



Agenda

Planning Commission Worksession

Wednesday, January 21, 2026 at 4:00 PM

City Hall Cowles Council Chambers In-Person & Via Zoom Webinar

Homer City Hall

491 E. Pioneer Avenue
Homer, Alaska 99603
www.cityofhomer-ak.gov

Zoom Webinar ID: 936 2815 3389 Password: 865591

<https://cityofhomer.zoom.us>
Dial: 346-248-7799 or 669-900-6833;
(Toll Free) 888-788-0099 or 877-853-5247

CALL TO ORDER, 4:00 P.M.

AGENDA APPROVAL

DISCUSSION TOPICS/PRESENTATIONS

A. Discussion with Agnew Beck and Stantec on Title 21 Zoning Code

CONSENT AGENDA ITEMS

REGULAR AGENDA ITEMS

COMMENTS OF THE AUDIENCE (3 minute time limit)

ADJOURNMENT

Next Regular Meeting is Wednesday, February 4th, at 6:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Preparation for January 21st Work Session

To ensure we have a successful January 21st work session on the Title 21 Update effort, please find the following outline of topics for discussion and how you can prepare.

How You Can Prepare – In addition to these guiding slides, please review the following provided excerpts (i.e., sections/pages) of the *10-08-25 Working Drafts – Mark-Up & Clean Versions of the Code*. We will have a detailed discussion on these topics. Your preparation, including any initial comments or questions, will help facilitate a productive dialogue among commissioners and with the project team. Thank you!

The following sections/pages excerpted for you in the packet:

1. Mark-up code page 63
2. Mark-up code page 84
3. Clean code pages 32-33
4. Chapter 21.34 Slopes and Coastal Development, pages 118-120

Also review the handouts in the packet:

- Dimensional standards table
- Short-term rental regulations example: Valdez



Phase 2: Title 21 Update

Planning Commission Work Session: Outstanding Issues Direction & Process Discussion

January 21, 2026

Facilitated by Project Team Members: Shelly Wade, Agnew::Beck Consulting & Erin Perdu, Stantec

Timeline and Process

January – March 2025

- Compile background and gather initial feedback.
- Review existing code and identify updates.

Other Homer Plans (e.g., Transportation Plan, Local Hazard Mitigation Plan, Community Design Manual)

Analysis of City of Homer Land Use Applications and Trends

Technical Code Audit

Small Group Discussions with Homer Groups that work with the Code (Builders, Developers, Guiding Growth/ Mobilizing for Action through Planning and Partnerships, Business Owners, Realtors)

Monthly Meetings with Planning Commission on Code Topics and Potential Changes

April – November 2025

- Staff, legal team, PC review of draft code.
- Gather stakeholder and public input on potential changes.

2045 Homer Comprehensive Plan

Community Input from Open House (in person & virtual)

Planning & Zoning Best Practices

Input from City Staff (ongoing)

Input from Planning Commission and City Council via one-on-one interviews

November 2025 – Spring 2026

- Conduct Planning Commission work sessions on key topics.
- Refine draft code for public review.

Input from Planning Commission via Work Sessions: Housing and District Changes, Development Process, and Environmental Features

Public Comments

Title 21 Inputs to Date

Next Steps to Launch Code Release

Launch the Draft Code for 45-day Public Comment (tentatively February 11 – March 31)

- Release and promote the **Public Review Draft** of the code.
- Accept public comments on the draft code via multiple modes.
- Meet with the City's legal team to review the draft code.
- Hold one-on-one conversations with Planning Commissioners and City Council Members.

Categorize, Analyze, and Respond to Public Comments (April)

- Compile comments into a comment tracker.
- Prepare summary of comments and identify proposed revisions; share and discuss with Planning Commission.
- Share response to comments with the public.

Make Revisions and Develop, Adopt Public Hearing Draft (May – June)

- Conduct Joint Work Session (Planning Commission & City Council) for sharing and discussing proposed public hearing draft of the updated code.
- Refine public hearing draft and begin adoption process.

Objectives for This Work Session

- Provide final direction on:
 - Conditional Use Permits (CUPs)
 - Administrative Adjustments
 - Townhouses
 - Multi-Unit Housing
 - Tiny Homes
 - Wetlands and Watercourses
 - Steep Slopes
- Confirm next steps, including timeline public review draft release of the draft code.



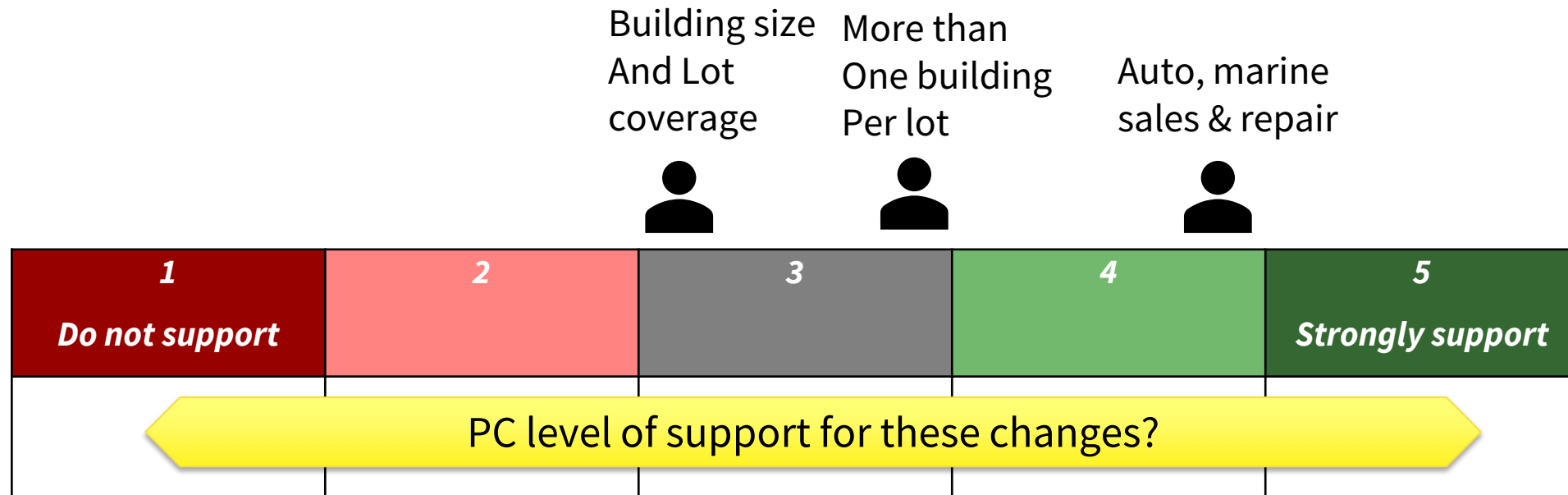
CUPs

The Topic - CUPs

Reference:
Mark-up code page 63 (example)
Mark-up code page 84 (example)

Currently requires a CUP	Proposed Change	Rationale
More than one principal building on a lot <i>*Discuss today</i>	Remove requirement for CUP.	Accounts for majority of past CUP requests; all but one were approved.
Buildings more than 8000 sf or more than 30% lot coverage <i>*Discuss today</i>	Remove the 8,000 sf building size max, but any project that exceeds district lot coverage requirements will still have to get a variance, requiring a public hearing.	Any request to deviate from the dimensional requirements of the code should require a variance or administrative adjustment (both of which have higher standards for approval than a CUP) and not a CUP.
Auto, marine, and RV sales, rental, repair and storage (in some districts)	CUP not required in Commercial Mixed Use or Light Industrial Mixed Use.	Limited potential for negative impacts on surrounding properties in these areas.

Feedback



= general sentiment from PC members in attendance related to each CUP proposed change

Questions

*Reference:
dimensional
standards table*

Currently requires a CUP	Section	Proposed Change	Feedback
More than one principal building on a lot	All zoning districts; CUP text removed	Remove requirement for CUP.	Concerns about what other safeguards there are; one idea of providing a cap on the number of residential buildings.
Buildings more than 8000 sf or more than 30% lot coverage	All current commercial, mixed use, and industrial districts; CUP text removed from dimensional requirements	Remove the 8,000 sf building size max, but any project that exceeds district lot coverage requirements will still have to get a variance, requiring a public hearing.	Concerns over what other safeguards there are to prevent over-development. Desire to review other dimensional standards.

Case Study: Commercial Parcel

More information to be presented at the meeting

Case Study: Residential Parcel

More information to be presented at the meeting

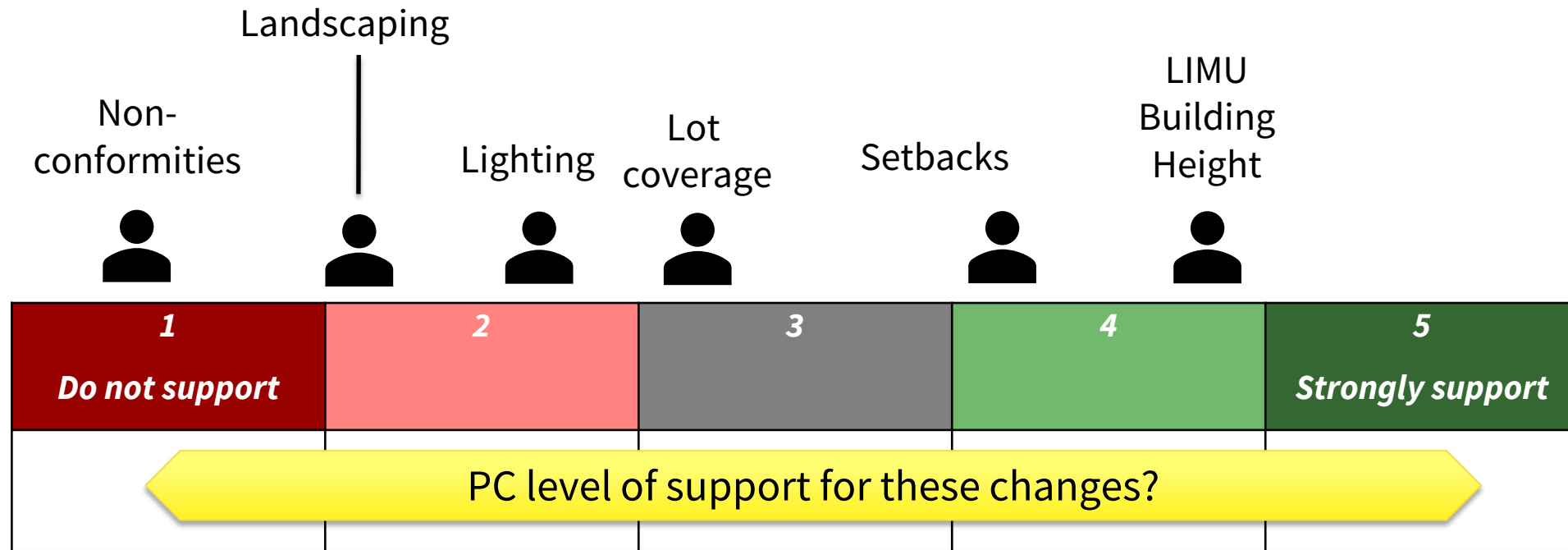
Administrative Adjustments

The Topic – Administrative Adjustments

- Up to 2 ft. reduction in setbacks ****Discuss today***
- Up to 10% more lot or building coverage ****Discuss today***
- Up to 10% of required landscaping
- Up to 10% of accessory structure size ****Discuss today***
- Expansions of legal nonconforming uses
- Building height in LIMU (for boat building)
- Lighting standards
- Off-street parking ****Discuss today***

*Clean code
reference: pages
34-35*

Feedback



= general sentiment from PC members in attendance related to each administrative adjustment

Questions




Proposed Adjustment	Section	Question
Up to 2 ft. reduction in setbacks	All zoning districts - dimensional standards	Confirm support? Need a limit on how much along a lot line can be reduced? Should encroachment permits be considered?
Up to 10% lot coverage	All zoning districts – dimensional standards	Some opposition need more information
Up to 10% of max. accessory structure size	All zoning districts – dimensional standards	Confirm direction?
Off-street parking	Section 21.53.100	Confirm direction?

NEW QUESTION: Should CUPs for Planned Unit Developments continue in their current form? If not, what should change?

Housing Types

The Topic - Housing

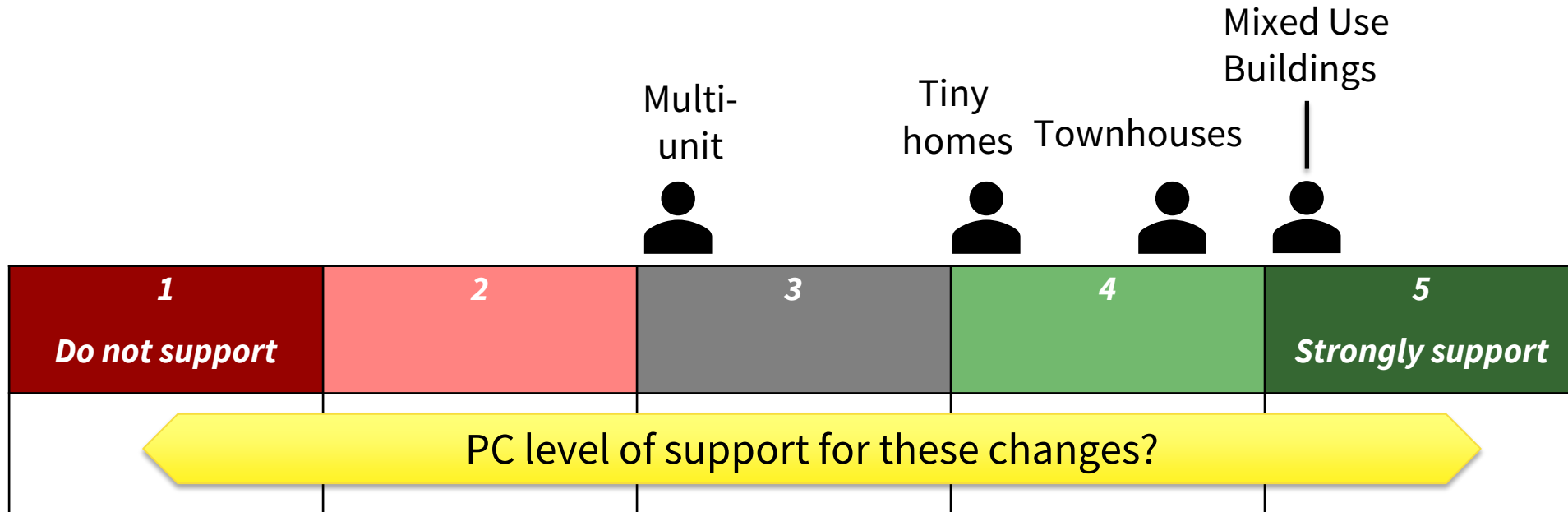
**Discuss today*

Housing Type	Current Status	Proposed Additions	Why?
 Townhouses	Permitted in: UR Urban Residential, M Medical, CBD Central Business District, TC Town Center, GB Gateway Business, RO Residential Office Conditional in: GC-1 General Commercial 1	NF Neighborhood Flex, DMU Downtown Mixed Use, CMU Commercial Mixed Use, LIMU Light Industrial Mixed Use	Expand areas where townhouses are allowed.
 Multi-Unit Dwelling	Permitted in: UR Urban Residential, RR Rural Residential, CBD Central Business District, TC Town Center, GB Gateway Business Conditional in: n/a	+ All Commercial Districts, All Mixed Use Districts, All Industrial Districts <i>*Discuss today</i>	Allow multi-family projects in commercial and industrial districts.
 Mixed Use Buildings	Permitted in: n/a Conditional in: GC-2 General Commercial 2, EEMU East End Mixed Use	+ CMU Commercial Mixed Use, LIMU Light Industrial Mixed Use	Allow apartments/condos above commercial or office uses.
	Permitted in:	UR, NF	

This table shows which districts currently allow specific housing types, and additional districts that would also allow those housing types.

This table was presented at the community open house.

Feedback



= general sentiment from PC members in attendance related to each housing type

Questions

Reference: Valdez
Short-Term Rental
Regulations

Housing Type	Proposed Change	Question
Townhouses	Remove requirement for CUP.	Do we need a trigger for a CUP for “large” projects?
Multi-unit housing	Allow as permitted in Commercial and Industrial districts.	Should we limit multi-unit housing in these districts to preserve space for commercial and industrial uses? Limit multi-unit housing to an accessory use?

NEW QUESTION: Should we create permit requirements, registrations, or standards for short-term rentals?

Wetlands and Watercourses

Topic – Wetlands and Watercourses

Chapter 21.34, Slopes and Coastal Development

Clean code
reference: pages
118-120

This is an **overlay district** that regulates development activity and structures in areas affected by *slopes, bluffs, ravines, and the coastal edge*.

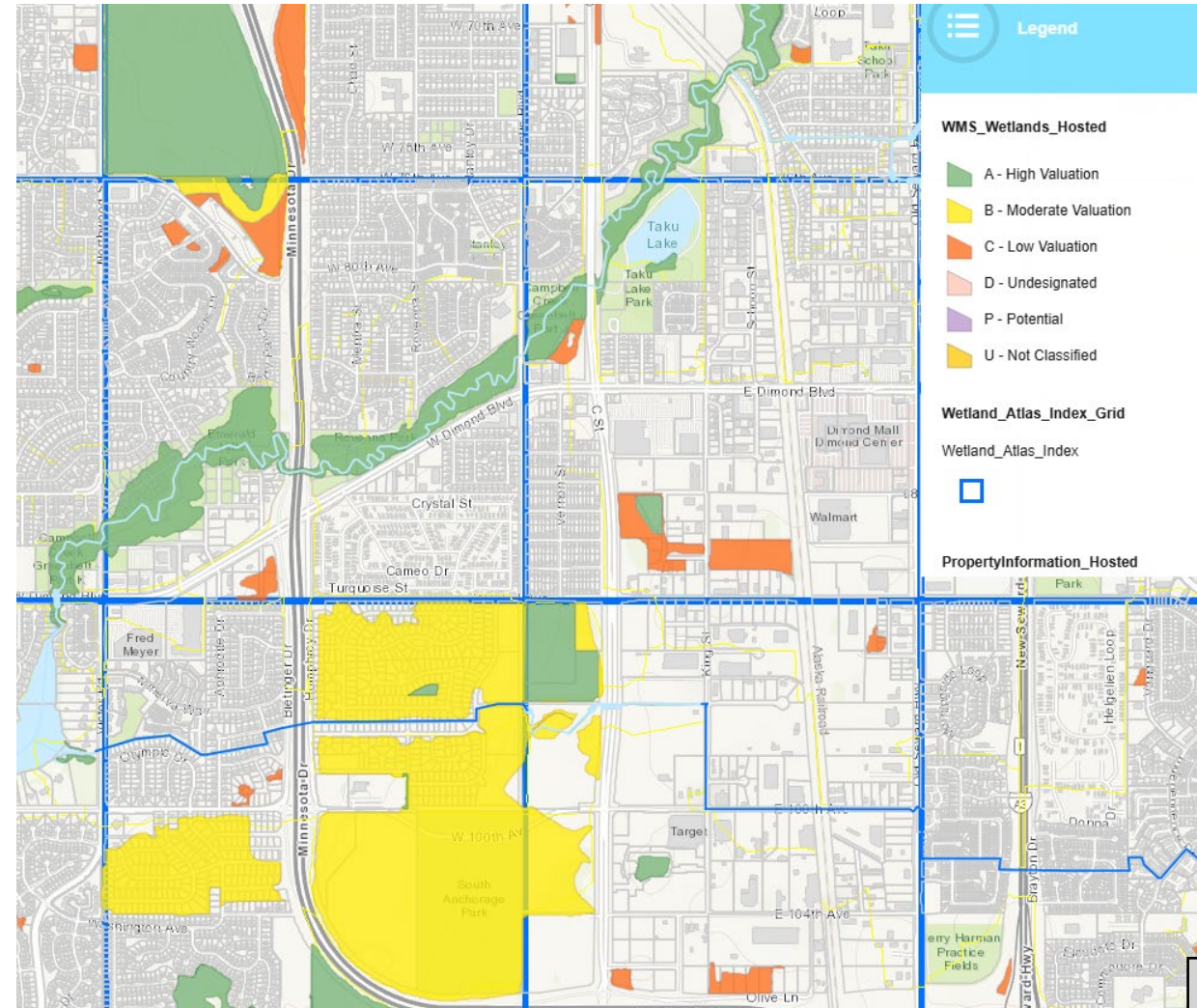
There are **currently no City requirements** for development setbacks/non-buildable area **on or around wetlands** except for Bridge Creek Watershed District.

Proposed wetland development/fill requests are evaluated by the Army Corps of Engineers.



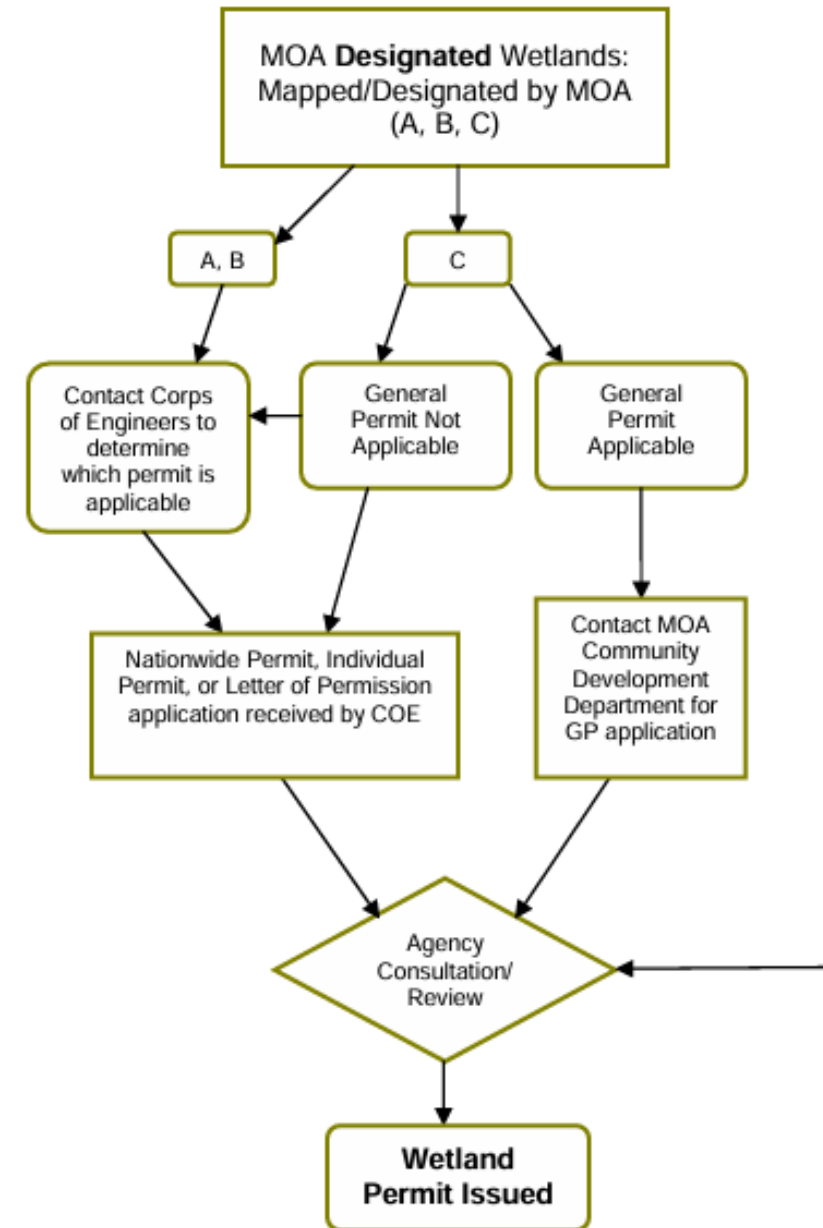
Municipality of Anchorage Wetland Regulations

- Wetland Management Plan adopted 2014 (original 1982)
- Data comes from:
 - Aerial photography
 - Hydric soil mapping
 - Ground truthing
- *Mapping is approximate.* Private property owners must still get a Jurisdictional Determination from ACOE or hire a wetland scientist to get a delineation.
- In no case does the plan identify private property where ALL potential development is prohibited
- If the property owner does not agree with MOA's Management Strategies, they may still petition the Corps of Engineers and apply for a Section 404 Individual Permit



Municipality of Anchorage Wetland Regulations

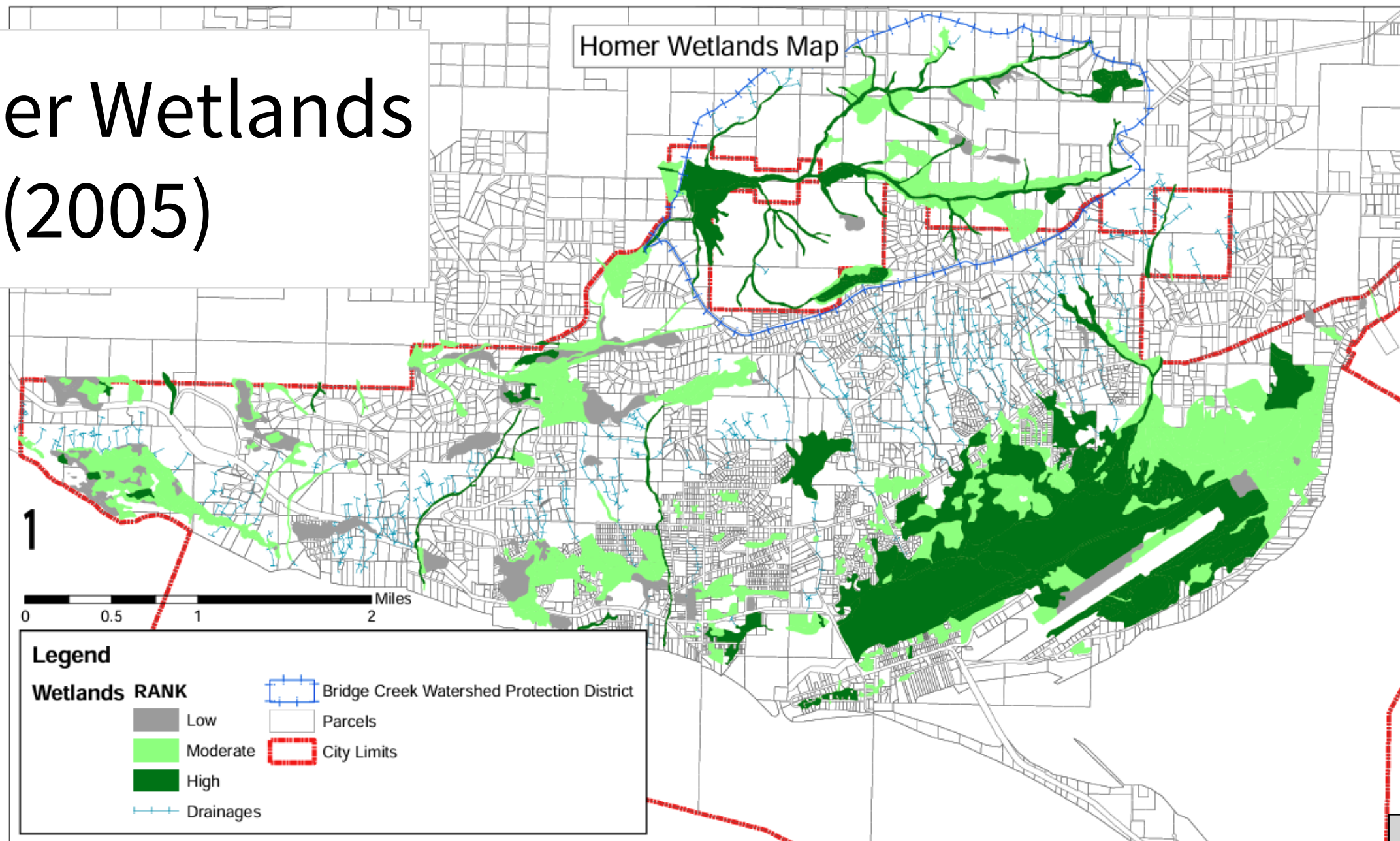
- Wetlands evaluated by 4 functions: hydrology, habitat, species occurrence, social function.
- Classified into 3 types: A, B & C
 - A or B require a Section 404 (Individual) Permit from the Army Corps of Engineers .
 - C are suitable for development with another (Regional or Nationwide) Army Corps permit
 - A = generally not to be developed/filled.
 - B = maintain wetland areas and functions “to the maximum extent”
 - C = minimize fill to extent necessary for principal structure, outbuilding, utilities and parking pad
- Setbacks required from water bodies, drainage ways, riparian edges, and wetlands



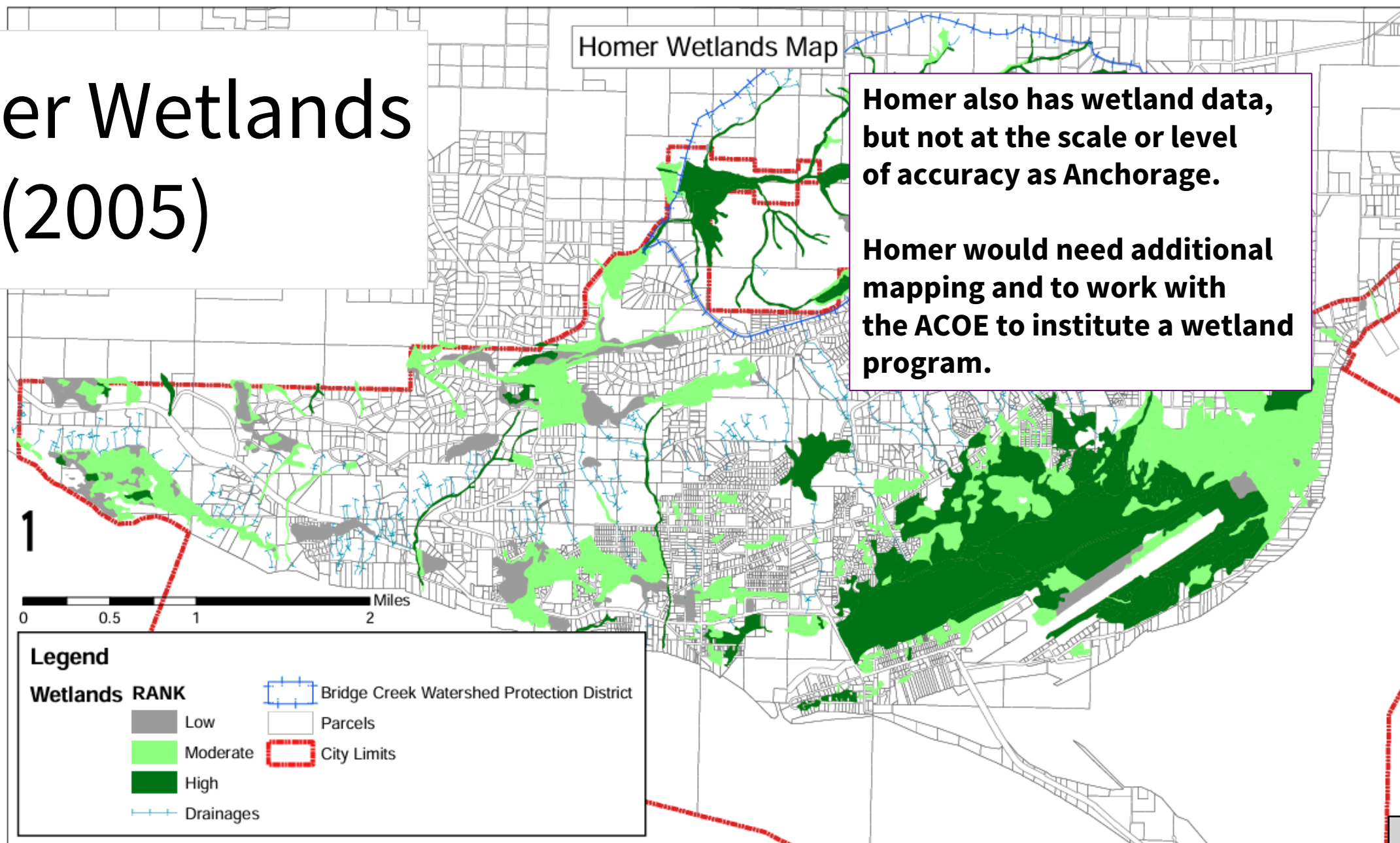
Municipality of Anchorage Wetland Regulations

- Setbacks required:
 - Measured from ordinary high water mark or lakes, ponds, streams
 - Watercourse setbacks: 65-100 ft.
- Buffers required:
 - Between fill authorized in C wetlands to A or B wetlands
 - 15-25 ft.

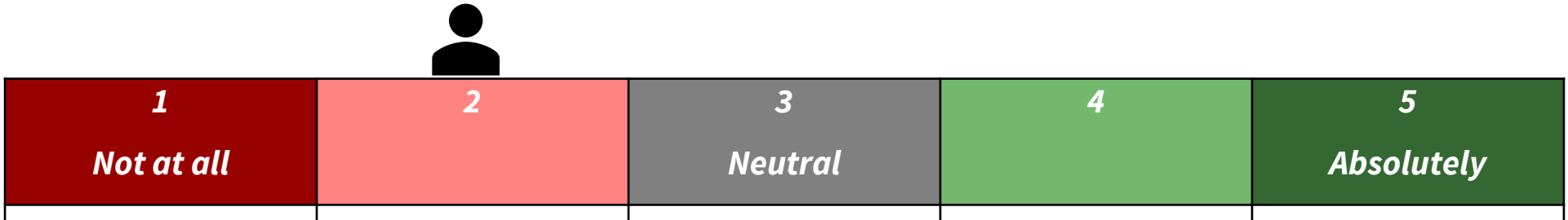
Homer Wetlands Map (2005)



Homer Wetlands Map (2005)



Feedback



PC Gut Check – Existing code is on track (i.e., helping to achieve future land use goals).



= general sentiment from PC members in attendance related to existing wetlands and watercourses-focused code being on track to help achieve future land use goals

Questions

- What downstream impacts need to be addressed?
- What modifications are needed to the current definitions?
- What would it require to put into place wetland regulations like Anchorage? Is this something we want to pursue? What data can we use and what data do we need?

Steep Slopes

What does the current code say?

Includes Chapter 21.34, Slopes and Coastal Development

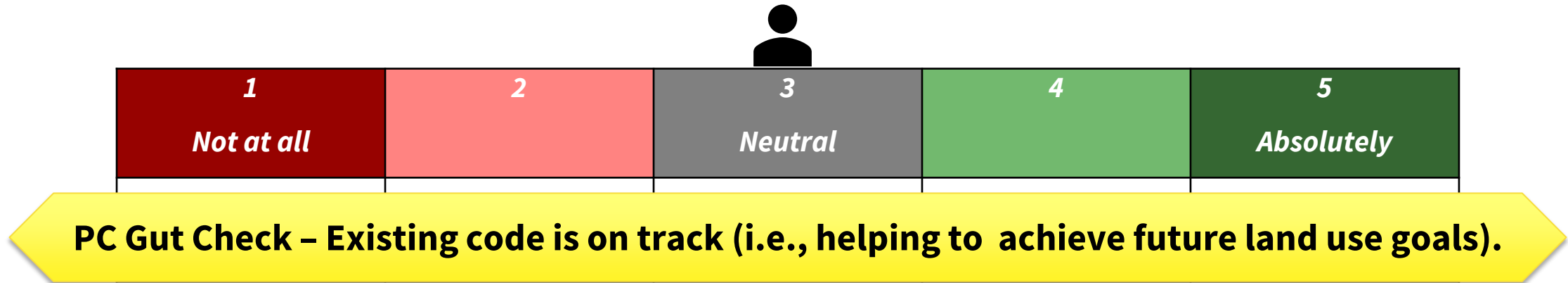
Clean code reference:
pages 118-120

This is an **overlay district** that regulates development activity and structures in areas affected by slopes, bluffs, ravines, and the coastal edge. The chapter applies to:

- Lots with average slopes 15 percent or greater, bluffs, coastal edge and ravines;
- Located within 40 feet of the top or within 15 feet of the toe of a steep slope, bluff, coastal edge or ravine; and
- Any other location where the City Engineer determines that adverse conditions associated with slope stability, erosion or sedimentation are present.



Feedback



Homer code needs to be customized for unique soil and geologic conditions
Look at Cordova (upland habitat) and Mt. Augustine (runoff) examples
Regulate each basin differently?



= = general sentiment from PC members in attendance related to existing steep slopes-focused code being on track to help achieve future land use goals

Remaining Questions:

- Is more study needed?
 - What information do we have?
 - If so, what information do we need?
- What changes you would like to make now?
 - For example: certain combinations of soil conditions, slopes could trigger increased engineering review (not implemented by planning staff).

Next Steps

Next Steps to Launch Code Release

Launch the Draft Code for 45-day Public Comment (tentatively February 11 – March 31)

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Companion to the Draft Code: “How to Navigate the Code.” *Example from Valdez Zoning Revision Process*

How to Read the Draft Code

Table of Contents

17.01 General Provisions	Establishes the purpose of Title 17, how it was developed, and provides for emergency declarations
17.02 Definitions	Provides a list of definitions for terms used throughout the code
17.04 Administration & Enforcement	Describes the zoning commission review process
17.06 Zoning Districts	Designates the various zoning districts and the allowed uses for each
17.08 Specific Use Standards	Assigns additional standards for specific uses, such as child care, beyond general zoning district standards
17.09 Planned Unit Developments	Provides a process for reviewing and approving Planned Unit Developments
17.13 Site Development Standards	Specifies the standards for site development, including setbacks, lot coverage, and more
17.20 Nonconforming Situations	Defines the standards for nonconforming situations, including how they are identified and how they can be corrected

City of Valdez: Title 17 Revision | Guide to the New Draft Code

Description

- The zoning districts (17.06) describe the intent of zones on the zoning map. Each district includes a

Summary of Major Changes

Approval Process

- Adds a review matrix (17.04.030a)
- Adds clear submittal requirements for each application type (17.04)
- Provides details for specific applications, such as code amendments, lot modifications, conditional uses, and more (17.04)

City of Valdez: Title 17 Revision | Guide to the New Draft Code

Revisions

- Consolidates (see 17.04.030a)
- Create groupings
- Includes process types (17.04)
- Adds details (17.06)

Summary of Major Changes



Housing

- Allows more housing types in more districts
- Permits worker housing as conditional in commercial and industrial districts



17.04.139
(B)(7)(c) & (B)(c)

- Allows mobile and manufactured homes anywhere detached housing is allowed (See Table)
- Establishes permit requirements for short-term rentals to include zoning clearance review, business license submittal, and caretaker/owner registration (17.08030J)
- Bases the number of Accessory Dwelling Units (ADUs) per lot, on lot size (starting at 8,000 sf) (17.08.030A(b))
- Specifies that RVs are not considered housing units relevant to ADU standards (17.08.030A)

City of Valdez: Title 17 Revision | Guide to the New Draft Code | October 2023

How to Comment

- ✓ Does the draft code do a good job of reflecting project goals?
- ✓ Are you someone who will need to reference the code in the future?
- ✓ Do you have questions about the process?
- ✓ We want to know!



Use our comment form to provide feedback before November 3.



Provide testimony at upcoming P&Z and Council meetings during the ordinance public hearings. Dates TBD in December and January.



Use phone or email to contact us directly. Email comments to zoning@valdezak.gov



Visit the project website - zoningvaldez.com - to find updates, comment form, survey, and more!

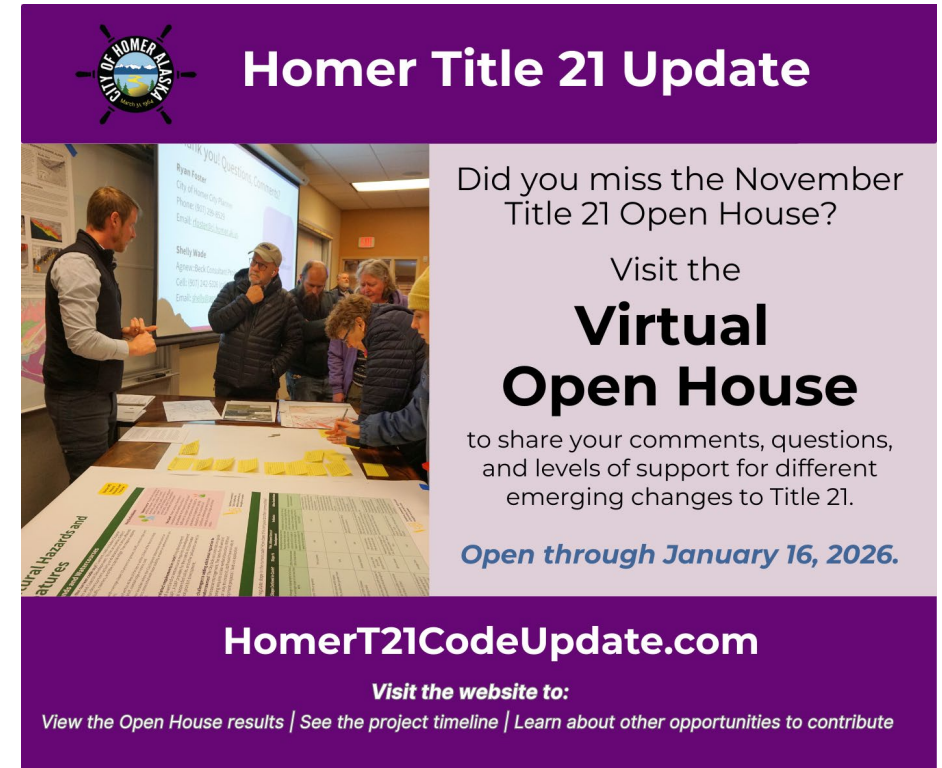
There will be multiple opportunities to provide feedback over the next couple of months, and we hope you will.

City of Valdez: Title 17 Revision | Guide to the New Draft Code | October 2023

12

Promoting the Draft Code

- Posted to project and City websites.
- Shared via City's Facebook page.
- Announced via e-blast to project distribution list (over 300 contacts).
- Announced in newspaper.
- Flyer in City Council, Commission, and Boards/Committee packets.



The image is a promotional flyer for the Homer Title 21 Update. It features a purple header with the City of Homer Alaska logo and the title "Homer Title 21 Update". Below the header is a photograph of a community meeting where people are gathered around a table with informational materials. To the right of the photo, text asks if the viewer missed the November Title 21 Open House and invites them to visit the "Virtual Open House" to share comments and questions. It specifies the open house is open through January 16, 2026. At the bottom, it provides the website "HomerT21CodeUpdate.com" and lists actions like viewing results, seeing the timeline, and learning about contribution opportunities.

City of HOMER, ALASKA

Homer Title 21 Update

Did you miss the November Title 21 Open House?

Visit the
Virtual Open House

to share your comments, questions, and levels of support for different emerging changes to Title 21.

Open through January 16, 2026.

HomerT21CodeUpdate.com

Visit the website to:
View the Open House results | See the project timeline | Learn about other opportunities to contribute

Example Facebook promotion image for the Virtual Open House

Thank you! Questions, Comments?

Ryan Foster

City of Homer City Planner

Phone: (907) 299-8529

Email: rfoster@ci.homer.ak.us

Shelly Wade

Agnew::Beck Consultant Project Manager

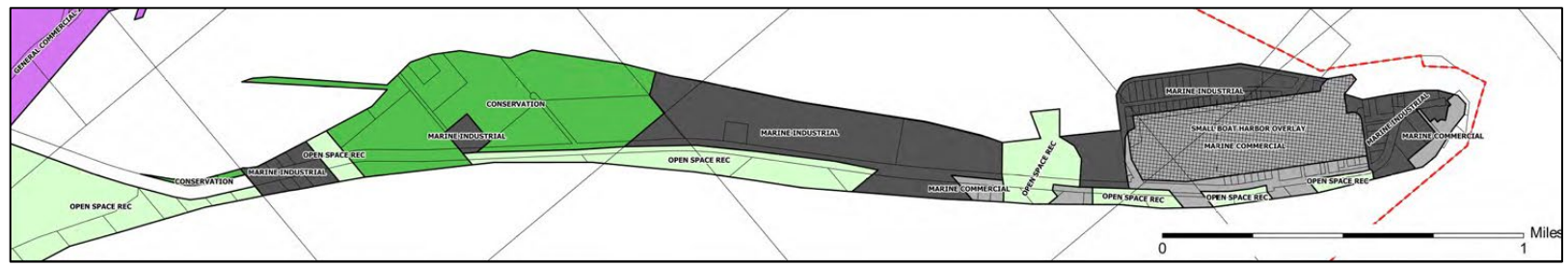
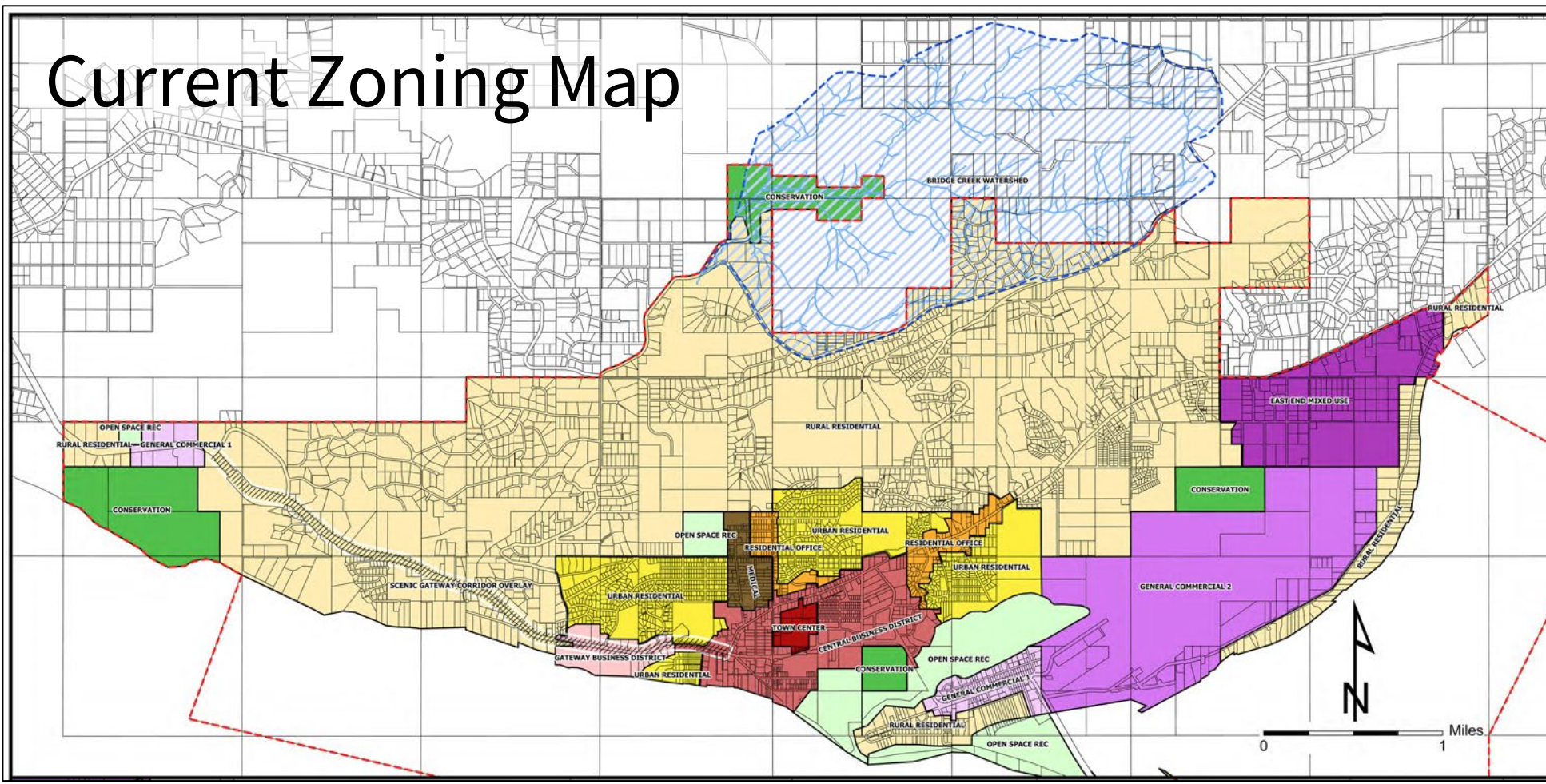
Cell: (907) 242-5326 (call or text)

Email: shelly@agnewbeck.com

Project Website:
Homert21CodeUpdate.com

Reference Slides

Current Zoning Map



Key

	Homer City Limits		Conservation CO		Open Space Rec OSR
	Town Center		Central Business District CBD		Gateway Business District GBD
	General Commercial 1 GC1		General Commercial 2 GC2		East End Mixed Use EEMU
	Rural Residential RR		Urban Residential UR		Residential Office RO
	Medical M		Marine Commercial MC		Marine Industrial MI
	Small Boat Harbor Overlay		Scenic Gateway Corridor Overlay		Bridge Creek Watershed Protection District
	Unzoned				

Future Land Use Map

2045 Homer Comprehensive Plan Update

Map Updated: December 29, 2025

What is a Future Land Use Map?

Future land use maps anticipate development needs and constraints, identify suitable types of development, and establish policies to guide development. They do not act as regulatory zoning documents or make changes to existing code.

Land Use Designations

- Downtown Mixed Use
- Urban Residential
- Neighborhood Flex
- Rural Residential
- Gateway
- Medical Mixed Use
- Airport
- Light Industrial Mixed Use
- Marine Commercial
- Marine Industrial
- Open Space Recreation
- Conservation

Land Use Overlays*

- Future Area Planning Overlay
- Environmental Constraints Overlay

*See appendix for more detail.

Other

- City of Homer Boundary
- Roads
- Homer Airport Critical Habitat Area

Homer City Boundaries

Downtown Core Planning Area

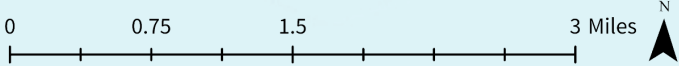
Airport Critical Habitat Area

Homer Airport

Coal Bay

The Homer Spit Planning Area

City of Homer Port & Harbor

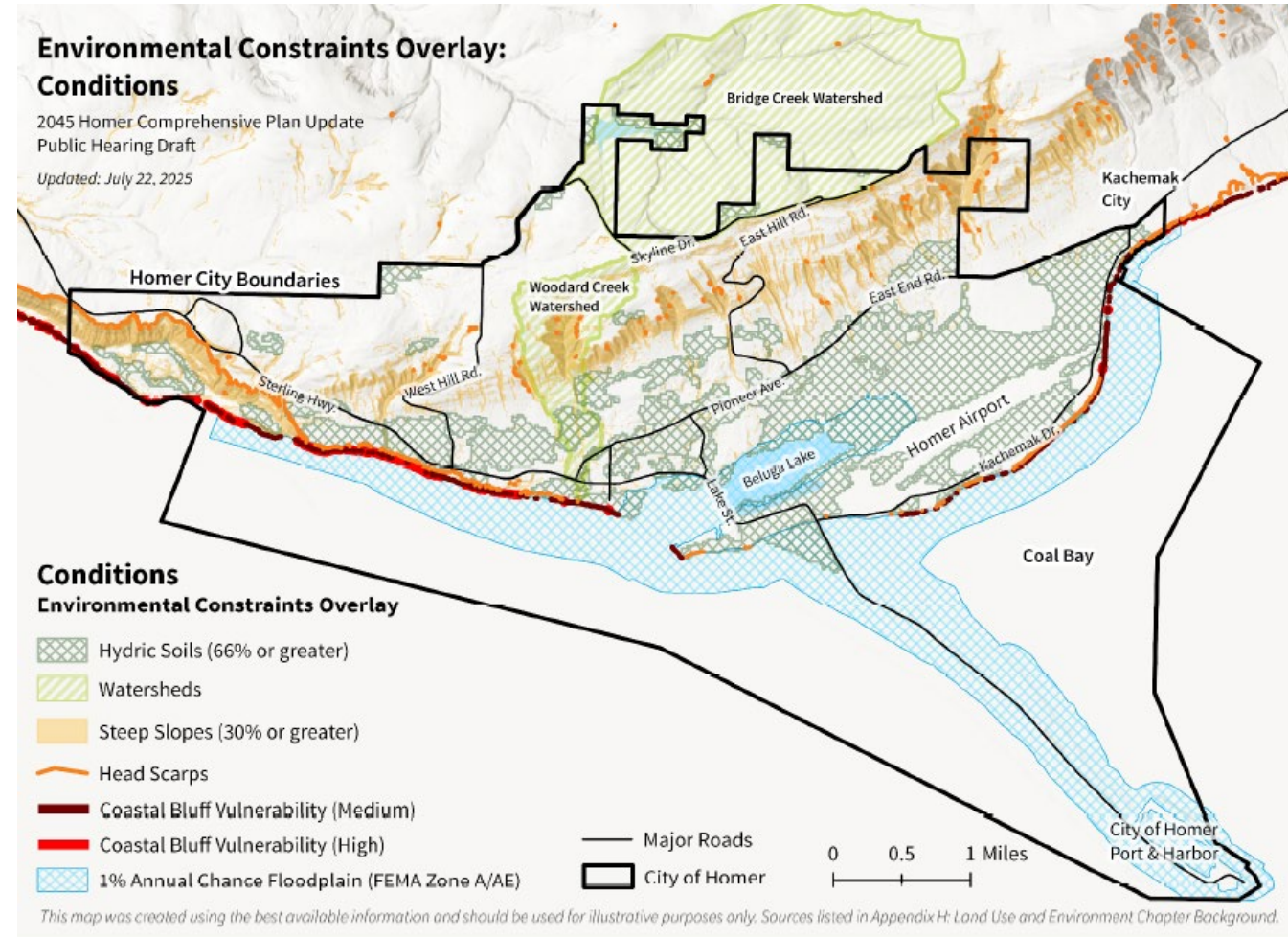


This map was created using the best available information and should be used for illustrative purposes only.

Sources: Esri, NASA, NGA, USGS, FEMA, Kenai Peninsula Borough, and the State of Alaska

Other Comprehensive Plan References

See your packet for the Homer 2045 Comprehensive Plan Appendix H: Land Use and Environmental Chapter Background for other relevant maps, including the environmental constraints overlays.



City of Homer Title 21 Update

Homer City Code

Title 21 ZONING AND PLANNING

October 8, 2025 Working Draft

Mark-Up & Clean Versions of the Code

Excerpts for Reference at January 21, 2026 Planning Commission

Work Session

- a.b. Home occupations, provided they conform to the requirements of HCC 21.40.010;
- b.c. Private floatplane tie-down ~~as an accessory use incidental to residential use~~;
- d. Storage of 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 residential use~~;
- e.e. Storage of heavy equipment, vehicles or boats
- d.f. ~~As an accessory use~~, e. One small wind energy system per lot having a rated capacity not exceeding 10 kilowatts;
- e.g. ~~One detached dwelling unit, 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~~ Accessory dwelling unit; [Ord. 23-40 § 1, 2023; Ord. 22-68(A) § 1, 2022; Ord. 16-14 § 1, 2016; Ord. 14-09(A) § 1, 2014; Ord. 11-23(A) § 1, 2011; Ord. 09-34(A) § 4, 2009; Ord. 08-29, 2008].
- f.h. Other customary accessory uses incidental to any of the permitted uses listed in the RR district; provided, that no separate permit shall be issued for the construction of any detached accessory building prior to that of the ~~main building~~ principal structure;

21.18.040 Conditional uses and structures.

The following uses may be permitted in the Rural Residential District when authorized by conditional use permit issued in accordance with Chapter 21.09 HCC:

- a. Planned unit development, limited to residential uses only;
- b. Group care home;
- c. Assisted living home;
- d. Mobile home parks;
- e. Day care facilities; provided, however, that outdoor play areas must be fenced;
- f. ~~Religious, cultural and fraternal assembly~~ Places of assembly;
- g. Cemeteries;
- h. ~~Kennels~~;
- i.h. ~~Commercial greenhouses and tree nurseries offering sale of plants or trees grown on premises~~;
- j. ~~Public utility facilities and structures~~;
- k.i. Pipelines and railroads;
- l.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;
- m. ~~More than one building containing a permitted principal use on a lot~~
- n.k. Indoor recreational facilities;
- o.l. Outdoor recreational facilities;
- p.a. ~~Schools~~;

3. 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
4. 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. [Ord. 13-27 § 6, 2013; Ord. 08-29, 2008].

e.d. 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.

~~d. Other uses approved pursuant to HCC 21.03.020. [Ord. 23-40 § 5, 2023; Ord. 22-68(A) § 6, 2022; Ord. 09-34(A) § 15, 2009; Ord. 08-29, 2008].~~

21.23.050 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 21.355 HCC;

~~2. Multi-unit structures with 5 units or more shall have a minimum lot size of 6,000 sf. plus 1,200 sf. per dwelling unit for the fifth dwelling unit and above.~~

~~b. Multiple family dwellings shall meet the standards in HCC 21.20.050(a)(2);~~

~~a.b. Townhouses shall meet the standards in HCC 21.53.010.~~**Building Setbacks and Placement.**

1. ~~Buildings shall be set back 20 feet from all dedicated rights-of-way, except as allowed by subsection (b)(4) of this section.~~**Build-to Line: 5-15 feet.**
2. ~~Side and rear setbacks: 5 feet~~**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.~~

~~6.3. Any attached or detached accessory building shall maintain the same yards and setbacks as the main building.~~**principal structure.**

~~b.c. Maximum Building Height:~~**The maximum building height shall be 50 feet.**

~~e.d. Maximum building coverage: 50%. 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.~~

21.23.060 Site and access plans.

- a. ~~A zoning permit for a building or structure within the Commercial Mixed Use District shall not be issued by the City without a Level One site plan approved under Chapter 21.11 HCC.~~

Chapter 21.10. Variances and Administrative Adjustments

21.10.010 Scope and Purpose.

The variance and administrative adjustments procedures are established to allow applicants to seek deviations and modifications from certain requirements of this title to overcome unique site conditions. Deviations or waivers from the Title 21 requirements may be necessary to accommodate infill projects, adaptive reuse activities, and redevelopment projects in established areas of the city. Variances are intended to allow applicants to seek regulatory relief through a public hearing process, whereas administrative adjustments are intended to allow applicants to seek minor regulatory relief through an administrative process. A variance may be granted by the Planning Commission to provide relief when a literal enforcement of the Homer Zoning Code would deprive a property owner of the reasonable use of a lot. [Ord. 08-29, 2008].

21.10.020 Application for a variance.

Application for a variance shall be filed with the City Planner. The application shall include, but is not limited to, all of the following:

- a. All of the information required for a conditional use permit application, but referring to the requested variance instead of a conditional use.
- b. A precise description of the variance requested, including each section, paragraph and sentence of the zoning code from which the applicant wishes to deviate.
- c. A written narrative describing how the application satisfies each of the requirements specified in HCC 21.72.020. [Ord. 08-29, 2008].

21.10.030 Variance Procedures.

- a. An application for a variance shall be reviewed by the Planning Commission following, to the extent practicable, the procedures for reviewing a conditional use permit application, except as provided in subsection (b) of this section.
- b. If the Commission fails to act on a variance application within 45 days after the close of the public hearing, the application is deemed denied for failure to prove entitlement to the variance. The time to appeal such a denial begins to run on the forty-sixth day following the close of the public hearing. [Ord. 08-29, 2008].

21.10.040 Administrative Adjustments.

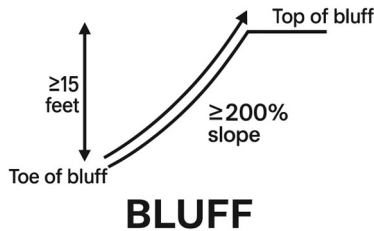
- a. An administrative adjustment is a process where applicants may seek minor and limited reductions, deviations or modifications from certain dimensional or site design standards of this title. Administrative adjustments may be approved through application and approval from the City Planner pursuant to Table 21.06.a.
- b. Applicants may seek administrative adjustments where specified in this title, and from the following code provisions:
 1. Up to ten percent of the maximum lot coverage.
 2. Up to ten percent of the required landscaping and/or screening standards.
 3. Up to two feet reduction of setback requirements.
 4. Up to ten percent of accessory structure size limitations.
 5. Expansions of legal nonconforming uses pursuant to Chapter 21.15.
- c. Administrative adjustments are reviewed by the Planning Department and acted upon by the City Planner per Table 21.06.a.

21.10.050 Approval Criteria.

- a. All of the following conditions shall exist before a variance or administrative adjustment may be granted:
 1. A literal interpretation of the provisions of the Homer Zoning Code would create a practical difficulty to the use of the property consistent with its zoning district.
 2. Special conditions and circumstances exist that are peculiar to the land or structures involved and are not applicable to other lands and structures in the same district.
 3. The special conditions and circumstances that require the variance have not been caused by the applicant.
 4. Granting the variance or administrative adjustment will not be detrimental to the public's health, safety, or welfare.
- b. Financial hardship or inconvenience shall not be the sole reason for granting a variance.
- c. Other nonconforming land use or structures within the district shall not be considered grounds for granting a variance.
- d. If approved, a variance or administrative adjustment shall be the minimum necessary to permit the reasonable use of the land or structure.
- e. A variance or administrative adjustment shall not be granted that will permit a land use in a district in which that use is otherwise prohibited. [Ord. 08-29, 2008].

“Bed and breakfast” means a dwelling in which an individual or family resides and rents no more than five bedrooms in the dwelling to overnight guests, if the bed and breakfast use is accessory to the principal use of the dwelling as the primary residence of the operator.

“Bluff” means an abrupt elevation change in topography of at least 15 feet, with an average slope of not less than 200 percent (two feet difference in elevation per one foot of horizontal distance).



“Boat storage yard” means a lot used for the indoor or outdoor commercial dry storage of boats.

“Bridge Creek Watershed” means the watershed contributing to the City’s reservoir at Bridge Creek.

“Buffer” means an open space, landscaped area, fence, wall, berm, or any combination thereof used to physically separate or screen one use or property from another to shield or block visibility, noise, lights, or other undesirable effects.

“Buffer, runoff” means an area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and that provides for infiltration of the runoff and filtering of silt and pollutants. The buffer is measured landward from the normal full water elevation of impounded structures and from the top of the bank of each side of a stream, river, ditch, or other channel.

“Buffer, stream” means a runoff buffer of a designated distance on each side of a channel measured perpendicularly from the top of the bank of each side of a stream, river, ditch, or other channel.

“Build-to Line” means an alignment establishing a certain distance from the front lot line to a line along which the principal structure or other specified structure shall be built.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“Building construction” means the placing of construction materials in a permanent position and fastened in a permanent manner in the course of constructing or erecting a building.

“Building coverage” means the area of a lot covered by the footprints of principal and accessory structures divided by the total area of the lot.

“Building height” is the vertical distance from grade plane to the average height of the highest roof surface of a structure, as measured according to HCC 21.05.030.

“Business, open air” or “open air business” means the retail sale or display of merchandise or services, including but not limited to farmers’ markets and flea markets, conducted outdoors or under a canopy for protection from the elements and held on a regular or periodic basis. Open air business does not include (1) outdoor display or sales of goods or services by a retail or wholesale business that is principally located in a building, or (2) sales, services or rentals of any kind of boat or motorized vehicle.

“Business, retail” means a place of business principally engaged in selling goods, substances or commodities in small quantities to the ultimate consumer, and may include rendering services incidental to the sale of such goods, substances or commodities. The term “retail business” does not include, as either a principal or accessory use,

automobile-oriented uses, the sale, rental, storage, service, or repair of any motor vehicles, or any use separately defined or listed in any zoning district.

“Business, wholesale” or “wholesale” means a place of business principally engaged in selling or distributing goods, substances or commodities in quantity to retailers or to industrial, commercial or institutional users mainly for resale or business use.

“Campground” means a parcel of land where two or more campsites are located that provides facilities for temporary recreational living in any manner other than a permanent building.

“Cemetery” means land used or intended to be used for burial of the dead and dedicated for cemetery purposes, including columbaria and mausoleums when operated in conjunction with and within the boundary of such cemetery.

“Channel protection storage volume” means the volume used to design structural management practices to control stream channel erosion.

Church. See “Place of assembly.”

“City Engineer” means an engineer within the Homer Department of Public Works designated by the Director of Public Works.

“Clearing” means the removal of trees and brush from the land, but shall not include the ordinary pruning of trees or shrubs or mowing of grass.

“Clinic, Medical” means a professional office with facilities for providing outpatient medical, dental or psychiatric services, which may include as incidental to the principal use a dispensary to handle medication and other merchandise prescribed by occupants in the course of their professional practices.

“Coastal edge” means the seaward extent of a relatively flat land where a slope break or scarp occurs that is adjacent and within 300 feet of the mean high-water line of Kachemak Bay. The chosen coastal edge must represent the seaward extent of land that is neither part of a previous landslide nor a bench on a slope.

“Cold storage” means a building equipped with refrigeration or freezing facilities that provides cold or frozen storage or freezing services.

“Collocation” means the placement or installation of wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.

“Commercial vehicle” means any motor vehicle defined in AS 28.90.990 as a commercial motor vehicle or any motor vehicle with signs or logos exceeding nine square feet in combined area.

“Community Design Manual” means the Community Design Manual for the City of Homer, adopted by City Council Resolution 04-34, as may be amended from time to time.

“Comprehensive Plan” means a public declaration of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the City.

“Date of distribution” means the date on which a City official mails a written decision or order issued under the zoning code or, if the document is personally delivered, the date of such personal delivery.

“Day care facility” means any establishment for the care of children, whether or not for compensation, excluding day care homes and schools. Such day care facility must also be duly licensed by the State, if so required by State law or regulation.

“Day care home” means the principal dwelling unit of one or more persons who regularly provide(s) care, in the dwelling unit, whether or not for compensation, during any part of the 24-hour day, to eight or less children at any one time, not including adult members of the family residing in the dwelling. The term “day care home” is not

Nonconforming Use. See HCC 21.15.020.

“Nursing facility” means a facility that is primarily engaged in providing skilled nursing care or rehabilitative services and related services for those who, because of their mental or physical condition, require care and services above the level of room and board. “Nursing facility” does not include a facility that is primarily for the care and treatment of mental diseases or an assisted living home.

“Occupancy” means the purpose for which a building is used or intended to be used. The term may also include the building or room housing such use. Change of occupancy does not result from a mere change of tenants or proprietors.

“Office” means a physical location designed for, or used for conducting the affairs of a business, profession, personal service, service industry, veterinary, or government, but does not include direct retail or wholesale sale of goods except for those sales that are clearly incidental to the principal office use. Offices that are part of and are located with a business or industrial firm in another category are considered accessory to that firm’s primary activity.

“Off-road vehicle” means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, wetland, or other natural terrain, except that such terms exclude (1) registered motorboats, (2) military, fire, emergency, and law enforcement vehicles when used for such military, emergency, and law enforcement purposes, and (3) any vehicle whose use is expressly approved by the City of Homer.

“Oil water separators” means passive, physical separation systems, designed for removal of oils, fuels, hydraulic fluids, and similar products from water. They are generally large-capacity, underground cement vaults installed between a drain and the connecting storm drain pipe. These vaults are designed with baffles to trap sediments and retain floating oils. The large capacity of the vault slows down the wastewater, allowing oil to float to the surface and solid material to settle out.

“Open space” means an area reserved or developed for recreational uses or preserved for its natural amenities. Open space may include squares, parks, bicycle and pedestrian paths, refuges, campgrounds, picnic areas, playgrounds, and gardens. “Open space” does not include outdoor recreation facilities.

“Ordinary High Water Mark” means the line on a shore or bank of a body of water established by the normal fluctuations of water and indicated by a relatively abrupt change in observable physical, hydrologic, and biologic characteristics above and below the line. For a stream or lake the OHWM is approximately equivalent to the "bank." For a marine shoreline, the OHWM is approximately equivalent to the "mean high water line." In all cases, an appropriate mix of indicators used to establish the OHWM at a particular location are selected using means and methods that consider the type of water body and the characteristics of the surrounding area.

“Overbank flood protection volume” or “Qp” means the volume controlled by structural practices to prevent an increase in the frequency of out of bank flooding generated by development.

“Overlay district” means a defined area with supplementary regulations that is superimposed upon all or part of one or more underlying zoning districts. The boundaries of an overlay district are usually shown on the official map, but may be established by description.

“Overslope development” means an overslope platform and the structures located on the overslope platform.

“Overslope platform” means an elevated horizontal structure designed to support buildings that are located above the slope between an upland lot and the water of the Homer small boat harbor.

“Parking lot” means an off-street, ground level open area, usually improved, containing parking spaces for motor vehicles.

“Parking lot, double-loaded” means all or any portion of a parking lot in which there are parking spaces on both sides of the driving aisle.

“School” means any public or private property, or building or part thereof, which is designed, constructed or used for educational purposes or instruction in any branch of knowledge..

“Sediment” means soils or other surficial materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.

“Senior housing” means attached or detached independent living developments, including retirement communities, age-restricted housing and active adult communities.

“Setback” means the required minimum distance between the lot line and a building, measured according to Chapter 21.05 HCC. The setback area establishes a required yard in which structures are prohibited or limited as provided in the zoning code.

“Sewer, community” means that portion of a nonpublic sewerage serving:

1. One or more multifamily dwellings;
2. A mobile home park, a trailer park, or a recreational vehicle park;
3. Two or more:
 - a. Single-family homes or duplexes;
 - b. Commercial establishments;
 - c. Industrial establishments; or
 - d. Institutions; or
4. Any combination of two or more of the structures listed in subsections (3)(a) through (d) of this definition.

“Sewer, public” means a sewer system operated for the benefit of the public by the City of Homer or a public utility under a certificate of convenience and necessity issued by the Regulatory Commission of Alaska or by its predecessor or successor agency.

“Shelter for the homeless” means a building used primarily to provide on-site meals, shelter and secondary personal services such as showers and haircuts to the homeless and the needy on a nonpermanent basis for no or nominal compensation.

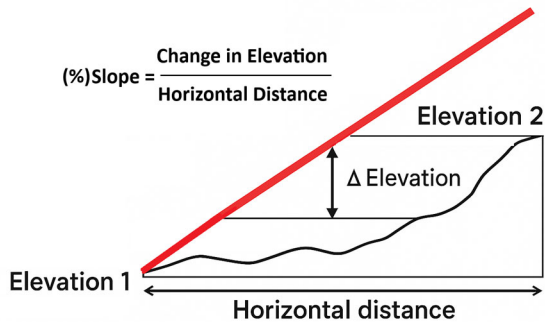
Sign. See HCC 21.60.040.

“Site” means any lot, tract, or parcel of land, or a portion thereof, or any combination thereof that is in one ownership or is contiguous and in diverse ownership, where development exists or will be created as one unit, subdivision, or project.

“Site plan” means a plan, to scale, showing the proposed use and development of a site. The plan generally includes lot lines, streets, points of vehicular access to the site, building sites and setbacks, reserved open space, existing buildings, major landscape features (both natural and manmade), and the locations of utility easements. Specific requirements for site plan submittal are described in applicable sections of the zoning code.

“Slash pile” means a row or pile of woody debris from timber harvesting, land clearing, or similar activity.

“Slope” means, with respect to two points on the surface of the ground, the ratio, expressed as a percentage, of the difference between their elevations divided by the horizontal distance between them. Slope is measured as provided in HCC 21.05.040.



“Stabilization, soil” means the prevention of soil movement by any of various vegetative or structural means.

“Stable, private” means an accessory building in which one or more horses are kept for private use and enjoyment and not for boarding, hire or sale; or in which not more than one horse is kept for boarding, hire or sale.

“Stable, public” means a building in which two or more horses are kept for boarding, hire or sale.

“State highway” or “Highway” means a street designated by the State as a part of the State highway system.

“Steep slope” means an elevation change in topography of at least 15 feet, with an average slope of not less than 45 percent (one foot difference in elevation per 2.22 feet of horizontal distance). A steep slope can occur naturally or can be created by excavation into or filling over natural ground.

“Stormwater management” means:

1. For quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by manmade changes to the land; and
2. For qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

“Stormwater management, off-site” means the design and construction of a facility necessary to control stormwater from more than one development.

“Stormwater management, on-site” means the design and construction of systems necessary to control stormwater within an immediate development site.

“Stormwater management plan” or “SWP” means a set of drawings or other documents prepared according to the requirements of this title and submitted by a person as a prerequisite to obtaining a stormwater management approval. A SWP will contain all of the information and specifications pertaining to stormwater management.

“Stormwater runoff” means flow on the surface of the ground, resulting from precipitation or snow melt.

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such basement or cellar shall be considered a story.

“Story, half” means a story under a gable, hip, gambrel or mansard roof, the wall plates of which on at least two of its opposite exterior walls are not more than two feet above the floor of such story.

“Stream” means a body of flowing water, including a river, creek, tributary, or other watercourse.

“Stream banks” are defined by the steep or sloping ground that borders a stream and confines the water in the natural channel when the water level or flow is normal.

“Stream, intermittent” means a stream that does not flow continuously but stops or dries up from time to time.

“Stream, perennial” means a stream that flows continuously throughout the year, in contrast to an intermittent stream.

“Street” means a public thoroughfare including a public street, road or highway of any description that affords a principal means of access to abutting property. Street does not include alley or driveway.

“Street line” means the line of demarcation between a street right-of-way and the abutting lot(s).

“Stripping” means any activity that removes the vegetative surface cover including tree removal, clearing, grubbing and storage or removal of topsoil.

“Structural alteration” means any change of the supporting members of a building or structure such as bearing walls, columns, beams or girders.

“Structure” means anything constructed or erected that requires location on the ground or that is attached to something having location on the ground.

“Structure, Principal” means a building in which is conducted the primary or main use of the lot on which the building is situated.

“Studio” means a room, rooms or building where an artist or photographer does work, a place where dancing lessons, music lessons, or similar artistic lessons are given, or where radio or television programs are produced or where recordings are made.

“Timber growing, harvesting and forest crops” means the growing, harvesting, or both, for commercial purposes, of (1) trees including, without limitation, live trees, Christmas trees and tree products in the form of logs, chunks, bark chips or similar items; or (2) minor forest crops such as cones, ferns, greenery, berries and moss.

“Tiny House” means a dwelling that is 400 square feet or less in floor area excluding lofts.

“Total suspended solids” means the sum of the organic and inorganic particles (e.g., sediment) suspended in and carried by a fluid (e.g., water).

“Tower, amateur radio” means a fixed vertical structure used exclusively to support an antenna used by an amateur radio operator licensed by the Federal Communications Commission, plus its accompanying base plates, anchors, guy cables and hardware.

“Tower, communications” means a fixed vertical structure built for the primary purpose of supporting wireless communications equipment, plus its accompanying base plates, anchors, guy cables and hardware.

“Townhouse” means a building on its own separate lot containing one dwelling unit that occupies space from the ground to the roof and is attached to one or more other townhouse dwelling units by at least one common wall.

“Trip” in reference to traffic means a single one-way motor vehicle movement either to or from a subject property or study area.

“Turbidity” means an expression of the optical property that causes light to be scattered and absorbed rather than transmitted in straight lines through a water sample; turbidity in water is caused by the presence of suspended matter such as clay, silt, finely divided organic and inorganic matter, plankton, and other microscopic organisms.

“Use” means the purpose for which land or a structure is occupied, arranged, designed or intended, or for which either land or a structure is or may be occupied or maintained.

“Use, Accessory” means a use or activity that is customary to the principal use on the same lot, and which is subordinate and clearly incidental to the principal use.

“Use, Principal” means the use of a lot or structure that is of chief importance or function on the lot.

“Variance” means any deviation from the requirements of the zoning code authorized by the Planning Commission pursuant to Chapter 21.72 HCC.

“Vehicle fleet” means a group of vehicles operated under unified control.

Vehicle Maintenance or Repair. See “auto repair.”

“Visibility clearance” means the assurance of adequate and safe vision clearance particularly for vehicle operators and pedestrians; a specified area of clearance at corners of intersections where no plantings, walls, structures or temporary or permanent obstructions exceeding a specified height above the curb level are allowed.

“Warehouse” means a building used primarily for the storage of goods and materials. Also referred to as “commercial storage”.

“Water-dependent” means a use or activity that can be carried out only on, in or adjacent to water areas because the use requires access to the water body.

“Water quality volume” or “WQv” means the volume needed to capture and treat 90 percent of the average annual runoff volume at a development site.

“Water-related” means a use or activity that is not directly dependent upon access to a water body, but which provides goods and services that are directly associated with water-dependent uses or activities.

“Watercourse” means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area that is subject to inundation from overflow or floodwater.

“Watershed” means any area of land that water flows or drains under or across ground on its way to a lake, pond, river, stream, or wetland. A watershed can be delineated on a topographical map by connecting the high points of the contour lines surrounding any water body.

“Wetland” means an area of land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

“Wind energy system” means a wind turbine and its supporting wind energy system tower.

“Wind energy system, Small” means a wind energy system having a rated capacity of less than 25 kilowatts and a total height less than 170 feet, whose primary function is to provide electric power for on-site consumption.

“Wind energy system tower” means a fixed vertical structure that supports a wind turbine, including a monopole or lattice tower, plus its accompanying base plates, anchors, guy cables and hardware.

“Wind turbine” means a bladed or other type of rotating mechanism that converts wind energy into electric energy.

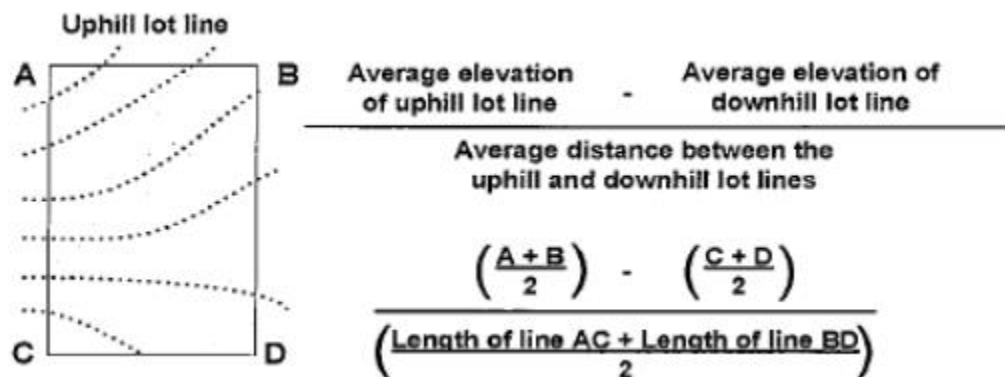
“Wireless communications equipment” means the set of equipment and network components used in the provision of wireless communications services, including without limitation antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding any wireless communications support structure.

excavation made for the purpose of locating or supporting the structure. In cases in which the normal grade cannot reasonably be determined, structure height shall be calculated on the assumption that the elevation of the normal grade at the base of the structure is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the primary entrance to the principal structure on the lot, whichever is lower. [Ord. 20-53 § 1, 2020; Ord. 19-22 § 1, 2019; Ord. 14-18(A)(S-2) §§ 2, 3, 2016; Ord. 09-34(A) § 3, 2009; Ord. 08-29, 2008].

21.04.040 Measuring slopes.

When calculating the slope of a lot, an average slope is used based on the elevations at the corners of the lot. The average slope of a lot, expressed as a percentage, is calculated by subtracting the average elevation of the uphill lot line and the average elevation of the downhill lot line and dividing the difference by the average distance between the two lot lines. The average elevation of the uphill or downhill lot line is calculated by adding the elevations at the ends of the lot line and dividing by two. See Figure 1.

Figure 1



[Ord. 08-29, 2008].

21.04.050 Measuring lot width.

- a. The width of a lot is calculated as horizontal distance between the side property lines of a lot, measured at right angles to the lot depth at the rear of the required front yard setback. See Figure 2.

Chapter 21.34 Slopes and Coastal Development

21.34.010 Purpose.

- a. The steep slopes overlay district regulates development activity and structures in areas affected by slopes, bluffs, ravines, and the coastal edge, and provides the means for additional review and protection to encourage safe and orderly growth to promote the health, welfare and safety of Homer residents.

21.34.020 Applicability.

This chapter applies to all development activity that disturbs the existing land surface, including without limitation clearing, grading, excavating and filling in areas that are subject to any of the following conditions:

- a. Lots with average slopes 15 percent or greater, bluffs, coastal edge and ravines;
- b. Located within 40 feet of the top or within 15 feet of the toe of a steep slope, bluff, coastal edge or ravine; and
- c. Any other location where the City Engineer determines that adverse conditions associated with slope stability, erosion or sedimentation are present.

21.34.030 Permit Required.

No development activity, including clearing and grading, may occur before the issuance of a zoning permit under Chapter 21.12 HCC

21.34.040 Drainage and erosion control.

All development on a site affected by a slope of 15 percent or more, bluff, coastal edge or ravine, as described in HCC 21.34.020, shall be subject to level two drainage and erosion control standards in HCC 21.51.030 in addition to the requirements of this section.

21.34.050 Stormwater management.

All development on a site affected by a slope of 15 percent or more, bluff, coastal edge or ravine, as described in HCC 21.34.020, shall be subject to a stormwater management plan in addition to the requirements of this section.

21.34.060 Slope development standards.

- a. Area of Development.
 1. Except where the City Engineer approves a site plan under HCC 21.34.060(b)(4) that provides for a larger area of development, the area of development on a lot with an average slope:
 - i. Of 15 to 30 percent shall not exceed 25 percent of the total lot area.
 - ii. Greater than 30 percent but less than 45 percent shall not exceed 10 percent of the total lot area.
 2. The area of development on a lot with an average slope of 45 percent or greater shall not exceed the area of development described in a site plan approved by the City Engineer under HCC 21.34.070.
- b. Setbacks. Subject to the exceptions to setback requirements in HCC 21.34.060(b)(4), all development activity is subject to the following setback requirements:
 1. No structure may be closer to the top of a ravine, steep slope or bluff than the lesser of:
 - i. Forty feet; or
 - ii. One-third of the height of the bluff or steep slope, but not less than 15 feet.
 2. No structure may be closer than 15 feet to the toe of a bluff.
 3. Structures shall be set back 40 feet from the coastal edge starting at the eastern extent of the City of Homer, adjacent to Kachemak Bay extending to the north-south section line dividing Sections 19 and 24 Township 6 South Range 14 West Seward Meridian, and excluding all property South of Mile Post 175 of the Sterling

Highway. All structures west of the section line shall be set back 60 feet from the coastal edge. No structure may be placed closer than 15 feet from the toe of a coastal edge.

4. Exceptions to setback requirements.
 - i. Any of the following may be located within a setback required by HCC 21.44.030(c):
 - a) A deck extending no more than five feet into the required setback.
 - b) An unoccupied accessory structure having a building area not greater than 200 square feet that is no closer than 15 feet to the top of any bluff or ravine.
 - c) A boardwalk, sidewalk, foot path or stairway that provides access to a beach, bluff or accessory structure, and that is located at or within three feet above ground level.
 - d) Development activity that the City Engineer determines is reasonably intended to stabilize an eroding coastal edge.
 - ii. No structure other than a structure described in subsections i. of this section may be located in a required setback without a variance issued in accordance with Chapter 21.10 HCC and a site plan approved by the City Engineer under HCC 21.11. [Ord. 22-32 § 2, 2022; Ord. 08-29, 2008].
- c. Natural Drainage. The site design and development activity shall not restrict natural drainage patterns, except as provided in this subsection.
 1. To the maximum extent feasible, the natural surface drainage patterns unique to the topography and vegetation of the site shall be preserved. Natural surface drainage patterns may be modified only pursuant to a site plan approved by the City Engineer under HCC 21.44.050, and upon a showing that there will be no significant adverse environmental impacts on the site or on adjacent properties. If natural drainage patterns are modified, appropriate soil stabilization techniques shall be employed.
 2. The site shall be graded as necessary to ensure that drainage flows away from all structures for a distance of at least 10 feet, especially where building pads are cut into hillsides.
 3. The development activity shall not cause an adverse effect on adjacent land and surrounding drainage patterns.
- d. Erosion Control During Construction.
 1. Erosion control methods approved by the City Engineer, including without limitation sediment traps, small dams and barriers, shall be used during construction and site development to protect water quality, control soil erosion and control the velocity of runoff.
 2. Winter Erosion Control Blankets. If development on a slope is not stabilized by October 15th, erosion control blankets (or a product with equivalent performance characteristics) must be installed upon completion of the seasonal work, but no later than October 15th. The erosion control blankets shall remain in place until at least the following May.
 3. Vegetation shall remain undisturbed except as necessary to construct improvements and to eliminate hazardous conditions, in which case it must be replanted with approved materials including ground cover, shrubs and trees. Native vegetation is preferred for replanting operations, and will be used where practicable.
 4. Grading shall not alter the natural contours of the terrain except as necessary for building sites or to correct unsafe conditions. The locations of buildings and roads shall be planned to follow and conform to existing contours as nearly as possible. [Ord. 22-32 § 2, 2022; Ord. 08-29, 2008].

21.34.070 Site plan requirements.

- a. No permit for development activity for which HCC 21.34.060 requires a site plan may be approved unless the City Engineer approves a site plan for the development activity that conforms to the requirements of this section. The City Engineer shall accept or reject the plan as submitted or may require that specific conditions be complied with in order for the plan to meet approval.

- b. The site plan shall be prepared by a qualified civil engineer licensed to practice in the State of Alaska and shall include the following information:
 - 1. The location of all watercourses, water bodies, and wetlands within 100 feet of the location of the proposed development activity.
 - 2. The location of all existing and proposed drainage structures and patterns.
 - 3. Site topography shown by existing and proposed contours with a maximum vertical interval of five feet.
 - 4. The location of all proposed and existing buildings, utilities (including on-site well and septic facilities), driveways and streets.
 - 5. The location of all existing vegetation types including meadow, forest and scrub lands, identifying all areas of vegetation that will be removed as well as vegetation to be preserved or replaced. Specifications for revegetation shall also be included.
 - 6. Temporary construction erosion controls and permanent erosion controls.
 - 7. A description of the stability of the existing soils on site and a narrative and other detail sufficient to demonstrate the appropriateness of the development and construction methods proposed.
 - 8. A grading plan for all areas that will be disturbed by the development activity with major point elevations labeled.
 - 9. A slope stability analysis including the following:
 - i. Summary of all subsurface exploration data, including subsurface soil profile, exploration logs, laboratory or in situ test results, and groundwater information;
 - ii. Interpretation and analysis of the subsurface data;
 - iii. Summary of seismic concerns and recommended mitigation;
 - iv. Specific engineering recommendations for design;
 - v. Recommended geotechnical special provisions;
 - vi. An opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes. [Ord. 22-32 § 2, 2022; Ord. 10-56 § 2, 2011].

Table 21.29.a Dimensional and Intensity Standards

		RR	NF	UR	M	DMU	CMU	LIMU	MC	MI	OSR	CO
Structure Height (maximum)		35-ft	35-ft.	35-ft	40-ft	20-ft min. to 50-ft max.	50-ft	55-ft ⁸	35-ft	35-ft	--	--
Building Orientation		--		--	--	Primary entrances shall face the street; parking located to the side or rear	--	--	--	--	--	--
Building Coverage (maximum)		30%	50%	50%	30%	70%	50%	50%	--	--	--	--
Impervious Coverage (maximum)		50%	70%	80%	--					70%		
Lot Size (minimum)				7,500-sf	7,500-sf	6,000-sf ³	20,000-sf ³	--	10,000-sf ⁶	6,000-sf	--	--
Served by both water and sewer		10,000-sf. ¹	7,500-sf. ¹	--	--	--	--	10,000-sf	--	--	--	--
Served by either water or sewer		20,000-sf. ¹	15,000-sf. ¹	--	--	--	--	--	--	--	--	--
Not served by water or sewer		40,000-sf. ¹	30,000-sf. ¹	--	--	--	--	40,000-sf	--	--	--	--
Lot area per additional dwelling	Dwelling – up to 4 units per	same as above	same as above	no additional area	--	no additional area	no additional area	--	--	--	--	--
	Dwelling -- Multi-Unit --	--	1,200-sf.	1,200-sf	--	1,200-sf	1,200-sf	--	--	--	--	--
Lot Width (minimum)		--	--	--	--	--	--	--	80-ft ⁶	--	--	--
Setback (minimum)	Front	20-ft ²	20-ft ²	20-ft ²	20-ft	Build-to Line: 0 to10-ft	Build-to Line: 5-15-ft	20-ft	0-ft	20-ft ⁷	--	--
	Side / rear	5-ft	5-ft.	5-ft	5-ft	5-ft. ⁴	5-ft ⁴	5-ft ⁵	5-ft	5-ft	--	--
Accessory - Detached	Size (maximum)		25 percent of a rear or side yard and no portion of a required front yard	Lesser of 1,200-sf and 25-percent of the rear/side yard	Lesser of 1,200-sf and 25-percent of the rear/side yard	--	Lesser of 1,200-sf and 25-percent of the rear/side yard	--	--	--	--	--
	Setback ^{3,4,5} (minimum)	Front	Same as principal structure	Same as principal structure	Same as principal structure	--	--	Same as principal structure	Same as principal structure	--	--	--
		Side				--	5-ft			--	--	--
		Rear				--	10-ft			--	--	--
	Location		Side or rear yard; minimum 5 feet from principal structure	Side or rear yard; minimum 5 feet from principal structure	Side or rear yard; minimum 5 feet from principal structure	--	Side or rear yard; minimum 5-ft from principal structure	Side or rear yard; minimum 5-ft from principal structure	Side or rear yard; minimum 5-ft from principal structure	--	--	--
Frontage		--		--	--	At least 60% of the lot frontage within the build-to line shall be occupied by a building facade.	--	--	--	--	--	--
Drainage and Erosion Control Standards		Level 1	Level 1	Level 1	Level 1 - Residential less than 5 units Level 2 - nonresidential development and multi-family 5 units or more	Level 1 - Residential less than 5 units Level 2 - nonresidential, mixed-use development and multi-family 5 units or more	Level 2	Level 2	Level 3	Level 3	Level 1	Level 1
Site Plan		--	--		Level 1	Level 1	Level 1	Level 2	Level 1	Level 2	Level 1	--
ROW Access Plan		--	--	--	Level 2 - non-residential development	Level 2	Level 3	Level 2	Level 1	Level 2	--	--

Footnotes

1. Plus same minimum lot size per dwelling unit in excess of one unit.
2. Adjacent to those rights-of-way that lead to Kachemak Bay and have been determined to be unsuitable for road construction as set forth by resolution of the City Council, all buildings shall be set back from the boundary of the right-of-way 5 feet.
3. 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
4. No side setback required for attached buildings on separate lots. A two-foot setback may be approved 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 Marshall
5. 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 Marshall.
6. Except for lots lawfully platted before December 12, 2006.
7. Setbacks from any lot line abutting an alley shall be 5 feet.
8. Administrative flexibility for buildings up to 75 feet in height may be granted for boat storage or construction purposes.

City of Valdez, AK
Thursday, January 15, 2026

Title 17. Zoning

Chapter 17.80. SPECIFIC USE STANDARDS

Article II. Residential and Housing Uses

§ 17.80.090. Short-term rentals.

- A. Purpose. The purpose of this section is to establish rules, regulations, and limitations on housing arrangements which are typically an alternative to traditional lodging/accommodation establishments such as hotels and motels. Short-term rentals provide lodging or housing for terms less than thirty days.
- B. Applicability. The standards herein apply to all short-term rentals as allowed pursuant to Table 17.16.040-1. The provisions of this section shall be applicable to all short-term rentals that provide accommodations for terms less than thirty days. Motels, hotels, lodges, and inns, rental cabins, and long-term residential rentals (thirty days or more) are not subject to the provisions of this section.
- C. Specific Use Standards.
 - 1. Review. Short-term rentals shall be established through a short-term rental application and permit, provided by the community development department. The city may establish or modify a limit on the number of short-term rental permits it allows within the municipal limits, as established by resolution of the city council.
 - 2. Issuance. Permits will be issued and require renewal on an annual basis. During annual permit renewal period, the applicant must demonstrate that the short-term rental has been active (in both advertising and use) during the prior permit period.
 - 3. Types of Rental Situations. Short-term rentals may be permitted as one of the following:
 - a. Dwelling Units. In these situations, a temporary tenant/guest may rent and occupy an entire dwelling unit which may include a house or apartment. These units typically possess a kitchen, bathroom, and any number of sleeping rooms. Dwelling units may have the capacity to support multiple temporary tenants.
 - b. Rooms Within Dwelling Units. In these situations, individual sleeping rooms within a dwelling unit are rented/leased to temporary tenants/guests and the larger dwelling unit may be shared with the permanent resident. Rooms have limited tenant/guest capacity due to their size.
 - 4. Business Registration. Permitted short-term rentals shall maintain an active business registration pursuant to Title 5.
 - 5. Owner/Caretaker Registration. The owner shall register the name and contact information of the responsible caretakers/property manager with the city so that public safety officials can effectively respond to neighborhood complaints or safety-related events. The owner shall also post the caretaker/property manager contact information within each rental.

6. Inspection Required. Prior to issuance of a short-term rental permit, the unit will be subject to an inspection to determine that the rental unit is safe for human occupancy and in compliance with the Valdez building code. Each rental unit shall have adequate egress, functional smoke detectors, carbon monoxide monitors, fire extinguishers and other safety features as determined by the community development director. Approved units may be subject to inspection during subsequent renewals.
7. Transferability. Short-term rental permits are for specific properties and are not transferable to any other properties. Short-term rental permits are transferable to a new owner, if the property on which the short-term rental is located changes ownership.

(Ord. 24-01 § 1; Ord. 24-13 § 1)

Appendix H: Land Use and Environment Chapter Background

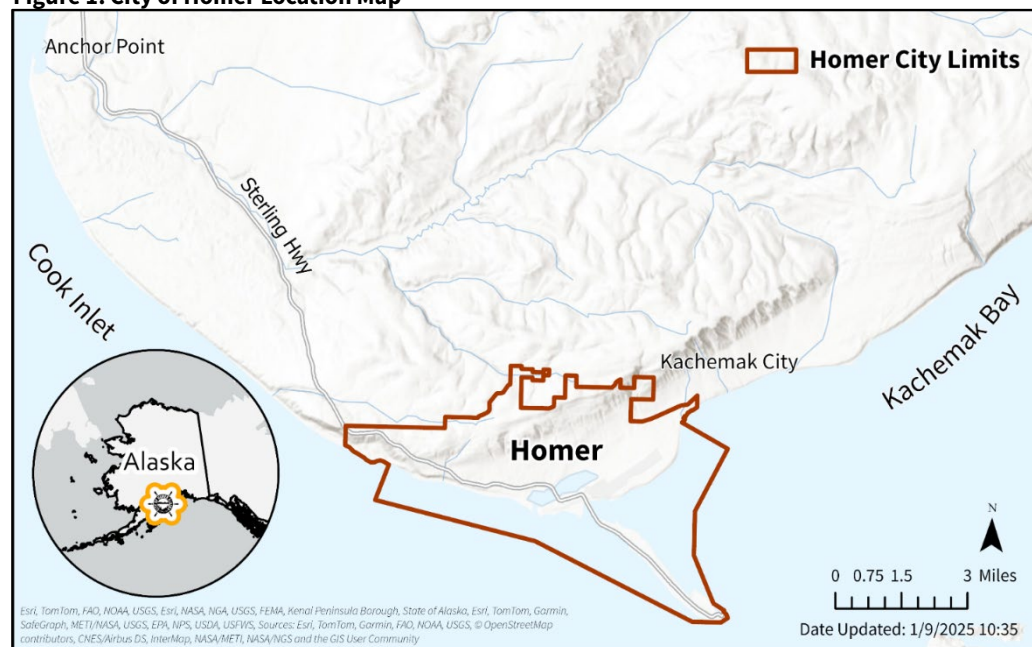
Supplemental Maps

This appendix provides a series of supplemental maps that informed development of the Future Land Use Map and corresponding policies in the Land Use and Environment chapter of the Core Plan. These figures present key background data on land ownership, existing land use patterns, current zoning, and environmental conditions within the City of Homer. Together, they offer geographic context and spatial analysis that supported the planning process.

Figures included in this appendix:

- **Figure 1:** City of Homer Location Map
- **Figure 2:** City of Homer Ownership Map
- **Figure 3:** City of Homer Current Land Uses Map
- **Figure 4:** City of Homer Zoning Map
- **Figure 5:** Environmental Constraints Overlay
- **Figure 6:** Environmental Constraints Overlay: Conditions
- **Figure 7:** Table of Descriptions in Environmental Constraints Overlay: Conditions
- **Figure 8:** Table of Description and map for Moose Habitat
- **Figure 9:** Environmental Constraints Overlay: Designations

Figure 1: City of Homer Location Map



These maps represent the best available data at the time of plan drafting and were used to identify development opportunities and environmental limitations across the community.

Figure 2: City of Homer Ownership Map

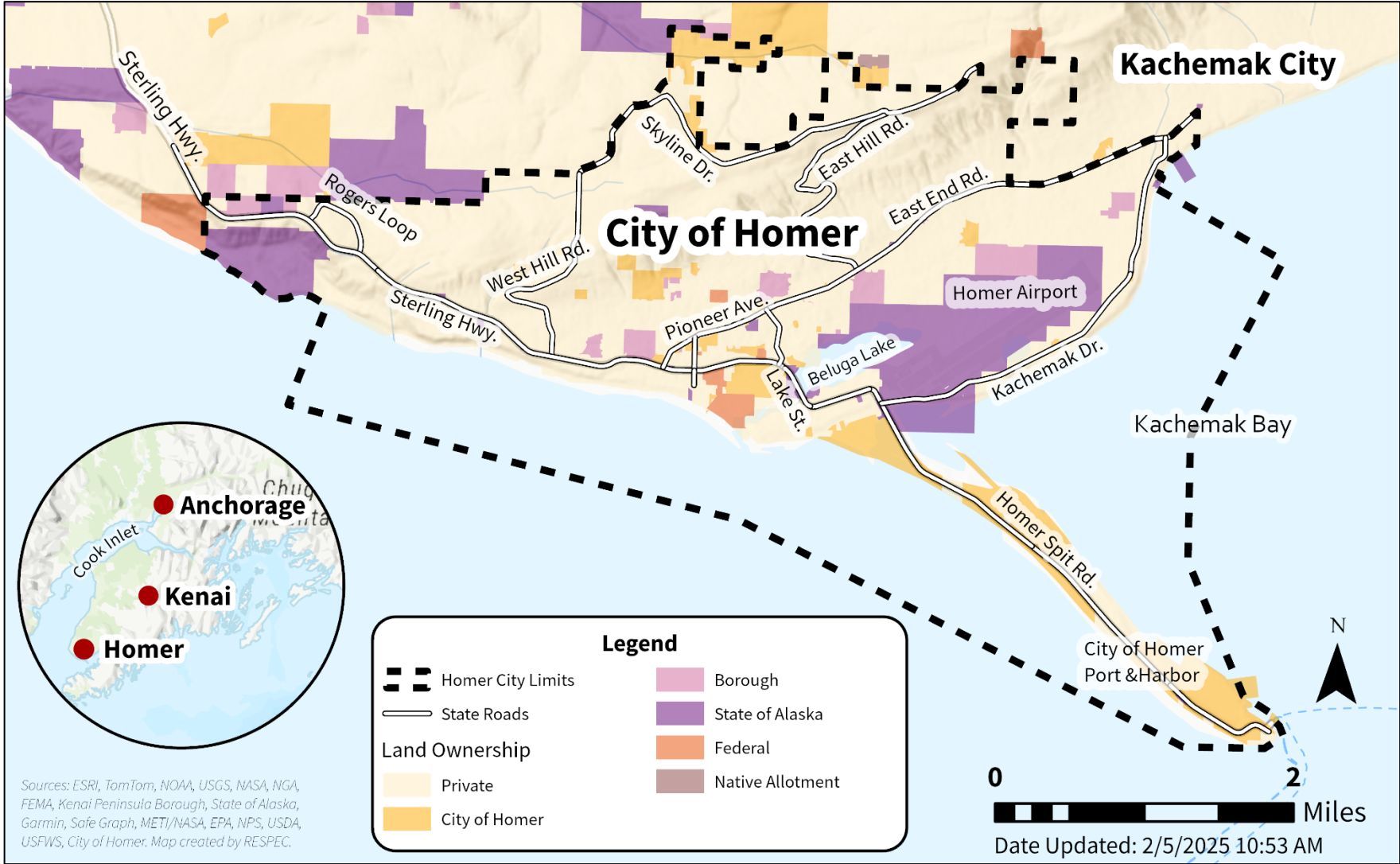


Figure 3: City of Homer Current Land Uses Map

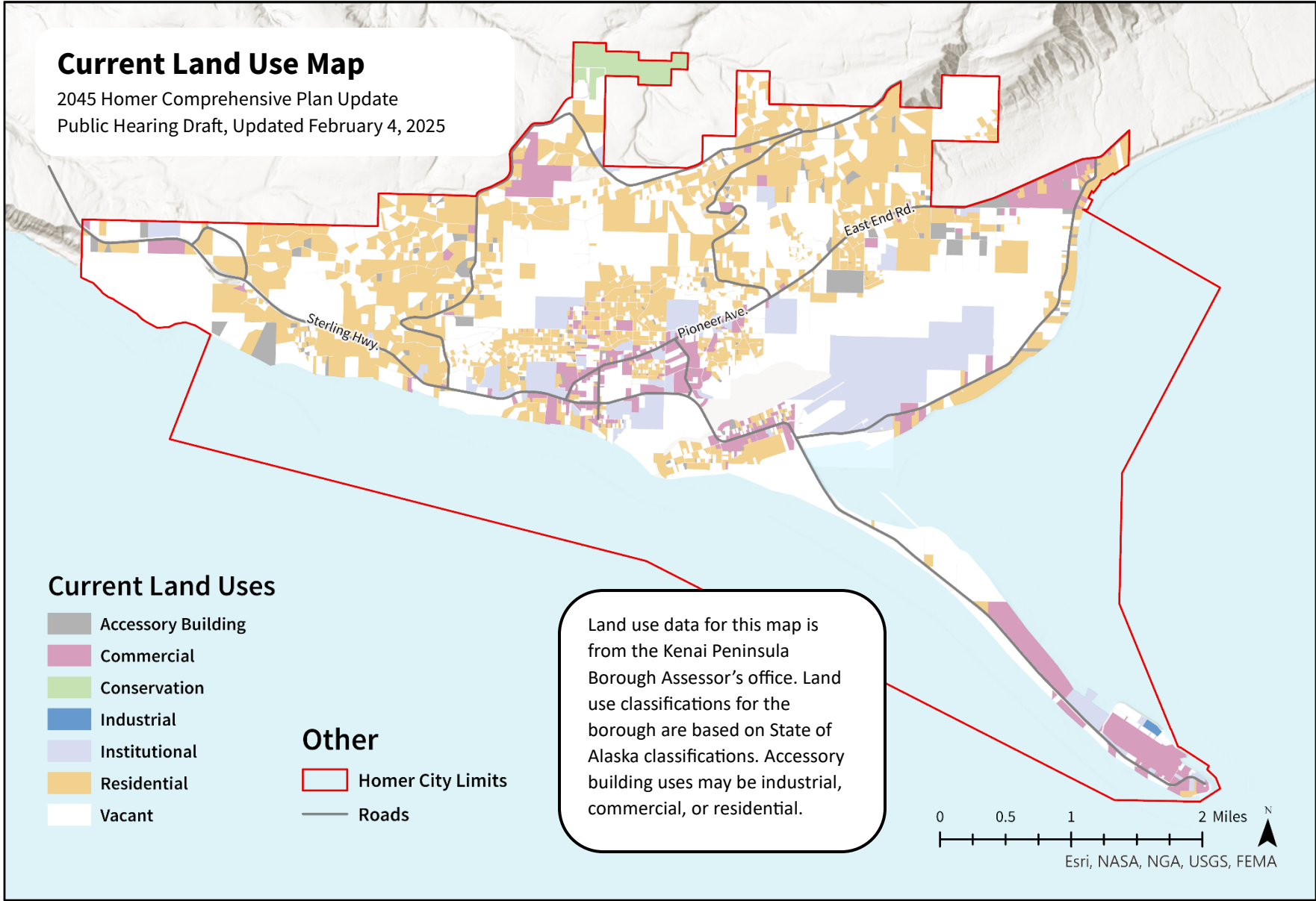
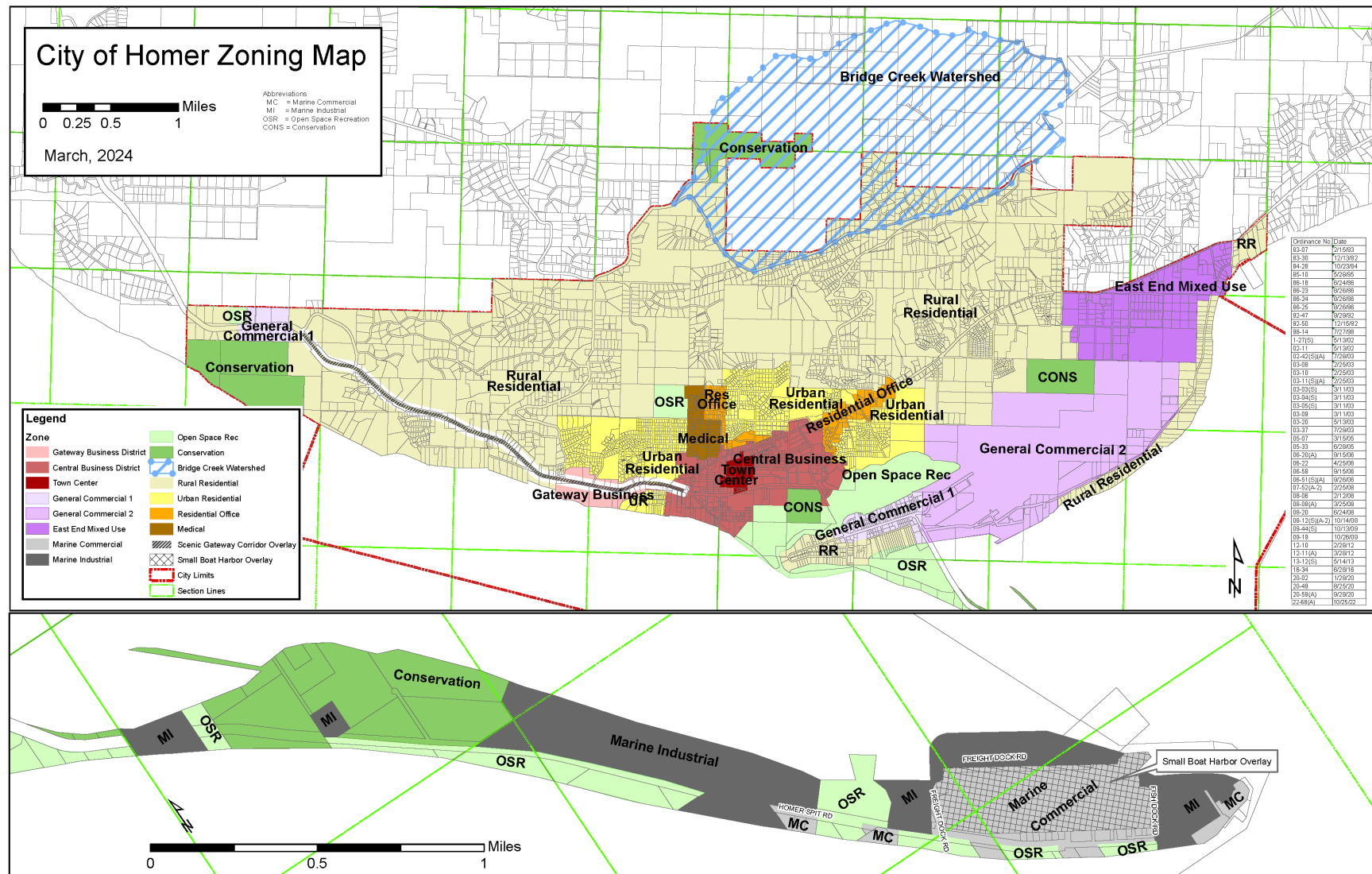


Figure 4: City of Homer Zoning Map



Environmental Constraints Overlay

The Environmental Constraints Overlay is a planning tool developed to support the Future Land Use Map and guide long-term land use policy decisions. It brings together a range of environmental data to illustrate where physical and ecological conditions may present limitations to development or require special consideration. The overlay is organized below into two maps:

- **Conditions** include physical characteristics of the landscape that may pose risks or limitations for development, such as watersheds, steep slopes, scarps, floodplains, hydric soils, and areas of high erosion potential.
- **Designations** include areas that are formally recognized by public entities for conservation or ecological value, such as the Homer Airport Critical Habitat Area.

The Environmental Constraints Overlay accompanies the Future Land Use Map's base designations for the Plan. It provides a general illustration of environmental constraints that may affect development, based on approximate data. **It is not intended to serve as a definitive guide for site-specific decisions.** Detailed technical analysis should be conducted as part of any proposed site development to fully assess conditions. Additionally, users are encouraged to consult the original source data for each mapped constraint; citations for these sources are provided below.

Figure 5: Environmental Constraints Overlay

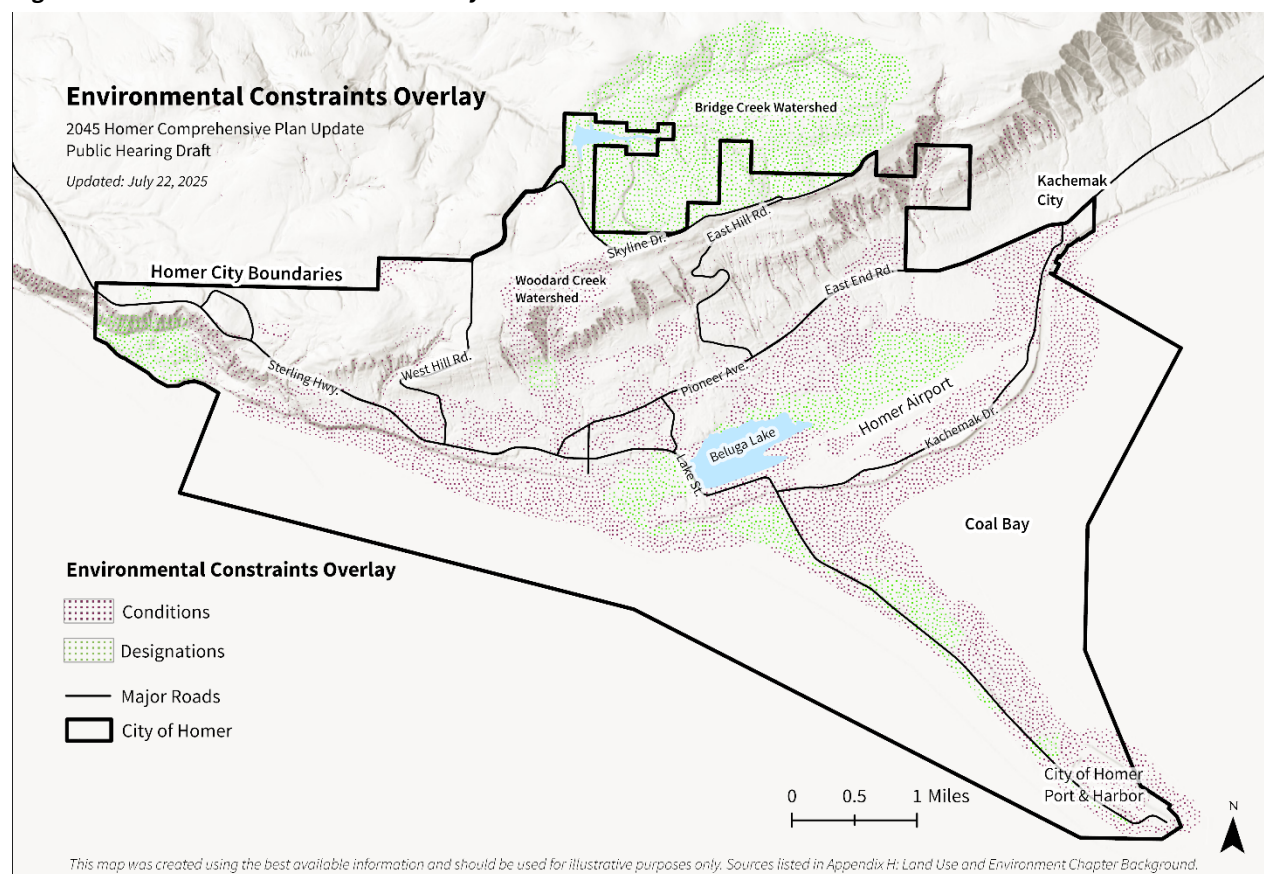


Figure 6: Environmental Constraints Overlay: Conditions

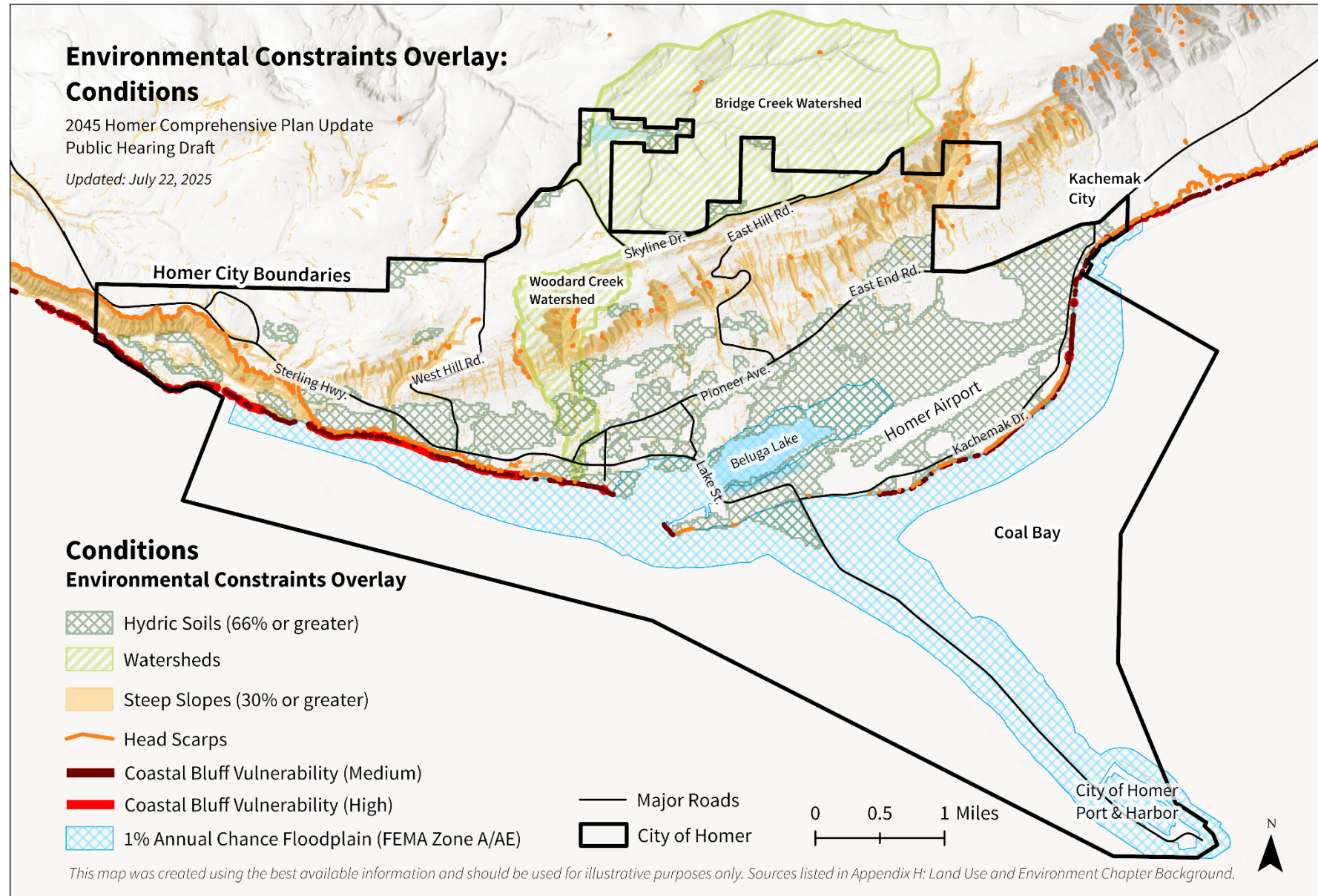
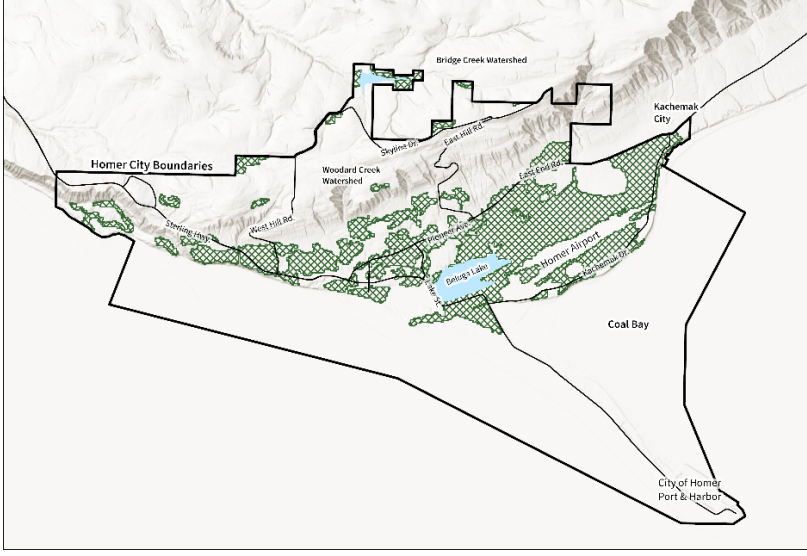
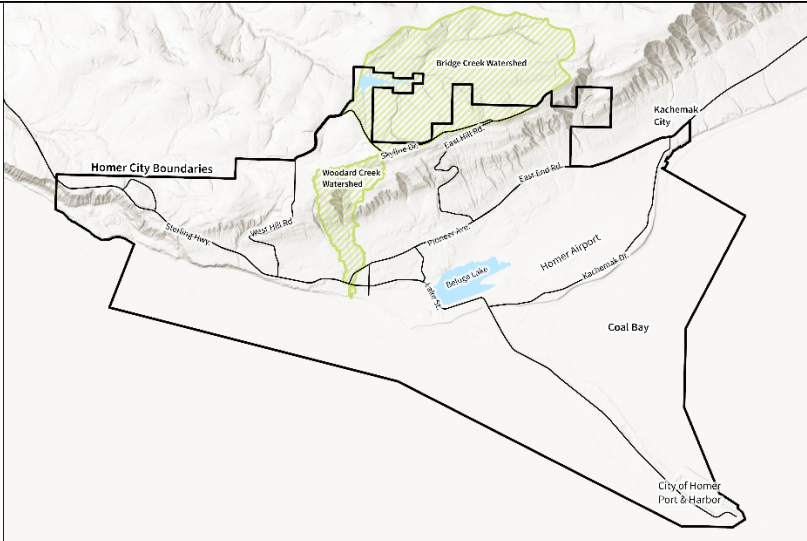
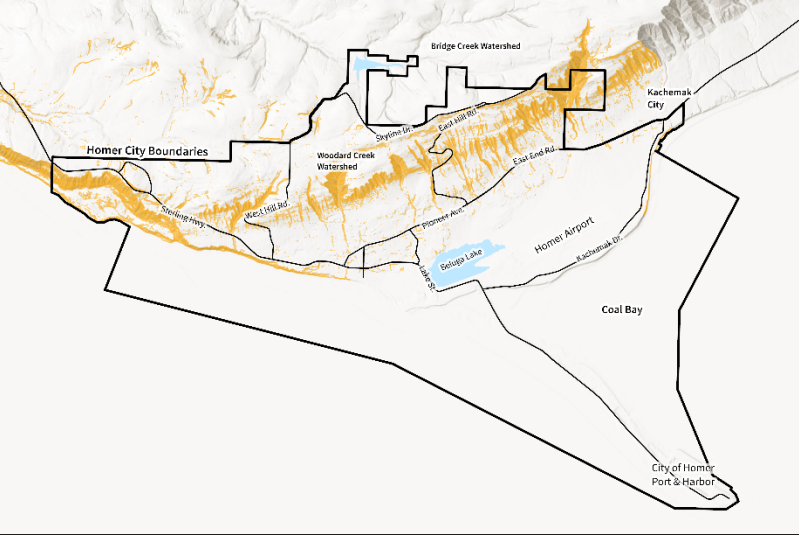
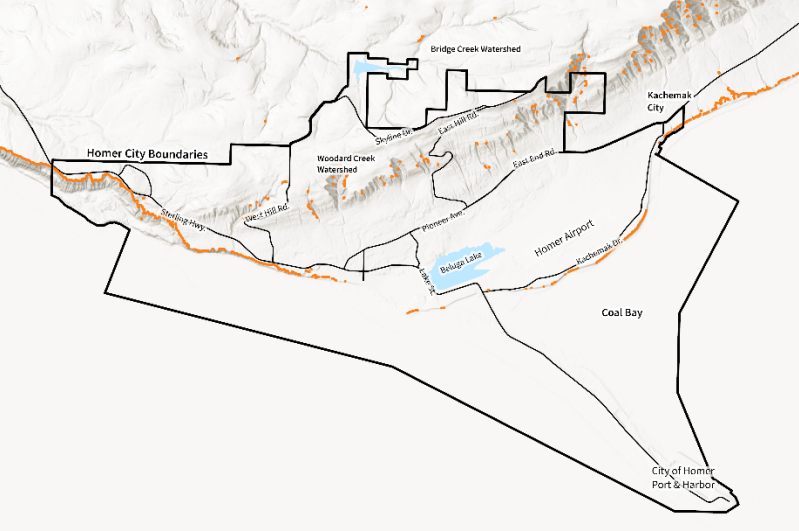


Figure 7: Table of Descriptions in Environmental Constraints Overlay: Conditions

Name, Description, and Source	Map Element
<p>Hydric Soils (66% or greater)</p> <p>The constraints map shows partially (66-90%) and predominantly (more than 90%) hydric soils. Hydric soils are defined as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile. They often signal the presence of wetlands or other areas with limited development potential due to poor drainage, seasonal inundation, or regulatory protections. They also help identify important ecological areas that provide natural water filtration, habitat, and flood mitigation functions.</p> <p>Source: U.S. Department of Agriculture, Natural Resources Conservation Service. (2024). Soil Survey Geographic Database (SSURGO) [Data set]. https://sdmdataaccess.sc.egov.usda.gov</p>	
<p>Watersheds</p> <p>A watershed is an area of land where all the water – whether from rain, snowmelt, or streams – drains into a common outlet, such as a bay or river. In Homer, key watersheds include Bridge Creek, which supplies the city's drinking water, and Woodard Creek, which flows through downtown and into Kachemak Bay. These watersheds are vital for maintaining water quality, managing stormwater, and supporting fish habitats.</p> <p>Source: City of Homer. (2024). <i>Watershed Boundaries</i> [GIS data]. City of Homer GIS Department. Retrieved from https://www.cityofhomer-ak.gov</p>	

Name, Description, and Source	Map Element
<p>Steep Slopes (30% or greater)</p> <p>This layer highlights areas where the land surface rises sharply – slopes of 30 percent or more. Steep slopes can signal places where development may be more difficult due to poor soil stability, erosion potential, and increased costs. They can also indicate areas at higher risk of landslides. For more detailed landslide information in Homer – including mapped debris flows and slope failure zones – see the <i>2024 Landslide Hazard Susceptibility Mapping in Homer, Alaska</i> report. <i>Note that the study focuses on smaller-scale landslides and does not assess large landforms like the Bear Creek alluvial fan, which may also present risks.</i></p> <p>Source: Developed from: Esri. (n.d.). <i>Terrain - Slope Percent</i> [Data set]. ArcGIS Living Atlas. Retrieved [insert retrieval date], from https://www.arcgis.com/home/item.html?id=304e82c39ca14273b41c26f07e692e93</p>	
<p>Head Scarps</p> <p>This layer shows the mapped upper edges of past landslides – known as head scarps – identified through high-resolution lidar analysis by the Alaska Division of Geological & Geophysical Surveys. These features mark the original failure points of slope movements and may indicate areas of ongoing or future instability, even when no landslide deposits are visible on the surface. In Homer, head scarps are often found in steep upland areas and coastal bluffs, where they help identify terrain that may not be suitable for development without further geotechnical study.</p> <p>Source: Salisbury, J. B. (2024). <i>Landslide hazard susceptibility mapping in Homer, Alaska</i> (Report of Investigation 2024-3). Alaska Division of Geological & Geophysical Surveys. Retrieved from https://dggs.alaska.gov/pubs/id/31155</p>	

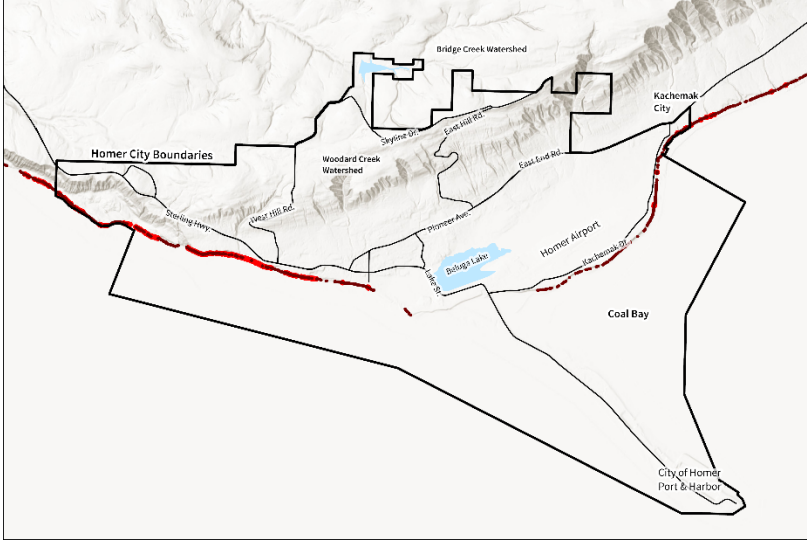
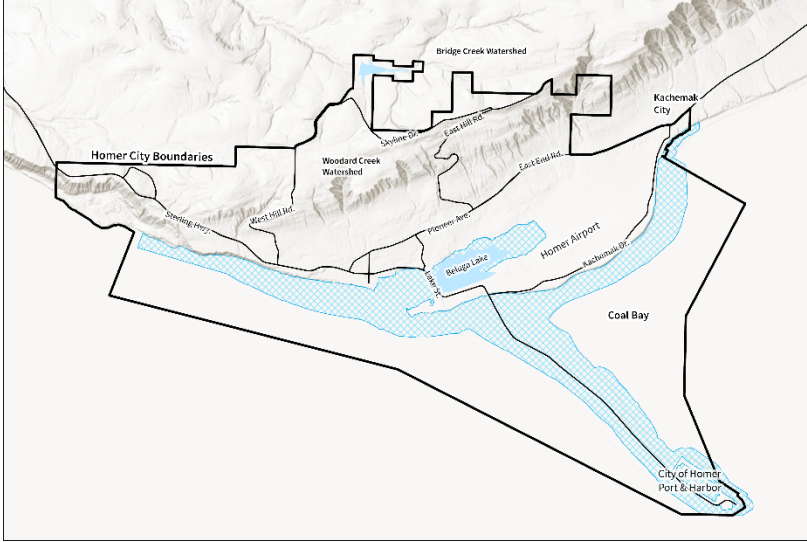
Name, Description, and Source	Map Element
<p>Coastal Bluff Vulnerability</p> <p>This layer shows areas along Homer’s coastline classified as having medium or high vulnerability to bluff instability, based on the 2022 <i>Coastal Bluff Stability Assessment for Homer, Alaska</i> by the Alaska Division of Geological & Geophysical Surveys. These classifications are based on historical erosion rates, bluff height, slope, and the likelihood of future retreat. High vulnerability zones indicate areas where coastal erosion and slope failure are more likely to occur and may pose risks to nearby infrastructure or development. Including these areas on the constraints map helps inform decisions about shoreline development, safe access points, and hazard mitigation.</p> <p>Source: Buzard, R.M., & Overbeck, J.R. (2022). <i>Coastal bluff stability assessment for Homer, Alaska</i>. https://dggs.alaska.gov/pubs/id/30908</p>	
<p>1% Annual Chance Floodplain (FEMA Zone A/AE)</p> <p>This layer identifies areas within Homer that have a 1% annual chance of flooding—commonly known as the “100-year floodplain”—as defined by FEMA’s Zone A and AE designations. These zones represent the highest flood risk areas mapped by FEMA and are often subject to stricter building and insurance requirements. Other FEMA flood zones, such as areas of minimal or undetermined flood risk, are not included here to maintain clarity and emphasize the most critical flood hazard zones for planning purposes.</p> <p>Source: Federal Emergency Management Agency. (n.d.). <i>Digital Flood Insurance Rate Map Database, City of Homer, Alaska, USA</i>. Retrieved from https://catalog.data.gov/dataset/digital-flood-insurance-rate-map-database-city-of-homer-alaska-usa</p>	

Figure 8: Moose Habitat Map and Description



Moose are important wildlife on the southern Kenai Peninsula for fall harvest and year-round wildlife viewing. Lands within Homer provide important wintering and calving habitat that help sustain the population. While many moose have become acclimatized to Homer's human population, maintaining migration corridors from the higher elevation benchlands north of Homer, where they spend the summer and fall months, to low elevation habitats such as the Homer Airport Critical Habitat Area, where they spend the winter months, remains important for a sustainable population. The polygon on the map shows the region moose typically use in winter and summer to migrate between higher and lower elevations. Identifying undeveloped and lightly developed parcels in this area and in wintering areas in the city for moose habitat conservation will allow moose to continue their annual movements. Source: Lynn Whitmore, Kachemak Moose Habitat Inc. President (2024).

Figure 9: Environmental Constraints Overlay: Designation

