's or 1980's. It was noted that that mobile home parks are allowed in the CBD.

Further comment on the standards of construction for tiny homes versus the construction of mobile homes within the context of affordable housing and that the Commission could spend an hour or more on the subject of tiny homes but that is a topic as there is more in the topic that needs to be addressed.

Chair Smith noted that this topic is not before the Commission and they can address the items as requested by City Planner and come back later in this meeting or at a future meeting.

City Planner Abboud continued discussion regarding the following:

- Clarification on the statement on page 19, under “Other Uses, Allowances and Specifications, fifth bullet point – “...allows some larger non-retail business activities subject to administrative review”, this was in the Comprehensive Plan and subject to the Commission review and or determination.
- Page 19, item m. “More than one building...” Allowing up to two without conditional use permit was already allowed, if there is the space, even without water and sewer.
 - o The change would allow up to four dwellings but if the applicant was requesting six then it would require a CUP, refer to the draft ordinance line 78.
- Line 33, ordinance which relates to Rural Residential appears to be the same as Urban Residential, was always allowed and it is relation to the dimensional requirements.
- The definition of Bed and Breakfast still applies, regarding line 37 on page 36 of the ordinance.
- There was no reference to CUP in rural residential similar to line 140 because no changes were made in this section of code.
 - o The Clerk noted that when the ordinance is presented to Council the sections that are not amended will be included
 - o Further discussion and clarification provided that the following statement was overlooked “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”
- The Commission agreed that “hospitals” were to be removed and should only be in the Medical District

Chair Smith requested a motion and second.

HIGHLAND/BARNWELL MOVED TO REMOVE HOSPITALS, LINE 153, FROM THE URBAN RESIDENTIAL DISTRICT CONDITIONAL USES AND STRUCTURES.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Highland stated that on Line 268 of the ordinance, Urban Residential Office District, “Helipads” should be removed.

Chair Smith requested a motion and second.

HIGHLAND/BARNWELL MOVED TO REMOVE HELIPADS, LINE 268, FROM THE URBAN RESIDENTIAL OFFICE DISTRICT CONDITIONAL USES AND STRUCTURES.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

City Planner Abboud proceeded with his review of the proposed amendments in the following districts:

- Central Business District
 - o Under Permitted Uses and Structures added:
 - Greenhouse and garden supplies
 - Allow up to 4 buildings on a lot for use as a dwelling
 - Group care homes and assisted living homes
 - Indoor and outdoor recreational facilities
 - o Under Conditional Uses and Structures removed:
 - Indoor and outdoor recreational facilities
 - Greenhouse and garden supplies
 - Group care homes and assisted living homes
 - o Under Dimensional Requirements increased the building area of a lot from 30% to 50%
- Town Center District
 - o Under Permitted Uses and Structures added:
 - Greenhouses and garden supplies
 - Indoor and outdoor recreational facilities
 - Group care and assisted living facilities
 - Self-service laundries
 - o Under Conditional Uses and Structures removed:
 - Green houses and garden supplies
 - Indoor and outdoor recreational facilities
 - Group care and assisted living facilities
 - Self-service laundries
 - Retail sales of hardware, appliance and furniture, building supplies and materials, but only if such use is wholly contained within one or more enclosed buildings
 - Plumbing, heating and appliance repair shops but only if such use including storage of goods and materials in wholly contained within one or more enclosed buildings
- Gateway Business District
 - o Under Permitted Uses and Structures added:
 - Up to 4 buildings on a lot for use as a dwelling subject to HCC21.14.040 (a)(2)(a-b) excluding mobile homes
 - o Under Dimensional Requirements amended building area of lot from 30% to 40%
- General Commercial District 1
 - o Need more GC1 for the City
 - o Under Permitted Uses and Structures added:
 - Townhouses
 - Day care facilities provided that outdoor play areas must be fenced
 - Indoor and outdoor recreational facilities
 - More than one building containing a permitted principal use on a lot
 - o Under Conditional Uses and Structures removed:
 - Townhouses
 - Day care facilities provided that outdoor play areas must be fenced
 - Indoor and outdoor recreational facilities
 - More than one building containing a permitted principal use on a lot
 - o Under Dimensional Requirements amended building area from 30% to 40%
- General Commercial District 2

- Under Permitted Uses and Structures added:
 - impound yards
 - More than one building containing a permitted principal use on a lot
 - Indoor and outdoor recreational facilities
- Under Conditional Uses and Structures removed:
 - Mobile home parks
 - Impound yards
 - More than one building containing a permitted principal use on a lot
 - Day Care facilities
 - Group care homes and assisted living homes
 - Indoor and outdoor recreational facilities
- Under dimensional requirements removed:
 - No lot shall contain more than 8000 square feet of building area nor shall any lot contain building area in excess of 30 percent of the lot area without an approved conditional use permit.
- East End Mixed Use District
 - Under Permitted Uses and Structures added:
 - Indoor and outdoor recreational facilities
 - Under Conditional Uses and Structures removed:
 - Indoor and outdoor recreational facilities
 - Under Dimensional Requirements removed:
 - No lot shall contain more than 8000 square feet of building area nor shall any lot contain building area in excess of 30 percent of the lot area without an approved conditional use permit.

Chair Smith requested further discussion on the proposed amendments, hearing none he requested a motion and second.

HIGHLAND/BARNWELL MOVED TO ADOPT STAFF REPORT 22-56 AND FORWARD THE DRAFT ORDINANCE FOR PUBLIC HEARING.

Chair Smith requested procedural requirements on bringing forth discussion on mobile home parks and tiny homes at this point in the meeting or if that should be addressed as a separate issue under New Business at a future meeting before voting on the motion.

City Planner Abboud provided input expressing a preference that he would prefer to schedule a worksession for the Commission to discuss those topics and share their opinions before putting it on a regular meeting agenda.

There was no further discussion on the motion before the Commission.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.



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Staff Report PL 22-48

TO: HOMER PLANNING COMMISSION
FROM: RICK ABOUD, AICP, CITY PLANNER
DATE: AUGUST 3, 2022
SUBJECT: CUP REDUCTION

Introduction

I have amended the original staff report with a section, "8.3.22". This contains my understanding of where the Commission's interest was to the suggested revisions at the last meeting. Please review these and make any additional recommendations. After this I will craft an ordinance for review and schedule a review of the Marine District with the Port and Harbor Commission.

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 accomplished 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.

8.3.22

Discussion about maintaining rural standards where appropriate and consideration of allowance of a number of additional structures in consideration of special standards according to provisioning of water and sewer. We could consider a number that would be allowed without a CUP. I believe at least four units and up to six could be permitting without requiring a CUP in areas designated for consideration of upzone in future land use recommendation

found in the comprehensive plan. This would limit the number of units in areas outside of upzoning consideration of the comprehensive plan to two dwelling unit as the special allowance for the district may allow without a CUP.

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.

8.3.22

This discussion landed on the thought of limiting the number of structures allow to be permitting out right. I would like to confirm a number that would comply with the current density standards of multifamily

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.

8.3.22

The Commission discussed the removal of hospitals from the lists of uses. Confirm suggested conditionally permitted uses to change to permitted use and to consider going from 30% to 40% building area coverage.

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.

8.3.22

No change

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.

8.3.22

Accepted suggestions for change from conditional use to permitted use, move 30% coverage to 40%, and consider up to 4 permitted structures.

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).

8.3.22

Commission was amenable to suggested changes including the elimination of J and K from conditionally permitted uses. We would need to consider the changing of Permitted Uses of HCC 21.20.020 k. ~~Retail sales of building supplies and materials, only if such use, including storage of materials, is wholly contained within an enclosed building;~~

Retail sales are required to be wholly contained in an enclosed build per HCC 21.20.080 Nuisance standards b. Storage of Items for Sale. Products for sale may be displayed outdoors in unscreened areas only during the open hours of the business. This does not apply to outdoor storage of items for sale when outdoor storage or sale is permitted in the zoning district, nor does it apply to items normally kept outdoors, such as motor vehicles.

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.

8.3.22

Move 30% to 40% building 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.

8.3.22

I would like to pick up the conversation here. We did have some conversation about elimination of pipelines and railroads from code. If we did remove these items, they could fall under the provision for Unlisted Uses per HCC 21.04.020 and go through a process of consideration by the Commission.

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

Attachments

CUP report 2011-2021
CUP disposition

<u>CUP</u>	<u>address</u>	<u>zone</u>	<u>reason</u>	<u>disposition</u>	<u>special conditions* beyond required codes</u>	<u>notes</u>
2011-01	n/a	BCWPD/ Conservation	buffers for timber harvesting	approved	time limit/tree survey	
2011-02	4755 Homer Spit Rd	MI	bulk petroleum storage/more than 8000sf/more than 30% lot coverage	approved	none	
2011-03	4136 Hohe St	RO	day care facility	approved	none	
2011-04	880 East End Rd	RO	more than one building/medical clinic/more than 8000sf	approved	pave/screen dumpster	
2011-06	4241 Homer Spit Rd	MC	restaurant/hotel/more than one building/more than 8000sf	approved	architectural features/design	
2011-07	1295 Mission Rd	RR	more than one building	approved	population cap w/I DEC regulation	
2011-08	533 E Pioneer Ave	CBD	amend CUP - landscaping	approved	landscaping/screen dumpster	
2011-09	3406 Main St	CBD	more than one building/setback reduction	approved	none	
2011-10	5155 Kachemak Dr	GC1	more than one building/more than 8000sf	approved	install water	
2011-11	3300 Sterling Hwy	GC1	more than one building/more than 8000sf/Public Utility or Structure	approved	none	
2011-13	1033 Skyline Dr	RR	amend CUP/public utility or structure	approved	none	
2012-01	4744 Homer Spit Rd	MI	other similar uses found in MC	approved	fence/planters/dumpster screening	
2012-02	3800 Sterling Hwy	RR	commercial greenhouse	approved	time limit/lighting	
2012-03	4770 Homer Spit Rd	MI	other similar uses found in MC	approved	resolve setbacks/fence/boardwalk	
2013-01	1401 Candlelight Ct	RR	more than one building	approved	none	
2013-02	4667 Freight Dock Rd	MI	PUD - restroom/guard shelter	approved	none	
2013-03	580 E Pioneer Rd	CBD	setback reduction	approved	none	
2013-04	4661 Kachemak Dr	RR	more than one building	approved	none	
2013-05	1496 Lakeshore Dr	GC1	multi-family dwelling	approved	wetland buffer/screen dumpster/landscaping	
2013-06	265 E Pioneer Ave	CBD	setback reduction	approved	parking plan/screen dumpster/stormwater deadline	
2013-07	3851 Homer Spit Rd	MC	heliport	denied	n/a	
2013-08	4834 Kachemak Dr	RR	more than one building	approved	none	
2013-09	3651 Sterling Hwy	RR	more than one building	approved	proof of DEC compliance - water supply	
2013-10	4914 Kachemak Dr	RR	more than one building	approved	none	
2013-11	203 W pioneer Ave	CBD	setback reduction	approved	landscaping/screen dumpster/landscaping time limit	
2013-12	5700 Easy St	RR	public utility facility and structures (communication tower)	approved*	off site impacts/lighting	project discontinued after remand order
2013-13	3850 Heath St	CBD	more than one building	approved*	many	project discontinued after remanded approve and further litigation
2014-01	4165 Mattox Rd	UR	more than one building	approved	lighting/ screen dumpster	
2014-02	560 Noview Ave	UR	day care facility	denied	n/a	
2014-03	4725 Kachemak Dr	RR	more than one building	approved	lighting	

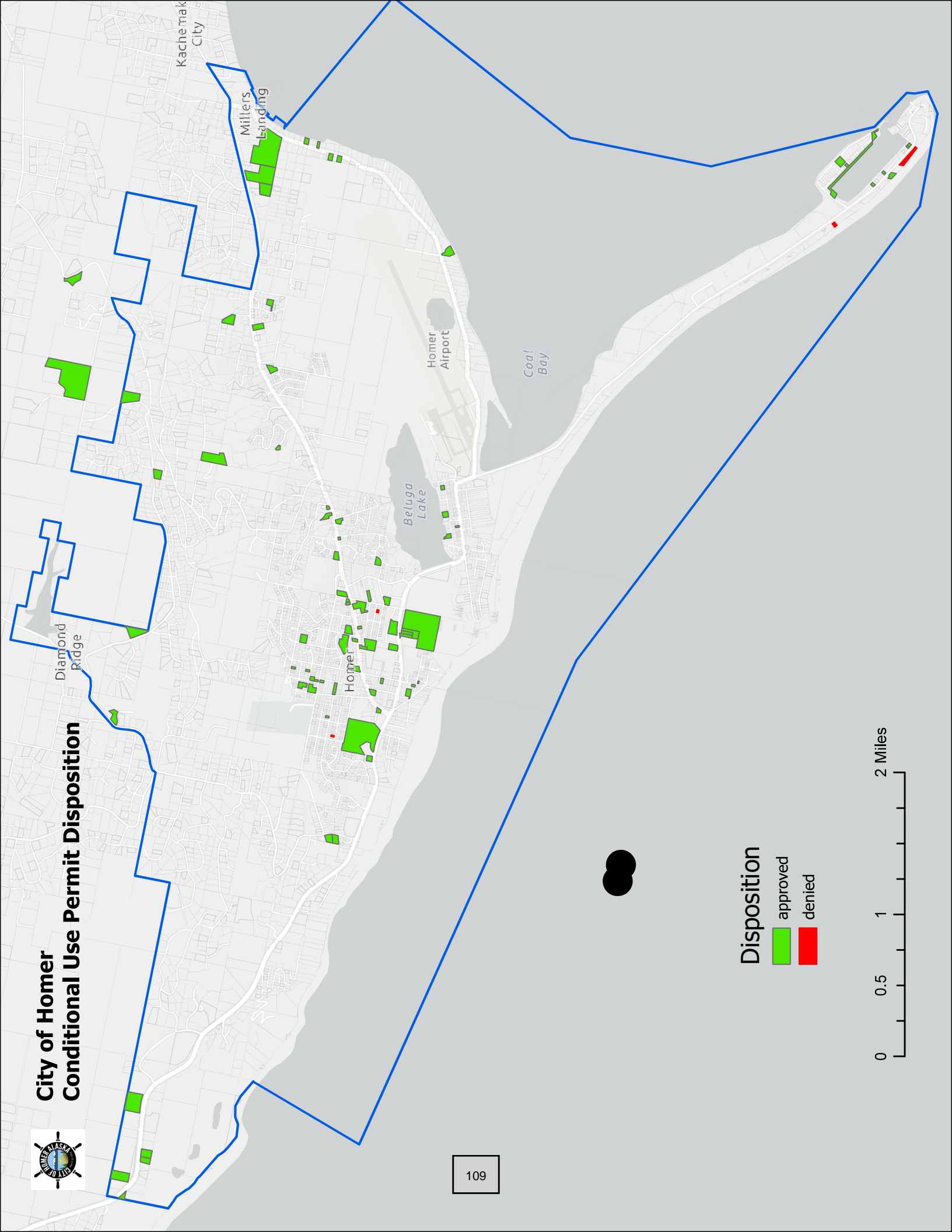
<u>CUP</u>	<u>address</u>	<u>zone</u>	<u>reason</u>	<u>disposition</u>	<u>special conditions* beyond required codes</u>	<u>notes</u>
2014-04	188 Skyline Dr	BCWPD	more than one building/other similar uses	approved	none	
2014-05	320 W Pioneer Ave	CBD	setback reduction	approved	lighting/landscaping	appealed - prevailed in court
2014-06	4311 Freight Dock Rd	MC, MI, SBHOD	overslope/setback reduction	approved	screen dumpster/lighting	
2014-07	564 E Pioneer Ave	CBD	reduced setback	approved	gain non-conforming status	
2014-10	1164 East End Rd	RO	daycare facility	approved	limit hrs/lighting/move nonconforming accessory	
2015-01	2315 East End Rd	RR	more than one building	approved	lighting/ depict easements/screen dumpster	
2015-02	3575 Heath St	CBD	more than one building/more than 8000sf/public facilities and structures	approved	landscaping	
2015-03	4166 Homer Spit Rd	MC	setback reduction/more than one building	approved	parking design	
2015-04	5185 Slavin Dr	RR	more than one building	approved	lighting	
2015-05	315 Klondike Ave	TCD	increase setback	approved	parking design	
2015-06	4242 Calhoun St	UR	more than one building	approved	screen dumpster/driveway design/fence	
2015-07	1242 Ocean Dr	GC1	more than one building	approved	FM approval/W&S connect/screen dumpster/time limit	
2016-01	3902 Shelford St	RO	medical clinic/more than one	approved	FM approval/landscaping/lighting	
2016-02	3936 Svedlund St	RO	more than on building/more than 8000sf	approved	vacate lot line/lighting/screen dumpster/drainage plan	
2016-03	500 Sterling Hwy	UR	indoor rec/more than one building	approved	DEC approval/lighting/access road FM approved	
2016-04	4060 Heath St	CBD	more than one building/public utility facilities and structures	approved	none	
2016-05	5185 Slavin Dr	RR	more than one building	approved	none	
2016-06	4136 Bartlett St	RO	medical clinic/more than 8000sf	approved	pave parking/pedestrian path,/landscaping/screen dumpster	
2017-01	2080 Shannon Ln	RR	more than one building	approved	lighting/screen dumpster/move development 50'	
2017-02	210 Olsen Ln	CBD	more than one building,decrease setback,more than 8000sf	approved	pedestrian trail/screen dumpster/lighting	
2017-03	61447 Florence Martin Ct	BCWSPD	more than 6000sf grading	approved	erosion control/bmp for road	
2017-04	3101 Kachmek Dr	RR	more than one building	approved	lighting	
2017-05	3301 East End Rd	EEMU	more than 8000sf	approved	stormwater plan	
2017-06	3965 Sterling Hwy	RR	bluff setback	approved	time limit/inspection/landscaping/limit disturbance	
2017-07	4300 Freight Dock Rd	MI	tower	approved	seal feed lines/no alteration w/o approval/lighting	

<u>CUP</u>	<u>address</u>	<u>zone</u>	<u>reason</u>	<u>disposition</u>	<u>special conditions* beyond required codes</u>	<u>notes</u>
2017-08	91 Stering Hwy	CBD	more than 8000sf	approved	approve lighting plan/landscaping	
2018-01	94 Sterling Hwy	CBD	auto fueling station	approved	fence/lighting plan	
2018-02	302 E Pioneer Ave	CBD	decrease setback	approved	lighting	appealed - sustained in Supreme Court
2018-03	152 W Danview	RO	more than one building	approved	lighting/ screen dumpster	
2018-04	680 Sterling Hwy	GBD	more than one building	approved	lighting/screen dumpster/time limit	
2018-05	4201 Rhonda St	RO	more than one building	approved	lighting/dumpster	
2018-06	1170 Lakeshore Dr	GC1	more than on building/multi-family dwelling	approved	lighting	
2018-08	1344 Lakeshore Dr	GC1	more than one building	approved	lighting	
2018-09	267 Cityview St	RO	medical clinic/more than 8000sf	approved	lighting/screen dumpster/sunset	appealed - remand points addressed - approved
2018-10	3301 East End Rd	EEMU	more than 8000sf	approved	none	
2018-11	3779 Bartlett St	CBD	more than 800sf/more that one building	approved	lighting	
2018-12	3725 West Hill Rd	RR	more than one building	approved	lighting/screen dumpster/adjust parking	
2018-13	3771 West Hill Rd	RR	more than one building	approved	lighting/screen dumpster	
2018-14	205 W Fairview Ave	RO	medical clinic	approved	lighting/screen dumpster	
2019-01	267 Cityview St	RO	remand CUP 2018-02	approved	lighting	
2019-02	625 Grubstake Ave	CBD	more than 8000sf/unlisted uses	approved	lighting/screen dumpster/landscaping	
2019-03	3641 Sterling Hwy	RR	more than one building	approved	lighting/signage/placement of leachfield	
2019-04	397 E Pioneer Ave	CBD	group care home/more than 30% building area	approved	FM certificate/fencing/landscaping/time limit/screen dumpster/color palate	withdrew after intent to appeal
2019-05	210 W Fairview	RO	medical clinic	approved	lighting/screen dumpster	
2019-06	3301 East End Rd	EEMU	more than 8000sf	approved	none	
2019-07	Lot 31 Spit Rd Sub Amened	OSR	parking lot	denied	n/a	
2019-08	4155 Pennock St	RO	more than one building	approved	lighting/screen dumpster	
2020-01	104 E Pioneer Ave	CBD	more than one building/manufacturing/more than 8000sf	approved	parking/lighting/screen dumpster	
2020-02	680 Sterlig Hwy	GBD	amend - more than one building	approved	time limit/outdoor lighting/screen dumpster	
2020-03	436 Soundview Ave	UR	townhouse	approved	lighting	
2020-04	3385 East End Rd	EEMU	more than 8000sf	approved	landscaped screening	
2020-05	1081A Freight Dock Rd	MC	overslope/lodging	approved	screen trash container and electrical boxes	
2020-06	3935 Svedlund St	RO	morer than 8000sf	approved	lighting	
2020-07	62890 Skyline	BCWSPD	stream buffer	approved	sediment and erosion control plan	
2020-08	151 W Bayview Ave	RO	more than one building	approved	lighting/screen dumpster	

<u>CUP</u>	<u>address</u>	<u>zone</u>	<u>reason</u>	<u>disposition</u>	<u>special conditions* beyond required codes</u>	<u>notes</u>
2020-09	3657 Main St	CBD	manufacturing/more than one building	approved	lighting	
2020-10	750 Nedosik Rd	RR	more than one building	approved	lighting	
2020-11	4936 Clover Ln	RR	more than one building	approved	lighting	
2020-12	3972 Bartlett St	RO	more than one building	approved	lighting	
2020-14	541 Bonanza Ave	CBD	moblie home park	denied	n/a	
2020-15	106 W Bunnell	CBD	setback reduction/more than 30% building area	approved	setback standard/lighting/screen dumpster/screen parking lot	appealing - applicant withdrew
2021-01	1308 Lakshore Dr	GC1	more than one building	approved	no RV occupancy/lightning	
2021-02	89 Sterling Hwy	CBD	more than one building	approved	parking spaces/parking landscaped buffer/lighting	
2021-03	870 Smokey Bay Way	CBD	manufacturing	approved	none	
2021-04	90 Sterling Hwy	CBD	more than 8000sf	approved	none - design manual application	
2021-05	4262 Homer Spit Rd	MC	setback reduction	approved	none	
2021-06	1308 Lakshore Dr	GC1	amended - more than one building	approved	lighting	
2021-07	1554 Homer Spit Road	GC1	more than one	approved	lighting	
2021-08	3860 Kachemek Way	CBD	greenhouse	approved	lighting	



City of Homer Conditional Use Permit Disposition



CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.

2. DEDICATE A 15 FOOT UTILITY EASEMENT ADJACENT TO MISSION ROAD

3. DEDICATE A 30 FOOT DRAINAGE EASEMENT CENTERED ON THE DRAINAGE.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff report 22-47, Hamm Subdivision Preliminary Plat

Chair Smith introduced the item by reading the title and deferred to City Planner Abboud.

City Planner Abboud provided a summary of Staff Report 22-47. He noted the items that were included in the laydown materials and stated that a motion should contain a third condition regarding adding a 15 foot drainage and utility easement on the western lot line.

The Clerk confirmed for the Chair that there was no applicant present.

Chair Smith opened the floor to the Commission for questions.

City Planner Abboud provided clarification on the Borough requirement for cul-de-sacs and explained the reasoning behind the exception to KPB 20.30.100

Chair Smith hearing no further questions from the Commission requested a motion.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 22-47 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT WITH THE FOLLOWING COMMENTS:

1. INCLUDE A PLAT NOTE STATING PROPERTY OWNER SHOULD CONTACT THE ARMY CORP OF ENGINEERS PRIOR TO ANY ONSITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.

2. THE CITY OF HOMER DOES NOT REQUEST THE DEDICATION OF COLLIE STREET OTHER THAN WHAT IS DEPICTED ON THE PLAT AND RECOMMENDS AN EXCEPTION TO KPB 20.30.100, CUL DE SACS.

3. ADD A 15 FOOT DRAINAGE AND UTILITY EASEMENT ON THE WESTERN LOT LINE.

There was no discussion

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Staff Report 22-48, Review of Conditional Uses and Structures

Chair Smith introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 22-48 for the Commission. He noted the status of the discussion from the previous meeting and facilitated discussion on the following points:

- making motions to effect the changes the Commission would like to make
- preference to waiting to make motions when there is a full commission present
- addressing pipelines and railroads as separate entities requiring different applications because while similar there are specific items for each
- Why the Commission is reviewing and considering changes to City Code regarding CUP's and the CUP process bring actions before the public, in the form of a Public Hearing, which if conditions are deleted the public would have no opportunity to express that they have concerns regarding those types of projects but then the CUP process does apply restrictions or possibly what could be determined as an unnecessary burden on the owner to go through; example was provided of more than one dwelling in the rural residential district
 - o refer to page 107 of the packet under Staff
- Preference to establish or use worksessions or special worksessions to discuss these issues
- Requesting motions from each Commissioner regarding their suggested amendments to be submitted to the Clerk and included in the packet for the next meeting. This would allow each Commissioner the opportunity to consider the motion.

Chair Smith volunteered to work with Commissioner Highland regarding her motions after the meeting when she expressed concerns on drafting the content of the motions.

There was no further discussion and it was noted that this item would be on the next meetings' agenda again by City Planner Abboud when he confirmed that he had enough information to continue.

NEW BUSINESS

A. Memorandum from Deputy City Clerk Re: Election of Officers

Chair Smith introduced the item and deferred to Deputy City Clerk Krause.

Deputy City Clerk Krause reviewed the memorandum provided in the packet.

Chair Smith requested a motion on the voting method.

VENUTI/HIGHLAND MOVED TO HAVE THE COMMISSION USE THE VOICE VOTE METHOD.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith opened the floor to nominations for the office of Vice Chair.

Commissioner Venuti inquired if Commissioner Highland would fulfill the office of Vice Chair if she was nominated.

Commissioner Highland expressed that she would but would also appreciate it if another Commissioner would take on the role.

Commissioner Venuti nominated Commissioner Highland for Vice Chair.

Commissioner Chiappone seconded the motion acknowledging that a second was not needed for the nomination.



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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.

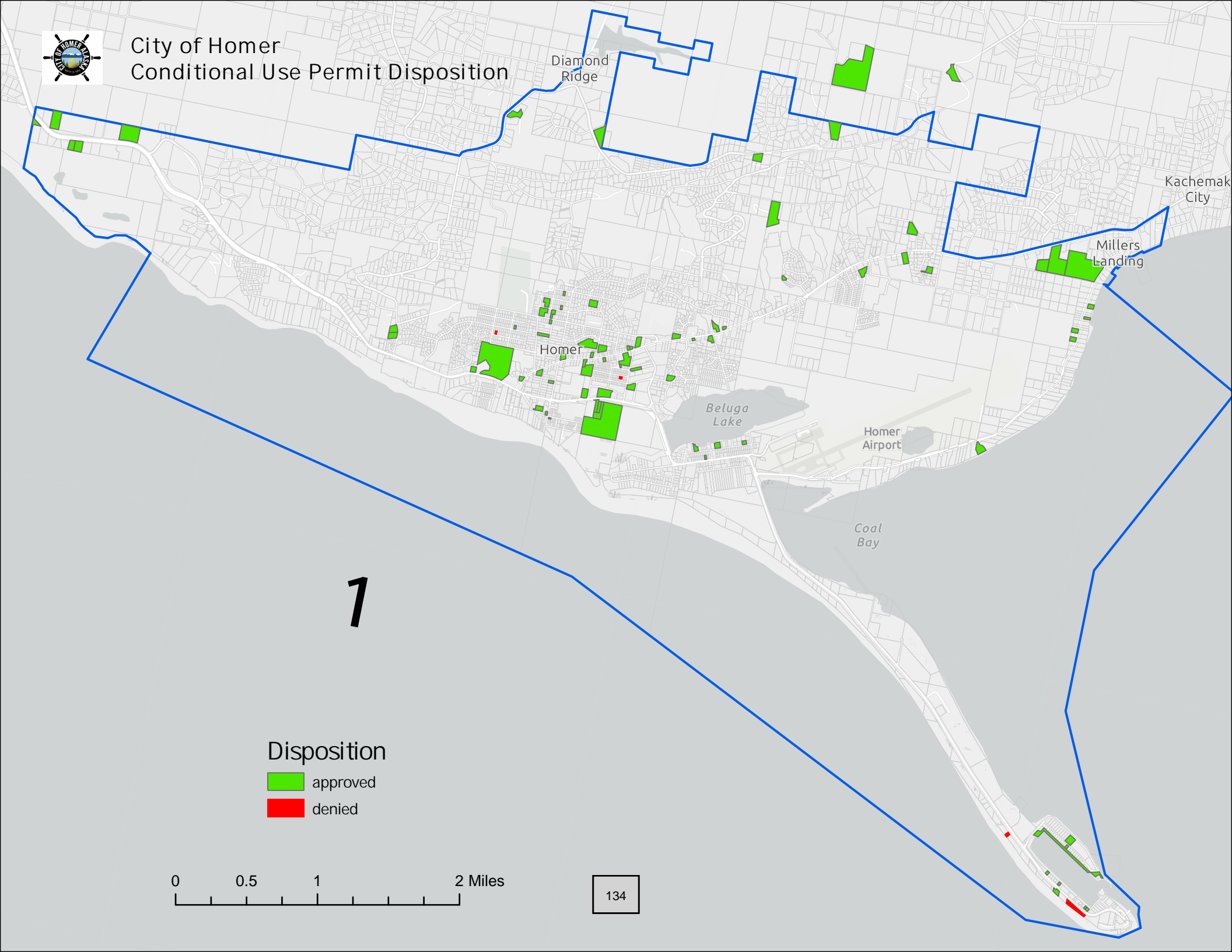
Staff: We have had 6 CUP's in the MI District, the Harbor Building (overslope), bulk petro/8000sf/30%, 2 other similar uses (later rezoned to MC), and a PUD for a restroom/guard shack. Again, I would like to run the concept by the Port and Harbor Commission for their recommendations.

Staff Recommendation

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



City of Homer Conditional Use Permit Disposition



Disposition

- approved
- denied



	A	B	C	D	E	F	G
1	CUP	address	zone	reason	disposition	special conditions* beyond required codes	notes
2	2011-01	n/a	BCWPD/Conservation	buffers for timber harvesting	approved	time limit/tree survey	
3	2011-02	4755 Homer Spit Rd	MI	bulk petroleum storage/more than 8000sf/more than 30% lot coverage	approved	none	
4	2011-03	4136 Hohe St	RO	day care facility	approved	none	
5	2011-04	880 East End Rd	RO	more than one building/medical clinic/more than 8000sf	approved	pave/screen dumpster	
6	2011-06	4241 Homer Spit Rd	MC	restaurant/hotel/more than one building/more than 8000sf	approved	architectural features/design	
7	2011-07	1295 Mission Rd	RR	more than one building	approved	population cap w/I DEC regulation	
8	2011-08	533 E Pioneer Ave	CBD	amend CUP - landscaping	approved	landscaping/screen dumpster	
9	2011-09	3406 Main St	CBD	more than one building/setback reduction	approved	none	
10	2011-10	5155 Kachemak Dr	GC1	more than one building/more than 8000sf	approved	install water	
11	2011-11	3300 Sterling Hwy	GC1	more than one building/more than 8000sf/Public Utility or Structure	approved	none	
12	2011-13	1033 Skyline Dr	RR	amend CUP/public utility or structure	approved	none	
13	2012-01	4744 Homer Spit Rd	MI	other similar uses found in MC	approved	fence/planters/dumpster screening	
14	2012-02	3800 Sterling Hwy	RR	commercial greenhouse	approved	time limit/lighting	
15	2012-03	4770 Homer Spit Rd	MI	other similar uses found in MC	approved	resolve setbacks/fence/boardwalk	
16	2013-01	1401 Candlelight Ct	RR	more than one building	approved	none	
17	2013-02	4667 Freight Dock Rd	MI	PUD - restroom/guard shelter	approved	none	
18	2013-03	580 E Pioneer Rd	CBD	setback reduction	approved	none	
19	2013-04	4661 Kachemak Dr	RR	more than one building	approved	none	
20	2013-05	1496 Lakeshore Dr	GC1	multi-family dwelling	approved	wetland buffer/screen dumpster/landscaping	
21	2013-06	265 E Pioneer Ave	CBD	setback reduction	approved	parking plan/screen dumpster/stormwater deadline	
22	2013-07	3851 Homer Spit Rd	MC	heliport	denied	n/a	
23	2013-08	4834 Kachemak Dr	RR	more than one building	approved	none	
24	2013-09	3651 Sterling Hwy	RR	more than one building	approved	proof of DEC compliance - water supply	
25	2013-10	4914 Kachemek Dr	RR	more than one building	approved	none	
26	2013-11	203 W pioneer Ave	CBD	setback reduction	approved	landscaping/screen dumpster/landscaping time limit	
27	2013-12	5700 Easy St	RR	public utility facility and structures (communication tower)	approved*	off site impacts/lighting	project discontinued after remand order
28	2013-13	3850 Heath St	CBD	more than one building	approved*	many	project discontinued after remanded approve and further litigation
29	2014-01	4165 Mattox Rd	UR	more than one building	approved	lighting/ screen dumpster	
30	2014-02	560 Noview Ave	UR	day care facility	denied	n/a	
31	2014-03	4725 Kachemak Dr	RR	more than one building	approved	lighting	
32	2014-04	188 Skyline Dr	BCWPD	more than one building/other similar uses	approved	none	
33	2014-05	320 W Pioneer Ave	CBD	setback reduction	approved	lighting/landscaping	appealed - prevailed in court
34	2014-06	4311 Freight Dock Rd	MC, MI, SBHOD	overslope/setback reduction	approved	screen dumpster/lighting	
35	2014-07	564 E Pioneer Ave	CBD	reduced setback	approved	gain non-conforming status	
36	2014-10	1164 East End Rd	RO	daycare facility	approved	limit hrs/lighting/move nonconforming accessory	
37	2015-01	2315 East End Rd	RR	more than one building	approved	lighting/ depict easements/screen dumpster	
38	2015-02	3575 Heath St	CBD	more than one building/more than 8000sf/public facilities and structures	approved	landscaping	
39	2015-03	4166 Homer Spit Rd	MC	setback reduction/more than one building	approved	parking design	
40	2015-04	5185 Slavin Dr	RR	more than one building	approved	lighting	

	A	B	C	D	E	F	G
1	CUP	address	zone	reason	disposition	special conditions* beyond required codes	notes
41	2015-05	315 Klondike Ave	TCD	increase setback	approved	parking design	
42	2015-06	4242 Calhoun St	UR	more than one building	approved	screen dumpster/driveway design/fence	
43	2015-07	1242 Ocean Dr	GC1	more than one building	approved	FM approval/W&S connect/screen dumpster/time limit	
44	2016-01	3902 Shelford St	RO	medical clinic/more than one	approved	FM approval/landscaping/lighting	
45	2016-02	3936 Svedlund St	RO	more than on building/more than 8000sf	approved	vacate lot line/lighting/screen dumpster/drainage plan	
46	2016-03	500 Sterling Hwy	UR	indoor rec/more than one building	approved	DEC approval/lighting/access road FM approved	
47	2016-04	4060 Heath St	CBD	more than one building/public utility facilities and structures	approved	none	
48	2016-05	5185 Slavin Dr	RR	more than one building	approved	none	
49	2016-06	4136 Bartlett St	RO	medical clinic/more than 8000sf	approved	pave parking/pedestrian path,/landscaping/screen dumpster	
50	2017-01	2080 Shannon Ln	RR	more than one building	approved	lighting/screen dumpster/move development 50'	
51	2017-02	210 Olsen Ln	CBD	more than one building,decrease setback,more than 8000sf	approved	pedestrian trail/screen dumpster/lighting	
52	2017-03	61447 Florence Martin Ct	BCWSPD	more than 6000sf grading	approved	erosion control/bmp for road	
53	2017-04	3101 Kachmek Dr	RR	more than one building	approved	lighting	
54	2017-05	3301 East End Rd	EEMU	more than 8000sf	approved	stormwater plan	
55	2017-06	3965 Sterling Hwy	RR	bluff setback	approved	time limit/inspection/landscaping/limit disturbance	
56	2017-07	4300 Freight Dock Rd	MI	tower	approved	seal feed lines/no alteration w/o approval/lighting	
57	2017-08	91 Stering Hwy	CBD	more than 8000sf	approved	approve lighting plan/landscaping	
58	2018-01	94 Sterling Hwy	CBD	auto fueling station	approved	fence/lighting plan	
59	2018-02	302 E Pioneer Ave	CBD	decrease setback	approved	lighting	appealed - sustained in Supreme Court
60	2018-03	152 W Danview	RO	more than one building	approved	lighting/ screen dumpster	
61	2018-04	680 Sterling Hwy	GBD	more than one building	approved	lighting/screen dumpster/time limit	
62	2018-05	4201 Rhonda St	RO	more than one building	approved	lighting/dumpster	
63	2018-06	1170 Lakeshore Dr	GC1	more than on building/multi-family dwelling	approved	lighting	
64	2018-08	1344 Lakeshore Dr	GC1	more than one building	approved	lighting	
65	2018-09	267 Cityview St	RO	medical clinic/more than 8000sf	approved	lighting/screen dumpster/sunset	appealed - remand points addressed - approved
66	2018-10	3301 East End Rd	EEMU	more than 8000sf	approved	none	
67	2018-11	3779 Bartlett St	CBD	more than 800sf/more than one building	approved	lighting	
68	2018-12	3725 West Hill Rd	RR	more than one building	approved	lighting/screen dumpster/adjust parking	
69	2018-13	3771 West Hill Rd	RR	more than one building	approved	lighting/screen dumpster	
70	2018-14	205 W Fairview Ave	RO	medical clinic	approved	lighting/screen dumpster	
71	2019-01	267 Cityview St	RO	remand CUP 2018-02	approved	lighting	
72	2019-02	625 Grubstake Ave	CBD	more than 8000sf/unlisted uses	approved	lighting/screen dumpster/landscaping	
73	2019-03	3641 Sterling Hwy	RR	more than one building	approved	lighting/signage/placement of leachfield	
74	2019-04	397 E Pioneer Ave	CBD	group care home/more than 30% building area	approved	FM certificate/fencing/landscaping/time limit/screen dumpster/color palate	withdrew after intent to appeal
75	2019-05	210 W Fairview	RO	medical clinic	approved	lighting/screen dumpster	
76	2019-06	3301 East End Rd	EEMU	more than 8000sf	approved	none	
77	2019-07	Lot 31 Spit Rd Sub Amended	OSR	parking lot	denied	n/a	
78	2019-08	4155 Pennock St	RO	more than one building	approved	lighting/screen dumpster	
79	2020-01	104 E Pioneer Ave	CBD	more than one building/manufacturing/more than 8000sf	approved	parking/lighting/screen dumpster	
80	2020-02	680 Sterlig Hwy	GBD	amend - more than one building	approved	time limit/outdoor lighting/screen dumpster	

	A	B	C	D	E	F	G
1	CUP	address	zone	reason	disposition	special conditions* beyond required codes	notes
81	2020-03	436 Soundview Ave	UR	townhouse	approved	lighting	
82	2020-04	3385 East End Rd	EEMU	more than 8000sf	approved	landscaped screening	
83	2020-05	1081A Freight Dock Rd	MC	overslope/lodging	approved	screen trash container and electrical boxes	
84	2020-06	3935 Svedlund St	RO	morer than 8000sf	approved	lighting	
85	2020-07	62890 Skyline	BCWSPD	stream buffer	approved	sediment and erosion control plan	
86	2020-08	151 W Bayview Ave	RO	more than one building	approved	lighting/screen dumpster	
87	2020-09	3657 Main St	CBD	manufacturing/more than one building	approved	lighting	
88	2020-10	750 Nedosik Rd	RR	more than one building	approved	lighting	
89	2020-11	4936 Clover Ln	RR	more than one building	approved	lighting	
90	2020-12	3972 Bartlett St	RO	more than one building	approved	lighting	
91	2020-14	541 Bonanza Ave	CBD	moblie home park	denied	n/a	
92	2020-15	106 W Bunnell	CBD	setback reduction/more than 30% building area	approved	setback standard/lighting/screen dumpster/screen parking lot	appealing - applicant withdrew
93	2021-01	1308 Lakshore Dr	GC1	more than one building	approved	no RV occupancy/lightning	
94	2021-02	89 Sterling Hwy	CBD	more than one building	approved	parking spaces/parking landscaped buffer/lighting	
95	2021-03	870 Smokey Bay Way	CBD	manufacturing	approved	none	
96	2021-04	90 Sterling Hwy	CBD	more thatn 8000sf	approved	none - design manual application	
97	2021-05	4262 Homer Spit Rd	MC	setback reduction	approved	none	
98	2021-06	1308 Lakshore Dr	GC1	amended - more than one building	approved	lighting	
99	2021-07	1554 Homer Spit Road	GC1	more than one	approved	lighting	
100	2021-08	3860 Kachemek Way	CBD	greenhouse	approved	lighting	

from Commissioners related to terminology in the Water/Sewer Design Criteria Manual and cost for the work done.

BARNWELL/VENUTI MOVED THAT THE UPDATED DESIGN CRITERIA MANUAL WILL BE VERY HELPFUL FOR THE FOR THE PLANNING COMMISSION, FOR THE CITY COUNCIL, FOR GOVERNMENT AGENCIES AND ENGINEERING INDUSTRY IN GENERAL. WE FULLY SUPPORT THE WATER/SEWER DESIGN CRITERIA MANUAL AND STANDARD CONSTRUCTION SPECIFICATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

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

The Planning Commission continued their worksession review and discussion of Staff Report 22-44, Conditional Uses and Structures, picking back up at Rural Residential Zoning and working down through the General Commercial Districts. Up to that point Commissioners were generally in agreement with the changes proposed by staff in the staff report. It was suggested the Port and Harbor Advisory Commission review the marine districts and provide their recommendations back to the Planning Commission, and that they pick this back up at their next meeting.

No formal actions were taken.

INFORMATIONAL MATERIALS

A. City Manager's Reports for June 13, 2022 & June 27, 2022

B. Planning Commission 2022 Annual Calendar

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

City Planner Abboud had no comments.

City Clerk Jacobsen noted the Mayor had to leave when the Commission took their short recess, but he said he appreciates all that the Commission is doing.

COMMENTS OF THE COMMISSION

Commissioner Chiaponne said it was a good meeting and thanked the Commission for their work.

Commissioner Barnwell commented that it was a good meeting with good discussion. He thanked staff for all they do.