

## Chapter 21.46

# SMALL BOAT HARBOR OVERLAY DISTRICT

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### 21.46.010 Purpose and intent.

The purpose of the Small Boat Harbor [Overlay District](#) is to establish additional [development](#) regulations specifically designed for the unique nature and needs of water- and tourism-oriented [uses](#) on platforms over the small boat harbor. These regulations will delineate special performance and design standards, encourage mixed [use](#) developments which contribute to the [stabilization](#) of [water-dependent](#) and [water-related](#) uses, encourage the link between the marine business and general business sectors of the community, and encourage safe and enjoyable access along the harbor's edge. [Ord. [09-44\(S\)](#) § 3, 2009].

### 21.46.020 Overlay district boundaries.

The Small Boat Harbor [Overlay District](#) applies to the property described as [Lot](#) G-8 and Small Boat Harbor, Homer Spit Subdivision No. Two, T6S, R13W, Sections 35 and 36, and T7S, R 13W, Sections 1 and 2, Seward Meridian, as shown on Plat No. [92-50](#). [Ord. [09-44\(S\)](#) § 3, 2009].

### 21.46.030 Applicability.

Unless otherwise noted, the requirements of the Small Boat Harbor [Overlay District](#) apply to all [development](#) and are in addition to the requirements of the underlying [zoning district](#). Where a requirement of the underlying district conflicts with a requirement of the [overlay district](#), the [overlay district](#) requirement shall govern. [Ord. [09-44\(S\)](#) § 3, 2009].

### 21.46.040 Conditional uses.

The following [uses](#) may be permitted in the Small Boat Harbor [Overlay District](#) when authorized by conditional [use](#) permit issued in accordance with Chapter [21.71](#) HCC:

- a. Overslope [development](#). [Ord. [09-44\(S\)](#) § 3, 2009].

### 21.46.050 Overslope platform standards.

An [overslope platform](#) shall comply with the following standards:

- a. An [overslope platform](#) shall be 40 feet deep, and shall be not less than 40 feet nor more than 240 feet wide.
- b. There shall be a minimum 20-foot [setback](#) separating an [overslope platform](#) from a dedicated [right-of-way](#). Except as provided in the preceding sentence, there are no [setback](#) requirements for [overslope platforms](#), and an [overslope platform](#) may be constructed to the [lot](#) line.
- c. An [overslope platform](#) that is used for the docking of boats shall be designed to bear the loads associated with that [use](#), and include suitable rail access, gates, stairs and fenders.
- d. The bottom of the lowest structural member of the lowest floor of an [overslope platform](#) (excluding pilings and columns) shall be at least one foot above the base flood elevation.
- e. The area of an [overslope platform](#) that at the time of its construction is within 15 feet of the edge of a ramp shall be used as a public access area, within which no sales or commercial activity may occur. Such a public access area shall not be counted to meet [open space](#) or [landscaping](#) requirements.
- f. Direct access from an [overslope platform](#) to the ramp shall be limited to avoid user conflicts. Gates or other moveable barriers that facilitate loading and unloading may be used to control access. [Ord. [09-44\(S\)](#) § 3, 2009].

## **21.46.060 Architectural standards.**

Overslope [development](#) shall conform to the following architectural standards:

- a. All [buildings](#) on the same [overslope platform](#) shall receive a common architectural treatment. The main color of the exterior walls of all [buildings](#) on an [overslope platform](#) shall be one or more earth or seascape tones.
- b. Not less than five percent of the area of an [overslope platform](#) area shall be outdoor public [open space](#).
- c. Overslope [development](#) shall include pedestrian walkways that provide direct access between common areas in the [overslope development](#) and public rights-of-way.
- d. Opaque walls, fences or planter boxes, or any combination of them, shall be used to screen mechanical equipment and trash containers from view in adjacent public areas.
- e. The design of [structures](#) and outdoor pedestrian areas shall take into consideration environmental factors such as prevailing wind, salt spray, solar exposure, snow and heavy rains.
- f. Along the length of a [building](#), the roofline shall not be continuous for more than 60 feet. Roofs shall be gabled.
- g. The maximum height of a [building](#) measured from the [overslope platform](#) or the adjacent [grade](#) to the highest roof peak shall not exceed 25 feet.

h. A public access not less than eight feet wide to an area overlooking the harbor shall be provided at each end of an [overslope platform](#) and at intervals not greater than 150 feet on the [overslope platform](#).

i. A continuous pedestrian corridor at least eight feet wide must extend the length of the [overslope development](#), on either the harbor or the uplands side, or some combination thereof. The corridor must be clear of obstructions, but may be covered by an awning or roof overhang. The minimum eight-foot width of the corridor may not be counted to meet [landscaping](#) or public [open space](#) requirements. [Ord. [09-44\(S\)](#) § 3, 2009].

## **21.46.070 Signs.**

Signs are subject to the requirements in Chapter [21.60](#) HCC that apply in the underlying [zoning district](#); provided, that the maximum combined total area for all [signs](#) under Table 2 in HCC [21.60.060](#)(c) is calculated on a per-building basis instead of on a per-lot basis. No [sign](#) bearing a commercial message, as defined in HCC [21.60.040](#), may be placed in an outdoor public [open space](#). [Ord. [09-44\(S\)](#) § 3, 2009].

## **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](#). [Ord. [09-44\(S\)](#) § 3, 2009].

## **21.46.090 Architectural plans.**

An application for an [overslope development](#) conditional [use](#) shall include the following detailed plans and specifications showing compliance with the requirements of this chapter:

a. Floor plans at a scale of one-eighth inch equals one foot.

b. Architectural elevations.

c. Site elevation showing the relationship to the platform of the base flood elevation and mean high tide line, and the elevation of the land where the platform adjoins the shore.

d. Exterior finish schedule.

e. Roof plan showing direction of drainage and where runoff will go.

f. Drawings must show design oversight by an architect registered under the laws of the State of Alaska. [Ord. [09-44\(S\)](#) § 3, 2009].

