

Introduced by: Mayor  
Date: April 14, 1981  
Hearing:  
Vote: Failed to be set for hear.  
Action:

KENAI PENINSULA BOROUGH

ORDINANCE 81-33

REVISING THE HOMER MUNICIPAL DISTRICT ZONING CODE AND PROVIDING FOR ALTERED LAND USE REGULATIONS WITHIN THE HOMER MUNICIPAL DISTRICT.

WHEREAS, the Homer Advisory Planning Commission, after public hearing, has recommended that the Homer Municipal District Zoning code be comprehensively revised and updated; and

WHEREAS, the Borough Planning Commission, after public hearing, has recommended that the Assembly revise the Homer Municipal District Zoning Code as proposed by the Homer Advisory Planning Commission; and

WHEREAS, the Homer City Council has requested that the Assembly revise the zoning code for that portion of the Borough within the boundaries of the city of Homer;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That Chapter 21.32 of the Borough Code of ordinances is repealed and re-enacted to read:

21.32.010 Homer zoning code definitions. A. For the purpose of Chapters 21.28 through 21.68, the following words used herein shall be interpreted or defined as set forth in this chapter.

B. When not inconsistent with the context, words used in the present tense shall include the future, the singular number includes the plural, the word "person" includes a firm, partnership or corporation as well as an individual; the word "lot" includes the words "plot," "piece," "parcel"; the term "shall" is always mandatory; and the words "used" or "occupied" shall be construed to include the words "intended," "arranged," or designed to be used or occupied.

21.32.020 Terms defined.

Accessory use or building. "Accessory use or building means a use or building customarily incidental and subordinate to and located on the same lot with the principal building.

Agricultural building. "Agricultural building" means a building located in the unclassified district and used to shelter farm implements, hay, grain, poultry, livestock, or other farm products, in which there is no human habitation and which is not used by the public.

Alley. "Alley" means a public thoroughfare less than 30 feet in width, which affords only a secondary means of access to abutting property.

Alterations. "Alterations" means any change, addition or modification in construction or occupancy.

Apartment house. For "Apartment house" see "Dwelling, multiple."

Automobile wrecking. "Automobile wrecking" means the dismantling of used motor vehicles or trailers or the storage or sale of parts from dismantled or partially dismantled, obsolete or wrecked vehicles.

Basement. "Basement" means a story partly or wholly underground. See definition of "Story."

Boardinghouse. "Boardinghouse" means a building other than a hotel with not more than 5 sleeping rooms where lodging, with or without meals, is provided for compensation for 3 or more persons, but not exceeding 15 persons.

Boat Storage. A parcel of land and buildings thereon used for the commercial dry storage of boats.

Building. "Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Building area. "Building area" means the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of steps.

Building code. "Building code" means the building code of the city and/or other building regulations applicable in this district.

Building, existing. "Existing building" means a building erected prior to the adoption of this chapter and Chapters 21.28 through 21.70 or one for which a legal building permit has been issued.

Building height. "Building height" means the vertical distance from the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

Building line, front. "Front building line" means the line of that part of the building nearest the front line of the lot.

Building, principal or main. "Principal or main building" means a building in which is conducted the principal or main use of the lot on which said building is situated.

Business, Retail. The retail sales of any article, substance or commodity for profit or livelihood.

Business, Wholesale. An activity requiring the wholesale handling of any article, substance or commodity for profit or livelihood.

Campground. A parcel of land where two or more campsites are located, which provides facilities for temporary recreational living in any manner other than a permanent building.

Cemetery. 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.

Church. A building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Clinic. A building or portion thereof containing offices and facilities for providing medical, dental or psychiatric services, including a dispensary to handle medication and other merchandise prescribed by occupants in connection with their medical practices.

Comprehensive Plan. A set of documents including reports, plans and maps which have been adopted by the proper authority for the purpose of guiding public decisions, especially as they relate to the economic, social and physical growth and development or redevelopment of the city.

Concept Plan. A generalized plan showing a developer's concept of how a parcel of land might be used and developed.

The plan is prepared by the developer as a basis for discussion and for reaching preliminary agreements with the Planning Commission.

Condominium. A building subject to Alaska Horizontal Property Regimes Act. A residential condominium is a multi-family dwelling. The status of a non-residential condominium shall be determined by the specific use.

Construction Camp. A group of buildings, trailers, mobile homes or similar structures used to house workers and/or employees for logging, mining, offshore and onshore construction and development projects, installed primarily for the duration of the project or operation and not open for use by the general public as a tourist camp or for permanent mobile home living.

Day Car Facilities. Any home, place or institution which provides babysitting care during the day or by the hour for three or more children, usually under the age of six.

Dredging/Filling. An activity which involves excavating along the bottom of a water body for the purpose of channeling, creating a harbor, mineral extraction, etc., and the subsequent deposition of the dredge material to build up or expand an existing land mass or to create a new one.

Dwelling. "Dwelling" means a building or portion thereof designed exclusively for residential occupancy.

Dwelling groups. "Dwelling groups" means a group of 2 or more, detached or semidetached 1-family, 2-family or multifamily dwellings occupying a parcel of land, in 1 ownership and having any yard or court in common, but not including motels and hotels.

Dwelling, multiple-family. "Multiple-family dwelling" means a building used or designed as a residence for 3 or more families living independently of each other.

Dwelling, 1-family. "1-family dwelling" means a detached building designed exclusively for occupancy by 1 family.

Dwelling, 2-family. "2-family dwelling" means a detached building designed exclusively for occupancy by 2 families living independently of each other, but under 1 roof.

Dwelling unit. "Dwelling unit" means 1 or more rooms in a dwelling or apartment hotel designed for occupancy by 1 family for living or sleeping purposes and having kitchen and bath facilities.

Exception. "Exception" means a form of variance granted:

A. To a public utility or public service organization by virtue of their special public status in the community;

B. For some public non-commercial use, regardless of to whom granted;

C. To anyone for the temporary use of a building or premises for non-conforming use, provided that such structure or use is of a temporary nature and is promotive of or incidental to the construction, establishment or development of a use that conforms to the regulations for the use district in which it is located. Such permit shall be granted in the form of a temporary and revocable permit for not more than 1-year period.

Extractive Enterprises. Uses and activities which involve the removal of ores, liquids and other minerals and substances from the earth's surfaces and subsurfaces.

Family. "Family" means 1 or more persons occupying a premises and living as a single housekeeping unit in a dwelling unit.

Fence height. "Fence height" means the vertical distance between the ground, either natural or filled, directly under the fence and the highest point of the fence.

Floor Area. The total area of all floors of a building as measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.

Floor Area Ratio. The ratio of floor area permitted on a zoning lot to the size of the lot.

Garage, private. "Private garage" means a building, or a portion of a building, not more than 1000 square feet in area, in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

Garage, public. "Public garage" means a building other than a private garage used for the care, repair or equipment of automobiles, or where such vehicles are parked, or stored, for remuneration, hire or sale.

Garage, storage. "Storage garage" means any premises except those described as a private or public garage, used exclusively for the storage of self-propelled vehicles.

Group Care Home. Any home, place or institution maintained and operated for the care, boarding, housing and training of four or more physically, mentally or socially

handicapped persons, or delinquent or dependent persons, by any person who is not the parent or guardian of and who is not related by blood, marriage or legal adoption to such persons.

Guest House. An accessory building without kitchen or cooking facilities and occupied solely by non-paying guests, or by persons employed on the premises.

Heliports. Any place including airports, fields, rooftops, etc., where helicopters regularly land and take off and may be serviced and stored.

Home Occupation. Any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with there is no display of stock in trade, no outside storage of materials or equipment, no commodity sold upon the premises and not more than 2 persons are engaged in such occupation.

Hotel. "Hotel" means a building designed for occupancy as the more or less temporary place of abode for individuals who are lodged with or without meals, in which there are 6 or more guest rooms, and in which no provision is made for cooking in any individual room or suite.

Junkyard. "Junkyard" means any space 100 square feet or more of the area of any lot used for the storage, keeping or abandonment of junk or waste material, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts thereof.

Kennels. A parcel of land and/or buildings thereof where three or more dogs, cats, or other animals at least four months of age are kept for boarding, propagation or sale.

Loading Space. "Loading space" means an off-street space on the same lot with a building or contiguous to a group of buildings, designated or intended for the use of temporarily parking commercial vehicles while loading and unloading, and which abuts upon a street, alley or other appropriate means of access.

Lot. A parcel of land shown on a subdivision map or a record of survey map, or described by metes and bounds and recorded in the office of the district recorder of the City of Homer, (and/or a building site in 1 ownership having an area for each main building as hereinafter required in each zone and having frontage upon or access by adequate public easement to a public street, road or highway).

Lot Area. "Lot area" means the total horizontal net area within the lot lines of a lot or parcel, exclusive of streets, highways, roads and alleys.

Lot, corner. "Corner lot" means a lot situated at the intersection of 2 or more streets having an angle of intersection of not more than 135 degrees.

Lot depth. "Lot depth" means the horizontal distance between the front and rear lot lines measured on the longitudinal centerline.

Lot, interior. "Interior lot" means a lot other than a corner lot.

Lot, key. "Key lot" means the first interior lot to the rear of a reversed corner lot and not separated therefrom by an alley.

Lot line, front. "Front lot line" means, in the case of an interior lot, a line separating the lot from the street, or place; in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street. In the case of a square, or nearly square-shaped corner lot, the owner may choose which street he shall designate as the front of the lot. Once the choice of frontage has been made, it cannot be changed unless all requirements for yard space are complied with.

Lot line, rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot line and, in case of an irregular, triangular or goreshaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot line, side. "Side lot line" means any lot boundary line not a front lot line or a rear lot line.

Lot, reversed corner. "Reversed corner lot" means a corner lot the side street line of which is substantially a continuation of the front line of the lot to its rear.

Lot, through. "Through lot" means a lot having a frontage on 2 parallel or approximately parallel streets.

Lot width. "Lot width" means the horizontal distance between the side lot lines measured at right angles to the longitudinal centerline.

Mobile Home. A structure transportable in one or more sections, each built on a permanent chassis, and which is designed to be used for permanent occupancy as a dwelling. Any such vehicle or structure shall be deemed to be a mobile home whether or not the wheels have been removed

sories, and such other services which do not customarily or usually require the services of a qualified automotive mechanic. When the retail sale and dispensing of motor fuels, lubricants, and accessories is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

Setback. "Setback" means the distance between the lot line and the front building line.

Sign. "Sign" means any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names, or trademarks, by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from any public street or highway and used to attract attention.

Site Plan. A plan, to scale, showing the proposed use and development of a parcel of land. The plan generally includes lot lines, streets, building sites, reserved open space, buildings, major landscape features -- both natural and manmade -- and the locations of proposed utility lines.

Stable, Private. An accessory building in which horses are kept for private use and not for boarding, hire or sale.

Stable, Public. A building in which horses are kept for boarding, hire or sale.

State Highway. "State highway" means a right-of-way classified by the state of Alaska as a primary, secondary A, or secondary B highway.

Story. "Story" means that portion of a building included between the upper surface of any floor and that 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 6 feet above grade, such basement or cellar shall be considered a story.

Story, Half. "Half story" means a story with at least 2 of its opposite sides situated in a sloping roof, the floor area of which does not exceed 2/3 of the floor area immediately below it.

Street. "Street" means a public thoroughfare including public roads or highways 30 feet or more in width, which affords principal means of access to abutting property.



therefrom and whether or not resting upon a temporary or permanent foundation.

Mobile Home Park. A parcel of land which has been planned and improved for the placement of two or more mobile homes for non-transient use. The term does not include tourist facilities for travel trailers, campers, motor homes or other facilities.

Motel. "Motel" means a group of one or more detached or semidetached buildings containing 2 or more individual dwelling units and/or guest rooms, designed for or used temporarily by automobile tourists or transients, with a garage attached or parking space conveniently located to each unit, including groups designated as auto courts, motor lodges or tourist courts.

Nonconforming Lot. A parcel of land which lawfully existed as a lot in compliance with all applicable ordinances and laws, but which no longer conforms to the lot area requirements for the zoning district in which it is located because of the application of a subsequent zoning ordinance.

Nonconforming Structure. A structure or portion thereof which was lawfully established in compliance with all applicable ordinances and laws, but which no longer conforms because of the application of a subsequent zoning ordinance.

Nonconforming Use. "Nonconforming use" means a use which lawfully occupied a building or land as of May 5, 1981, and which does not conform with the use regulations of the zone in which it is located.

Nursing Home. Any home, place or institution which operates and maintains facilities providing convalescent and/or chronic care for a period exceeding twenty-four hours for two or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick.

Occupancy. "Occupancy" means the purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

Off-Street Parking Space. "Off-street parking space" means a parking space with independent access, not included within the established front yard setback.

Open Space. Areas of varying sizes which generally are developed for a variety of recreational uses or are preserved for their natural amenities. Open spaces may be for use by

the public, by private development or cooperatively owned for use by members of a homeowners association, and include squares, parks, bicycle/pedestrian paths, refuges, campgrounds, picnic areas and outdoor recreation facilities.

Parking Space, Private. "Private parking space" means any automobile parking space not less than 10 feet wide and 20 feet long.

Parking Space, Public. "Public parking space" means any area, other than a street or alley, used for the parking of automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

Performance Standards. Minimum requirements or maximum allowable limits on the effects or characteristics of a use, usually written in the form of regulatory languages. Performance standards in zoning may prescribe allowable uses with respect to smoke, odor, noise, heat, visual impact, etc.

Pipeline. A line six (6) inches or larger with pumps, valves and control devices for conveying liquids, gases or finely divided solids which are constructed within easements or from one parcel to another. However, for the purpose of securing a Conditional Use Permit the following are excluded: the mains, hydrants, pumps, services and pressure stations of the City of Homer Water Utility; the mains, services, manholes and lift stations of the City of Homer Sewer Utility and the local service mains, valves and services of a gas utility legally authorized to provide such service within the City of Homer.

Place. "Place" means an open, unoccupied space dedicated to purposes or access for abutting property.

Planned Unit Development. "Planned unit development" means a group or combination of certain specified residential, commercial, or industrial uses developed as a functional and integral unit in a district where some or all the uses might not otherwise be permitted.

Planning Commission. Unless otherwise stated, refers to the Homer Advisory Planning Commission as provided in 21.66.020.

Planning Department. Kenai Peninsula Borough Planning Department.

Professional Office. An office which is maintained and operated for the conduct of professional business, including but not limited to the medical and dental professions, lawyers, architecture, engineering, accounting, veterinarians and investments.

Public Utility Facility or Structure. For the purpose of requiring a conditional use permit, public utility facility or structure means any facility or structure which is owned and operated by a public or private utility but specifically excludes the water distribution mains, pressure stations and hydrants, sewage collection, manholes and lift stations, underground and overhead electrical, television and telephone lines and poles, and street lights.

Recreational Vehicle. A vacation trailer or other vehicular or portable unit which is either self-propelled towed or carried by a motor vehicle and which is intended for human occupancy and is designed for vacation or recreational purposes but not for residential use. Recreational vehicles include pickup campers, motor homes, tent trailers and travel trailers.

Recreational Vehicle Park. A parcel of land which has been planned and improved for use by two or more recreational vehicles for transient occupancy.

Right-of-way. A public thoroughfare, avenue, road, highway, boulevard, parkway, drive, lane court, cul-de-sac or private easement providing ingress and egress from property abutting thereon.

Roadside Stand. A temporary structure on roadside land usually for the attraction of motorists for profit making purposes. Common roadside stands sell local food, produce, fireworks, handcrafted items or imported goods.

Schools, Private. Parcels of land and buildings and other structures thereon owned and operated by private educational, religious, charitable, or other institutions for the purpose of quasi-public or specialized education.

Schools, Public. Parcels of land and buildings and other structures thereon owned and operated by the Kenai Peninsula Borough or the State of Alaska for the purpose of public education.

Service Station. "Service station" means any building, structure, premises or other space used primarily for the retail sale and dispensing of motor fuels, tires, batteries, and other small accessories, the installation and servicing of such lubricants, tires, batteries and other small acces-

Street Line. "Street line" means the line of demarcation between a street and the lot or land abutting thereon.

Structural Alterations. "Structural alterations" means any change of the supporting members of a building or structure such as bearing walls, columns, beams or girders.

Structure. "Structure" means anything constructed or erected which requires location on the ground or attached to something having location on the ground, but not including fences or walls used as fences.

Travel Trailer. A motor vehicle or portable vehicular structure capable of being towed by a motor vehicle designed and intended for casual or short term human occupancy during travel.

Timber Growing or Forest Crops. The growing of trees for commercial purposes; for tree products in the form of logs, chunks, bark or similar items; and for other minor forest crops such as Christmas trees, cones, ferns, greenery, berries and moss.

Townhouse. "Townhouse" means single-family dwelling units constructed in a series or group of not less than 3 units separated from an adjoining unit or units by an approved party wall or walls, extending from the basement of either floor to the roof along the linking lot line. Each unit and its lot shall be held fee simple, except that the amenities, open area and other associated common property shall be held as undivided common property of the owners of each unit.

Trailer. "Trailer" means any vehicle used or intended to be used as living or sleeping quarters for humans and which may be driven, towed, or propelled from one location to another without change in structure by wheels and includes trailers, trailer coaches, and house cars.

Trailer Court, Camp, Park or Lot. "Trailer court, camp, park or lot" means any area or premises where space for 2 or more trailers is rented, held out for rent, or for which free occupancy or camping for such number is permitted to trailers or uses for the purpose of securing their trade, herein referred to as a trailer court, but not including automobiles or trailer sales lots on which unoccupied house trailers are parked for inspection and sales.

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

Variance. "Variance" means any deviation from the requirement of the zoning ordinance codified in Chapters 21.28 through 21.68, but limited to the one instance in question and to no more than 1 building or improvement at a time and then subject to the conditions and uses authorized by the planning commission. Example: A building authorized as a variance for use as a grocery store in a residential zone could not later be used for some other purpose even though that purpose was permissible in a normal commercial zone. Variances are nonprecedent-setting and are authorized where, owing to special conditions, a literal enforcement of the provisions of this chapter and Chapters 21.28 through 21.68 would result in unnecessary hardship and so that the spirit of the chapters shall be observed and substantial justice done.

Visibility/Vision Clearance. 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.

Water-dependent. A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body.

Water-related. A use or activity which 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.

Yard. A required open space on the same lot with a principal use unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, posts, poles and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations, and requirements limiting obstruction of visibility.

Yard, Front. "Front yard" means a yard extending across the full width of a lot, measured between the front lot line of the lot or a future street width line and the nearest exterior wall of the building, front of a bay window, or the front of a covered porch or other similar projection, whichever is the nearest to the front lot line.

Yard, Rear. "Rear yard" means a yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line.

Yard, Side. "Side yard" means a yard, between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

Section 2. That Chapter 21.36 of the Borough Code of ordinances is repealed and re-enacted to read:

CHAPTER 21.36

HOMER DISTRICT -- ZONING DISTRICTS AND ZONING MAP

21.36.010 Zoning Districts. Section 21.04.010 of the Borough Code divides the borough into two zoning districts, rural and municipal. The municipal district of the City of Homer is further divided into zoning districts and within each district only certain uses and standards are allowed. The following zones are hereby established.

<u>Zone</u>	<u>Abbreviated Designation</u>
Rural Residential	R-R
Urban Residential	R-U
Central Business District	CBD
General Commercial 1	G-C1
General Commercial 2	G-C2
Marine Industrial	I-M
Open Space - Recreational	OS-R

The zoning district boundaries shall be as shown on the "Homer District Zoning Map".

21.36.020 Zoning Map. (A) The official zoning map shall be kept in the borough offices. The "Homer District Zoning Map" in form dated \_\_\_\_\_ is enacted by reference and declared to be part of this title in the exact form as it exists on the date that this ordinance is enacted by the assembly.

(B) If the zoning map becomes lost or damaged, the map or significant parts thereof remaining after partial destruction shall be preserved. The borough assembly may by ordinance enact a new zoning map which shall be consistent with and supersede the old zoning map.

(C) The map shall be signed by the borough clerk with a note of the date of enactment by the borough assembly. Amendments shall be immediately added to the official zoning map with a notation of the date of enactment by the assembly.

21.36.030 Zoning of Annexed Areas. Unzoned areas annexed to the city shall be in the R-R zone until zoned otherwise.

Section 3. That Chapter 21.44 of the Borough Code of ordinances is repealed and re-enacted to read:

Chapter 21.44

HOMER DISTRICT -- RURAL RESIDENTIAL (R-R)

21.44.010 Purpose. The purpose of the Rural Residential District is to provide an area for low density development in the city; to allow for limited agricultural pursuits; and, to provide adequate lot sizes in areas not served by city water and sewer.

21.44.020 Permitted Uses. The following uses are permitted outright in the Rural Residential District:

- A. Single-family detached dwelling structures.
- B. Duplex, attached dwelling structures.
- C. Mobile Homes.
- D. Public parks and playgrounds.
- E. Boardinghouses.
- F. Home Occupations, provided that:
  - (1) The occupation shall be carried on entirely within the dwelling unit or permitted accessory building, and its function shall be clearly subordinate to the residential nature of the premise.
  - (2) It shall not cause any noise, odors, effluent, smoke, dust, vibrations, electrical interference, bright or flashing light, or other objectionable conditions which would interfere with the quiet enjoyment of a residential neighborhood, and there shall be no visible signs of such occupation from the exterior, particularly, the storage or display of goods or materials, the parking or storage of trucks, machinery, or equipment on or about the premises. A home occupation shall not include automobile or machinery repairs, welding, sheet metal, or other similar work.
  - (3) A home occupation shall not require regular or frequent deliveries of goods or materials of such bulk or quantity, nor the parking of customer or client's

vehicles in such numbers or frequency, as may be considered incompatible in a residential zone.

- (4) A home occupation shall be carried on only by the residents of the dwelling unit.
- (5) No exterior signs shall be allowed except one unlighted sign not exceeding two (2) square feet, attached against the main building, containing only the name of the occupant and the name of the lawful home occupation.
- (6) Whenever any of the foregoing provisions are contravened in the operation of a home occupation, such occupation shall not be classified as a home occupation pursuant to this section and is therefore prohibited.

- G. Agricultural Operations including general farming, truck farming, livestock farming, nurseries, and greenhouses, provided that (1) no poultry or livestock other than normal household pets are housed or any fenced run located within 100 feet of any residence other than the dwelling on the same lot; (2) no retail or wholesale business sales office is maintained on the premises.
- H. Private float plane tie-down as an accessory use.
- I. Customary Accessory Uses to any of the permitted uses listed in the R-R district, provided that (1) no separate permit shall be issued for the construction of any type of accessory building prior to that of the main building; (2) detached accessory buildings may occupy not more than 25 percent of a required rear or side yard and shall be located at least five feet from the nearest part of a main building and five feet from a property line.

21.44.030 Conditional Uses. The following uses are permitted in the Rural Residential District when authorized in accordance with Chapter 21.61 of this ordinance:

- A. Planned Unit Development
- B. Churches
- C. Schools, public or private



- D. Cemeteries
- E. Kennels
- F. Roadside stands for the sale of produce grown on the premises
- G. Multi-Family structure containing three or more dwelling units
- H. Mobile Home Parks
- I. Public Utility Facilities and Structures
- J. Pipelines and Railroads

21.44.040 Dimensional Requirements. The following dimensional requirements shall apply to all uses in the Rural Residential District unless otherwise provided for in Chapter 21.61 or approved by variance as provided in Chapter 21.62.

A. Lot Size

- (1) The minimum lot area shall be 40,000 square feet for each dwelling unit in areas not served by public sewer and water.
- (2) Each lot shall contain a minimum of 20,000 square feet per dwelling unit if one of the following conditions exist:
  - (a) Served by public water supply approved by the State Department of Environmental Conservation; or
  - (b) Served by public or community sewer, approved by the State Department of Environmental Conservation.
- (3) Each lot shall contain a minimum of 10,000 square feet per dwelling unit if served by both public water and sewer.

B. Building Setbacks

- (1) 20 feet from ALL dedicated rights-of-way.
- (2) Buildings shall be setback from all other lot boundary lines according to height as follows:

<u>Number of Stories</u>	<u>Setback</u>
1	5 feet
1-½	6 feet
2	7 feet
2-½	8 feet

C. Building Height

The building height shall be a maximum of 35 feet.

21.44.050 Performance Standards. A. Slopes. All development on lands with slopes exceeding 15 percent shall be subject to the following standards:

- (1) For slopes of 15-30 percent, lot coverage shall not exceed 25 percent of the site.
- (2) For slopes of 31 percent or greater, lot coverage shall not exceed 10 percent of the site.
- (3) Lot coverage includes all buildings, roads, and driveways.
- (4) Natural vegetation shall remain undisturbed except as necessary to construct improvements and to eliminate hazardous conditions, unless replanted with native materials including ground cover, shrubs and trees.
- (5) 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.

B. Drainage:

- (1) The development shall provide a drainage system that is designed to deposit all runoff into either an engineered drainage system or into a natural drainage in conformance with the City's Drainage Management Plan.
- (2) Where open-ditch construction is used to handle drainage within the tract, a minimum of 15 feet shall be provided between any structures and the top of the bank of the defined channel.
- (3) When a closed system is used to handle drainage within the tract, all structures shall be a minimum of 10 feet from the closed system.

Section 4. That Title 21 of the Borough Code of ordinances is amended by adding a new chapter, to be numbered 21.45, which reads:

Chapter 21.45

HOMER DISTRICT -- URBAN RESIDENTIAL (RU)

21.45.010 Purpose. The Urban Residential District is intended to provide a sound environment for medium density residential buildings including single family, duplex and low-rise multiple family. The purpose of the district is to promote variety in housing types and design to meet the expanding demand for housing.

The Urban Residential District is designed for use in areas that provide full urban services and facilities and are able to sustain a medium density with respect to the scale of the facilities and services and to the constraints of the natural landscape.

21.45.020 Permitted Uses. The following uses are permitted outright in the Urban Residential District.

- A. Single family detached dwelling structures.
- B. Duplex, attached dwelling structures.
- C. Multi-Family structures, containing three or more dwelling units.
- D. Individual mobile homes are not permitted, except in mobile home parks as specified below.
- E. Public parks and playgrounds.
- F. Home Occupations, provided they conform to the standards in Chapter 21.44.020 (F).
- G. Boardinghouses.
- H. Private float plane tie-up facility as an accessory use.
- I. Customary Accessory Uses to any of the permitted uses listed in the R-R district, provided that (1) no separate permit shall be issued for the construction of any type of accessory building prior to that of the main building; (2) detached accessory buildings may occupy not more than 25 percent of a required rear or side yard and shall be located at least five feet from the nearest part of a main building and five feet from a property line.

21.45.030 Conditional Uses. The following uses are permitted in the Urban Residential District when authorized in accordance with Chapter 21.61 of this ordinance.

- A. Planned Unit Developments
- B. Townhouse Developments
- C. Profession Offices
- D. Public Schools
- E. Private Schools
- F. Day Care Facilities
- G. Churches
- H. Mobile Home Parks
- I. Multi-family structures containing 3 or more units which exceed the density requirements in Section 21.45.040 (A)(2).
- J. Hospitals
- K. Pipelines and Railroads

21.45.040 Dimensional Requirements. The following dimensional requirements apply to all uses in the Urban Residential District unless otherwise provided in Chapter 21.61 or approved by variance as provided in Chapter 21.62.

A. Lot Size

- (1) For single family and duplex dwelling structures, there shall be a minimum lot area of 7,500 square feet.
- (2) Multi-family structures containing three or more units shall meet the following standards:
  - (a) The total floor area shall not be more than four-tenths (.4) the lot area. This is a floor area ratio of .4.
  - (b) The total open area shall be at least 1.1 times the total floor area. This is an open space ratio of 1.1. Open area is any portion of the lot not covered or used for parking spaces and maneuvering.

B. Building Setbacks

- (1) 20 feet from ALL dedicated rights-of-way.
- (2) Buildings shall be setback from all other lot boundary lines according to height as follows:

<u>Number of Stories</u>	<u>Setback</u>
1	5 feet
1-½	6 feet
2	7 feet
2-½	8 feet

C. Building Height

The building height shall be a maximum of 35 feet.

21.45.050 Performance Standards. All development proposed within the Urban Residential District shall comply with the performance standards contained in Section 21.44.050 of this ordinance.

Section 5. That Chapter 21.48 of the Borough Code of ordinances is repealed and re-enacted to read:

Chapter 21.48

HOMER DISTRICT -- CENTRAL BUSINESS DISTRICT (CBD)

21.48.010 Purpose. A. The purpose of the Central Business District is to provide a centrally located area within the city for general retail shopping, personal and professional services, restaurants and related businesses. The district is also intended to allow a mixture of residential and commercial uses. Multi-family developments will be allowed when conflicts between multi-family, residential and commercial can be minimized.

B. The Central Business District shall be designed to encourage pedestrian movement throughout the area and the avoid traffic conflicts. The district should be characterized by ample and convenient off-street parking, safe and limited access to major streets. Buildings and other structures within the district should be compatible with one another and with the surrounding area.

21.48.020 Permitted Uses. The following uses are permitted outright in the Central Business District.

- A. Any Retail Business where the principal activity is the sale of merchandise and services in an enclosed building, including but not limited to food estab-

ishments, drug, variety, dry goods, hardware, appliance, and furniture stores.

- B. Personal Service Establishments that perform services on the premises, such as barber or beauty shops, shoe repair shops, self-service laundries, photography, and quick-print establishments.
- C. Offices for Professional Services such as offices of doctors, dentists, osteopaths, architects, engineers, lawyers, chiropractors, veterinarians, and other similar or allied professions.
- D. Administrative Offices in which personnel are employed in the following fields: executive, administrative, clerical, insurance, real estate, and similar enterprise, both public and private.
- E. Restaurants, clubs and drinking establishments which provide food or drink for consumption on the premises.
- F. Parking Lots and Garages.
- G. Hotels and Motels
- H. Mortuaries
- I. Other similar uses as determined by the Planning Commission.
- J. Single family and duplex residences.
- K. Float plane tie-up facilities and air charter services.
- L. Parks
- M. Customary Accessory Uses to any of the permitted uses listed in the CBD District, provided that (1) a separate permit shall not be issued for the construction of any type of accessory building prior to that of the main building. (2) Any attached or detached accessory building shall maintain the same yards and setbacks as the principal use.

21.48.030 Conditional Uses. The following uses are permitted in the Central Business District when authorized in accordance with Chapter 21.61 of this ordinance.

- A. Planned Unit Development
- B. Indoor Commercial recreation facilities such as theaters, bowling alleys, skating rinks or similar uses.

- C. Multi-family dwelling structures.
- D. Apartment unit located in buildings primarily devoted to commercial uses.
- E. Service Stations and other drive-in establishments
- F. Churches
- G. Public Utility Facilities and Structures
- H. Pipeline and Railroads

21.48.040 Dimensional Requirements. The following dimensional requirements shall apply to all uses in the Central Business District unless otherwise provided for in Chapter 21.61 or approved by variance as provided in Chapter 21.62.

A. Lot Size

- (1) The minimum lot area shall be 6,000 square feet. Smaller lot sizes may be approved subject to the provision of off-site parking as specified in the City of Homer Parking Ordinance.
- (2) Multi-family structures containing three or more units shall meet the standards in Chapter 21.45.040 (A)(2), unless otherwise specified in conditional use permits.
- (3) Townhouses shall meet the standards in Chapter 21.61.070 unless otherwise specified in conditional use permits.

B. Building Setbacks

- (1) 20 feet from ALL dedicated rights-of-way.
- (2) Buildings shall be setback five feet from all other lot boundary lines unless firewalls are provided and access to the rear of the building is otherwise provided (e.g., alleyways).

C. Building Height

The maximum building height shall be 35 feet.

21.48.050 Site and Access Plan. A. A building permit for use within the Central Business District shall not be issued by the City of Homer until the City staff has reviewed and approved a site and access plan for that use. The plan shall show:

- (1) Existing site features and conditions, including topography, drainage, and the general location of vegetation.
- (2) Relationship to existing and proposed rights-of-way.
- (3) Access, including proposed driveway and curb cuts, with arrows indicating vehicular traffic patterns on, into and out of the site and to and from all parking areas.
- (4) On-site traffic and pedestrian circulation systems.
- (5) Proposed structures.

B. All access points to rights-of-way shall conform to the following standards:

- (1) Entrances onto arterials and collectors shall be minimized and individual businesses shall share access to rights-of-way whenever possible. Access shall conform to the policies in the City of Homer Master Roads and Streets Plan and the ordinances of the City of Homer.
- (2) Frontage roads shall be developed where applicable to conform to the Master Roads and Streets Plan.
- (3) Visibility for vehicles at access points shall be protected as specified below:

At the intersection of any private drive or or entrance or exit for a parking area with a public street, no fence, wall, hedge or other planting or structure forming a material impediment or visibility between a height of 2-½ feet and 8 feet shall be erected, planted, placed or maintained, and no vehicle so impeding visibility shall be parked within triangular areas defined by lines connecting points as follows:



Beginning at the point where the midline of the private drive or entrance or exit for a common parking area intersects the public right-of-way, thence to a point 35 feet along the right-of-way line in the direction of approaching traffic, thence to a point 25 feet toward the interior of the property along the previously described midline, and thence to point of beginning (no such visibility triangle need be maintained on the side of the drive, entrance or exit away from approaching traffic on the same side of the street.)

Section 6. That Title 21 of the Borough Code of ordinances is amended by adding a new chapter, to be number 21.49, which reads:

Chapter 21.49

HOMER DISTRICT -- GENERAL COMMERCIAL (G-C1)

21.49.010 Purpose. The General Commercial 1 District is intended to provide sites for businesses that require direct motor vehicle access and may require larger land area than would be needed in the Central Business District. The purpose of the district is to serve the general public and to accommodate the needs of commerce. The district is designed to provide goods and services from locations in proximity to arterials and transportation centers, and at the same time, to minimize congestion and any adverse influences on adjacent residential areas or on the appearance of the community. Adequate site accessibility, buffers, and landscape treatment are required to minimize some of these adverse effects. The district regulations include performance standards to minimize the nuisance characteristics of heavy commercial uses, especially where the district abuts other zoning districts.

21.49.020 Permitted Uses. The following uses are permitted outright in the General Commercial 1 District.

- A. Air Charter Operations and float plane tie-up facilities.
- B. Administrative Offices
- C. Apartment unit located in buildings primarily devoted to commercial uses.
- D. Automobile and vehicle repair, services and parts, sales, showrooms and sales lots.

- E. Automobile service stations and car washes
- F. Building supply and equipment
- G. Drive-in restaurants
- H. Garden supplies and greenhouses
- I. Heavy equipment sales, showrooms and lots
- J. Hotels and motels
- K. Lumber yards
- L. Marine equipment service, sales, and rentals
- M. Mortuaries
- N. Open air businesses
- O. Parking areas and garages
- P. Professional offices
- Q. Publishing, printing and bookbinding
- R. Recreation facilities
- S. Recreation vehicle sales
- T. Retail Businesses
- U. Restaurants
- V. Schools - trade, skilled or industrial
- W. Wholesale businesses, including storage and distribution services associated with the products to be wholesaled.
- X. Welding and mechanical repair
- Y. Parks
- Z. Appliance sales and service
- AA. Other similar uses as determined by the Planning Commission.
- BB. Customary Accessory Uses to any of the permitted uses listed in the G-C1 District, provided that:

- (1) No separate permit shall be issued for the construction of any type of accessory building prior to that of the main building.
- (2) Any attached or detached accessory building shall maintain the same yards and setbacks as the principal use.

21.49.030 Conditional Uses The following uses are permitted in the General Commercial 1 District when authorized in accordance with Chapter 21.61 of this ordinance.

- A. Campgrounds
- B. Clubs and drinking establishments
- C. Crematoriums
- D. Multi-family structures containing three or more units.
- E. Manufacturing of electronic equipment, electrical devices, pottery/ceramics, musical instruments, toys, novelties, small molded products and furniture.
- F. Mobile home parks and mobile home sales lots
- G. Public utility facility or structure
- H. Recreational vehicle parks
- I. Storage and distribution services, including cold storage facilities.
- J. Warehousing and commercial storage
- K. Planned Unit Developments
- L. Townhouses
- M. Pipelines and Railroads

21.49.040 Dimensional Requirements. The following dimensional requirements shall apply to all uses in the General Commercial 1 District, unless otherwise provided in Chapter 21.61 or approved by variance as provided in Chapter 21.62.

- A. Lot Size
  - (1) The minimum lot size shall be 10,000 square feet.

B. Building Setbacks

- (1) 20 feet from ALL dedicated rights-of-way
- (2) Buildings shall be setback five feet from all other lot boundary lot lines unless adequate firewalls are provided and adequate access to the rear of the building is otherwise provided (e.g., alleyways).
- (3) When the side of rear lot lines abut land within a residential district and when yard areas are to be used for parking, loading, unloading, or servicing, then the side and rear yard areas shall be effectively screened by a wall, fence, or other slight obscuring screening. Such screening shall be of a height adequate to screen the enclosed parking, loading or servicing activity.

C. Building Height

The maximum building height shall be 35 feet.

21.49.050 Site and Access Plan. A. A building permit for a use within the General Commercial 1 District shall not be issued by the City of Homer until the City staff has reviewed and approved a site and access plan for that use. The plan shall include the items described in Chapter 21.48. 050 (A) of this ordinance.

B. All access points to rights-of-way shall conform to the standards set forth in Chapter 21.48.050 (B) of this ordinance.

21.49.060 Performance Standards. The following performance standards shall apply to all uses within the General Commercial 1 District. The intent of these standards is to avoid creation of nuisances or unsanitary conditions.

A. Air Pollution

- (1) Smoke: The emission of any air contaminant greater than 20 percent opacity from any chimney, stack, vent, opening or process is prohibited.
- (2) Open Burning: Open burning is prohibited.
- (3) Odors: The emission of odors in such quantities as to be objectionable to any person with normal sensitivities at any point beyond the

property line is prohibited. Noxious, toxic, and corrosive gas emissions shall be treated by full control techniques.

- (4) Particulate Matter: All facilities will be designed and operated with the highest and best emission control equipment practical.

Firms responsible for a suspected source of air pollution, upon the request of the City, shall provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions. Any firm shall be prepared to have its plans and specifications reviewed by the State Department of Environmental Conservation prior to final approval of the plans by the City.

B. Noise

All noise shall be muffled so as not to be objectionable due to intermittance, beat, frequency, or shrillness. Off-site noise shall not exceed 50 decibels between 10:00 P.M. and 6:00 A.M. and 80 decibels at all other times.

C. Vibration

No vibration which is discernible by a person of normal sensitivities without instruments other than that caused by highway vehicles or aircraft shall be permitted beyond the property line of the use concerned.

D. Heat and Glare

All operations producing heat or glare, including exterior lighting, shall be conducted so that they do not create a nuisance beyond the property line of the site.

E. Waste Material

All materials, including wastes, shall be stored and all properties maintained in a manner which will not attract or aid the propagation of insects, birds or rodents or in any way create a health hazard.

F. Water and Solid Waste Pollution

No liquid or solid waste disposal will be allowed on the site or into adjacent drainage ditches, storm sewers, sloughs or other

waterways. The discharge of treated or untreated sewage or wastes into the sanitary sewer systems shall conform to the codes and ordinances of the City.

#### G. Handling of Dangerous Materials

The storage, handling and use of dangerous materials such as flammable liquids, incinerary devices, compressed gases, corrosive materials and explosives shall be in accordance with the regulation and codes of the State Fire Marshal, the National Fire Protection Association and the U.S. Coast Guard.

#### H. Materials and Equipment Storage

The open storage of materials and equipment is permitted under the following conditions:

(1) If storage abuts a residential use or district, the area must be screened from view by a wall, fence or other sight-obscuring material. Such screen shall be a minimum of 8 feet in height.

(2) All materials including wastes shall be stored and all grounds maintained in a manner that will not attract or aid the propagation of insects, birds or rodents, or create a health hazard.

#### I. Records

Upon request by the city, information sufficient to determine the degree of compliance with the standards of this chapter shall be furnished by the industry. Such request may include a requirement for continuous records of operations likely to violate the standards, for periodic checks to assure maintenance of standards, or for an as-built survey in the event a question arises as to compliance.

Section 7. That Title 21 of the Borough Code of ordinances is amended by adding a new chapter, to be number 21.50, which reads:

Chapter 21.50

HOMER DISTRICT -- GENERAL COMMERCIAL 2 (G-C2)

21.50.010 Purpose. A. The purpose of the General Commercial 2 District is to promote a sound heavy commercial area within the community with good access to main roads and to reserve land for future industrial expansion. The district is designed to permit manufacturing, processing, assembling, packaging, or treatment of products within enclosed structures, warehousing and outside storage, and the public utilities and facilities required to serve these uses.

B. Residential uses are limited and certain retail enterprises are limited. The district regulations include performance of heavy commercial uses, especially where the district abuts other zoning districts.

21.50.020 Permitted Uses. The following uses are permitted outright in the General Commercial 2 District.

- A. Production, Processing, Assembly and Packaging of fish, shellfish, and fish products.
- B. Construction, Assembly and Storage of boats and boat equipment.
- C. Manufacture of Pottery and Ceramics.
- D. Manufacture of Musical Instruments, Toys, Novelites or other small molded products.
- E. Manufacturing and assembly of electronic instruments and equipment and electrical devices.
- F. Research and Development Laboratories
- G. Schools - Trade, Skill or Industrial.
- H. Publishing, Printing and Bookbinding Facilities
- I. Vehicle and Heavy Equipment Sales and Repair
- J. Storage and Distribution Services and facilities including truck terminals, warehouses and storage buildings and yards, contractors establishments, lumber yards and sales, or similar uses.
- K. Public Utility installations and buildings

- L. Airports and Air Charter Operations.
- M. Wrecking Yards
- N. Heliports and Helistops
- O. Underground Bulk Petroleum Storage
- P. Cold Storage Facilities
- Q. Parking Areas, Lots and Garages
- R. Seafood Processing, Production, Assembly and Packaging.
- S. Other similar uses as determined by the Planning Commission.
- T. Accessory Uses to the uses permitted in the G-C2 District which are clearly subordinate to the main use of the lot or building, such as restaurant or cafeteria facilities for employees; or caretaker or dormitory residence if situated on a portion of the principal lot, provided that (1) separate permits shall not be issued for the construction of any type of accessory building prior to that of the main building; (2) any accessory building shall maintain the same yards and setbacks as the principal use.

21.50.030 Conditional Uses. The following uses are permitted in the General Commercial 2 District when authorized in accordance with Chapter 21.61 of this ordinance.

- A. Mobile Home Parks
- B. Construction Camps
- C. Extractive Enterprises, including the mining, quarrying and crushing of gravel, sand and other earth products and batch plants for asphalt or concrete.
- D. Bulk Petroleum Product Storage above ground.
- E. Planned Unit Industrial Developments
- F. Campgrounds
- G. Junk Yards
- H. Kennels



I. Public Utility Facilities and Structures

J. Recreational Vehicle Parks

K. Pipeline and Railroads

21.50.040 Performance Standards. All uses shall conform to the performance standards contained in Chapter 21.49.060 of this ordinance.

21.50.050 Dimensional Requirements. The following dimensional requirements apply to all uses in the General Commercial 2 District, unless otherwise provided for in Chapter 21.61 or approved by variance as provided in Chapter 21.62.

A. Lot Size

- (1) The minimum lot size shall be 20,000 square feet.

B. Building Setbacks

- (1) 20 feet from ALL dedicated rights-of-way.
- (2) Buildings shall be setback 10 feet from all other lot boundary lines.

C. Building Height

The maximum building height shall be 65 feet, except within 100 feet of a more restrictive district; in which case the maximum building height shall be the same height as required in the abutting district.

21.50.060 Site and Access Plan Review. A. A building permit for a use within the General Commercial 2 District shall not be issued by the City of Homer until the City staff has reviewed and approved a site and access plan for that use. The site plan shall show:

- (1) Existing site features and conditions, including topography, drainage, and the general location of vegetation.
- (2) Relationship to existing and proposed rights-of way.
- (3) Access, including proposed driveway and curb cuts, with arrows indicating vehicular traffic patterns

into and out of the site and to and from all loading berths and parking areas.

- (4) The location and proposed screening of open storage areas.
- (5) Basic floor plans and location of all structures.
- (6) Location of utilities.
- (7) Turning radius for vehicles.
- (8) Proposed signs and lighting.
- (9) Relationship of the site to residential uses or other existing industrial uses.

B. All access points to rights-of-way shall conform to the following standards:

- (1) Entrances onto arterials and collectors shall be minimized with individual businesses sharing access to rights-of-way whenever possible.
- (2) Frontage roads shall be developed where applicable.
- (3) All access roads and frontage roads shall be developed to conform to the Master Roads and Streets Plan of the City of Homer.

Section 8. That Chapter 21.52 of the Borough Code of ordinances is repealed and re-enacted to read:

Chapter 21.52

HOMER DISTRICT -- MARINE COMMERCIAL (CM)

21.52.010 Purpose. A. The purpose of the Marine Commercial Zone is to provide adequate space for the commercial needs which service and support water dependent industries and facilities; to encourage adequate separation between allied but potentially incompatible commercial and industrial uses while providing proximate locations for the mutual benefit of such water oriented commercial and water dependent industrial uses.

B. Commercial enterprise is permitted to the extent that it services and supports the water dependent industries which are important to Homer's economic base such as fishing, marine transportation, off-shore energy development, recreation and tourism; and to the extent that location elsewhere creates unnecessary hardship for the users of such commercial services.

C. It is recognized that unique natural features of Homer's marine environment contribute significantly to the economic and social environments, therefore performance standards are required to minimize the impact of commercial development on the natural features on which it depends.

21.52.020 Permitted Uses. The following uses are permitted outright in the Marine Commercial District.

- A. Boat charter offices
- B. Marine equipment and parts sales and services
- C. Retail outlets for seafood products, sporting goods, curios and arts and crafts.
- D. Business offices for marine development operations such as fish brokers, off-shore oil and gas service companies, and stevedores.
- E. Other similar uses as determined by the Planning Commission.

21.52.030 Conditional Uses. The following uses are permitted in the Marine Commercial District when authorized in accordance with Chapter 21.61 of this ordinance.

- A. Restaurants and drinking establishments
- B. Cold storage facilities
- C. Public Utility facilities and structures
- D. Dredge and fill required for any use permitted outright.
- E. Wholesale outlets for marine products
- F. Pipeline and Railroads

21.52.040 Performance Standards. A. Development shall not impair or unnecessarily impede use by the public of adjacent publicly owned tidelands.

B. The location of buildings and roads shall be planned to minimize alteration to the natural terrain.

C. Grading and filling shall not alter the storm berm except as necessary to correct unsafe conditions.

21.52.050 Dimensional Requirements. The following dimensional requirements shall apply to all uses in the Marine Commercial District, unless otherwise provided in Chapter 21.61.

- A. The minimum lot size is 20,000 square feet. The minimum lot width is 150 feet.
- B. Buildings shall be setback 10 feet from all lot boundary lines.
- C. The maximum building height shall be 35 feet as measured from the bottom of the first floor.
- D. The maximum lot coverage shall be 30%.

21.52.060 Site and Access Plan. A. A building permit for use within the Marine Commercial District shall not be issued by the City of Homer until the City staff has reviewed and approved a site and access plan for that use. The plan shall show:

- (1) Existing site features and conditions, including topography, drainage, mean high water line (i.e., 18.1 feet) and high high water line.
- (2) Relationship to existing right-of-way and access, including driveway and curb cuts, with arrows indicating vehicular traffic patterns on, into and out of the site and to and from all parking areas.
- (3) On-site parking, traffic and pedestrian circulation systems.
- (4) Existing and proposed structures.
- (5) Copies of applications and permits, if issued, from any state or federal agency having jurisdiction.

Section 9. That the Borough Code or ordinances is amended by adding a new chapter, to be number 21.53, which reads:

Chapter 21.53

HOMER DISTRICT -- MARINE INDUSTRIAL DISTRICT (I-M)

21.53.010 Purpose. The purpose of the Marine Industrial District is to provide adequate space for those industrial uses that require direct marine access for their operation and to encourage the most efficient utilization of land. The intention of this district is to promote those marine dependent industries that are important to Homer's economic base such as fishing, fish processing, marine transportation, off-shore oil development and tourism; to give priority to those uses, and to minimize conflicts among industrial, commercial, and recreational uses.

21.53.020 Permitted Uses. The following uses are permitted outright in the Marine Industrial District:

- A. Port and Harbor Facilities
- B. Manufacturing, processing and packing of sea products.
- C. Cold Storage Plants
- D. Dry Docks
- E. Wharfs and docks, marine loading facilities, ferry terminal, marine railway.
- F. Marine equipment service, storage, sales or rental.
- G. Boat launching or moorage facilities, marinas, boat charter service.
- H. Warehouse and Marshalling Yards for storing goods awaiting transfer to marine craft or awaiting immediate pickup by land based transportation.
- I. Accessory caretaker's residence
- J. Public Utilities required to serve the marine industrial uses, such as water and sewer lines and treatment facilities.
- K. Other similar uses as determined by the Planning Commission provided they meet the following standards:
  - (1) The proposed use requires a waterfront location or direct access to the waterfront to operate.
  - (2) The use provides goods and services essential to fishing, fish processing, marine transportation, off-shore oil and gas development, or other water-dependent uses.
  - (3) Public facilities and services are adequate to serve the proposed use.
  - (4) The City of Homer Port and Harbor Commission makes a written finding to the Advisory Planning Commission that conditions (1) through (3) have been met.

21.53.030 Conditional Uses. The following uses are permitted in the Marine Industrial District when authorized in accordance with Chapter 21.61 of this ordinance.

- A. Planned Unit Industrial Development

- B. Boat Storage and Boat Manufacturing
- C. Restaurants and Drinking Establishments
- D. Extractive Enterprises
- E. Campgrounds
- F. Bulk Petroleum Storage

21.53.040 Performance Standards. A. All industrial uses shall conform to the performance standards contained in Chapter 21.49.060 of this ordinance.

B. Point source discharges to a waterway shall be in conformance with the U.S. Environmental Protection Agency's NPDES Standards.

21.53.050 Dimensional Requirements

A. Setbacks

- (1) 20 feet from ALL dedicated rights-of-way.
- (2) Buildings shall be set back five feet from all other lot boundaries unless firewalls are provided and access to the rear of the building is otherwise provided (e.g., alleyways).

21.53.060 Site and Access Plan. A building permit for a use within the marine industrial district shall not be issued by the City of Homer until the City staff has reviewed and approved a site and access plan for that use in conformance with Chapter 21.50.060 of this ordinance.

Section 10. That Title 21 of the Borough Code of ordinances is amended by adding a new chapter, to be number 21.54, which reads:

Chapter 21.54

HOMER DISTRICT -- OPEN SPACE - RECREATION (OSR)

21.54.010 Purpose. A. The purpose of the Open Space - Recreation District is to promote public and privately-provided recreational opportunities, while at the same time protecting the natural and scenic resources of the area. The district is intended to give priority to pedestrian uses over motor vehicle uses and to preserve public access to the tidelands.

B. All development proposals in the District will be evaluated in terms of their compatibility with natural hazard and erosion potential and their effect on scenic vistas and public access.

21.54.020 Permitted Uses. The following uses are permitted outright in the Open Space - Recreation District.

- A. Marine Recreation activities such as fishing and boating.
- B. Park, playground, campground and related recreation activities.
- C. Marine life raising or production
- D. Marine life and wildlife sanctuary or preserve
- E. Parking Areas
- F. Temporary navigation activities, including barge landing, loading and unloading.
- G. Other open space and recreation uses as determined by the Planning Commission.

21.54.030 Conditional Uses. The following uses are permitted in the Open Space - Recreation District when authorized in accordance with Chapter 21.61 of this ordinance.

- A. Public utility facilities and structures
- B. Any structures used in connection with uses permitted outright.
- C. Fish gear and boat storage
- D. Campgrounds and Recreation Vehicle Parking
- E. Pipelines and Railroads

21.44.040 Performance Standards. The uses allowed in this District shall be subject to the following standards:

- (A) The development shall not adversely affect the natural resources such as the littoral drift pattern and the estuarine environment.
- (B) The development shall preserve pedestrian access to the tidelands. All applications shall include a site plan showing these proposed access points and their dimensions. The Planning Commission reserves the right to require additional access points depending on the design, scale, and location of the development.
- (C) All structures shall be designed in terms of their height, bulk, scale, and orientation to minimize the interruption of scenic views.

- (D) The development shall be compatible with adjacent and nearby properties.
- (E) The development can be served by existing public services or facilities.
- (F) The development shall not be contrary to the City's Comprehensive Plan or the State Coastal Management Program.
- (G) The development shall not be inconsistent with the purposes of the district.

21.54.050 Site and Access Plan. A site plan shall be submitted with all applications for development. The site plan shall show the following information:

- A. Proposed access from the right-of-way, traffic circulation patterns, and parking areas.
- B. Proposed pedestrian access to the water, walkways, and trails.
- C. Existing physical characteristics of the site, including submerged lands at mean higher high water, and areas subject to erosion.
- D. The location, floor plans, and preliminary renderings of all proposed structures, including signs.
- E. Relationship of the site to other existing uses.

Section 11. That Chapter 21.56 of the Borough Code of ordinances is repealed.

Section 12. That Chapter 21.60 of the Borough Code of ordinances is repealed and re-enacted to read:

Chapter 21.60

HOMER DISTRICT -- SUPPLEMENTAL REGULATIONS

21.60.010 Sign-Standards

- A. General Provisions
  - (1) All signs shall be setback a minimum of 5 feet from the right-of-way unless otherwise provided and shall not interfere with any site distance required in Chapters 21.36 through 21.69 or any applicable ordinance of the City of Homer. All signs, whether



they are attached to a structure or free-standing, shall conform to the maximum height requirements of the district in which the sign is located.

- (2) The following are excluded from the regulations contained herein:
  - a) signs not exceeding one square foot in area and bearing only property numbers, post box numbers, or names of occupants of premises;
  - b) flags and insignia of any government except when displayed in connection with commercial promotion;
  - c) legal notices, identification information or directional signs erected by governmental bodies;
  - d) integral decorative or architectural features of buildings; or
  - e) signs directing and guiding traffic and parking on public or private property, but bearing no advertising matter.
- (3) The surface area of a sign shall be computed as including the area comprising the entire display but not including forming parts of the display such as frames or standards. The surface area permitted is the total for all signs on the premises unless otherwise provided or excepted.
- (4) Signs may be lighted except where specifically prohibited, however, no lighted sign shall cause undue glare beyond the property line so as to create a traffic hazard. No flashing or animated signs shall be permitted.
- (5) Variations from any sign standards may be approved by the Planning Commission by a conditional use permit.
- (6) When any sign legally exists prior to passage of this ordinance but does not meet the requirements of the ordinance, it shall be considered nonconforming. Such nonconformity shall be terminated no later than one year from effective date of this ordinance.

B. District Limitations

(1) U-R and R-R District. No signs intended to be read from off the premises shall be permitted except as follows:

- a) a sign advertising the sale or rental of a premise not artificially illuminated, of a temporary nature, with a maximum area on one side of 4 square feet;
- b) a sign not exceeding 2 square feet containing the name of the occupant and the name of the lawful home occupation located against the wall of the principal building;
- c) for subdivision tract development or residential projects containing two acres or more, one sign not exceeding 100 square feet in surface area, to be erected at least 20 feet from any public right-of-way and 10 feet from any side or rear lot lines of adjoining property;
- d) churches, public and quasi-public institutions, including schools and municipal buildings and uses, may erect for their own use one identification or announcement sign or bulletin board not exceeding 20 square feet in area;
- e) multiple-family dwellings, boarding and lodging houses may have one sign, not exceeding 6 square feet in surface area, identifying the premises and indicating "vacancy" or "no vacancy", where a multiple-family dwelling has principal entrances from more than one street, one such sign may be erected at each entrance; and
- f) all other permitted or conditional uses may have one sign not exceeding 4 square feet in surface area.

(2) CBD, GC1, GC2, and I-M Districts:

- a) For any residential uses permitted outright or conditionally, signs for such shall conform to the requirements in Subsection 21.60.010 (B)(1).
  - 1) For shopping centers, malls, non-residential PUD's and projects containing two or more acres one identification

sign structure, which may include up to three sign faces with combined surface area not to exceed 100 square feet, for each side of the premises adjacent to a public street. No portion of such structure shall be closer than 25 feet to any residential district boundary. Lettering on such sign shall indicate only the name of the shopping center and the general nature of business conducted.

2) In addition, for each 10 lineal feet of frontage of principal buildings (frontage being determined by the principal entrance to the building) and for each 10 lineal feet of sides of principal buildings exposed to general public view from either the parking area or public streets, a maximum of one sign and 10 square feet of surface area is permitted. Total surface area permitted may be used in a lesser number of signs than the maximum permitted, but the maximum number shall not be exceeded. Such signs shall be mounted only on the walls or roofs of buildings in the shopping center or buildings.

c) 1) For all other permitted or conditional uses, for each 10 lineal feet of lot frontage on a public street (frontage being determined by the principal entrance to the premises) a maximum of one sign and 10 square feet of surface area is permitted.

2) The total surface area permitted may be used in a lesser number of signs than the maximum permitted, but the maximum number shall not be exceeded even though the total permissible surface area is not used.

21.60.020 Height Regulations - Exceptions - When Permitted. A. The height limitations of Chapters 21.36 through 21.69 shall not apply to church spires, belfries, cupolas and domes, if not used for human occupancy, nor to chimneys, ventilators, weather vanes, skylights, water tanks, bulkheads, monuments, flagpoles, television and radio antennae, and other similar features, and necessary mechanical appurtenances usually carried above roof level, provided how-

ever, that no structure or portion of any structure shall interfere with the Federal Aviation Administration regulations on airport approaches.

B. The provisions of Chapters 21.28 through 21.69 shall not limit the erection of parapet walls or cornices up to 5 feet above the building height.

21.60.030 Yards - Projections Into - When Permitted.  
The following structures may project into required front, side or rear yards as specified below and shall not be considered in determining lot coverage:

- A. Paved terraces may project into required front, side or rear yards provided that no structures placed there violate other requirements of Chapters 21.28 through 21.69.
- B. Unroofed landings and stairs may project into required front and rear yards only, provided that no protion other than a light handrail extends higher than 16 inches above the finished grade level.
- C. Window sills, belt courses, cornices, eaves and similar incidental architectural features should not project more than two feet into any required yard.
- D. Open fire escapes should not project more than four feet, six inches into any required yard.

21.60.040 Fences. Fences may be constructed at the lot line, provided however that front yard fences in residential zoning districts shall not exceed four feet in height. No fence may block any site distance triangle which may be required by this or other ordinances.

Section 13. That Chapter 21.61 of the Borough Code of ordinances is repealed and re-enacted to read:

#### Chapter 21.61

#### HOMER DISTRICT -- CONDITIONAL USE PERMITS

21.61.010 Intent. It is the intent of this chapter to provide the flexibility necessary to allow by permit a use within a district under conditions which are specified in addition to regulations applying to other uses permitted outright within the district. The reasons for requiring such

special conditions include, among others, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the uses, and the effect such uses have on any adjoining land uses and on the growth and development of the city as a whole. Location and operation of designated conditional uses shall be subject to review and authorized only by issuance of a Conditional Use Permit. The purpose of review shall be to determine that the characteristics of any such use shall not be incompatible with the type of uses permitted in surrounding areas, and for the further purpose of establishing reasonable conditions so that the basic purposes of this Chapter shall be served. Nothing herein shall be construed to require the granting of a Conditional Use Permit.

21.61.020 General Conditions. Prior to granting a use permit, it shall be established that the use satisfies the following conditions:

- A. The use is consistent with the purpose of Chapters 21.28 through 21.69 and the purpose of the zoning district;
- B. The value of the adjoining property will not be significantly impaired;
- C. The proposed use is in harmony with the community plan and with surrounding land uses;
- D. Public services and facilities are adequate to serve the proposed use;
- E. A more suitable location for the use is not practicably available within the zoning district;
- F. In evaluating the above-mentioned conditions, consideration may be given to harmony in scale, bulk, coverage and density, to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads, and, to any other relevant impact of the use.
- G. Any and all specific conditions deemed necessary by the Advisory Planning Commission to fulfill the above-mentioned conditions shall be met by the applicant. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to, requiring:

- (1) Special yards and spaces.
- (2) Fences and walls.
- (3) Surfacing of parking areas.
- (4) Street and road dedications and improvements (or bonds).
- (5) Control of points of vehicular ingress and egress.
- (6) Special provisions on signs.
- (7) Landscaping and maintenance thereof.
- (8) Maintenance of the grounds.
- (9) Control of noise, vibration, odors, or other similar nuisances.
- (10) Limitation of time for certain activities.
- (11) A time period within which the proposed use shall be developed.
- (12) A limit on total duration of use.

21.61.030 Application for Conditional Use Permits. Application for a conditional use permit shall be filed with the city manager. The application shall include, but is not limited to, the following:

- A. Name and address of the party seeking the permit;
- B. A legal description of the land;
- C. A description of the proposed use including a dimensioned plot plan, and a description of neighboring land use including any necessary maps and diagrams;
- D. The appropriate fee; and
- E. Any additional information which the administrative official, the Homer Planning Commission, or if appropriate, the Borough Planning Commission may require to determine if all conditions will be satisfied.

21.61.040 Procedures. A. If the application is in order, the city manager shall schedule a public hearing and notice of the proposal as specified in Chapter 21.69.

B. Approval shall require the concurring majority vote plus one of the Advisory Planning Commission.

21.61.050 Time Limitations. Failure to meet any time limits imposed by the conditional use permit granted by the Advisory Planning Commission shall void the conditional use permit provided that an extension may be granted by the Planning Commission following a public hearing on the matter. The Commission may grant extensions for good cause only.

21.61.060 Standards for Planned Unit Developments.

A. Purpose. Planned unit developments are intended to encourage the development of large parcels of land as integrated units and to allow for flexibility in design. PUDS are allowed as conditional uses within a number of zoning districts, and are applicable to either residential or non-residential uses, or a combination thereof.

B. Districts Allowed. Planned Unit Development is allowed in all districts except Open Space - Recreation.

C. Concept Plan. The applicant shall prepare a preliminary Concept Plan for review with the city staff at a pre-application conference. The concept plan shall include a conditional use application form and accompanying maps which include the following information:

- (1) A legal description of the total site proposed for development, including a statement of present ownership.
- (2) A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
- (3) A proposed development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.

- (4) A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.
- (5) Quantitative data for the following: Total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate gross and net residential densities; total amount of open space (including a separate figure for usable open space); total amount of non-residential construction (including a separate figure for commercial facilities).
- (6) The existing site conditions including contours at five foot intervals, water course, flood plains, unique natural features, and forest cover.
- (7) Proposed lot lines and plot designs; the location and floor area size of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, density per type, and non-residential structures; preliminary architectural renderings of typical structures and improvements. (Such drawings should be sufficient to relay the basic architectural intent of the proposed improvements, but should not be encumbered with final detail at this stage).
- (8) The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open space, public parks, and recreational areas.
- (9) Existing and proposed automotive traffic circulation systems of arterial, collector, and local streets including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership, public or private, should be included where appropriate.
- (10) Existing and proposed pedestrian circulation systems, including their interrelationship with the vehicular circulation system.



- (11) Existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines.
- (12) A general schematic landscape plan indicating the treatment of materials to be used for private and common open spaces.
- (13) Sufficient information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the landscape.
- (14) The proposed treatment of the perimeter of the PUD, including materials and techniques to be used such as screens, fences, and walls.
- (15) Any additional information as required by the review authority necessary to evaluate the character and impact of the proposed PUD.

The staff shall review the application form and maps to determine their completeness. If adequate information is available to allow for Homer Planning Commission review, the application will be scheduled before the Homer Planning Commission as a conditional use request.

D. Final Plan

- (1) If the conditional use application is approved, or approved with modifications, the applicant may proceed with preparation of a Final Plan. A Final Plan shall be filed within one year of Concept Plan approval. Plans shall be prepared by professionals qualified in at least two of the following fields: (1) licensed architect; (2) registered civil engineer; (3) landscape architect; (4) planner; or (5) registered land surveyor.
- (2) Before the Final Plan is approved by the Homer Planning Commission, a preliminary subdivision plat may be prepared to be considered in conjunction with the Final Plan.
- (3) The Final Plan shall include all information and maps submitted for the Concept Plan in their finalized detailed form. This includes site plans

sufficient for recording and detailed engineering drawings, including contours at two foot intervals. In addition, a statement of methods to be employed to assure maintenance of any common areas and facilities shall be submitted.

- (4) Upon receipt of a PUD Final Plan, the Homer Administrative Officer shall review and prepare a recommendation for action by the Homer Planning Commission on the PUD Plan. The staff shall, as a minimum, give consideration to the conformance of the Final Plan to the Concept Plan as well as the criteria governing conditional uses.
- (5) Upon receipt of the administrative review and recommendation, the Homer Planning Commission shall establish a finding that the Final Plan is consistent with the Concept Plan, or that it is inconsistent.
- (6) In the event it is determined that the Final Plan is consistent with the approved Concept Plan, the Homer Planning Commission shall approve the Final Plan with modifications or conditions.
- (7) If it is determined that the Final Plan is inconsistent with the approved Concept Plan, the Planning Commission shall set a public hearing date, and shall give notice and provide an opportunity to be heard to each of the following: (1) any person who is on record as having appeared at the public hearing on the Concept Plan; (2) any other person who has indicated to the Planning Commission in writing that he wishes to be notified. After the public hearing, the Homer Planning Commission shall approve or disapprove the Final Plan, or approve the Final Plan with modifications or conditions.

E. Residential PUDs

- (1) Qualifying Conditions. Public water and sewer facilities shall be available or shall be provided as part of the site development.
- (2) Permitted Uses. The following uses of land and structure may be permitted within a Residential PUD:

- (a) Residential uses including single-family, duplex, multiplex, and townhouse dwelling units.
  - (b) Other uses permitted within the zoning district in which it is located.
- (3) Density
- (a) Maximum project floor area shall not exceed .4 times the gross land area.
  - (b) Total open area shall be at least 1.1 times the total floor area.
  - (c) Open area shall not include areas used for parking or maneuvering incidental to parking or vehicular access. Open area may include walkways, landscaped areas, sitting areas, recreation space, and other amenities. All open area shall be suitably improved for its intended use, but open area containing natural features worthy of preservation may be left unimproved.
- (4) Common Open Space
- (a) All or a portion of the open area may be set aside as common open space for the sole benefit, use and enjoyment of present and future residents of the development.
  - (b) The development schedule which is part of the development plan must coordinate the improvement of the common open space with the construction of residential dwellings in the planned development.
  - (c) For any areas to be held under common ownership, a document showing the future maintenance provisions shall be submitted to the Homer Planning Commission. These provisions shall include mandatory membership of all property owners in any association designed for maintenance of the common area.
- (5) Perimeter Requirements. If topographical or other barriers do not provide adequate privacy for uses adjacent to the PUD, the Homer Planning Commission may impose one or both of the following requirements:

- (a) Structures located on the perimeter of the planned development must be set back a distance sufficient to protect the privacy of adjacent uses;
  - (b) Structures on the perimeter must be permanently screened by a fence, wall, or planting.
- (6) Dimensional Requirements. Dimensional requirements may be varied from the requirements of the district within which the PUD is located. All departures from those requirements will be evaluated against the following criteria:
- (a) Privacy. The minimum building spacing requirement is intended to provide privacy within the dwelling unit. Where windows are placed in only one of two facing walls or there are no windows, or where the builder provides adequate screening for windows, or where the windows are at such a height or location to provide adequate privacy, the building spacing may be reduced.
  - (b) Light and Air. The building spacing provides one method of ensuring that each room has adequate light and air. Building spacing may be reduced where there are no windows or very small window areas and where rooms have adequate provisions for light and air from another direction.
  - (c) Use. Where areas between both buildings are to be used as service yards, for storage of trash, clotheslines, or other utilitarian purposes, then a reduction of building space permitting effective design of a utility space may be permitted. Kitchens and garages are suitable uses for rooms abutting such utility yards.
  - (d) Building Configuration. Where building configuration is irregular so that the needs expressed in (a), (b), and (c) above are met by the building configuration, reduced building spacing may be permitted.
  - (e) Front Yard. Where the developer provides privacy by reducing traffic flow through

street layouts such as cul-de-sacs, or by screening or planting, or by fencing the structure toward open space or a pedestrian way, or through the room layout, then the right-of-way setback requirement may be reduced.

- (f) Lot Width. A minimum lot width is intended to prevent the construction of long, narrow buildings with inadequate privacy, light and air. There are situations as in cul-de-sacs, steep slopes, or off-set lots where, because of lot configuration or topography, narrow or irregular lots provide the best possible design. Where the design is such that light, air, and privacy can be provided, especially for living spaces and bedrooms, a narrower lot width may be permitted.

F. Nonresidential PUDs

(1) Qualifying Conditions

- (a) The PUD site shall have direct access to an arterial or collector street.
- (b) Utilities, roads, and other essential services must be available for the immediate use of occupants purchasing sites in the PUD.
- (c) The proposed PUD will be developed with a unified architectural treatment.

(2) Permitted Uses. Included all uses permitted within the district for which the PUD is requested.

(3) Perimeter Requirements. If topographical or other barriers do not provide adequate privacy for uses adjacent to the PUD, the Homer Planning Commission may require that one or both of the following requirements be met:

- (a) Structures located on the perimeter of the planned development must be set back a distance sufficient to protect the privacy of adjacent users;
- (b) Structures on the perimeter must be permanently screened by a fence, wall, or planting.

- (4) Dimensional Requirements. Setbacks and distances between buildings within the development shall be at least equivalent to that required by the zoning district in which the PUD is located unless the applicant demonstrates that:
- (a) A better or more appropriate design can be achieved by not applying the provision of the zoning district; and
  - (b) Adherence to the requirements of the zoning district is not required in order to insure health, safety and welfare of the users and inhabitants of the development.
- (5) Industrial Uses. If industrial uses are included in the PUD, the performance standards in Chapter 21.49.060 shall be met.

21.61.070 Standards for Townhouses. Townhouses may be conditionally permitted if the following requirements are met:

- A. The proposed development meets the conditions specified in Chapter 21.61;
- B. A detailed development plan is submitted with the application for a conditional use, including a site plan drawn to scale. The site plan shall include, but shall not be limited to, the topography and drainage of the proposed site, the location of all buildings and structures on the site, courts and open space areas, circulation patterns, ingress and egress points, parking areas (including the total number of parking spaces provided), and a general floor plan of the principal buildings, together with other such information as the Homer Planning Commission shall require;
- C. Not more than six contiguous townhouses shall be built in a row with the same or approximately the same front line, and not more than 12 townhouses shall be contiguous;
- D. No more than one townhouse project shall be located any closer than 600 feet to another townhouse project, unless otherwise approved by the Homer Planning Commission;

- E. No portion of a townhouse or accessory structure in, or related to, one group of contiguous townhouses shall be closer than 15 feet to any portion of another townhouse (or accessory structure related to another townhouse group), or to any building outside the townhouse project;
- F. Minimum lot width for an individual townhouse is 24 feet;
- G. Minimum lot area for each townhouse unit shall be 2,000 square feet, and the townhouse project must conform to the following:
  - (1) The total floor area shall not exceed .4 times the lot area.
  - (2) Total open area shall be at least 1.1 times the total floor area.
  - (3) Open area shall not include areas used for parking or maneuvering incidental to parking or vehicular access.
  - (4) Parking space area shall be provided at the minimum rate of 2.5 spaces per dwelling unit exclusive of driveways, traffic lanes in parking lots, and street dedications.
  - (5) 200 cubic feet of covered storage space shall be provided exclusive of the living area of the unit.
- H. Each townhouse unit shall have a total yard area containing at least 1,000 square feet. Such total yard area may be reduced to 500 square feet if 500 square feet of common open or common recreational area, not including parking spaces, is available for each unit. Such yard area shall be reasonably secluded from view from streets or neighboring property. Such yard area shall not be used for off-street parking or for any accessory building;
- I. Grouping of parking spaces is desirable provided that spaces intended for a particular unit are no more than 100 feet from the unit. On minor streets, use of the right-of-way may be permitted for maneuvering incidental to parking where this will facilitate snow removal. On collector and arterial streets, maneuvering incidental to parking shall not be permitted;

- J. Visibility at access points for automobiles:  
The following requirements apply to all private drives and entrances to, or exits from, common parking areas including such drives and access routes on adjacent property. At the intersection of any private drive or entrance or exit for a common parking area with a public street, no fence, wall, hedge or other planting or structure forming a material impediment to visibility between a height of 2-½ feet and 8 feet shall be erected, planted, placed, or maintained, and no vehicle so impeding visibility shall be parked within triangular areas defined by lines connecting points as follows;

Beginning at the point where the midline of the private drive or entrance or exit for a common parking area intersects the public right-of-way line, thence 35 feet in the direction of approaching traffic, thence to a point 25 feet toward the interior of the property along the previously described midline, and thence to point of beginning. No such visibility triangle need be maintained on the side of the drive, entrance or exit away from approaching traffic on the same side of the street;

- K. Minimum setbacks for townhouse developments shall adhere to the setback requirements of the zoning district within which it is located;
- L. Maximum building height shall not exceed 15 feet;
- M. All party walls shall adhere to fire safety standards as established by the State Fire Marshall;
- N. All townhouse developments constructed pursuant to a conditional use permit issued under the provisions of Chapter 21.61 shall be constructed in compliance with all pertinent state statutes then in effect;
- O. The developer or subdivider of any townhouse development shall give evidence that compliance with the Horizontal Property Regimes Act, AS 34.07, has been made prior to the sale of any townhouse dwelling units, and further,
- (1) The developer or subdivider of any townhouse development shall deposit with the



appropriate homeowners association, formed in compliance with the Horizontal Property Regimes Act cited in this section, a contingency fund in the sum of \$500.00 per dwelling unit in the town-house development.

(2) A copy of the bylaws of the homeowner's association showing in what manner the aforesaid contingency fund shall be controlled shall be furnished to the city for review and approval.

P. All areas not devoted to buildings, drives, walks, parking areas, or other authorized installations shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery, or trees;

Q. All roadways, fire lanes, or areas for maneuvering incidental to parking (not to include designated commonly held open space or recreational areas) shall be a minimum of 22 feet in width. Furthermore, no vehicular parking shall be allowed in the aforementioned areas;

R. The standards set forth in this section shall compliment the general standards set forth in this chapter and shall not be construed as superceding any general standard. In the event of conflict, the stricter standard shall control.

21.61.080 Standards for Mobile Home Parks.

A. Purpose. The intent is to provide minimum standards to assure the orderly and beneficial development of mobile home parks because the special features and demands of mobile home developments require full consideration of their site location, design and improvement, of their demands for full urban services and utilities, and of their relationship to, and effect upon, adjacent uses.

B. District Allowed. Mobile Home Parks will be allowed in all districts except the Marine Industrial and Open Space - Recreational Districts.

C. Space Occupancy. Only one mobile home or duplex mobile home shall occupy a space.

D. Minimum Lot Size. Each space for a mobile home shall contain not less than 3,000 square feet exclusive of

space provided for the common use of tenants, such as roadways, general use structures, guest parking, walkways, and areas for recreation and landscaping. Spaces designed and rented for duplex mobile homes shall have a minimum of 4,500 square feet.

E. Setbacks

- (1) No mobile home in the park shall be located closer than 15 feet from another mobile home or from a general use building in the park.
- (2) No mobile home accessory building or structure on a mobile home space shall be closer than 10 feet from another mobile home, accessory building or another mobile home space.
- (3) Along any lot bordering a public right-of-way, mobile homes and other buildings shall be setback a minimum of 10 feet plus one-half of the required right-of-way width, the setback shall be measured from the right-of-way centerline to the nearest point of any structure.

F. Open Space and Recreation Areas. A minimum of 10 percent of the total project area shall be devoted to common open space for use by residents of the mobile home park. This open space shall not include areas used for parking or maneuvering, vehicle access, or any area within a mobile home space. The open space may include lawns and other landscaped areas, walkways, paved terraces and sitting areas. The common open space shall be reasonably secluded from view from streets and shall be maintained in a neat appearance.

G. Mobile Home Structures. A mobile home permitted in the park shall meet the following standards:

- (1) The mobile home shall contain sleeping accommodations, a flush toilet, a tub or shower, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
- (2) The mobile homes shall meet the State standards for mobile home construction, as set forth in the Title 43, Chapter 30 of the Alaska Statutes.
- (3) The mobile home shall contain not less than 225 square feet of space as determined by measurement

of the exterior of the unit exclusive of any trailer hitch device.

(4) The mobile home shall be provided with a continuous skirting, and if a single-wide unit, shall be tied down with devices that meet state standards.

H. Storage. 200 cubic feet of covered storage shall be provided for each mobile home space (but not necessarily on-site).

I. Perimeter. The land which is used for park purposes shall be effectively screened, except at entry and exit places, by a wall, fence, or other sight obscuring screening. Such screening shall be of a height adequate to screen the mobile home park from view and shall be maintained in a neat appearance.

J. Water and Sewage. All mobile homes in the park shall be connected to water and sewerage systems before they are occupied. Evidence shall be provided with the application for a mobile home park approval that the park will meet the standards of the Alaska Department of Environmental Conservation.

K. Access. Each mobile home space shall be directly accessible from an internal street without the necessity of crossing any other space. Direct access from public streets to a mobile home space is prohibited.

L. Parking. A minimum of two parking spaces shall be provided for each mobile home space. An additional common parking area for guests shall be provided with one space for every four mobile homes.

M. Street Standards

(1) Circulation. The street system shall provide convenience circulation by means of minor streets and collector streets. Dead-end streets shall be provided with an adequate turning circle at least 80 feet in diameter.

(2) Street Widths. Street widths shall be adequate to accommodate the contemplated traffic load:

Collector Streets with no parking	28' minimum
Minor Streets with no parking	22' minimum

(3) Street layout shall, where appropriate, generally follow the functional guidelines contained in the Master Roads and Streets Plan of the City.

(4) If utilities are planned to be in or next to streets, additional width may be required by the Homer Planning Commission.

21.61.090 Standards for Recreational Vehicle Parks.

- A. Purpose. The intent of this section is to insure that each park provides safe and sanitary accommodations for the campers, travel trailers, and other vehicles which are located within the park, that the support services (such as utilities and facilities) are adequate for the period of their stay in the park, and that the park does not permit the use of any of its accommodations for permanent occupancy.
- B. District Allowed. Recreational Vehicle Parks are allowed in Open Space-Recreational (OSR); General Commercial 1 and General Commercial 2 Districts.
- C. Lot Size. The space provided for each recreational vehicle shall be a minimum of 1,500 square feet exclusive of any space used for common areas, roadways, walkways, general use structures, parking spaces, and landscaped areas.
- D. Setbacks. Recreational vehicle spaces shall be separated from each other by a minimum of 10 feet.
- E. Identification. Each recreational vehicle space shall be plainly marked and numbered for identification.
- F. Occupancy. Only one recreational vehicle shall occupy a space. No recreational vehicle shall remain in the park for more than 30 days in any 60-day period.
- G. Surfaces. Each recreational vehicle space shall be covered with crushed gravel, or paved with asphalt, concrete, or similar material, and shall be designed to provide for runoff of surface water. The part of the space which is not occupied by the recreational vehicle, not intended as an access way to the recreational vehicle, or part of an outdoor patio, need not be paved or covered with gravel.
- H. Utilities
- (1) At least 50 percent of the recreational vehicle spaces shall be provided with electrical service.

(2) The park shall provide wastewater holding tank disposal facilities and a source of potable water for filling water tanks.

(3) The park shall provide for every 15 recreational vehicle spaces, one toilet and lavatory for each sex.

I. Solid Waste Disposal. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of park occupants at a minimum of one receptacle for each five spaces.

J. Parking

(1) One parking space shall be provided for each recreational vehicle space.

(2) Additional parking shall be provided for exclusive use of the park manager and employees.

(3) Guest parking shall be provided at a rate of one parking space per 10 recreational vehicle spaces.

K. Roadways

(1) All dedicated roadways shall be not less than 25 feet in width.

(2) All roadways shall be paved with asphalt, concrete, or crushed gravel, and designed to permit easy access to each recreational vehicle site.

(3) No parking shall be permitted on the edge of the roadway.

(4) Roadway maintenance shall be the responsibility of the park owner or operator.

L. Storage. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or any guest of the park.

21.61.100 Standards for Churches

A. District Allowed. Churches are permitted in the Urban Residential, Rural Residential, and Central Business Districts.

- B. Lot Size. Churches shall have a minimum lot size of 15,000 square feet.
- C. Setbacks. Setbacks for churches and their accessory buildings shall conform to the minimum requirements of the district in which it is located for buildings under 35 feet in height. Setbacks on a right-of-way shall be increased by 10 feet for each additional 10 feet in height above 35 feet.
- D. Landscaping. All areas not devoted to buildings, parking, walkways, or driveways shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery, or trees.
- E. Residential Buildings. Residential structures shall be allowed under the same standards as the district in which it is located. Required lot areas shall be in addition to required lot areas for church purposes.
- F. Signs. One or more signs totalling 20 square feet in area shall be permitted per structure. Signs shall be only for identification of the structure and for announcement of services and programs.

Section 14. That Section 21.64.010 of the Borough Code of ordinances is amended to read

"21.64.010 Intent. When any lot, structure, use for occupancy legally exists prior to (MAY 26, 1978) May 5, 1981, but does not meet the requirements of Chapter 21.28 (21.70) 21.69, then it shall be considered a non-conforming lot, structure or use. Except as provided in Chapters 21.28 through (21.70) 21.69, non-conformities may continue but may not be expanded.

Section 15. That this ordinance takes effect immediately upon its enactment and shall remain effective indefinitely unless earlier repealed by operation of Ordinance 81-2.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1981.

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Paul Fischer, Assembly President

ATTEST:

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Borough Clerk

Kenai Peninsula Borough  
Ordinance 81-33  
Page 62 of 62 Pages