

CITY OF HOMER
HOMER, ALASKA

Faded

ORDINANCE 91-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, AMENDING HOMER CITY CODE, TITLE 21, ZONING AND PLANNING, CHAPTER 21.64, NONCONFORMITY

WHEREAS, The Homer Advisory Planning Commission requested that Homer City Code, Title 21, Zoning, Chapter 21.64, Nonconformity be amended to distinguish uses from structures; and,

WHEREAS, the Homer Advisory Planning Commission held a public hearing on the matter on October 10, 1990, as required by Homer City Code, Section 21.70.020.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Section 21.64.030 of the Homer City Code is hereby amended to read as follows:

21.64.030 Nonconforming uses of structures. If a use of a structure, or of a structure and land in combination, made unlawful by this title or any amendments thereto lawfully existed prior to the effective date of this title or such amendments, said use may be continued as a nonconforming use so long as it remains otherwise lawful, subject to the following provisions:

a. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than one year, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the zone in which it is located;

b. No existing structures devoted to a use not permitted by the zoning code in the zone in which it is located shall be enlarged, reconstructed, moved or structurally altered without a conditional use permit, except when the use of the structure is changed to a use permitted in the zone in which it is located;

c. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone in which such structure is located, and the nonconforming use may not thereafter be resumed;

d. When a structure and land in combination is devoted to a nonconforming use, upon removal or destruction of the structure the land shall not thereafter be used except in conformance with the regulations of the zone in which it is located.

Section 2. Section 21.64.032 of the Homer City Code is hereby added to read as follows:

21.64.032 Nonconforming structures. Where a structure lawfully existed prior to the effective date of this title or any amendments thereto, which could not be lawfully built under the terms of this title or any such amendments by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued as a nonconforming structure so long as it remains otherwise lawful, subject to the following provisions:

a. No such structure may be enlarged or altered in any way without a conditional use permit;

b. Should such structure be moved for any reason it shall thereafter conform to the regulations for the zone in which it is located after it is moved.

Section 3. Section 21.64.034 of the Homer City Code is hereby added to read as follows:

21.64.034 Nonconforming uses of land. Where, prior to the effective date of this title or any amendments thereto, lawful use of land existed that is no longer lawful under the terms of this title or any such amendments, such use may be continued as a nonconforming use so long as it remains otherwise lawful, subject to the following provisions:

a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on or before the date the use became nonconforming;

b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use on or before the date use became nonconforming;

c. If any such nonconforming use of land ceases for more than one year, any subsequent use of such land shall conform to the regulations of the zone in which it is located.

Section 4. Section 21.64.035 of the Homer City Code is hereby amended to read as follows:

It shall be the responsibility of the owner to show proof of continuing nonconforming use of any property or structure which is in nonconformity with ~~Chapter-21-28-through-21-70~~ of this title. Upon presentation of such proof, the Homer Advisory Planning Commission shall formally accept the nonconforming use or structure as valid ~~use-or-structure-on-the-legally-designated-lot-until-such-time-as-the-use-ceases-for-one-year~~ pursuant to this chapter.

Section 5. Section 21.64.038 of the Homer City Code is hereby added to read as follows:

On any structure or portion thereof which is a nonconforming structure or which contains a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement on nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding 10% of the current replacement cost of the structure or portion of the structure as the case may be. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 6. Section 21.64.040 of the Homer City Code is hereby repealed in its entirety:

~~A-reasonable-schedule-for-the-termination-of-a-nonconforming lot,--structure--or--use,--or--combination--thereof,--which significantly impairs the public health, safety and general welfare pursuant to Chapters-21-28-through-21-70,--shall-be established-by-amendment-to-the-Homer-Zoning-Ordinance.~~

DATED THIS

DAY OF

1990.

CITY OF HOMER

HARRY GREGOIRE, MAYOR

ATTEST:

MARY L. SHANNON, CITY CLERK

AYES:
NOES:
ABSTAIN:
ABSENT:

First Reading:
Public Hearing:
Second Reading:
Effective Date:

Approved as to form and content:

C.E. Swackhammer, City Manager

Gordon J. Tans, City Attorney

Date: _____

Date: _____