Chapter 21.60 Sign Code

21.60.010--21.60.020

Chapter 21.60

SIGN CODE

Sections :

21.60.010 Sign code.
21.60.020 Purpose.
21.60.030 Applicability-Effect.
21.60.040 Definitions.
21.60.050 Computations.
21.60.060 Signs allowed on private property with and without permits.
21.60.070 Permits required.
21.60.080 Design, construction, and maintenance.
21.60.090 Signs in the public right-of-way.
21.60.092 Off-premises signs.
21.60.095 Electoral signs.
21.60.097 Public Signs.
21.60.100 Signs exempt from regulation under this chapter.
21.60.110 Signs prohibited under this chapter.
21.60.130 Temporary signs-Private property.
21.60.150 Time of compliance-Nonconforming signs and signs without permits.
21.60.170 Enforcement and remedies.

21.60.010 Sign code. This chapter may be known and referred to as the Homer Sign Code or the sign code. (Ord. 08-29, 2008).

21.60.020 Purpose. The purposes of this sign code are: to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. This sign code is adopted under the zoning authority of the City in furtherance of the more general purposes set forth in the zoning code. (Ord. 08-29, 2008).

253
(Homer 09/11)

21.60.030 Applicability-Effect. A sign may be erected, placed, established, painted, created, or maintained in the City only in conformance with the standards, procedures, exemptions, and other requirements of this chapter. (Ord. 08-29, 2008).

21.60.040 Definitions. In this chapter, addition to terms defined in HCC §21.03.040, the following words and phrases shall have the meanings set forth in this section.
"Abandoned sign" means a sign that refers to a business or activity that is no longer being conducted or pursued.
"Animated sign" means a sign that uses flashing lights, movement or change of lighting to depict action or create a special effect or scene, or that includes characters, letters, or illustrations whose message changes at least one time per day; provided that a changing electronic or mechanical indication of time or temperature does not cause a sign to be an animated sign.
"Banner" means a lightweight sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constructed of non-durable materials, including without limitation

cardboard, cloth and plastic. Banner material attached to a rigid frame on all edges or a flag shall not be considered a banner.
"Beacon" means a sign that emits one or more beams of light, capable of being directed in one or more directions or rotated or moved.
"Building marker" means a wall sign cut or etched into masonry, bronze, or similar material that includes only the building name, date of construction, or historical data on historic site.
"Building sign" means a sign that is attached to and/or supported by a building, but that is not a freestanding sign.
"Changeable copy sign" means a sign that includes characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign, and on which the message changes less often than one time per day; provided that a changing electronic or mechanical indication of time or temperature does not cause a sign to be a changeable copy sign.
"Commercial message" means letters, graphic material or a combination thereof that, directly or indirectly, names, advertises, or calls attention to a business, brand, product, service or other commercial activity.

253-1
(Homer 06/12)
21.60.040
"Electoral sign" Any sign used for the purpose of advertising or promoting a political party, or the election or defeat of a candidate initiative, referendum or proposition at an election.
"Flag" means the flag of the United States, the State, the City, a foreign nation having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction.
"Freestanding sign" means a sign supported, in whole or in part, by structures or supports that are placed on, or anchored in the ground and that are independent of any building or other structure.
"Ground sign" means a freestanding sign that is placed directly on the ground having or appearing to have a foundation or solid base beneath 50 percent or more of the longest horizontal dimension of the sign.
"Incidental sign" means an informational or directional sign that is incidental and subordinate to a principal use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone" and that bears no commercial message that is legible from outside that lot.
"Marquee sign" means a sign attached in any manner to, or made a part of, a permanent roof-like structure projecting beyond a building, generally designed and constructed to provide protection from the weather.
“Official traffic control device” means a sign not inconsistent with Alaska Statutes Title 28, placed or erected by authority of a state or municipal agency or official having jurisdiction, for the purpose of traffic regulating, warning and guiding.
"Off-premise sign" means a sign containing a message drawing attention to goods or services, business or other activity not offered or conducted on the lot on which the sign is located.
"Pennant" means a lightweight plastic, fabric, or other material, whether or not containing a message of any kind suspended from a rope, wire, or string, usually in series, designed to move in the wind.
“Permanent sign” means a sign that is not a temporary sign.
"Principal building" means a building in which the principal use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other accessory structures shall not be considered principal buildings.

253-2
(Homer 06/12)

21.60.040
"Projecting sign" means a building sign attached to a wall and that protrudes more than six inches beyond the surface of the wall.
"Public sign" means an off-premises sign other than an official traffic control device, that provides direction or information, or identifies public facilities such as parks, playgrounds, libraries, or schools or a distinct area of the City, such as Pioneer Avenue, the Homer spit, Old Town and entrances to the City.
"Residential sign" means a sign located in the Rural Residential, Residential Office or Urban Residential zoning districts that contains no commercial message except for advertising for goods or services legally offered on the premises where the sign is located, if offering such services at such location conforms to all requirements of the zoning code.
"Roof sign, integral" means a sign erected and constructed as an integral part of the roof of a building, such that no part of the sign extends vertically more than two feet above the highest portion of that roof of which it is a part.

"Setback" means the distance between a sign located on a lot and the closest lot line.
"Sign" means a device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
"Suspended sign" means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
"Temporary sign" means a sign that is not affixed permanently to a building or to a permanent support or foundation, including without limitation menu or sandwich board signs.
"Wall sign" means a sign attached parallel to, but within six inches of, a wall, painted on the surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such building or structure, and which displays only one sign surface.
"Window sign" means a sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the building. (Ord. 12-01(S)(A)§1, 2012; Ord. 09-47(A) § 1 (part), 2009; Ord. 08-29, 2008).

21.60.050 Computations. The following principles shall control the computation of sign area and sign height.
a. Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning code regulations and is clearly incidental to the display itself. In computing the sign area under this section,
1. Sign area shall include the area of any tenant?specific motifs or architectural devices including, but not limited to, roof forms, canopies, awnings, building color or finish, striping or color bars.
2. The entire area of backlit translucent material, including backlit translucent light boxes, canopies, and awnings, shall be counted as a sign area.
b. Computations of Area of Multifaced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
c. Computation of Height. See HCC Chapter 21.05. (Ord. 08-29, 2008).

21.60.060 Signs on private property. a. Signs shall be allowed on private property in the City only in accordance with Table 1. If the letter “A” appears for a sign type in a column, such sign type is allowed without prior permit approval in the zoning district represented by that column. If the letter “P” appears for a sign type in a column, such sign type is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter “N” appears for a sign type in a column, such sign type is not allowed in the zoning districts represented by that column under any circumstances. If the letters “PH” appear for a sign type in a column, such sign type is allowed in the zoning districts represented by that column only with prior approval by the Commission after a public hearing.
b. Although permitted under the previous paragraph, a sign designated by an "A" or "P" in Table 1 shall be allowed only if:
1. The sum of the area of all building and free standing signs on the lot does not exceed the maximum permitted sign area for the zoning district in which the lot is located as specified in Table 2; and
2. The characteristics of the sign conform to the limitations of Table 3; Permitted Sign Characteristics, and with any additional limitations on characteristics listed in Table 1 or Table 2.
c. A sign type that is not listed on the following tables is prohibited.
253-5
(Homer 06/12)

	RR	UR	RO	INS (a)	CBD	TC	GBD	GC1	GC2	MC	MI	OSR	PS (e)
Animated (b)	N	N	N	N	S	S	N	S	N	S	N	N	N
Changeable Copy (c)	N	N	N	N	S	S	N	S	S	S	S	N	PH
Illumina	N	N	N	S	S	S	N	S	S	S	S	N	N

	RR	UR	RO	INS (a)	CBD	TC	GBD	GC1	GC2	MC	MI	OSR	PS (e)
tion													
Internal Illumination External	N	N	N	S	S	S	S	S	S	S	S	N	PH
Neon (d)	N	N	N	N	S	S	N	S	S	S	S	N	N

See attachment KEY TO Tables 1 through 3

See attachment Table 1 & Notes

See attachment Table 2 & Notes

See attachment Table 3 & Notes

21.60.070 Sign permits. a. No person may place, construct, erect or modify a sign for which a provision of this chapter requires a permit without first obtaining a permit for the sign under this section.
b. Applications. An application for a sign permit shall be submitted to the Department on an application form or in accordance with application specifications published by the Department. An application for a permit for a sign that is not an off-premises sign shall be submitted by the owner of the lot where the sign is to be located, or by a tenant leasing all or part of the lot when the sign names, advertises, or calls attention to a business, brand, product, service or other commercial activity of the tenant.
c. Fees. An application for a sign permit shall be accompanied by the applicable fees established by the Homer City Council from time to time by resolution.
d. Action. Within seven working days after the submission of a complete application for a sign permit, the Department shall:
1. If the sign is allowed only with the prior approval of the Commission after a public hearing, refer the application to the next available Commission meeting for a public hearing.
2. If the sign is subject to administrative permit approval, either
i. Issue the sign permit, if each sign that is the subject of the application conforms in every respect with the requirements of this chapter; or
ii. Reject the sign permit if a sign that is the subject of the application fails in any way to conform to the requirements of this chapter. In case of rejection, the Department shall specify in the rejection the section or sections of this chapter to which the sign does not conform. (Ord. 12-01(S)(A) §7, 2012; Ord. 08-29, 2008).

21.60.080 Design, construction, and maintenance. All signs shall be designed, constructed, and maintained in accordance with the following standards:
a. No sign shall be allowed to be a safety hazard. All signs shall be maintained in good repair. Any sign not in substantial, sturdy condition will be subject to abatement as a public nuisance.
b. Except for flags, temporary signs and window signs conforming in all respects to the requirements of this chapter, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
c. Visibility for vehicles at access points to public streets shall be protected as required in HCC § 21.73.200. No sign shall be placed or maintained within the visibility clearance area.
d. Signs shall be setback at least five feet from all property lines except wall signs are permitted on any legally located building wall.
253-12
(Homer 06/12)
21.60.080(e)—21.60.092

e. Illumination, if used, shall not be animated. Light rays shall shine only upon the sign or upon the lot on which the sign is located, and no direct light or significant glare shall be cast onto any adjacent lot, street, or right-of-way.
f. Projecting signs shall have a maximum projection of four feet from the building and not exceed 20 square feet in area. (Ord. 12-01(S)(A) §8 (part), 2012; Ord. 08-29, 2008).

21.60.090 Permanent signs in public rights-of-way. No person may place, construct or erect a permanent sign in a public right-of-way, except for the following:
a. Official traffic control devices.
b. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
c. Informational signs of a public utility regarding its poles, lines, pipes, or facilities; and
d. Signs containing commercial messages that have been approved by the State of Alaska Department of Transportation. (Ord. 12-01(S)(A) §9, 2012; Ord. 08-29, 2008).

21.60.092 Off-premises signs. Off-premises signs are allowed in all nonresidential zoning districts subject to the restrictions of this section, which are in addition to the other requirements of the sign code:
a. No more than one sign per lot, containing up to four separate messages, commercial or non-commercial per sign, may be allowed;
b. No more than one message per business, product, service or other commercial or non-commercial activity may be allowed on an off-premises sign anywhere in the city;
c. Maximum area of signage per commercial or non-commercial message shall be five square feet, inclusive of a logo, if any, which shall not exceed one square foot in area;
d. Maximum height of a free standing off-premises sign shall not exceed ten feet;
e. Illumination, if used, shall not be animated. Light rays shall shine only upon the sign or upon the lot on which the sign is located, and no direct light or significant glare shall be cast onto nay adjacent lot, street, or right-of-way, and;
f. The owner and lessee, if any, of the lot on which the sign is located and the owner of any commercial or non-commercial activity named or depicted on an off-premises sign shall be jointly and severally responsible for compliance with the sign code. (Ord. 08-29, 2008).

21.60.095 Electoral signs. Electoral signs are allowed in all zoning districts subject to the restrictions of this section.
a. Electoral signs are allowed in any number and shall be in addition to any other signs allowed under the sign code.
b. Electoral signs may be displayed only for a period of 60 days prior to any federal, state or municipal election. All electoral signs must be removed within one week following the election; provided that signs erected for any primary or general election that remain relevant to a subsequent general or run-off election may remain in place for the period between the elections. During other periods of time, electoral signs shall be subject to regulation as other signs under the sign code.
c. Electoral signs shall not be placed on public property or rights-of-way except in accordance with HCC § 21.60.090.
d. An electoral sign shall not exceed 16 square feet in area and shall not exceed the height limitation applicable to non-electoral signs within the same zoning district.
e. Electoral signs shall not violate HCC § 21.60.080. (Ord. 12-01(S)(A) §10 (part), 2012; Ord. 08-29, 2008).

21.60.097 Public Signs. Public Signs are allowed in all zoning districts subject to the requirements in Tables 1, 2 and 3 of HCC § 21.60.060, and to the following requirements:
a. Public Signs are allowed on publicly owned and privately owned lots.
b. Public Signs are allowed in rights-of-way, subject to HCC § 21.60.090.
c. No more than one Public Sign is allowed per lot.
d. No Public Sign may be placed within 300 feet of another Public Sign.
e. Freestanding Public Signs shall not exceed 32 square feet in area.
f. Freestanding Public Signs shall not exceed 10 feet in height.
g. Public Signs other than freestanding shall not exceed 24 square feet in area.
h. No Public Sign is allowed without a permit.
i. Public Sign design and placement must be submitted to the Planning Commission for approval, including Public Signs provided or installed by the City of Homer.
j. The Planning Commission shall conduct a public hearing prior to approving a Public Sign. (Ord. 09-47(A)§2 (part), 2009; Ord. 08-29, 2008,).

21.60.100 Signs exempt from regulation under this chapter. The following signs shall be exempt from regulation under this chapter:
a. Any sign bearing only a public notice or warning required by a valid and applicable federal, state, or local law,

regulation, or ordinance.
b. Any emergency warning sign erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within a public right-of-way.
c. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located,
d. Works of art that do not contain a commercial message;
e. Holiday lights between October 15 and April 15;
f. Traffic control signs on private property, such as a stop sign, a yield sign, and similar signs, the face of which meet Department of Transportation standards and that contain no commercial message of any sort.
g. Signs in existence before February 11, 1985, but such signs shall not be replaced, moved, enlarged, altered, or reconstructed except in compliance with this chapter. (Ord. 12-01(S)(A) §11, 2012; Ord. 08-29, 2008).

21.60.110 Signs prohibited under this chapter. All signs not expressly permitted under this chapter or exempt from regulation hereunder in accordance with HCC § 21.60.100 are prohibited in the City. Without limiting the foregoing, examples of prohibited signs include:
a. Banners;
b. Beacons;
c. Pennants;
d. Strings of lights not permanently mounted to a rigid background, except those exempt under HCC § 21.60.100;
e. Inflatable signs and tethered balloons;
f. Animated signs that are neon, change colors, or exceed three square feet in area;
g. Placement of hand bills, flyers, or bumper stickers on parked vehicles other than by owner;
h. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the Code; Prohibited is any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to advertise a product, service, business, or other activity. This regulation shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.

253-15
(Homer 06/12)
21.60.110(i)—21.60.130(b)

i. Abandoned signs, which shall be removed by the owner or lessee, if any, of the lot upon which the signs are located. If such owner or lessee fail to remove such signs after an opportunity for a hearing before the Planning Commission and fifteen days written notice to remove given by the City, then (i) the owner or lessee has committed a violation, and (ii) the City may remove the signs and collect the cost of removal from such owner or lessee, who shall be jointly and severally liable for such cost.(Ord. 12-01(S)(A)§11, 2012).

21.60.130 Temporary signs. a. General. All temporary signs are subject to the following requirements:
1. A temporary sign may not be an illuminated, animated, or changeable copy sign.
2. Unless a smaller area is required by another provision of this chapter, the area of a temporary sign shall not exceed 16 square feet.
3. A temporary sign whose message pertains to a specific date, event, or time period shall not be displayed for more than seven days after that date or the conclusion of the event or time period.
b. Commercial. A temporary sign that bears a commercial message shall be limited to the following:

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253-16
(Homer 06/12)
21.60.130(b)(1)—21.60.150(d)

1. One sign advertising the property on which the sign is located for sale or for rent; or
2. One sign advertising a temporary sale of household goods located on the lot where the sale is held.
3. One temporary sign other than those described in 1 and 2 above may be allowed by permit for display.
c. Non-commercial. Temporary signs that do not bear a commercial message are allowed on private property in any number, subject to the square footage limitations in this chapter. (Ord. 12-01(S)(A) §14, 2012; Ord. 08-29, 2008).

21.60.150 Time of compliance-Nonconforming signs and signs without permits. a. Except as otherwise provided herein, the owner of any lot or other premises on which exists a sign that does not conform to the requirements of this chapter or for which there is no current and valid sign permit must remove such sign or, in the case of a nonconforming sign, bring it into conformity with the requirements of this chapter.
b. Signs that were prohibited by Ordinance 84-33(S), as amended by Ordinances 86-18 and 89-8, and that are prohibited by this chapter are illegal and must be removed immediately.
c. Any sign that was constructed and continues to be maintained in accordance with the applicable ordinances and other laws that existed prior to an amendment to this code, but which becomes unlawful as a result of an amendment to this code, is lawfully nonconforming. A sign that is lawfully nonconforming under this subsection may remain in place and continue to be maintained until the information on the face of the sign is changed, or for a period of one year after the effective date of the amendment, whichever occurs first. If any action is taken that increases the degree or extent of the nonconformity with the amended code, the sign loses lawful nonconforming status and must be removed immediately. At the end of the period during which the lawfully nonconforming sign is allowed to remain in use, the sign shall either be removed or the owner must obtain a permit, if required, and complete all other steps and make any modifications necessary to bring it into full compliance with this code.
d. Any sign that was constructed and continues to be maintained in accordance with the applicable laws that governed territory prior to its annexation to the City, but which becomes unlawful under this code as a result of annexation to the City, is lawfully nonconforming. A sign that is lawfully nonconforming under this subsection may remain in place and continue to be maintained until the information on the face of the sign is changed, or for a period of one year after the later of (i) the effective date of the annexation of the territory or (ii) the effective date of the

ordinance that assigns the territory in which the sign is located to a zoning district under the Homer zoning code, whichever occurs first. If any action is taken that increases the degree or extent of the nonconformity with the code, the sign loses lawful nonconforming status and must be removed immediately. At the end of the period during which the lawfully nonconforming sign is allowed to remain in use, the sign shall either be removed or the owner must obtain a permit, if required, and complete all other steps and make any modifications necessary to bring it into full compliance with this code.
e. Notwithstanding the remainder of this section, a nonconforming banner or temporary sign shall be removed no later than May 1, 2012. (Ord. 12-01(S)(A) §16, 2012).

21.60.170 Enforcement and remedies. In addition to the remedies provided in HCC Chapter 21.90, violations of this chapter are subject to the following remedies:
a. A person designated to enforce this title under HCC 21.90.020 may remove a temporary sign placed in a public right-of-way in violation of this chapter. The person responsible for the illegal placement shall be liable for the cost incurred in removing the sign.
b. Notwithstanding any other provision of this title:
1. An appeal to the Planning Commission from an enforcement order that requires the abatement or removal of a temporary sign placed on private property in violation of this chapter must be filed within seven days after the date of distribution of the enforcement order to the person whose property is the subject of the enforcement order.
2. An appeal from a final decision of the Planning Commission regarding an enforcement order that requires the abatement or removal of a temporary sign placed on private property in violation of this chapter must be taken directly to the Superior Court. (Ord. 12-01(S)(A) §18, 2012; Ord. 08-29, 2008).

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Supporting Documents

KEY to Tables 1 through 3
Table 1 and Notes
Table 2 and Notes
Table 3 and Notes

Source URL (retrieved on *2013-05-23 05:30*): http://www.cityofhomer-ak.gov/cityclerk/chapter-2160-sign-code