

**REGULAR MEETING
AGENDA**

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Public Comment**

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
- 4. Reconsideration**
- 5. Adoption of Consent Agenda**

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

 1. Approval of Minutes of May 2, 2012 *p. 1*
- 6. Presentations**
- 7. Reports**
 - A. Staff Report PL 12-23, City Planner's Report *p. 5*
- 8. Public Hearings**

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

 - A. Staff Report PL 12-21 Draft Ordinance 12-xx, Amending Homer City Code HCC 21.60.060, Table 3, Permitted Sign Characteristics *p. 11*
- 9. Plat Consideration**
- 10. Pending Business**
 - A. Staff Report PL 12-22, Flag Lots *p. 25*
- 11. New Business**
 - A. Staff Report PL 12-24 Amending HCC 21.28 Marine Commercial Zoning District *p. 33*
- 12. Informational Materials**
 - A. City Manager's Report dated May 14, 2012 (Acting CM Painter) *p. 39*
 - B. Letter to property owners in or near a flood plain May 9, 2012 *p. 41*
- 13. Comments of The Audience**

Members of the audience may address the Commission on any subject. (3 minute time limit)
- 14. Comments of Staff**
- 15. Comments of The Commission**
- 16. Adjournment**

Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission. The next regular meeting will be held June 20, 2012 at 6:30 pm.



Session 12-05, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 6:30 p.m. on May 2, 2012 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, DOLMA, ERICKSON, HIGHLAND, MINSCH, SONNEBORN, VENUTI

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

None

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

1. Approval of the April 4, 2012 minutes
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030g
4. KPB Coastal Management Program Reports
5. Draft Decision and Findings for CUP 12-01, Homer Spit Subdivision No. Two Amended, Lot 88-4 and a portion of Parking and Access Area, 4744 Homer Spit Road

The consent agenda was approved by consensus of the Commission.

PRESENTATIONS

- A. William J. Marley of Dell Group, Presentation of Ocean Drive Park

Dr. Marley commented regarding the information in the packet proposing a park on property he owns with two partners. The property is 31.3 acres with approximately 12 acres on the uplands on the Sterling Highway, an estimated 2300 feet of beach front and 1400 feet of highway frontage. The proposed park area is located at the base of the scenic drive into Homer. He recognized that the final design would rest in the hands of Parks and Recreation and the City Council but potential uses for the proposed park include a ramp to access the beach, a year round performing arts center, tennis courts, walking trails, pavilions, observation stations, an outdoor native appreciation area, and restrooms as water and sewer are available to the area. The proposed sale of the entire 31.3 acres is \$3, 750,000. Dr. Marley said he provided this same information to the Parks and Recreation Commission and they supported it unanimously.

B. Rick Foster, Borough Planning Commission

Mr. Foster advised the Commission of the May 14th Borough Planning Commission meeting that will be held at Land's End and reported about his time at the National Planning Conference in Los Angeles.

REPORTS

A. Staff Report PL 12-20, City Planner's Report

City Planner Abboud reviewed the staff report.

PUBLIC HEARINGS

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

PLAT CONSIDERATION

A. Staff Report PL 12-18 Bidarki Creek No. 4 Preliminary Plat

City Planner Abboud reviewed the staff report.

There were no applicant comments or public comments.

VENUTI/BOS MOVED TO APPROVE THE PRELIMINARY PLAT.

There was brief discussion regarding the slope on the lot. City Planner Abboud confirmed that as a whole the slopes don't hit the threshold for the steep slope regulations.

Commissioner Dolma stated he may have a conflict of interest.

BOS/VENUTI MOVED THAT COMMISSIONER DOLMA HAS A CONFLICT OF INTEREST.

Commissioner Dolma explained that someone he works with is a close personal friend of the applicant. There is no financial relationship between him and the applicant and he feels he can make a fair decision.

VOTE: NO: BOS, HIGHLAND, SONNEBORN, VENUTI, ERICKSON
YES: MINSCH

Motion failed.

There was no further discussion on the motion to approve the plat.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PENDING BUSINESS

NEW BUSINESS

- A. Staff Report PL 12-15, Reappointment of Roberta Highland to the Transportation Advisory Committee

ERICKSON/VENUTI SO MOVED TO RECOMMEND REAPPOINTMENT OF COMMISSIONER HIGHLAND TO THE TRANSPORTATION ADVISORY COMMISSION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. Staff Report PL 12-19, Flag Lot Regulations

Chair Minsch stated the Commission discussed flag lot regulations at the worksession and gave feedback to staff for consideration at a later date.

- C. Staff Report PL 12-17, Spit Comprehensive Plan Implementation

City Planner Abboud reviewed the staff report.

Discussion ensued regarding parking, trails, cruise ship improvements, bathroom locations, the Pier One Theater, and the campground areas. Point was raised that it would be beneficial for the Commissioners to stay current with Port and Harbor Advisory Commission minutes to learn about issues they are discussing.

INFORMATIONAL MATERIALS

- A. City Manager's Report dated April 23, 2012
B. Corps of Engineers Permit dated April 6, 2012 regarding the Ocean Drive Loop Seawall Maintenance

The Commissioners and staff discussed the letter provided from the resident on Golden Plover regarding slope issues with the development in the area, Dr. Marley's park proposal, and the gas line update.

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

Larry Slone, city resident, commented that based on Dr. Marley's demeanor he came with an expectation that the Commission was going to render some sort of comment as a body, rather than listen passively. He agrees that, out of courtesy, a letter to Dr. Marley would be appropriate. Personally he is against the project; the property isn't adequate for what is being proposed. He said he was set back a bit to hear that Planning Commissioners weren't reading other commission's meeting minutes. He thinks it would be a necessity of the job to keep abreast of what is going on with the other commissions.

COMMENTS OF STAFF

City Planner Abboud commented that staff would try to get information to Dr. Marley about what the process might be for getting due consideration for his project.

COMMENTS OF THE COMMISSION

Commissioner Highland said she wants to make sure they do everything in their power to make sure the public feels welcome, and that they care, and are here to be a part of the solution. She wants to see the environment and economy get harmony and balance.

Commissioner Erickson agrees with Ms. Highlands comments that it is important that the people who come to the commission feel they have been heard she thinks they will bridge the gap with the misperception we aren't hearing them if they feel we are somewhat responding back even if it is a place where the Commission can't.

Commissioner Bos commented that maybe they do need to acknowledge the presentation in some way, but in no shape or form should the Commission say to the Council that we heard the proposal and we like it, or anything that would lead him on.

Commissioner Venuti commented that he gets the weekly email from the City Clerk's website and suggested they sign up for it. He encouraged participation at the HEA annual meeting and the chamber clean up day. He hopes that the city will provide some funding for Commissioner's to attend the APA conference, at least registration. It is a worthwhile training that will be held this year in Anchorage. Mr. Venuti recalled that there had been talk about a volunteer appreciation opportunity with the city's commissions and wondered when that might be happening. Deputy City Clerk Jacobsen said she would look in to that.

Commissioner Sonneborn, Dolma, and Chair Minsch had no comment.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 8:17 p.m. The next regular meeting is scheduled for May 16, 2012 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____



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STAFF REPORT PL 12-23

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: May 16, 2012
SUBJECT: Planning Director's Report

May 14th City Council Meeting

No ordinances or resolutions forwarded from the Planning Commission are found on the agenda. Items of interest include: Resolutions increasing Port and Harbor Tariff's to support the payback of bonds to fund harbor improvements, resolution defining the city support for a non-motorized pathway along Kachemak Drive, and a resolution to set the priority of projects for the Economic Development Committee.

The priorities for the EDC is of interest to me because of the connection of the their goals and policy that is formulated at the Planning Commission level. The suggested priorities in Resolution 12-041 include; affordable housing, voc-tech or marine tech training and education, downtown vitalization, expansion of water and sewer and the number of customers, expanding shoulder season sports and promoting Homer as an agricultural center. I do believe that we should examine these priorities and formulate appropriate policy to support them.

KPB Planning Commission: May 14th meeting in Homer, at Land's End Quarter Deck Room. 7:30pm

Activities

Signs, signs, signs, Dotti has been devoting most all of her time to providing education and working to get businesses compliant with the new sign rules. This has required a shift in office duties. I have been reviewing and issuing zoning permits, Julie has taken over more Planning Commission staff reports, and Shelly has been busy with more support work for all of us. I am glad we are getting busier, I have issued six permits in less than a week, mostly new or additional accessory structures in residential districts. In addition to this I am researching opportunities for mitigation grants to help with erosion control projects near the harbor and elsewhere and Julie is also been tasked with duties for the potential natural gas LID (or actually SAD, special assessment district – we just changed the designation, not sure anyone reviewed the acronym).

I have also begun to strategize on how to work closer with other departments, committees and commissions. Included is a memo sent out to Port and Harbor, Parks and Rec and the EDC. I am hoping to get on-board with one another's projects so that we all might be able to support each other appropriately. As an example, we should be reviewing or policies to see if there are amendments the Planning Commission can make to support the priorities of the EDC listed above. We should also be working with the Port and their Commission to ensure participation in shaping policies on the spit. All of the commissions and committees should be

"Homer's Sign Code Simplified"

The workshops are FREE, open to the public, and repeated for the convenience of the business community. Who should attend: Business owners (especially Spit businesses), commercial property owners/managers and sign makers.

Tuesday, May 15th at noon at the Homer Chamber and Visitor Center conference Room, 201 Sterling Hwy.

Training

I am hoping to attend a Benefit Cost Analysis training put on by FEMA in Anchorage June 12 and 13. This would coincide with the end of my vacation of May 27-June 11. After reviewing the potential agenda items for the first PC meeting June 6th, the Chair and I propose that we cancel this meeting.

Info

Quiet Creek Plat

This was at the last Borough PC meeting. I did not include the minutes as they are 26 pages long. If anyone would like them please give me a call or email. The ultimate result is that the Borough voted that the title issues need to be cleared up before any action is taken. Another issue cropped up when the Borough suggested that a right-of-way be dedicated along the existing drive. This was not a subject of discussion at the Preliminary level and our City Engineer has objected to the design. At the meeting, it was stated that a preliminary plat would come back to Homer for review of any proposed right-of-way dedication.



City of Homer

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STARR Region X Service Center
20700 44th Ave W Suite 110
Lynnwood, WA 98036

May 10, 2012

RE: City of Homer comments on DFIRM and FIS, Homer Spit

To Whom It May Concern:

Upon review of the draft report and maps, the City of Homer notes labeling inaccuracies and concerns.

Labeling

Map number 0201076045CZ;

1. "Lake Street" label is orientated incorrectly. It is currently positioned to identify "Ocean Drive". Lake Street intersects Ocean Drive at a ninety degree angle from the north.
2. "Skyline Drive North" is incorrectly identified. It should be labeled "Skyline Drive". It is labeled twice near the northern boundary of the city limits.

Page 15 of the Flood Insurance Study, Beluga Slough and Lake

The City of Homer asserts that the designation and elevation of Zone VE elevation 34 for the area behind the sand berm at the mouth of Beluga Slough is a gross error. It is noted in the study that "there was not enough evidence to suggest that the mapped elevation within Beluga Slough is either right or wrong" and a new study is warranted. Prior to this statement it is also noted that Lake Street, which separates Beluga Slough from Beluga Lake "is at an elevation lower than 25ft." It certain does not take a hydraulic study to see that the difference in elevation is 9 FEET. Taking away the propensity of a wind driven wave of 3 feet, still leaves a difference of 6 feet between the slough and lake of a supposed 1% event without the wind driven wave. Given these facts, one would have to find that Lake Street should be regularly found to be completely underwater in events much more frequent than a 1% event and there is absolutely no evidence that this has ever happened.

Additional analysis of the VE 34 zoning mentioned above further supports the contention that the map contains an unreasonable and unreasoned designation. Page 16 of the study states that "the VE zone generally extends inland to the point where the 1-percent-annual-chance stillwater flood depth is insufficient to support a 3-foot wave." Once again we have situation that seems to be beyond any likelihood of a 1-percent event. One have to assume that the still water depths to support a 3-foot wave in the designated VE 34 area would be far above the frequency of a 1% event in the furthest reaches of the zone and would likely not completely overwhelm existing development. In the slough area we have a VE zone that extends beyond





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MEMORANDUM

May 10, 2012

TO: Economic Development, Port and Harbor and Parks and Recreation Advisory Commissions
THROUGH: Rick Abboud, City Planner
FROM: Homer Advisory Planning Commission
SUBJECT: Implementing the Comprehensive Plan

Recently the City of Homer adopted a Comprehensive Plan. The Planning Department facilitated the creation of the plan, which all of you were encouraged to contribute to its formation. Once approved by the City Council and accepted by the Kenai Peninsula Borough, it is expected that we as a city and you as representatives of various commissions and committees should have a hand in seeing that the various goals and objectives are evaluated and acted upon.

It is not expected that every implementation item might come to fruition in the plan timeframe, but we hope that most will. Perhaps some of the suggestions are just not ready for implementation yet and some might be examined and changes suggested for the next review and amendment in the next 5 years. As a commission or committee, you should be familiar with the various sections that you helped to write and should plan actions to see that help fulfill your goals. The Planning Commission has been doing just that. Just recently, we have created a mixed-use district to encourage a wide range of commercial activities along East End Road and we amended code to allow for additional residential infill by allowing some second residences to be permitted outright. The Planning Commission is now starting to review plan suggestions for the Spit and would like to encourage your participation.

We are developing a schedule for review, below is a rough timeline of upcoming tasks. City staff will provide updates to each Commission periodically on the progress and seeks to provide opportunity for input.

Short term: 1 Year

Midterm: 2 Years

Long term – over the next 5 years

Short term:

- Rezone the area between the harbormaster's office and ice dock road to Marine Commercial.
- Revise the Marine Commercial zoning district code (permitted and conditional uses).
- Revise Marine Industrial zoning district code. (Midterm?)

Ongoing City /Staff tasks: ROW MOU with the state, implement parking plan for fee and short term parking during the summer, Spit trail extension, other harbor improvements such as restrooms, cruise ship related improvements, trail along the edge of the harbor, etc.

Midterm:

- Examine the zoning on both sides of Homer Spit Road between Bob's Trophy Charters, and the Heritage RV Park, and rezone to Marine Commercial based on needs and comp plan recommendations.
- Rezone the city owned lots at the base of the Spit on the Mud Bay side from MI to OSR
- Review Spit zoning districts for screening requirements, landscaping and storm water concerns
- Based on the success or failure of increased parking regulations, review and revise spit parking standards (ongoing)

Long Term:

- Site Planning for Pier 1 lot



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STAFF REPORT PL 12-21

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: May 16, 2012
SUBJECT: Draft Ordinance 12-xx, Amending Homer City Code HCC 21.60.060, Table 3, Permitted Sign Characteristics

GENERAL INFORMATION

The Paul Banks Elementary School PTA circulated a petition to change the sign code to allow changeable copy signs for institutions. Currently, when an institution such as a school is located in a residential district, the amount and type of signage is very limited. Institutions are allowed only 20 square feet of signage, and may not have a changeable copy sign. The petitioners have requested an amendment to the sign code, Table 3, to allow changeable copy signs.

The City of Homer Clerk's Office verified that the petition was signed by at least 50 voters registered to vote within city limits, as required by HCC 21.95.010(e).

Under HCC, "institutions" in the sign code are institutional uses permitted in the Rural, Urban and Residential Office zoning districts. Institutional is defined as an established organization or corporation to a public, non-profit, or public safety/benefit nature, i.e., schools, churches and hospitals. The proposed amendment would allow these institutions to have changeable copy signs, which are currently not allowed.

Planning Staff review per 21.95.040

The Planning Department finds that this amendment is consistent with the Comprehensive plan Goal 1, protecting community character. The changes will be reasonable to implement and enforce. It will promote the present and future public health, safety and welfare by helping to communicate institutional events using permanent signage, discouraging a proliferation of banners or other temporary sign measures. Finally, it has been reviewed by the City Attorney to be consistent with the intent and wording of the other provisions of Title 21.

STAFF COMMENTS/RECOMMENDATIONS:

Planning staff has reviewed the ordinance per 21.95.040 and recommends the Planning Commission conduct public hearing, and recommend approval to the City Council.

ATTACHMENTS

1. Draft ordinance
2. Petition



**CITY OF HOMER
HOMER, ALASKA**

Planning

ORDINANCE 12-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING TABLE 3 PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT, FOLLOWING HOMER CITY CODE 21.60.060, SIGNS ON PRIVATE PROPERTY, TO PERMIT CHANGEABLE COPY SIGNS FOR INSTITUTIONAL USES PERMITTED IN THE RR, UR AND RO ZONING DISTRICTS.

THE CITY OF HOMER ORDAINS:

Section 1. Table 3, Permitted Sign Characteristics by Zoning District, following Homer City Code 21.60.060, Signs on private property, is amended to read as follows:

Table 3.														
Sign Type	RR	UR	RO	INS (a)	CBD	TC	GBD	GC1	GC2	EEMU	MC	MI	OSR	PS(e)
Animated (b)	N	N	N	N	P	P	N	P	N	P	P	N	N	N
Changeable Copy (c)	N	N	N	PN	P	P	N	P	P	P	P	P	N	PH
Illumination Internal	N	N	N	P	P	P	N	P	P	P	P	P	N	N
Illumination External	N	N	N	P	P	P	P	P	P	P	P	P	N	PH
Neon (d)	N	N	N	N	P	P	N	P	P	P	P	P	N	N

Notes to Table 3

a. The INS column does not represent a zoning district. It applies to institutional uses permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established organization or corporation of a public, non-profit or public safety/benefit nature, *i.e.*, schools, churches and hospitals.

b. Animated signs may not be neon or change colors or exceed three square feet in area.

c. Changeable Copy signs must be wall or pole mounted, and may not be flashing.

d. Neon signs may not be flashing and may not exceed 32 square feet.

e. The PS column does not represent a zoning district. It applies to Public Signs permitted under the zoning code, in all zoning districts.

Section 2. This Ordinance is of a permanent and general character and shall be included in the City Code.

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

P:\PACKETS\2012 PCPacket\Ordinance\Changeable Copy Sign\Draft Ordinance.DOCX

23 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
24 _____ 2012.

25
26
27 CITY OF HOMER

28
29
30 _____
31 JAMES C. HORNADAY, MAYOR

32 ATTEST:

33
34
35
36 _____
37 JO JOHNSON, CMC, CITY CLERK

38
39 YES:

40 NO:

41 ABSTAIN:

42 ABSENT:

43
44 First Reading:

45 Public Hearing:

46 Second Reading:

47 Effective Date:

48
49 Reviewed and approved as to form:

50
51
52 _____
53 Walt E. Wrede, City Manager

54 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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

April 13, 2012

Dear Paul Banks Elementary Parents, PTA Members, Teachers & Community Members:

The Paul Banks Elementary PTA along with the School would like to erect an in ground changeable letter sign by the roadway on the school grounds. The proposed sign would be similar to the Homer High School sign in order to better communicate school and PTA events with community members.

The current zoning for the school is Urban Residential which does not allow for a changeable letter sign. The PTA and the Principal, Mr. Abraham, has contacted the City Planning & Zoning dept. to make an amendment to this code to allow for a changeable copy sign. The amendment petition form requires a minimum of 50 signatures to be considered.

The maximum allowable size of the sign is 20 square feet including the banner on top. In addition, city code requires that the sign be no more than 10 feet tall and setback at least 5 feet from the roadway. The Church sign next to The Salvation Army is a good example of the dimensions that the city allows. The PTA and the school administrator would like to erect a tasteful sign and will be further researching options once the city code amendment is made.

Thank you for your support on this matter.

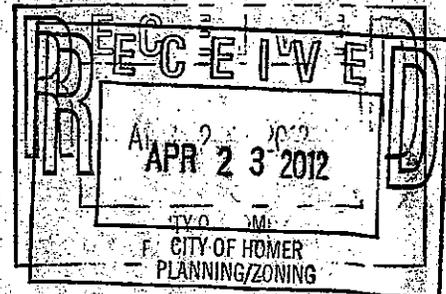
Jennifer Nevak
PTA President

Jessie Dabney
PTA Vice
President

Vanessa Fegelo
PTA Treasurer

Aimee Stulczynski
PTA Secretary

Benny Abraham
School Principal





City of Homer Planning & Zoning
491 E Pioneer Ave, Homer AK 99603

Website //planning.ci.homer.ak.us
ph: 907-235-3106 fax: 907-235-3118

Code Amendment Request

For Staff Use Only

Received by:	Planning Commission Public Hearing Date:
Clerk's certification of fifty signatures:	HAPC approval or denial date:
	City Council action:

APPLICANT INFORMATION

Name: Paul Banks Elementary PTA Phone Number: 226-1801

Address: 1390 E. End Rd Homer, AK 99603

Request: HCC 21.60.060, Table 3- Permitted Sign Characteristics.
To allow institutional changeable copy signs with a sign permit.
If approved, this would change Table 3, Column 5, Row 3 from an "N" = not allowed, to a "P" = allowed with a sign permit.

HCC 21.95.040 Planning Department review of code amendment requests:

a. Is the request consistent with the comprehensive plan and will further the specific goals and objectives of the plan?
<http://www.cityofhomer-ak.gov/planning/comprehensive-plan-2008-adopted-2010>

Yes. The PTA along with the school intends to erect a tasteful school sign with wood beams and an artistic banner with a changeable letter sign mounted in between the beams.

b. Will the request be reasonable to implement and enforce?

Yes. The PTA & school administration will be sure to follow the amended sign ordinance.

c. Will the request promote the present and future public health, safety and welfare?

Yes. The proposed sign change will not present any health or safety risk and will promote a sense of community by communicating the school events with the town citizens.

d. Is the request consistent with the intent and wording of the other provisions of this title?

Yes.

Petition

RECEIVED

APR 23 2012

CITY OF HOMER
PLANNING/ZONING

HCC 21.60.060, Table 3, Permitted Sign Characteristics.

**To allow institutional changeable copy signs with a sign permit.
If approved, this would change Table 3, Column 5, Row 3 from a "N" not allowed to a "P" allowed with a sign permit.**

A specific proposal to amend the text of the zoning code will be considered by the Planning Commission and City Council if requested in writing and signed by fifty voters registered within the City. MY SIGNATURE MEANS I AM IN FAVOR OF THIS AMENDMENT.

Proposed amendment:

HCC 21.95.010(e)

Printed Name	Signature of Voter Registered in the City of Homer	Mailing Address	Physical Address
Aimee Solczynski	<i>Aimee Solczynski</i>	P.O. Box 244, Homer, AK 99603	1580 Lincoln Dr Homer AK 99603
Wanessa Feltus	<i>Wanessa Feltus</i>	1005 N Lakeside Circle Homer, AK 99603	Same
Jacqueline McDermott	<i>Jacqueline McDermott</i>	555 Waddell St Homer	same
Jessie Deaney	<i>Jessie Deaney</i>	PO Box 2030 Homer, AK 99603	1660 East End Rd, Homer, AK 99603
Carthy Stangley	<i>Carthy Stangley</i>	PO Box 1968 Homer, AK	Glenn Road, Homer AK 99603
Sara Miller	<i>Sara Miller</i>	4836 Shannon Homer	Same
Linda Feltus	<i>Linda Feltus</i>	136 E Bayview Ave Homer	Same
David Stewart	<i>David Stewart</i>	136 E. Bayview Ave Homer	Same
Ambec Shadley	<i>Ambec Shadley</i>	4053 Pennock St	same

Petition

HCC 21.60.060, Table 3, Permitted Sign Characteristics.

To allow institutional changeable copy signs with a sign permit.

If approved, this would change Table 3, Column 5, Row 3 from a "N" not allowed to a "P" allowed with a sign permit.

A specific proposal to amend the text of the zoning code will be considered by the Planning Commission and City Council if requested in writing and signed by fifty voters registered within the City. MY SIGNATURE MEANS I AM IN FAVOR OF THIS AMENDMENT.

HCC 21.95.010(e)

Printed Name	Signature of Voter Registered in the City of Homer	Mailing Address	Physical Address
BERNARDETE D. WILSON	<i>Bernardette D. Wilson</i>	4476 Suburn Rd Homer AK	Same
ATHENA EPENS	<i>Athena Epens</i>	Box 3450, Homer AK	Box Miller Lane
Kjester Syth	<i>Kjester Syth</i>	3958 Mattox Rd Homer	Same
Jack Cooper	<i>Jack Cooper</i>	235 Lee Dr	same
Sabrina Moffatt	<i>Sabrina Moffatt</i>	235 Lee Dr.	Same
Dianna Stahulen	<i>Dianna Stahulen</i>	4142 Mattox St Lot 8	Same
Christina Keple	<i>Christina Keple</i>	254 E. Danview Ave	Same
Carlene Spight	<i>Carlene Spight</i>	PO Box 2213 Homer AK 99603	
LARNA NGLEMAN	<i>Larna Ngleman</i>	60710 BEAR CRK DR HOMER AK 99603	Same

Petition

<p>Proposed amendment:</p>	<p>HCC 21.60.060, Table 3, Permitted Sign Characteristics. To allow institutional changeable copy signs with a sign permit. If approved, this would change Table 3, Column 5, Row 3 from a "N" not allowed to a "P" allowed with a sign permit.</p>
<p>HCC 21.95.010(e)</p>	<p>A specific proposal to amend the text of the zoning code will be considered by the Planning Commission and City Council if requested in writing and signed by fifty voters registered within the City. MY SIGNATURE MEANS I AM IN FAVOR OF THIS AMENDMENT.</p>

Printed Name	Signature of Voter Registered in the City of Homer	Mailing Address	Physical Address
Dorel Bunker	<i>Dorel Bunker</i>	3813 April Place Homer, AK	Same
Leanna Raymond	<i>Leanna Raymond</i>	2163 Frisbee Court Homer	Same
Andrew Riddle	<i>Andrew Riddle</i>	3059 Kachemak Dr. Homer AK 99603 P.O. 2101	Same
Janet L. O'Rourke	<i>Janet L. O'Rourke</i>	P.O. Box 25330 Homer, AK 99603	3830 Lakeside Circle Homer, AK 99603
Bonnie Gregoim	<i>Bonnie Gregoim</i>	3705 East End Rd	Same
Sharon Schultz	<i>Sharon Schultz</i>	2525 Paradise Pl.	Same
Debra Turbington	<i>Debra Turbington</i>	Box 1181 Homer, AK 99603	2000 Coyote Way Homer, AK
Eric Benson	<i>Eric Benson</i>	PO Box 3424 Homer AK 99603	3927 Sredlend ST Homer AK
Therly Breckler	<i>Therly Breckler</i>	295 E. Fairview Ave	(Same) Homer, AK 99603

Petition

**HCC 21.60.060, Table 3, Permitted Sign Characteristics.
To allow institutional changeable copy signs with a sign permit.
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HCC 21.95.010(e)

Printed Name	Signature of Voter Registered in the City of Homer	Mailing Address	Physical Address
Jeri McLean	Jeri McLean	P.O. Box 2197 Homer, AK 99603	4478 East Hill, Homer, AK 99603
Kara Greiner	Kara Greiner	961 S. Larkspur Cir. Homer, AK 99603	961 S. Larkspur Cir. Homer, AK 99603
Jennifer Ross	Jennifer Ross	Box 2805 Homer, AK 99603	2496 Spruce Ln. Homer, AK 99603
Karen Weston	Karen Weston	PO Box 1692 Homer	2295 Mt. Augustine Dr.
Kelly Luch	Kelly Luch	4267 Shirley Ct. Homer	(same)
Dina Marion	Dina Marion	1224 Cook Way Homer	(same)
Mary Boone	Mary Boone	PO Box 1496 Homer, AK 1496 Homer, AK	1660 East End Road
Teresa Cathou	Teresa Cathou	PO Box 3805 Homer	582 Elderberry
Frank Yery	Frank Yery	PO Box 1937 Homer	Same

Petition

HCC 21.60.060, Table 3, Permitted Sign Characteristics.
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Printed Name	Signature of Voter Registered in the City of Homer	Mailing Address	Physical Address
or <i>Nancy O'Brien-Duggan</i>	<i>Nancy O'Brien-Duggan</i>	PO Box 1698 Homer	3158 Lake St - Homer
or <i>Jonah Brost</i>	<i>Jonah Brost</i>	PO Box 3109 Homer	1104 Ocean Dr Unit C, Homer
or <i>Melissa Arno</i>	<i>Melissa Arno</i>	P.O. Box 1614 Homer	1005 Skyline Dr
or <i>Mikala Walkden</i>	<i>Mikala Walkden</i>	PO Box 1658 Homer	1187 DeGraffenried Ct.
or <i>Frankie Weber</i>	<i>Frankie Weber</i>	4142 Mattox Rd Homer	Same -
or <i>Kelsey Pote</i>	<i>Kelsey Pote</i>	P.O. Box 257 Homer	1850 Highland Dr.
or <i>Robbie Veasey</i>	<i>Robbie Veasey</i>	PO Box 1180 Homer	4738 Rochelle Rd.
or <i>Frankie Veasey</i>	<i>Frankie Veasey</i>	PO Box 3514 Homer	534 Hidden Way
or <i>Frankie Veasey</i>	<i>Frankie Veasey</i>	4530 Jade Dr.	4530 Jade Dr.

Petition

HCC 21.60.060, Table 3, Permitted Sign Characteristics.
To allow institutional changeable copy signs with a sign permit.
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Proposed amendment:
 HCC 21.60.060(e)

Printed Name	Signature of Voter Registered in the City of Homer	Mailing Address	Physical Address
Dr. Susannah Webster		PO Box 3570	1500 Lincoln Drive
Amy Lower		3043 Poppy Cir	Same
Dr. Gail Edgers		PO Box 1223	4075 Mattox
Dr. GLAUNDIA HAINES		1400 Cottonwood Ln	"
Dr. Kathleen Gustafson		496 Bonanza	496 Bonanza
Dr. Esther Lowe		4604 Rochelle Rd.	"
Dr. Kate Crowley		PO Box 2862 Homer 99603	820 Jeffrey Ave.
Dr. MONICA BROWN		164 MTN VIEW DR APT B	"
Dr. Corissa Martin		502 Sandview Ave Homer AK 99603	same

Petition

HCC 21.60.060, Table 3, Permitted Sign Characteristics.
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HCC 21.95.010(e)

Printed Name	Signature of Voter Registered in the City of Homer	Mailing Address	Physical Address
Cheryl Ely		PO Box 2329, Homer	934 Larkspur Ct.
Jennifer Dye		PO Box 1559 Homer	615 Day breeze
MICHAEL DYE		" "	" "
Carrie Herndon		PO Box 2131 Homer	4156 West Hill Rd
Matt Shiff		4604 Tamara St	Same
Leo Pitman		4254 Suedland	Same
Sharon Pitman		4004 Suedland Homer	Same
Maryanne Lupa		PO Box 727 3985 Falconhawk way	→
Jason Finshy		650 RANGELINE AVE. HOMER	SAME

Petition

HCC 21.60.060, Table 3, Permitted Sign Characteristics.
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HCC 21.60.060(e)

Printed Name	Signature of Voter Registered in the City of Homer	Mailing Address	Physical Address
Anni Aibarach	Anni Aibarach	Same -	4105 white alder ct apt 4B
Consolation Var	Consolation Var	1473 East End Rd Homer AK	same
PATRICIA WILSON	Patricia Wilson	4778 Rochelle Homer, AK	same
Janet Swari	Janet Swari	10190 Homer, AK 99609	4815 West Homer Rd.
DARAY Swenson	Daray Swenson	274 E. DANVIEW HOM	SAME
Brendy Super	Brendy Super	2991 Homer AK 99603	644 Rangview Ave.
Michael Super	Michael Super	P.O. Box 2991 Homer, AK 99603	604 Rangview Ave



City of Homer Planning & Zoning

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Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.cityofhomer-ak.gov

STAFF REPORT PL 12-22

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: May 16, 2012
SUBJECT: Draft Ordinance 12-xx Flag Lots

Introduction

Kenai Peninsula Borough Platting Officer Paul Voeller will be making a presentation at the work session. He is an excellent resource for questions on subdivision design.

Staff plans to invite Chief Painter to the July work session to discuss fire department access requirements. (He is not available in June)

At the last work session, the Commission determined the purpose of the new regulations is for public safety.

Outline for proposed regulations:

- Purpose of regulations is public safety – as the community become denser, ensure infill development can be reached by emergency service equipment.
- Maximum 10% grade with the flag
- Flag must be buildable for a driveway
- Flag portion can't be more than 150 feet long
- A building site must exist within 150 feet of the right of way (i.e. the lot must be 60 feet in width within 150 feet of the right of way, and it must be able to accommodate a building site)
- Width when driveway is shared and over 150 feet in length shall be designed to accommodate a fire dept accessible driveway per International Fire Code, and constructed under a subdivision improvement or construction agreement
- Allow private roads to serve up to a certain number of dwellings. For example, allow stacked flag lots with a shared use easement, constructed to acceptable fire standards, to serve up to some number of homes. Public safety and legal access is secure, without the expense and land area needed for a public road.
- Flag lots should not be part of a standard subdivision design; they should be used when there are no better options
- Stem portion should not be used for calculation of lot area for meeting the minimum lot size requirements
- Limitation on the zones where flag lots could be created

- No structures, other than fencing may be placed within the stem portion of the lot
- No parking in the stem portion of the lot
- Maximum width of the stem portion or any part of it shall be thirty feet
- There shall be no stacking of flag lots unless they are constructed and used as a common shared driveway such as a private road. Stacking means locating flag lots so that the stem portions of two or more flag lots have a common boundary.
- No more than one lot on a cul-de-sac may be a flag lot.
- There may be exceptions to the flag lot rules in some circumstances. As the Commission continues to work on this, some guidelines will probably become apparent.

Staff Recommendation

Planning Commission:

1. Discuss flag lot design with Mr. Voeller.
2. Make summary comments during the regular meeting so they are in the minutes
3. Postpone further discussion until Chief Painter is able to speak to the Commission

Attachments

1. 2003 Fire code

APPENDIX D

FIRE APPARATUS ACCESS ROADS

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION D101 GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*.

SECTION D102 REQUIRED ACCESS

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

SECTION D103 MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm). See Figure D103.1.

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as approved by the fire chief.

D103.3 Turning radius. The minimum turning radius shall be determined by the fire code official.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

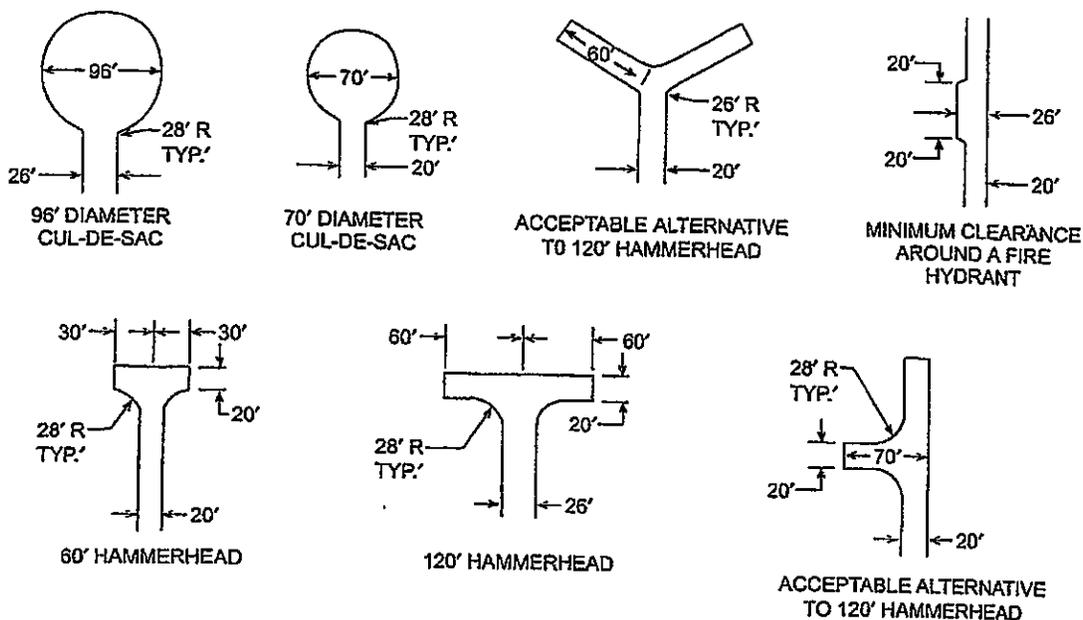
**TABLE D103.4
REQUIREMENTS FOR DEAD-END FIRE
APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special approval required	

For SI: 1 foot = 304.8 mm.

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet (6096 mm).



For SI: 1 foot = 304.8 mm.

**FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND**



2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools.
7. Locking device specifications shall be submitted for approval by the fire code official.

D103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

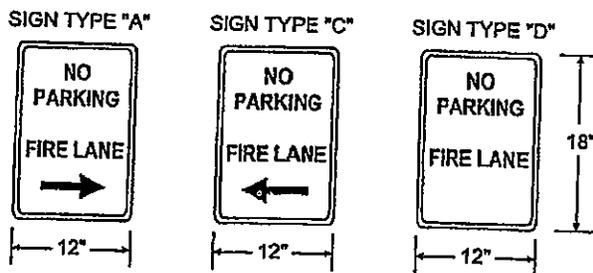


FIGURE D103.6
FIRE LANE SIGNS

D103.6.1 Roads 20 to 26 feet in width. Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a fire lane.

D103.6.2 Roads more than 26 feet in width. Fire apparatus access roads more than 26 feet wide (7925 mm) to 32 feet wide (9754 mm) shall be posted on one side of the road as a fire lane.

SECTION D104 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least three means of fire apparatus access for each structure.

D104.2 Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than

62,000 square feet (5760 m²) shall be provided with two separate and approved fire apparatus access roads.

Exception: Projects having a gross building area of up to 124,000 square feet (11 520 m²) that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.

D104.3 Remoteness. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS

D105.1 Where required. Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

D105.2 Width. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.

SECTION D106 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having up to 200 dwelling units shall have a single approved fire apparatus access road when buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.2 of the *International Fire Code*.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

SECTION D107 ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwelling units where the number of dwelling units exceeds 30 shall be

DEFINITIONS

Prisons Reformatories

Buildings of Group I-3 shall be classified as one of the occupancy conditions indicated in Sections 308.4.1 through 308.4.5 (see Section 408.1) of the *International Building Code*.

Condition 1. This occupancy condition shall include buildings in which free movement is allowed from sleeping areas and other spaces where access or occupancy is permitted, to the exterior via means of egress without restraint. A Condition 1 facility is permitted to be constructed as Group R.

Condition 2. This occupancy condition shall include buildings in which free movement is allowed from sleeping areas and any other occupied smoke compartment to one or more other smoke compartments. Egress to the exterior is impeded by locked exits.

Condition 3. This occupancy condition shall include buildings in which free movement is allowed within individual smoke compartments, such as within a residential unit comprised of individual sleeping units and group activity spaces, where egress is impeded by remote-controlled release of means of egress from such smoke compartment to another smoke compartment.

Condition 4. This occupancy condition shall include buildings in which free movement is restricted from an occupied space. Remote-controlled release is provided to permit movement from sleeping units, activity spaces and other occupied areas within the smoke compartment to other smoke compartments.

Condition 5. This occupancy condition shall include buildings in which free movement is restricted from an occupied space. Staff-controlled manual release is provided to permit movement from sleeping units, activity spaces and other occupied areas within the smoke compartment to other smoke compartments.

Group I-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code*. Places of worship during religious functions are not included.

Adult care facility. A facility that provides accommodations for less than 24 hours for more than five unrelated adults and provides supervision and personal care services shall be classified as Group I-4.

Exception: Where the occupants are capable of responding to an emergency situation without physical assistance from the staff the facility shall be classified as Group A-3.

Child care facility. A facility that provides supervision and personal care on less than a 24-hour basis for more than five children 2½ years of age or less shall be classified as Group I-4.

Exception: A child day care facility which provides care for more than five but no more than 100 children 2½ years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

[B] Mercantile Group M. Mercantile Group M occupancy includes, among others, buildings and structures or a portion thereof, for the display and sale of merchandise, and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public. Mercantile occupancies shall include, but not be limited to, the following.

- Department stores
- Drug stores
- Markets
- Motor fuel-dispensing facilities
- Retail or wholesale stores
- Sales rooms

[B] Residential Group R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classed as Institutional Group I. Residential occupancies shall include the following:

R-1 Residential occupancies where the occupants are primarily transient in nature including:

- Boarding houses (transient)
- Hotels (transient)
- Motels (transient)

R-2 Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses (not transient)
- Convents
- Dormitories
- Fraternities and sororities
- Hotels (nontransient)
- Monasteries
- Motels (nontransient)
- Vacation timeshare properties

R-3 Residential occupancies where the occupancies are primarily permanent in nature and not classified as R-1, R-2, or I and where buildings do not contain more than two dwelling units, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24-hours. Adult and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code*.

R-4 Residential occupancies shall include buildings arranged for occupancy as Residential Care/Assisted Liv-

FIRE SERVICE FEATURES

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be determined by the fire code official.

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus.

503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO *Standard Specification for Highway Bridges*. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official.

503.2.7 Grade. The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus.

503.3 Marking. Where required by the fire code official, approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times.

503.5 Required gates or barricades. The fire code official is authorized to require the installation and maintenance of gates or other approved barricades across fire apparatus access roads, trails or other accessways, not including public streets, alleys or highways.

503.5.1 Secured gates and barricades. When required, gates and barricades shall be secured in an approved manner. Roads, trails and other accessways that have been closed and obstructed in the manner prescribed by Section 503.5 shall not be trespassed on or used unless authorized by the owner and the fire code official.

Exception: The restriction on use shall not apply to public officers acting within the scope of duty.

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times.

SECTION 504

ACCESS TO BUILDING OPENINGS AND ROOFS

504.1 Required access. Exterior doors and openings required by this code or the *International Building Code* shall be main-

tained readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided when required by the fire code official.

504.2 Maintenance of exterior doors and openings. Exterior doors and their function shall not be eliminated without prior approval. Exterior doors that have been rendered nonfunctional and that retain a functional door exterior appearance shall have a sign affixed to the exterior side of the door with the words THIS DOOR BLOCKED. The sign shall consist of letters having a principal stroke of not less than 0.75 inch (19.1 mm) wide and at least 6 inches (152 mm) high on a contrasting background. Required fire department access doors shall not be obstructed or eliminated. Exit and exit access doors shall comply with Chapter 10. Access doors for high-piled combustible storage shall comply with Section 2306.6.1.

504.3 Stairway access to roof. New buildings four or more stories in height, except those with a roof slope greater than four units vertical in 12 units horizontal (33.3 percent slope), shall be provided with a stairway to the roof. Stairway access to the roof shall be in accordance with Section 1009.12. Such stairway shall be marked at street and floor levels with a sign indicating that the stairway continues to the roof. Where roofs are used for roof gardens or for other purposes, stairways shall be provided as required for such occupancy classification.

SECTION 505 PREMISES IDENTIFICATION

505.1 Address numbers. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

505.2 Street or road signs. Streets and roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.

SECTION 506 KEY BOXES

506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official.

506.1.1 Locks. An approved lock shall be installed on gates or similar barriers when required by the fire code official.

506.2 Key box maintenance. The operator of the building shall immediately notify the fire code official and provide the



City of Homer Planning & Zoning

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E-mail Planning@ci.homer.ak.us
Web Site www.cityofhomer-ak.gov

STAFF REPORT PL 12-24

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: May 16, 2012
SUBJECT: Draft Ordinance 12-xx Amending HCC 21.28 Marine Commercial Zoning District

Introduction

Homer has two business oriented zoning districts on the Spit: Marine Commercial, and Marine Industrial. In the 2011 Homer Spit Comprehensive Plan, revising the zoning is part of several implementation tasks. Please review the maps and implementation table at the back of the Spit Plan.

Conceptually, along Homer Spit Road, all the boardwalks, from the Fishing Hole south to Fish Dock Road, will become Marine Commercial. South of Fish Dock, Road to Land's End, properties will remain mainly industrial. The goal of the Comprehensive Plan is to strengthen the zoning districts (otherwise why not have one district where anything goes?).

Permitted and Conditional Uses

In the draft ordinance, staff has recommended some changes to permitted and conditional uses. These changes can be reviewed at the regular meeting. It may be helpful to consider under what circumstances should a Conditional Use Permit be required? Under current code, many common land uses require a CUP, but without any particular reason...why does campground warrant a CUP but not an RV park?!

Staff recommended CUP triggers:

- More than 8,000 sq ft of building area
- Overnight accommodations in any number
- Setback exceptions...(allowing boardwalk into the setback)
- Caretaker residence or employee housing
- Planned Unit Developments
- Recreational facilities – indoor/outdoor, not parks...
- Other triggers??
- Lot coverage over 70% (not 30%)

Dimensional Requirements

Setbacks. In the past few years, the planned unit development code has been used when a reduction in setback requirements is requested. For example, stairs or decking may be desirable within the 20 foot

right of way setback. Rather than use the PUD code for allowing flexibility in the setback requirements, this could be allowed in code via as CUP, as it is in the in the Central Business District. CBD code language: "If approved by a conditional use permit, the setback from a dedicated right-of-way, may be reduced."

Landscaping. Spit landscaping requirements could be something other than 3 feet along lot lines. The Commission has been approving CUPs where applicants propose planters, hanging pots, fences or other visual improvements that don't necessarily meet the code definition of landscaping, broad as it is. 21.46 Small Boat Harbor Overlay District (written for future over slope platforms) has code which could be tailored to the MC district:

21.46.080 Landscaping. a. Five percent of the area of an overslope platform must be landscaped. b. In addition to the types of plantings listed in the definition of landscaping in HCC 21.03.040, landscaping on an overslope platform may include planter boxes and hanging basket plantings. c. The commission may permit the substitution of durable outdoor art, or amenities for public use such as bike racks, benches, trash receptacles and information kiosks, for part of the required landscaping on an overslope platform.

Another similar landscaping approach can be found on the Town Center code, 21.20.070 (e)2(b) b.

Gardens. To be included in the calculation of required landscaping, a garden shall be not less than 10 feet in length or width as measured at its shortest dimension. In addition to landscaping, a garden may include amenities, such as pedestrian seating areas, art, sand boxes, flower and ornamental gardens, paths, bike racks, outdoor restaurant seating, and other similar structures incidental to use of the building. No more than 50 percent of a garden may have an impervious cover, e.g., pavement, brickwork, and decking. Any decks or patios included in the calculation of a garden shall be at or near ground level. Use of grass, wood chips, or natural surfaces is preferred over areas paved with asphalt or concrete. A landscaped storm water detention area may be included in a garden or buffer.

If the Commission likes a more flexible approach to landscaping, rather than a prescriptive 3 feet along long lines, staff can draft some suggestions.

STAFF COMMENTS/RECOMMENDATIONS:

Planning staff requests the Commission to provide direction on:

1. Permitted and conditional uses as presented
2. Setbacks: Allow reduced setbacks as described above?
3. Landscaping – have staff come up with some flexible options?

Attachments

Draft Ordinance- May 9th draft

1 **May 9, 2012 Draft**

2 **Chapter 21.28 MC Marine Commercial District**

3 Sections:

- 4
5 21.28.010 Purpose.
6 21.28.020 Permitted uses and structures.
7 21.28.030 Conditional uses and structures.
8 21.28.040 Dimensional requirements.
9 21.28.050 Site and access plan.
10 21.28.060 Traffic requirements.
11 21.28.070 Site development requirements.
12 21.28.080 Nuisance standards.
13 21.28.090 Lighting standards.

14
15 21.28.010 Purpose. The purpose of the Marine Commercial District is primarily for water-related
16 and water-dependent uses and the business and commercial uses that serve and support them,
17 including but not limited to fishing, marine transportation, off-shore energy development,
18 recreation and tourism. It is recognized that unique natural features of Homer's marine
19 environment contribute significantly to the economic and social environments, therefore
20 performance standards are required to minimize the impact of development on the natural
21 features on which they depend. (Ord. 08-29, 2008).

22
23 21.28.020 Permitted uses and structures. The following uses are permitted outright in the Marine
24 Commercial District, except when such use requires a conditional use permit by reason of size,
25 traffic volumes, or other reasons set forth in this chapter:

- 26 ~~a. Boat charter offices;~~ Tourism related charter offices such as fishing, flightseeing, day
27 excursions and boat charters
28 b. Marine equipment and parts sales and services;
29 c. Retail stores limited to ~~the sale of seafood products, sporting goods, curios, and arts and crafts;~~
30 d. Business offices for water-dependent and water related activities such as fish brokers, off-
31 shore oil and gas service companies, and stevedores;
32 e. Customary accessory uses that are clearly subordinate to the main use of the lot or building
33 such as piers or wharves, provided that separate permits shall not be issued for the construction
34 of an accessory structure prior to that of the main structure;
35 f. Mobile food services;
36 g. Itinerant merchants, provided all activities shall be limited to uses permitted outright under
37 this zoning district;
38 h. Recreational vehicle parks, provided they shall conform to the standards in HCC § 21.54.
39 i. As an accessory use, one small wind energy system per lot.(Ord. 09-34(A) §18 (part), 2009;
40 Ord. 08-29, 2008).

41
42 21.28.030 Conditional uses and structures. The following uses may be permitted in the Marine
43 Commercial District when authorized by conditional use permit issued in accordance with HCC
44 Chapter 21.71:

- 45 | a. Restaurants and drinking establishments; Allow outright
- 46 | b. Cold-storage facilities; Allow outright
- 47 | c. Public utility facilities and structures;
- 48 | ~~d. Dredge and fill when required for construction or maintenance of a structure devoted to one or~~
- 49 | ~~more uses that are permitted or conditionally permitted in this district; (How is this used? Never~~
- 50 | ~~had a cup for this)~~
- 51 | e. Wholesale outlets for marine products;
- 52 | f. Pipelines and railroads;
- 53 | g. Heliports;
- 54 | h. Hotels and motels;
- 55 | i. More than one building containing a permitted principal use on a lot. Allow outright
- 56 | j. Planned unit developments, limited to water-dependent and water-related uses; No dwelling
- 57 | units other than caretakers
- 58 | k. Indoor recreational facilities;
- 59 | l. Outdoor recreational facilities;
- 60 | m. Campgrounds; Allow outright
- 61 | n. Manufacturing, processing, cooking, and packing of seafood products. Allow outright
- 62 | o. Other similar uses, if approved after a public hearing by the Planning Commission, including
- 63 | but not limited to those uses authorized in the Marine Industrial district under HCC §§ 21.30.020
- 64 | and 21.30.030, provided the commission finds the use meets the following standards and
- 65 | requirements:
- 66 | 1. The proposed use is compatible with the purpose of the Marine Commercial District,
- 67 | 2. The proposed use is compatible with the land use development plan for the Homer Spit and
- 68 | the Comprehensive Plan,
- 69 | 3. Public facilities and services are adequate to serve the proposed use, and,
- 70 | ~~4. If City-owned land, the Port and Harbor Commission, after a public hearing, has made a~~
- 71 | ~~written recommendation to the Planning Commission concerning the proposed use, including~~
- 72 | ~~specifically whether conditions (1) through (3) of this subsection are or may, with appropriate~~
- 73 | ~~conditions, be met by the proposed use. (Ord. 08-29, 2008). It is not appropriate to require a~~
- 74 | ~~different level of review of property due to land ownership, in the zoning code. The city can~~
- 75 | ~~review proposals of its own land via the lease committee. The zoning code should apply equally~~
- 76 | ~~to everyone and not create a separate class of land owner with different rules.~~

77 |

78 | 21.28.040 Dimensional Requirements. The following dimensional requirements shall apply to all

79 | structures and uses in the marine commercial district:

- 80 | a. The minimum lot size is 20,000 square feet, except for lots lawfully platted before December
- 81 | 12, 2006. The minimum lot width is 150 feet, except for lots lawfully platted before December
- 82 | 12, 2006.
- 83 | b. Buildings shall be setback 20 feet from all dedicated rights-of-way and five feet from all other
- 84 | lot boundary lines. Alleys are not subject to a 20 foot setback requirement.
- 85 | c. The maximum building height is 35 feet.
- 86 | d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor
- 87 | shall any lot contain building area in excess of 30 percent of the lot area without an approved
- 88 | conditional use permit.

89 Building Area and Dimensions - Retail and Wholesale.

90 1. The floor area of retail and wholesale business uses within a single building shall not exceed
91 25,000 square feet.

92 2. In no event may a conditional use permit, Planned Unit Development, or variance be granted
93 that would allow a building to exceed the limits of subparagraph (e)(1) and no nonconforming
94 use or structure may be expanded in any manner that would increase its nonconformance with
95 the limits of subparagraph (e)(1). (Ord. 08-29, 2008).

96 21.28.050 Site and Access Plan. a. A zoning permit for any use or structure within the Marine
97 Commercial District shall not be issued by the City without a level one site plan approved by the
98 City under HCC Chapter 21.73.

99 b. A zoning permit for any use or structure shall not be issued without a level one right-of-way
100 access plan approved by the City under HCC Chapter 21.73. (Ord. 08-29, 2008).

101

102 21.28.060 Traffic Requirements. A conditional use permit is required for all uses that are
103 estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060.
104 (Ord. 08-29, 2008).

105

106 21.28.070 Site Development Requirements. All development shall conform to the Site
107 Development Requirements contained in HCC § 21.50.030 and the following:

108 a. Development shall not impair or unnecessarily impede use by the public of adjacent publicly-
109 owned tidelands.

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

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

114 d. Point source discharges to a waterway shall be in conformance with the Alaska Department of
115 Environmental Conservation regulations. (Ord. 08-29, 2008).

116

117 21.28.080 Nuisance Standards. All development and structures shall conform to the Nuisance
118 Standards contained in HCC § 21.24.080. (Ord. 08-29, 2008).

119 21.28.090 Lighting Standards. All uses and development shall conform to the Lighting Standards
120 contained in HCC § 21.59.030. (Ord. 08-29, 2008).

121



Acting City Manager's Report May 14, 2012

As the City Manager is utilizing some much deserved leave time he suggested that I take this opportunity to provide a short report on the status of the Homer Volunteer Fire Department. This year marks the 60th Anniversary of the Department which was founded in 1952 (incorporated at a non-profit in 1954), predating the establishment of the City of Homer by some 12 years. The Department has a long and proud history of providing fire protection and ambulance services to the citizens of Homer and the surrounding areas. Our members, including the 5 paid staff and some 46 volunteers provide a wide range of services to the community beyond simply extinguishing fires and taking those in need to the hospital for treatment. We provide hundreds of hours each year presenting fire and injury prevention programs to various groups; we oversee the Open Burn Permitting program within the City of Homer; we take blood pressures for folks that drop by the station when requested by their care providers; we function as the City's Emergency Management Agency and house the City's Emergency Operations Center and coordinate the development and revisions of the Emergency Operating Plans (EOP) and All Hazard Disaster Mitigation Plans; we provide CPR and other training to city employees so that they can take care of folks until the ambulance arrives (we were the first city in Alaska to have Automated External Defibrillators in police cars); and we act as ambassadors of good will for the folks that drop by the fire station to trade fire department patches or ask questions about almost anything, all on top of training and responding to every manner of emergency.

In 2011 the Homer Volunteer Fire Department responded to 513 requests for assistance including: 438 ambulance calls; 15 structure fires; 11 wildland fires; 8 vehicle fires; 4 rescue calls and 37 "public assist" calls for some accumulated 2,210 hours of actual service by our members. In addition we conducted a myriad number of training classes for our members totaling over 3,439 "man" hours. We don't even attempt to track the countless hours our members are simply available for call both on their assigned week-long shifts or not (all large fire and EMS calls are what we term as "all call" meaning that any and all available members should respond).

Like many departments within the City we are providing the best services we can while staying within budget and strive to make every dollar we get from the taxpayers go as far as it can but our facility and fleet are aging. While our first out fire engine and ambulance are relatively new and top of the line we have two fire apparatus that are well past recommended time to either retire and replace or refurbish (a 1984 Engine/Pumper and a 1989 Tanker/Pumper). We also have a 1990 F-350 that functions as our only wildland/brush truck that is seriously overloaded and needing to be replaced. Our station (constructed by the volunteer corporation in 1980 and upgraded in 1997 by the City) is also in need of expanding or replacing (was on the City CIP list for many, many years until removed due to lack of potential funding). The fire department vehicles are all currently on the CIP list for funding and we are seeking state grant funding to possibly replace our oldest ambulance next year. The Department has been very fortunate over the last ten years or so in securing federal and state legislative funding. We replaced one ambulance and our 35 Self Contained Breathing Apparatus

(SCBA) through legislative funding and our large breathing air compressor and live-burn training systems through the Assistance to Firefighters Grants.

As busy as we are for a small, mostly volunteer Fire Department we would like to be able to expand our services to include a Fire Marshal's Office/Building Official to be able to conduct local commercial building plan approval and routine fire inspections of commercial occupancies. Currently, as a non-deferred jurisdiction, those responsibilities fall to the State Fire Marshal's Office in Anchorage. With only a handful of plan reviewers and inspectors for all of south central Alaska they don't have the time or ability to inspect every commercial building within this large area. We are the only municipality on the Kenai Peninsula that is not deferred (meaning we cannot conduct our own plan reviews and inspections). While this would require an additional employee trained to conduct plan reviews and inspections we feel that much of that cost could be re-captured in the collection of plan review fees currently being charged by the State Fire Marshal's Office.



City of Homer Planning & Zoning

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May 9, 2012

Dear Homer Spit property owner,

The purpose of this letter is to inform Homer Spit property owners that the Federal Emergency Management Agency (FEMA) has submitted *revised* preliminary Flood Insurance Rate Maps for the Homer Spit which revise the areas designated flood plain.

The new Digital Flood Insurance Rate Maps (DFIRMs) reflect a study that used standard hydrologic and hydraulic study methods to determine new Flood Elevations based on a 1% chance of a flood hazard. Insurance companies, financial institutions and the City's Planning and Zoning Office use the Flood Maps to determine if a structure is in a flood zone. Structures in the designated flood zones are required to be engineered and/or elevated to meet adopted regulation for the particular designation depicted on the maps. Flood insurance rates are based on the building's height, flood proofing design and location. Flood insurance is available for all structures within the City of Homer and grandfathering rights may apply to your structure. More details will be available at the public presentation and at www.floodsmart.org.

Our goal is to have a public presentation with FEMA representatives later in June, but no date has been set. In the meantime, the draft maps are available for review at the Planning and Zoning Office in City Hall. The maps and supporting documents are also posted on the City's website: <http://www.cityofhomer-ak.gov/planning>

Currently FEMA is taking comments on draft maps. Scientific and/or technical information should accompany a request refuting the proposed designation. I strongly urge anyone making such comment to get them in as early as possible. Comments and suggestions may be sent to the City of Homer, Planning and Zoning Office.

Respectfully submitted,

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