

Memorandum 12-007 Amending City Sign Code

Memorandum ID: 12-007

Memorandum Status: Backup

City of Homer

Planning & Zoning Telephone (907) 235-3106

491 East Pioneer Avenue Fax (907) 235-3118

Homer, Alaska 99603-7645 E-mail Planning@ci.homer.ak.us

Web Site www.ci.homer.ak.us

MEMORANDUM 12-007

TO: Mayor Hornaday and Homer City Council

THRU: Walt Wrede, City Manager

FROM: Rick Abboud, City Planner

DATE: January 4, 2012

SUBJ: Draft Ordinance 12-01, Sign Ordinance

Introduction

The Planning Commission is forwarding the Draft Ordinance 12-01 for review. The HAPC has had 17 work sessions, 14 regular meetings, 2 public workshops, a joint session with Council, and a public hearing regarding this issue.

Why

Work on the ordinance started out as a response to some specific items. Staff was looking for a directive to deal with noncompliant signage that had not been comprehensively addressed for many years, mostly dealing with the Spit and sandwich boards. The Planning Office was unable to issue a sign permits for new boardwalk businesses because we found that most all boardwalks were far past the sign allowance found in code and thus we could not condone any sign past the legal limits. Additionally, we were getting a large number of complaints about illegal sandwich board signs that were found off-site, in the rights-of-way, on the sidewalk, being displayed beyond the amount of time allowed in code, and in numbers exceeding limits in code. Complaints and comments were provided by a wide array of people including those on the council and commission along with business owners (especially competing businesses) and the general public

What

Measure signage per building from per lot

To make it less complicated and easier to enforce and permit on the spit, changes were made to table 2 part B, line 216 that allows signage to be measured per Principle Building instead of Per Lot. It is proposed that signage be displayed in proportion to the size of individual structures and not limited to 150 square feet per lot (some spit lots have over 12 buildings).

Temporary Signs

Generally, temporary signs are those that are temporary in physical nature and in display term. They are only allowed on-site within the boundary of the parcel and should not be placed on a sidewalk, ROW, or blocking a sight triangle. Additionally, they need to fit within the total amount of allowed signage per lot. These are universal concepts that are not proposed to be compromised. Now it gets more complicated, as I try to explain what is currently allowed to what is proposed.

Currently, one may use a temporary sign on private property (one per lot) for up to 14 days in a ninety day period for advertising, except real estate signs which are allowed until sale and electoral signage (allowed 60 days prior to election and must be removed in week after), which are allowed in any amount up to 32 square feet each. The Commission does not propose changes in real estate or electoral sign other than paring down the size of electoral sign to a max of 16 square feet, which is the maximum allowable size of any other temporary sign.

The Commission has recommended regulating commercial and non-commercial messages differently. Temporary

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Signs are divided into General (21.60.130 (a)), conditions that apply to all temporary signs; Commercial (21.60.130 (b)), only allowing garage sales and real estate signs; and Non-commercial (21.60.130 (c)), most non-commercial messages will be displaying information about an event and would be regulated as indicated in the General section. Things get a bit difficult in deciding just which types of signs may be non-commercial considering the vast amount of fund raising events and activities in Homer. This is left to the City Planner to evaluate. I am concerned about where the line is drawn on non-commercial messages and plan to confer with the City Attorney about the implications prior to the worksession.

There is a current provision for permitting temporary signs in the rights-of-way (ROW). This has been struck because most everyone applying would want a sign in the State ROW, which we do not have the authority to grant (we can only be more restrictive than the state, not less).

Banner

The definition of a banner has changed. Basically, banners must be affixed to a rigid surface all around all edges; once this happens it meets the definition of a sign and will be regulated as such. No more banners blowing with or in the wind.

Appeals

The enforcement procedure has been streamlined with the thought of being able to resolve enforcement in a more reasonable time frame. Someone will have 7 days to file an appeal with the Clerk just as we have 7 days to issue a permit. Once appealed to the Planning Commission (if the decision is not reversed) the item would then go directly to Superior Court. As proposed, the process for appeal to the Planning Commission could take up to 6 months and 7 days before going to court. Currently, the time frame for two appeal hearings, one before the Planning Commission and then before the BOA could take up to a year and seven days get to court. In a nutshell, the proposed change cuts the time to submit the appeal request to the Clerks from 30 days to 7 days and eliminates an additional appeal to the BOA.

Other

Other changes are mostly clarifications to definitions recommended by the Planning Staff, Commission, or Attorney and are not intended to be policy changes.

Staff recommendation:

Adopt Ordinance 12-01

Attachments

1. Draft Ordinance 11-XX
2. Staff Report 11-108 and minutes
3. Staff Report 11-106 and minutes
4. Staff Report 11-99 and minutes
5. Staff Report 11-93 and minutes
6. Staff Report 11-82 and minutes
7. Staff Report 11-78 and minutes
8. Staff Report 11-68 (Work Session)
9. Staff Report 11-61 and minutes
10. Staff Report 11-53 and minutes
11. Staff Report 11-46 and minutes
12. Staff Report 11-42 and minutes
13. Staff Report 11-37 (Work Session)
14. Staff Report 11-31 (Joint Work Session with City Council)
15. Staff Report 11-16 (Work Session)
16. Staff Report 10-105 and minutes
17. Staff Report 10-97 and minutes

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- 18. Staff Report 10-88 (Work Session)
- 19. Staff Report 10-97 and minutes

Related Ordinances **Memorandum - Related Ordinances:** [Ordinance 12-01\(S\)\(A\) Amending the Sign Code](#)

Source URL (retrieved on 2015-02-01 13:17):

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