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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].

The Homer City Code is current through Ordinance 17-41(S), passed November 27, 2017.

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Chapter 21.44 SLOPES

Sections:

- [21.44.010](#) Purpose and intent.
- [21.44.020](#) Applicability.
- [21.44.030](#) Slope development standards.
- [21.44.040](#) Exceptions to setback requirements.
- [21.44.050](#) Site plan requirements for slope development.

21.44.010 Purpose and Intent.

This chapter regulates [development activity](#) and [structures](#) in areas affected by [slopes](#), [bluffs](#), [coastal bluffs](#) and [ravines](#), and provides the means for additional review and protection to encourage safe and orderly growth to promote the health, welfare and safety of Homer residents. [Ord. [08-29](#), 2008].

21.44.020 Applicability.

a. This chapter applies to all [development activity](#) that disturbs the existing land surface, including without limitation [clearing](#), [grading](#), excavating and [filling](#) in areas that are subject to any of the following conditions:

1. Lots with average [slopes](#) 15 percent or greater, [bluffs](#), [coastal bluffs](#) and [ravines](#);
2. Located within 40 feet of the top or within 15 feet of the toe of a [steep slope](#), [bluff](#), [coastal bluff](#) or [ravine](#); and
3. Any other location where the [City Engineer](#) determines that adverse conditions associated with [slope](#) stability, erosion or sedimentation are present.

b. This chapter imposes regulations and standards in addition to the requirements of the underlying zoning district(s). [Ord. [08-29](#), 2008].

21.44.030 Slope development standards.

The following standards apply to all [development activity](#) on a [site](#) described in HCC [21.44.020](#):

a. No [development activity](#), including [clearing](#) and [grading](#), may occur before the issuance of a zoning [permit](#) under Chapter [21.70](#) HCC.

b. Area of [Development](#).

1. Except where the [City Engineer](#) approves a [site plan](#) under HCC [21.44.050](#) that provides for a larger area of [development](#), the area of [development](#) on a [lot](#) with an average [slope](#):

- a. Of 15 to 30 percent shall not exceed 25 percent of the total [lot area](#).
- b. Greater than 30 percent but less than 45 percent shall not exceed 10 percent of the total [lot area](#).

2. The area of [development](#) on a [lot](#) with an average [slope](#) of 45 percent or greater shall not exceed the area of [development](#) described in a [site plan](#) approved by the [City Engineer](#) under HCC [21.44.050](#).

c. Setbacks. Subject to the exceptions to [setback](#) requirements in HCC [21.44.040](#), all [development activity](#) is subject to the following [setback](#) requirements:

1. No [structure](#) may be closer to the top of a [ravine](#), [steep slope](#) or noncoastal [bluff](#) than the lesser of:
 - a. Forty feet; or

b. One-third of the height of the [bluff](#) or [steep slope](#), but not less than 15 feet.

2. No [structure](#) may be closer than 15 feet to the toe of a [bluff](#) other than a [coastal bluff](#).

3. No [structure](#) may be closer than 40 feet to the top of a [coastal bluff](#) and closer than 15 feet to the toe of a [coastal bluff](#).

d. Natural Drainage. The [site](#) design and [development activity](#) shall not restrict natural drainage patterns, except as provided in this subsection.

1. To the maximum extent feasible, the natural surface drainage patterns unique to the topography and vegetation of the [site](#) shall be preserved. Natural surface drainage patterns may be modified only pursuant to a [site plan](#) approved by the [City Engineer](#) under HCC [21.44.050](#), and upon a showing that there will be no significant adverse environmental impacts on the [site](#) or on adjacent properties. If natural drainage patterns are modified, appropriate soil [stabilization](#) techniques shall be employed.

2. The [site](#) shall be graded as necessary to ensure that drainage flows away from all [structures](#) for a distance of at least 10 feet, especially where [building](#) pads are cut into hillsides.

3. The [development activity](#) shall not cause an adverse effect on adjacent land and surrounding drainage patterns.

e. Erosion Control.

1. Erosion control methods approved by the City Planner and [City Engineer](#), including without limitation [sediment](#) traps, small dams and barriers, shall be used during construction and [site](#) development to protect water quality, control soil erosion and control the velocity of runoff.

2. Winter Erosion Control Blankets. If [development](#) on a [slope](#) is not stabilized by October 15th, erosion control blankets (or a product with equivalent performance characteristics) must be installed upon completion of the seasonal work, but no later than October 15th. The erosion control blankets shall remain in place until at least the following May.

3. Vegetation shall remain undisturbed except as necessary to construct improvements and to eliminate hazardous conditions, in which case it must be replanted with approved materials including ground cover, shrubs and trees. [Native vegetation](#) is preferred for replanting operations, and will be used where practicable.

4. Grading shall not alter the natural contours of the terrain except as necessary for [building](#) sites or to correct unsafe conditions. The locations of [buildings](#) and [roads](#) shall be planned to follow and conform to existing contours as nearly as possible. [Ord. [08-29](#), 2008].

21.44.040 Exceptions to setback requirements.

a. Any of the following may be located within a [setback](#) required by HCC [21.44.030\(c\)](#):

1. A deck extending no more than five feet into the required [setback](#).

2. An unoccupied accessory [structure](#) having a [building area](#) not greater than 200 square feet that is no closer than 15 feet to the top of any [bluff](#) or [ravine](#).

3. A boardwalk, sidewalk, foot path or stairway that provides access to a beach, [bluff](#) or accessory [structure](#), and that is located at or within three feet above ground level.

4. Development activity that the City Planner determines is reasonably intended to stabilize an eroding [coastal bluff](#).

b. No structure other than a structure described in subsection (a) of this section may be located in a required setback without a conditional use permit issued in accordance with Chapter 21.71 HCC and a site plan approved by the City Engineer under HCC 21.44.050. [Ord. 08-29, 2008].

21.44.050 Site plan requirements for slope development.

a. No permit for development activity for which HCC 21.44.030 or 21.44.040(b) requires a site plan may be approved unless the City Engineer approves a site plan for the development activity that conforms to the requirements of this section. The City Engineer shall accept or reject the plan as submitted or may require that specific conditions be complied with in order for the plan to meet approval.

b. The site plan shall be prepared by a qualified geotechnical engineer licensed to practice in the State of Alaska and shall include the following information:

1. The location of all watercourses, water bodies, and wetlands within 100 feet of the location of the proposed development activity.
2. The location of all existing and proposed drainage structures and patterns.
3. Site topography shown by contours with a maximum vertical interval of five feet.
4. The location of all proposed and existing buildings, utilities (including on-site well and septic facilities), driveways and streets.
5. The location of all existing vegetation types including meadow, forest and scrub lands, identifying all areas of vegetation that will be removed as well as vegetation to be preserved or replaced. Specifications for revegetation shall also be included.
6. Specific methods that will be used to control soil erosion, sedimentation, and excessive stormwater runoff during and after construction.
7. A description of the stability of the existing soils on site and a narrative and other detail sufficient to demonstrate the appropriateness of the development and construction methods proposed.
8. A grading plan for all areas that will be disturbed by the development activity.
9. A slope stability analysis including the following:
 - a. Summary of all subsurface exploration data, including subsurface soil profile, exploration logs, laboratory or in situ test results, and groundwater information;
 - b. Interpretation and analysis of the subsurface data;
 - c. Summary of seismic concerns and recommended mitigation;
 - d. Specific engineering recommendations for design;
 - e. Discussion of conditions for solution of anticipated problems;
 - f. Recommended geotechnical special provisions;
 - g. An opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes. [Ord. 10-56 § 2, 2011].

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