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## Chapter 21.18

### CBD CENTRAL BUSINESS DISTRICT

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21.18.010 Purpose. The purpose of the Central Business District is primarily to provide a centrally located area within the City for general retail shopping, personal and professional services, educational institutions, entertainment establishments, restaurants and other business uses listed in this chapter. The district is meant to accommodate a mixture of residential and non-residential uses with conflicts being resolved in favor of non-residential uses. Pedestrian-friendly designs and amenities are encouraged. (Ord. 08-29, 2008).

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 reasons set forth in this chapter:

- a. Retail business where the principal activity is the sale of merchandise and incidental services in an enclosed building;
- b. Personal service establishments;
- c. Professional offices and general business offices;
- d. Restaurants, clubs and drinking establishments that provide food or drink for consumption on the premises;
- e. Parking lots and parking garages, in accordance with HCC Chapter 7.12;
- f. Hotels and motels;
- g. Mortuaries;
- h. Single family, duplex, and multiple family dwellings, including townhouses, but not including mobile homes;
- i. Floatplane tie-up facilities and air charter services;
- j. Parks;
- k. Retail and wholesale sales of building supplies and materials, only if such use, including storage of materials, is wholly contained within one or more enclosed buildings;

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## 21.18.020(l)--21.18.020(dd)

- l. Customary accessory uses to any of the permitted uses listed in the CBD district, provided that a separate permit shall not be issued for the construction of any detached accessory building prior to that of the main building.
- m. Mobile homes, provided they conform to the requirements set forth in HCC § 21.54.060;
- n. Home occupations, provided they conform to the requirements of HCC § 21.51.010;
- o. Ministorage;
- p. Apartment units located in buildings primarily devoted to business or commercial uses;
- q. Religious, cultural, and fraternal assembly;
- r. Entertainment establishments;
- s. Public, private and commercial schools;
- t. Museums and libraries;
- u. Studios;
- v. Plumbing, heating and appliance service shops, only if such use, including the storage of materials, is wholly within an enclosed building;
- w. Publishing, printing and bookbinding;
- x. Recreational vehicle parks only if located south of the Sterling Highway (Homer Bypass) from Lake Street west to the boundary of the Central Business District abutting Webber Subdivision, and from Heath Street to the west side of Lakeside Village Subdivision, provided they shall conform to the standards in HCC § 21.54.200 and following sections;
- y. Taxi operation limited to a dispatch office and fleet parking of no more than five vehicles; maintenance of taxis must be conducted within an enclosed structure, and requires prior approval by the City Planner of a site, access and parking plan;
- z. Mobile food services;
- aa. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this zoning district;
- bb. Day care homes and facilities; provided, however, that outdoor play areas must be fenced;
- cc. Rooming house, bed and breakfast and hostel;
- dd. Auto repair and auto and trailer sales or rental areas, but only on Main Street from Pioneer Avenue to the Sterling Highway, excluding lots with frontage on Pioneer Avenue or the Sterling Highway, subject to the following additional requirements: Vehicles awaiting repair or service, inoperable vehicles, vehicles for parts, and vehicles awaiting customer pickup shall be parked indoors or inside a fenced enclosure so as to be concealed from view, on all sides. The fence shall be a minimum height of eight feet and constructed to prohibit visibility of anything inside of the enclosure. The portion of any vehicle exceeding eight feet in height

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## 21.18.020(dd)--21.18.040(a)(1)

may be visible outside of the fence. Vehicle parts (usable or unusable), vehicle service supplies, and any other debris created in the repair or servicing of vehicles shall also be stored indoors or inside the fenced enclosure out of view of the public;

- ee. Farmers' market;
- ff. Dormitory;
- gg. Financial institutions.

- hh. As an accessory use, one small wind energy system per lot having a rated capacity not exceeding 10 kilowatts.
- ii. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single family dwelling on a lot.(Ord. 11-44(S) §3 (part), 2011; Ord. 11-23(A) §4 (part), 2011; Ord. 09-34(A) §10 (part, 2009; Ord. 08-29, 2008).

21.18.030 Conditional uses and structures. The following uses may be permitted in the Central Business District when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:

- a. Planned unit developments, excluding all industrial uses;
- b. Indoor recreational facilities and outdoor recreational facilities;
- c. Mobile home parks;
- d. Auto fueling stations;
- e. Public utility facilities and structures;
- f. Pipeline and railroads;
- g. Heliports;
- h. Greenhouses and garden supplies;
- i. Light or custom manufacturing, repair, fabricating, and assembly, provided such use, including storage of materials, is wholly within an enclosed building;
- j. Shelter for the homeless, provided any lot used for such shelter does not abut a residential zoning district;
- k. More than one building containing a permitted principal use on a lot.
- l. Group care homes and assisted living homes.
- m. Drive-in car washes, but only on the Sterling Highway from Tract A-1 Webber Subdivision to Heath Street.
- n. One small wind energy system having a rated capacity exceeding 10 kilowatts, provided that it is the only wind energy system of any capacity on the lot.
- o. Other uses approved pursuant to HCC § 21.04.020. (Ord. 09-34(A) §11 (part, 2009; Ord. 08-29, 2008).

21.18.040 Dimensional requirements. The following dimensional requirements shall apply to all structures and uses in the Central Business District:

- a. Lot size.
  1. The minimum lot area shall be 6,000 square feet. Lawful nonconforming lots of smaller size may be newly developed and used if off site parking is provided in accordance with the City parking code, HCC Chapter 7.12;
  2. Multiple family dwelling containing three or more units shall meet the standards in HCC § 21.14.040(a)(2);
  3. Townhouses shall meet the standards in HCC § 21.53.010.

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21.18.040((a)(2)--21.18.050

b. Building Setbacks.

1. Buildings shall be setback 20 feet from all dedicated right-of ways, except as allowed by subsection (b)(4).
2. Non-residential buildings shall be set back five feet from all other lot boundary lines except the minimum setback shall be two feet from all other boundary lines when firewalls are provided and access to the rear of the building is otherwise provided (e.g., alleyways)

as defined by the State Fire Code and enforced by the State Fire Marshal;

3. Residential buildings shall be set back five feet from all other lot boundary lines.
  4. If approved by a conditional use permit, the setback from a dedicated right-of-way, except from the Sterling Highway or Lake Street, may be reduced.
  5. Alleys are not subject to a 20 foot setback requirement. The setback requirements from any lot line abutting an alley will be determined by the dimensional requirements of subparagraphs (b)(1) and (2) above.
  6. Any attached or detached accessory building shall maintain the same yards and setbacks as the main building.
- c. Building Height. The maximum building height shall be 35 feet.
- d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor shall any lot contain building area in excess of 30 percent of the lot area, without an approved conditional use permit.
- e. Building Area and Dimensions Retail and Wholesale.
1. The total floor area of retail and wholesale business uses within a single building shall not shall not exceed 75,000 square feet.
  2. No conditional use permit, Planned Unit Development, or variance may be granted that would allow a building to exceed the limits of subparagraph (e)(1) and no nonconforming use or structure may be expanded in any manner that would increase its nonconformance with the limits of subparagraph (e)(1). (Ord. 08-29, 2008; Ord. 08-30(S)(A) §1 part, 2008; Ord.08-40 §1 part, 2008).

21.18.050 Site and Access Plan. A zoning permit for any building or structure within the Central Business District shall not be issued by the City without a site plan and a level two right-of-way access plan approved by the City under HCC Chapter 21.73. (Ord. 08-29, 2008).

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21.18.060(b)--21.18.090

21.18.060 Traffic Requirements. A conditional use permit is required for every use that:

- a. Is estimated to generate more than 100 vehicle trips during any hour of the day based on the proposed land use and density, or calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers (current edition),
- b. Is estimated to generate more than 500 vehicle trips per day based on the proposed land use and density, or calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers (current edition);
- c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during any hour of the day due to a change in land use or intensity of use;
- d. Is expected to generate traffic that will detract from the safety of, or degrade by one level of service, the highway, road, street, alley or intersection. (Ord. 08-29, 2008).

21.18.070 Site Development Requirements. All development on lands in this zoning district shall conform to the level two site development standards set forth in HCC § 21.50.030. (Ord. 08-29, 2008).

21.18.080 Nuisance standards. a. The nuisance standards of HCC §§ 21.59.010(a)-(f) apply to all development, uses, and structures in this zoning district.

b. Storage of Items for Sale. Products for sale may be displayed outdoors in unscreened areas only during the open hours of the business. This does not apply to outdoor storage of items for sale when outdoor storage or sale is permitted in the zoning district, nor does it apply to items normally kept outdoors, such as motor vehicles.

c. Commercial vehicles, trailers, shipping containers and other similar equipment used for transporting merchandise shall remain on the premises only as long as required for loading and unloading operations, and shall not be maintained on the premises for storage purposes unless screened from public view. (Ord. 08-29, 2008).

21.18.090 Lighting Standards. The level one lighting standards of HCC § 21.59.030 apply to all developments, structures and uses in this district. (Ord. 08-29, 2008).

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