



AGENDA

Planning Commission

Economic Development Advisory Commission

Joint Worksession

Wednesday, July 19, 2023 at 6:00 PM to 8:00 PM

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

Homer City Hall

491 E. Pioneer Avenue

Homer, Alaska 99603

www.cityofhomer-ak.gov

Zoom Webinar ID: 925 8194 8252 Password: 703906

<https://cityofhomer.zoom.us>

Dial: 346-248-7799 or 669-900-6833;

(Toll Free) 888-788-0099 or 877-853-5247

1. CALL TO ORDER, 6:00 P.M.

2. AGENDA APPROVAL

3. DISCUSSION ITEMS

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

Memorandum PC 23-041 from City Planner as backup.

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4. CONSENT AGENDA ITEMS

5. REGULAR AGENDA ITEMS

6. COMMENTS OF THE AUDIENCE

- 7. ADJOURNMENT** Next regular meeting is Wednesday, August 2, 2023 at 6:30 p.m. A Worksession is scheduled at 5:30 p.m. prior to the regular meeting. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska



AGENDA ITEM REPORT

ORDINANCE 23-40 ZONING TEXT AMENDMENT

Item Type: Action Memorandum
Prepared For: Planning Commission and Economic Development Advisory Commission
Meeting Date: July 19, 2023
Staff Contact: Ryan Foster, AICP, City Planner

Summary Statement:

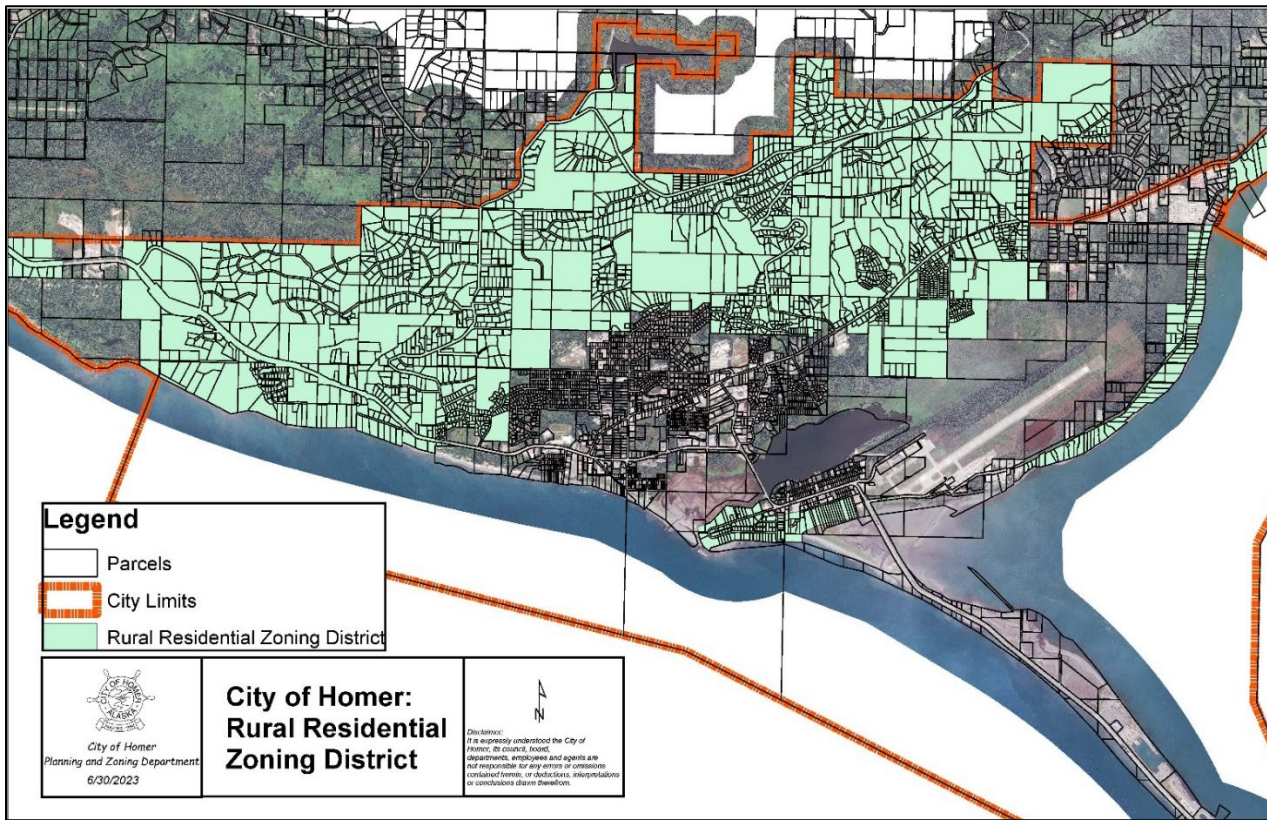
At their regular meeting on June 12, 2023, the City Council referred Ordinance 23-40 Amending Title 21 Regarding Conditional Use Permits to the Planning Commission and Economic Development Commission for review, comments, and recommendations, due back to the City Council at their regular meeting on August 28, 2023.

Background:

The conditional use permit section of Title 21 was amended recently with the goal of addressing the CUP's that have become routine and required the most minimal input from the Commission for approval. The proposed changes in Ordinance 23-40 would amend some of those recent changes.

Below, for each district with proposed changes, there is a zoning map, comprehensive plan information, Title 21 zoning district purpose, and the proposed changes in ordinance 23-40. This information has been assembled in order to facilitate a conversation in the work session to determine the potential impacts, record comments, and consider draft motions for any proposed changes from the Commission(s).

RURAL RESIDENTIAL (RR)



Comprehensive Plan

- **Intent** The R-3 district is intended to provide areas for low density residential development and limited agricultural pursuits.
- **Primary Use** Low-density residential development in outlying locations, generally with less services and/or lower level of service than in urban areas.
- **Other Uses, Allowances, and Specifications**
 - Areas generally not served by water and sewer, nor likely to be served in the near future.
 - Larger lot sizes or cluster subdivisions to preserve sense of open space.
 - Allows accessory housing units by right (subject to standards).
 - Allows bed and breakfasts by right, subject to standards (for purposes of this plan B&B defined as lodging where owner proprietor resides on site)
 - Allows home-based businesses by right, subject to standards; allows some larger non-retail business activities subject to administrative review.
- **Development standards**
 - Option for higher densities and cluster development. Encourage open space subdivisions as alternative to more typical lot layouts.
 - Ensure newer housing is compatible with character of older neighborhoods.

Homer City Code (HCC)

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

Proposed Changes in Ordinance 23-40:

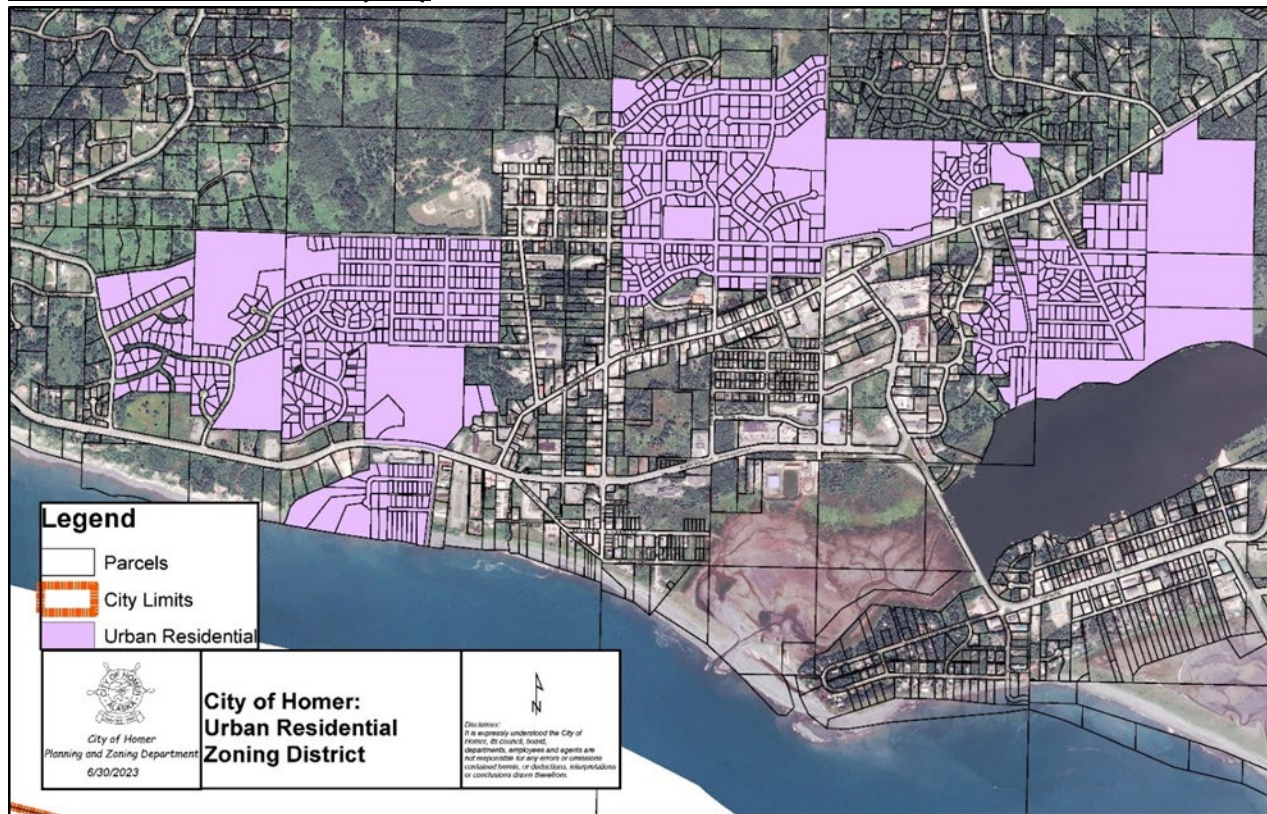
The following uses are permitted outright in the Rural Residential District:

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

21.12.030 Conditional Uses and Structures

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

URBAN RESIDENTIAL (UR)



Comprehensive Plan

UR (URBAN RESIDENTIAL)

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

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

Homer City Code (HCC)

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

Proposed Changes in Ordinance 23-40:

21.14.020 Permitted Uses and Structures.

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

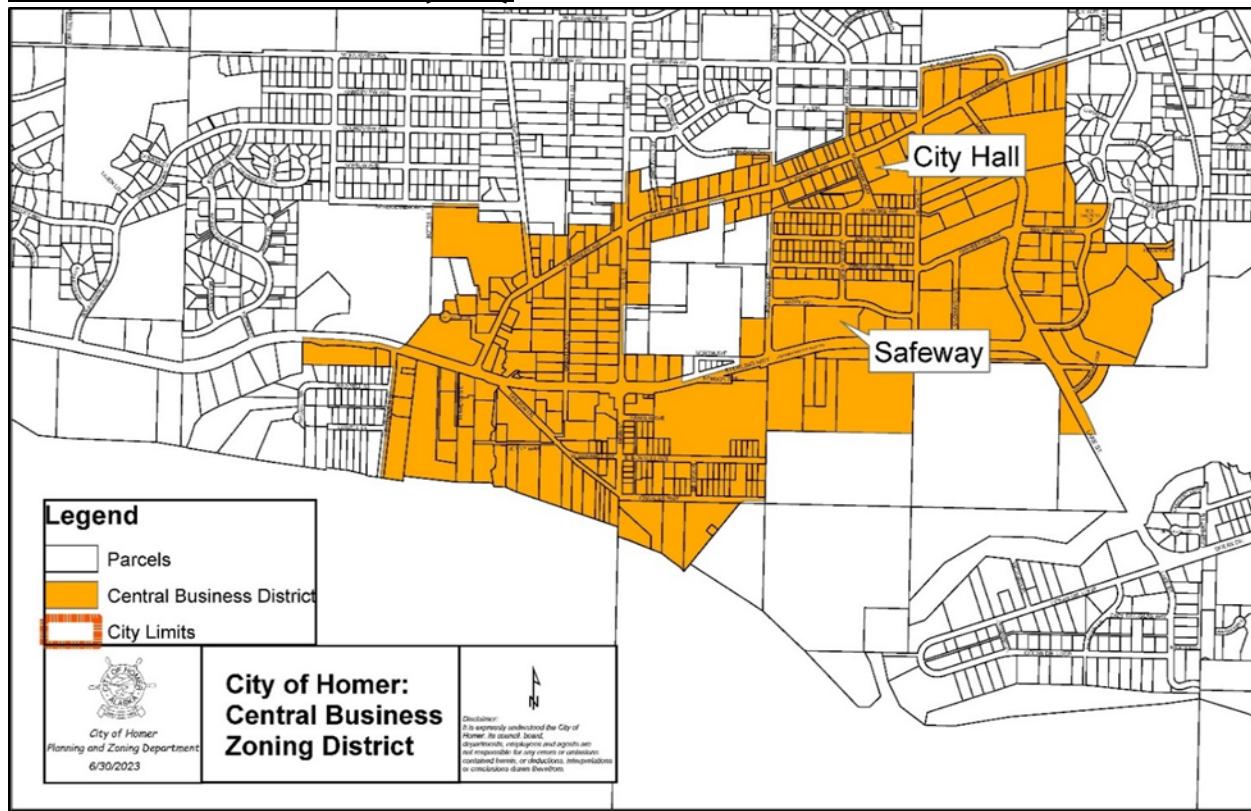
~~s. Up to 4 buildings on a lot for use as dwelling units subject to HCC 21.14040(a)(2)(a)&(b) excluding mobile homes.~~

21.14.030 Conditional uses and structures.

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

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

Central Business District (CBD)



Comprehensive Plan

CBD (CENTRAL BUSINESS DISTRICT)

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

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

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

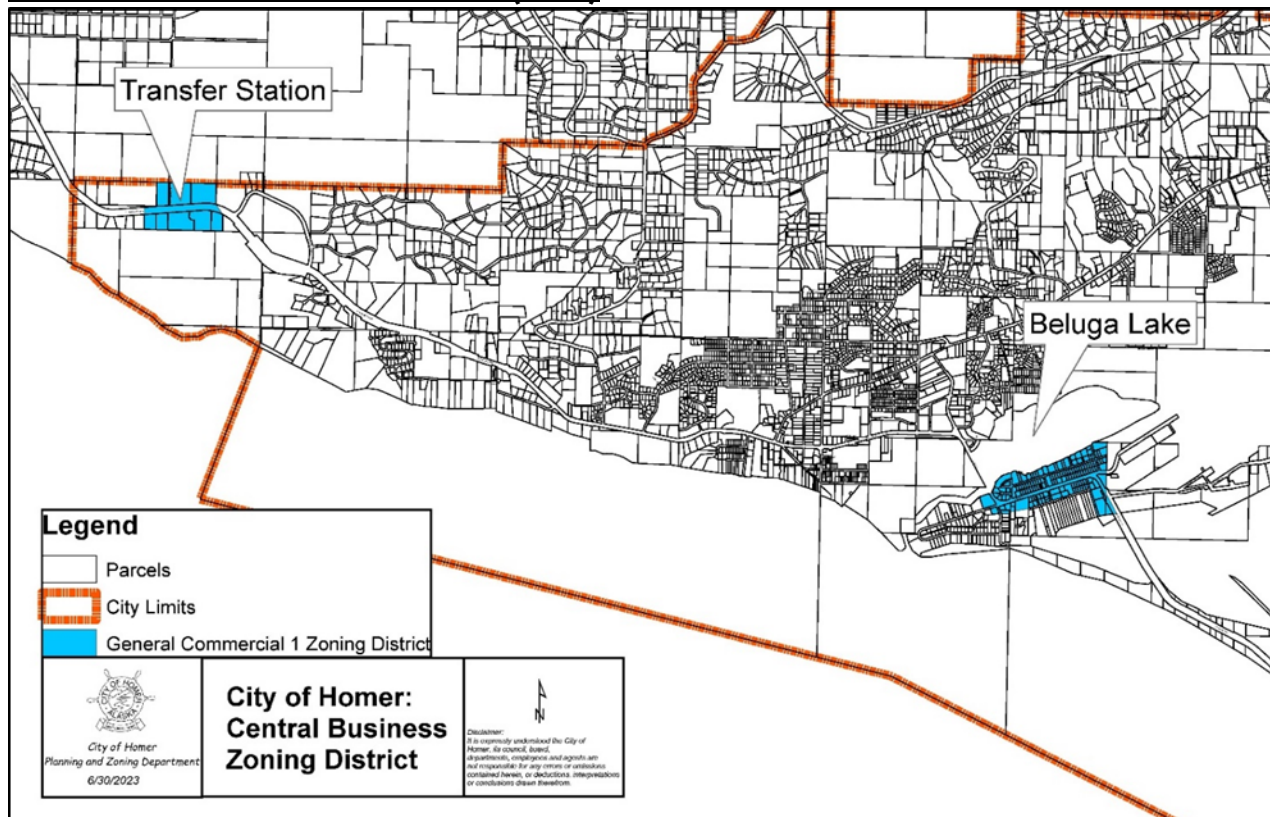
Proposed Changes in Ordinance 23-40:

21.18.020 Permitted Uses and Structures.

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

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

General Commercial District 1 (GC1)



Comprehensive Plan

- **Intent** The intent of the GC-1 district is to provide for auto-oriented business.
- **Primary Use** Provide for a diverse array of commercial, retail, and civic uses; commercial uses are primary objective. Applied in locations where the auto is primary means of access.
- **Other Uses, Allowances, and Specifications**
 - Areas served by public water and sewer, full range of other urban services.
 - Residential densities – for example, residential uses up to 6 units per acre allowed by right; higher densities with administrative review or use dimensional standards like CBD above.

- On-site parking required (option for shared parking with an approved parking plan).
- Guide use to create/maintain an attractive highway environment.
- **Development standards** include:
 - Control signage to maintain visual quality (for example, avoid large, highly illuminated signs).
 - Provide for safe pedestrian circulation.

Homer City Code (HCC)

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

Proposed Changes in Ordinance 23-40:

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

21.24.020 Permitted Uses and Structures.

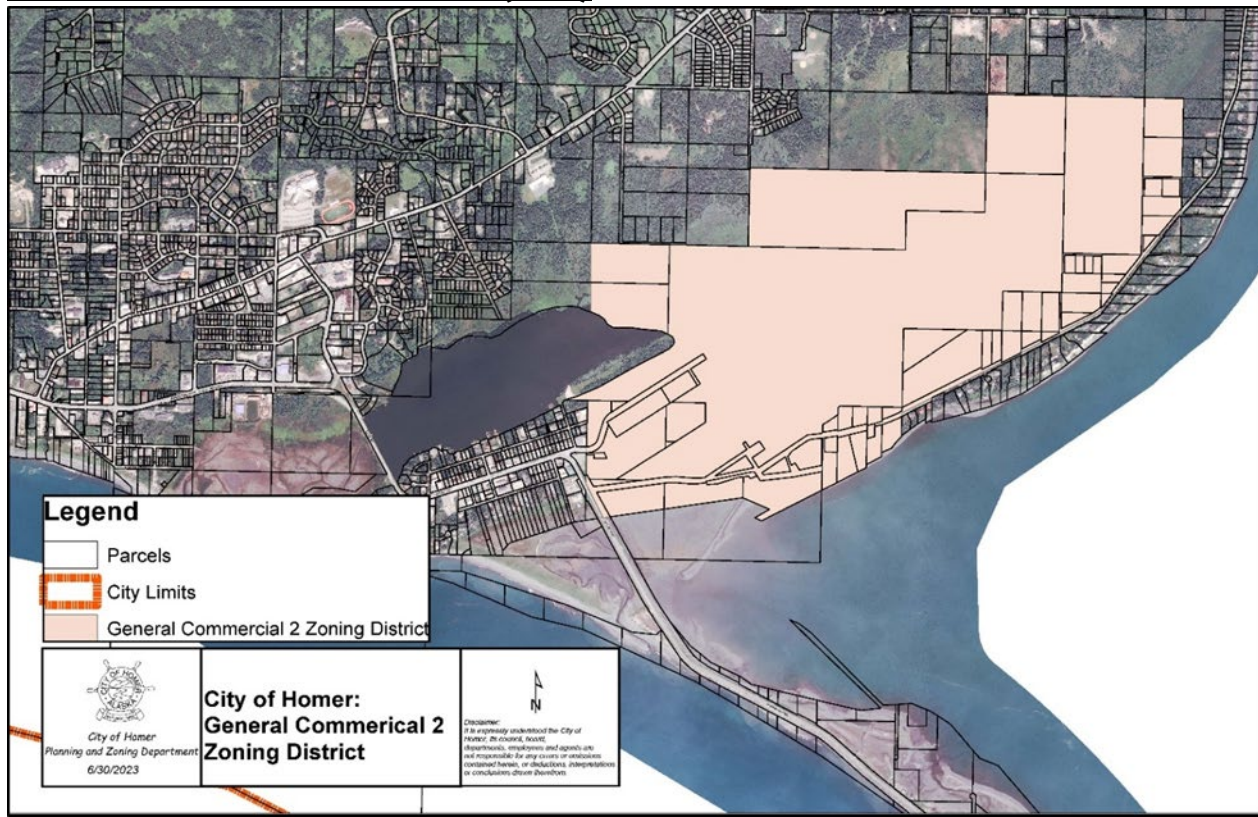
The following uses are permitted outright in the General Commercial 1 District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reason set forth in this chapter:

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

21.24.030 Conditional Uses and Structures.

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

General Commercial District 2(GC2)



Comprehensive Plan

- **Intent** The intent of the GC-2 district is to locate commercial and industrial uses where access to transportation infrastructure is a primary consideration. This district will also serve as a reserve to allow for future commercial and industrial expansion.
- **Primary Use** Promote a sound heavy commercial area within the community with good access to main roads, and reserve land for future industrial expansion. Designed to permit manufacturing, processing, assembly, packaging, or treatment of products within enclosed utilities and facilities required to serve these uses. Residential uses permitted, recognizing the primacy of light industrial and commercial activities. Residential uses limited; certain retail enterprises limited. Performance standards for heavy commercial uses, especially where the district abuts other zoning districts. Allows for heavier commercial uses – manufacturing, processing, packaging, and support of airport activities / needs.
- **Other Uses, Allowances, and Specifications**
 - Accessible by vehicle/direct access.
 - Allows for mixed use, live/work, provides larger lots than would be available in CBD
 - On-site parking required.
- **Development standards include:**
 - Minimal – basic guidelines for parking, minimal setbacks
 - Encourage basic landscaping, screening

Homer City Code (HCC)

The purpose of the General Commercial 2 District is primarily to provide a sound area for heavy commercial and industrial uses within the community designed to permit manufacturing, processing,

assembly, packaging, or treatment of products and other uses described in this chapter. Residential uses and certain retail enterprises are purposely limited.

Proposed Changes in Ordinance 23-40:

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

21.24.020 Permitted Uses and Structures.

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

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

21.26.030 Conditional Uses and Structures.

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

Residential Office(RO)

Comprehensive Plan

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

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

Proposed Changes in Ordinance 23-40:

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

21.16.020 Permitted Uses and Structures.

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

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

21.16.030 Conditional uses and structures.

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

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

Gateway Business District (GBD)

Comprehensive Plan (as Gateway Mixed Use)

- **Intent** The intent of the G-MU district is to provide land uses that primarily cater to the tourism and visitor industry of Homer and to promote year round activity. The gateway district serves as the primary roadway entry into Homer. It will provide an attractive built environment and promote those uses that will not compete with the DT, CBD and GC districts.
- **Primary Use** Promote mixed-use development, with emphasis on the visitor industry. Serve needs and interests of the visitor industry, as well as year-round residents and Homer's role as the Gateway to Kachemak Bay (not to conflict w/CBD). Minimize future traffic congestion along the Sterling Highway corridor and preserve the experience residents and visitors have when entering Homer by way of the Sterling Highway.
- **Other Uses, Allowances, and Specifications**
 - Areas served by public water and sewer, full range of other urban services.
 - Allow and encourage relatively high densities (sufficient concentration of uses to encourage circulation by foot).

- Residential densities – for example, multi-family up to 6 units per acre - allowed by right; higher densities with administrative review or use dimensional standards like CBD above.
- **Development standards**
 - Advisory guidelines re “Gateway” design character.
 - Encourage parking behind buildings (through appropriate set-back rules).
 - Design standards that create an entry point the community can be proud of - attractive, pedestrian-oriented to a degree (e.g., landscaped parking).
 - Control signage to maintain visual quality (for example, avoid large, highly illuminated signs).

Homer City Code (HCC)

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

Proposed Changes in Ordinance 23-40:

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

21.22.020 Permitted Uses and Structures.

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

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

21.22.030 Conditional Uses and Structures.

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

Attachments:

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

City of Homer Zoning Map

Attachments:

Ordinance 23-40: Amending Title 21 Regarding Conditional Use Permits
City of Homer Zoning Map

Lord/Mayor

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

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

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

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

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

NOW THEREFORE, The City of Homer Ordains:

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

Chapter 21.12.020 Permitted Uses and Structures

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

s. **One detached** up to four dwelling units, excluding mobile homes, **as an accessory building to a principal single family dwelling** on a lot subject to the requirements of HCC 21.12.040

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

21.12.030 Conditional Uses and Structures

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

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

21.14.020 Permitted Uses and Structures.

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

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

21.14.030 Conditional uses and structures.

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

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

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

21.16.020 Permitted Uses and Structures.

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

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

21.16.030 Conditional uses and structures.

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

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

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

21.18.020 Permitted Uses and Structures.

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

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

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

21.22.020 Permitted Uses and Structures.

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

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

21.22.030 Conditional Uses and Structures.

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

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

91 21.24.020 Permitted Uses and Structures.

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

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

96 21.24.030 Conditional Uses and Structures.

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

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

100 21.24.020 Permitted Uses and Structures.

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

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

105 21.26.030 Conditional Uses and Structures.

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

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

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110 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2023.

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CITY OF HOMER

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KEN CASTNER, MAYOR

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120 ATTEST:
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122
123 _____
124 MELISSA JACOBSEN, MMC, CITY CLERK
125
126 Introduction:
127 Public Hearing:
128 Second Reading:
129 Effective Date:
130
131 YES:
132 NO:
133 ABSTAIN:
134 ABSENT:

City of Homer Zoning Map

0 0.25 0.5 1 Miles

November 2, 2020

Abbreviations
MC = Marine Commercial
MI = Marine Industrial
OSR = Open Space Recreation
CONS = Conservation

Legend

City Limits

2020 Zoning

Zone

Gateway Business District

Central Business District

Town Center

General Commercial 1

General Commercial 2

East End Mixed Use

Marine Commercial

Marine Industrial

Open Space Rec

Conservation

Bridge Creek Watershed

Rural Residential

Urban Residential

Residential Office

Medical

Scenic Gateway Corridor Overlay

Small Boat Harbor Overlay

Section Lines

Ordinance No.	Date
83-07	2/15/83
83-30	12/13/82
84-28	10/23/84
85-10	5/28/85
86-18	6/24/86
86-23	8/26/86
86-24	8/26/86
86-25	8/26/86
92-47	9/29/92
92-50	12/15/92
98-14	7/27/98
1-27(S)	5/13/02
02-11	5/13/02
02-42(S)(A)	7/28/03
03-08	2/25/03
03-10	2/25/03
03-11(S)(A)	2/25/03
03-03(S)	3/11/03
03-04(S)	3/11/03
03-05(S)	3/11/03
03-09	3/11/03
03-20	5/13/03
03-37	7/29/03
05-07	3/15/05
05-33	6/28/05
06-20(A)	9/15/06
06-22	4/25/06
06-58	9/15/06
06-51(S)(A)	9/26/06
07-52(A-2)	2/25/08
08-06	2/12/08
08-08(A)	3/25/08
08-20	6/24/08
08-12(S)(A-2)	10/14/08
09-44(S)	10/13/09
09-19	10/26/09
12-10	2/28/12
12-11(A)	3/28/12
13-12(S)	5/14/13
16-34	6/28/16
20-02	1/28/20
20-49	8/25/20
20-59(A)	9/29/20

