



## Agenda

### Planning Commission Worksession

Wednesday, August 2, 2023 at 5:30 p.m.

Cowles Council Chambers In-Person and Via Zoom Webinar

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#### Homer City Hall

491 E. Pioneer Avenue  
Homer, Alaska 99603  
[www.cityofhomer-ak.gov](http://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

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#### CALL TO ORDER, 5:30 P.M.

#### AGENDA APPROVAL

#### DISCUSSION TOPIC(S)

- A. Ordinance 23-40, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Sections 21.12, Rural Residential District; 21.14 Urban Residential District; 21.18 Central Business District; 21.24 General Commercial 1 District; 21.26 General Commercial 2 District Regarding Conditional Uses in Each District. Lord/Mayor. Introduction and Referred to Planning Commission and Economic Development Advisory Commission June 12, 2023  
Second Reading and Public Hearing August 28, 2023 **page 6**
- Staff Report PC 23-46 from City Planner as backup. **page 3**
- Public Comment Received on Ordinance 23-40 **page 13**

#### CONSENT AGENDA ITEM(S)

#### REGULAR AGENDA ITEM(S)

#### COMMENTS OF THE AUDIENCE (3 minute time limit)

#### ADJOURNMENT

Next Regular Meeting is **Wednesday, August 2, 2023 at 6:30 p.m.** All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar.





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

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Homer, Alaska 99603

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(p) 907-235-3106

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### Staff Report PL 23-46

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

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### Introduction

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

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

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

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

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

Goals: Slow sprawl, put density where it is planned

**Comments: Commissions support the proposed ZTA**

**UR** Impact: Removes up to 4 units dwellings outright

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

Fit: None noted

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

**Comments/Edits: Commissions support the proposed ZTA**

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

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

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

**Comments: Commissions do not support the proposed ZTA**

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

Fit: None noted

Goals: District is difficult to safely accommodate pedestrians

Comments: **Commissions do not support the proposed ZTA**  
When to address wildlife/wetlands?  
Typographical error in City Code, pp not on website, oo is correct

**GC2**      **Not reviewed, all present support the proposed ZTA**

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

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

Goals:      Could use affordable housing

**Comments:    Commissions do not support the proposed ZTA**

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

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

Goals:      None noted

**Comments:    Commissions support the proposed ZTA**

Consider similarities/differences between districts in HCC

**Attachments:**

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

City of Homer Zoning Map

CITY OF HOMER  
HOMER, ALASKA

Lord/Mayor

ORDINANCE 23-40

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

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

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

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

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

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

NOW THEREFORE, The City of Homer Ordains:

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

Chapter 21.12.020 Permitted Uses and Structures

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

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

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

21.12.030 Conditional Uses and Structures

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

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:

~~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 HCC Chapter 21.71:

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

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

21.16.020 Permitted Uses and Structures.

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

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

21.16.030 Conditional uses and structures.

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

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

Section 4. Homer City Code Chapter 21.18, Central Business District is amended 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 reason set forth in this chapter:

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

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

21.22.020 Permitted Uses and Structures.

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

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

21.22.030 Conditional Uses and Structures.

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

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



91 21.24.020 Permitted Uses and Structures.

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

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

96 21.24.030 Conditional Uses and Structures.

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

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

100 21.24.020 Permitted Uses and Structures.

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

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

105 21.26.030 Conditional Uses and Structures.

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

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

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110 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_ day of \_\_\_\_\_, 2023.

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CITY OF HOMER

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\_\_\_\_\_  
KEN CASTNER, MAYOR

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120 ATTEST:  
121  
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123 \_\_\_\_\_  
124 MELISSA JACOBSEN, MMC, CITY CLERK  
125  
126 Introduction:  
127 Public Hearing:  
128 Second Reading:  
129 Effective Date:  
130  
131 YES:  
132 NO:  
133 ABSTAIN:  
134 ABSENT:





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

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

Dear City Council and Planning Commission,

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

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

Frank Griswold

## **CITY OF HOMER HOMER, ALASKA**

### **ORDINANCE 23-40**

Lord/Mayor

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

