

**REGULAR MEETING
AGENDA**

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Public Comment**

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
- 4. Reconsideration**
- 5. Adoption of Consent Agenda**

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

 1. Approval of Minutes of October 5, 2011 *Page 1*
 2. Time Extension Requests
 3. Approval of City of Homer Projects under HCC 1.76.030 g.
 4. KPB Coastal Management Program Reports
- 6. Presentations**
- 7. Reports**
 - a. Staff Report PL 11-111, City Planner's Report *Page 7*
- 8. Public Hearings**

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

 - A. Staff Report PL 11-108, Draft Sign Code Amendments *Page 9*
 - B. Staff Report PL 11-109, Draft Ordinance allowing accessory dwelling units as a permitted use *Page 27*
- 9. Plat Consideration**
- 10. Pending Business**
 - A. Staff Report PL 11-110, Policies and Procedures *Page 31*
- 11. New Business**
- 12. Informational Materials**
 - A. City Manager's Report: Budget Message FY 2012 Operating Budget *Page 43*
- 13. Comments of The Audience**

Members of the audience may address the Commission on any subject. (3 minute time limit)

14. Comments of Staff

15. Comments of The Commission

16. Adjournment

Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission. The next regular meeting will be held on November 2, 2011 at 6:30p.m. There will be a work session at 5:30.

Session 11-14, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 6:32 p.m. on October 5, 2011 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, DOLMA, ERICKSON, HIGHLAND, MINSCH, SONNEBORN, VENUTI

STAFF: CITY PLANNER ABOUD
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

Holly Van Pelt, city resident, commented to the Commission regarding the draft sign ordinance. She asked for leniency in the size for businesses directly on a road where the speed limit is in excess of 45 mph. Her business on the Sterling Highway is zoned commercial so she doesn't have an issue, but her neighbor in Rural Residential along the highway is limited to a 4 square foot sign. She proposed that it isn't safe or in the public's interest. Along that corner there have already been a number of accidents, some fatal, and to have a small sign there when a person is looking for a business may cause them to slow down or stop suddenly. She doesn't think a sign of that size large enough for drivers to see, absorb the message, and make safe traffic change. She wondered if there might be consideration for a special zoning permit that would allow for a larger sign on the highway. Ms. Van Pelt noted that DOT doesn't have such small signs when they are trying to get information safely to drivers they use a much larger sign, so she doesn't know why the City can't be more lenient.

Question was raised if there had been any accidents at the location over the summer or if it just appears there could be an issue. Ms. Van Pelt said she is not aware of any at that particular spot, but it is a dangerous section of road. She expects that people driving down who have a booking at the location will be driving slower in an attempt to find it and will create a traffic hazard. In response to a suggestion of lowering the speed limit, Ms. Van Pelt said her experience is that without enforcement, people won't slow down. Some people would obey when dropping the speed limit to 35 but others will continue to go 55 and the discontinuity will result in more traffic problems.

Commissioner Sonneborn noted that the problem is people already driving too fast and it isn't the Commission's responsibility to change zoning rules, because people are speeding. Ms. Van Pelt countered that even at 45, a two foot square sign is not large enough to convey a business information.

RECONSIDERATION

There were no items scheduled for consideration.

ADOPTION OF CONSENT AGENDA

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 5, 2011

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

1. Approval of the September 21, 2011 minutes
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030 g
4. KPB Coastal Management Program Reports
5. Draft Decision and Findings for CUP 11-12 at 182 E Pioneer Ave, Portion of Lot 6 Tract A Nils O Svedlund Subdivision Amended, Request for more than one building containing a permitted principle use on a lot.
6. Draft Decisions and Findings for CUP 11-06, 4721 Homer Spit Road, Central Charters Boardwalk Expansion for HCC 21.28.030 (a) Restaurants and drinking establishments HCC 21.28.030(i) More than one permitted principal use on a lot, HCC 21.28.030(j)Planned unit development, and HCC 21.28.040(d) More than 8,000 sf of building area

The Consent Agenda was approved by consensus of the Commission.

PRESENTATIONS

REPORTS

- A. Staff Report PL11-105, City Planner's Report

City Planner Abboud reviewed his staff report.

There was brief discussion about work being done in the wetland in the Spruce Lane area and the Council's ordinance regarding water meters.

PUBLIC HEARINGS

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

No public hearings were scheduled.

PLAT CONSIDERATION

No Plats were scheduled.

PENDING BUSINESS

- A. Staff Report PL 11-106, Draft Sign Code Amendments

City Planner Abboud reviewed the staff report. He advised that they should use the draft ordinance provided as a laydown instead of the one provided in the packet.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 5, 2011

The Commission addressed the sign issue on the Sterling Highway that was brought up during public comments. Point was raised that they had discussed the challenges of the location during the CUP hearing.

They engaged in worksession type discussion about banners, their definition, and circumstances where they become signs. They also briefly addressed roof signs.

BOS/HIGHLAND MOVED TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING THE DRAFT SIGN CODE AMENDMENTS.

There was no objection expressed and discussion ensued.

The Commission addressed wording for a motion to tie language on packet page 21 into the draft code and to clarify the definition.

BOS/HIGHLAND MOVED THAT ON THE PARAGRAPH "BANNER SIGN" THE BANNER MATERIAL ATTACHED TO A RIGID ~~STRUCTURE~~ FRAME ON ALL SIDES.

There was discussion addressing the language in the packet draft ordinance, the staff report, and the draft ordinance provided as a laydown.

VOTE: NO: BOS, MINSCH, HIGHLAND, SONNEBORN, VENUTI, ERICKSON, DOLMA

Motion failed.

MINSCH/BOS MOVED TO SUBSTITUTE THE BANNER SIGN LANGUAGE FROM THE STAFF REPORT FOR WHAT IS IN THE DRAFT ORDINANCE, AND ALTER IT AS DISCUSSED.

It was noted for clarifications that while banners, as defined, are prohibited; banners in a rigid frame, a banner sign, are allowed. Under banner sign in the staff report the first sentence outlines what is prohibited, and the second sentence says when it is considered a sign. It should also say attached on all edges instead of all sides.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

SONNEBORN/BOS MOVED TO STRIKE THE CATEGORY ROOF FROM THE TABLE ON PACKET PAGE 28.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/BOS MOVED THAT ON TABLE 1 IN THE LINE ROOF, ADD INTEGRAL BACK.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/BOS MOVED THAT ON TABLE 1, ADD SUSPENDED BACK ONTO THE TABLE AND ADD THE DEFINITION OF SUSPENDED.

It was noted that it will clarify it if someone wants to a suspension from the soffits.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MINSCH/HIGHLAND MOVED TO APPROVE THE DRAFT SIGN ORDINANCE AS AMENDED AND MOVE IT FORWARD TO PUBLIC HEARING.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

- A. Staff Report PL 11-104, Draft Ordinance Allowing Accessory Dwelling Units as Permitted Uses

City Planner Abboud reviewed the staff report.

ERICKSON/HIGHLAND MOVED TO DISCUSS AND MAKE RECOMMENDATIONS.

There was no objection expressed and discussion ensued.

It was noted that while this is a good idea, the accessory units should be required to have electric, water, and sewer. City Planner Abboud noted the definition of dwelling specifies that it includes facilities for sleeping, cooking, and sanitation.

There was discussion of limiting this to residential districts. It was noted that central business includes everything, it is a density center, and has water and sewer. The gateway business district promotes mixed use development but an emphasis on the visitor oriented business, and conflicts between residential and business are resolved in favor of business. The goals of the district are minimization of future traffic construction along the Sterling Highway corridor, and preservation of the view experience.

MINSCH/SONNEBORN MOVED TO DELETE THE GATEWAY BUSINESS DISTRICT FROM THIS PROPOSAL.

Comment was made that the Comprehensive Plan wants density, development, infill, and wants to follow the water and sewer, so it is easy to support the residential districts and CBD. If there isn't water and sewer in urban and rural residential, then typically it is a bigger lot.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 5, 2011

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

The Commission took a recess at 8:08 p.m. and the meeting resumed at 8:12 p.m.

The Commission expressed no objection to forwarding the draft ordinance to public hearing.

INFORMATIONAL MATERIALS

- A. 'City, State, Laws regulate portable signs,' Homer News article by Michael Armstrong
- B. 'Proposed sign changes not anti-business', Homer News Point of View by Sharon Minsch
- C. Letter dated September 13 to Mayor Hornaday and Homer City Council from Norm Story, regarding the East Road Business District
- D. City Manager's Report dated September 26, 2011

There was brief discussion of Mr. Story's letter to the City Manager and City Council and the process for requesting a re-zone.

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

There were no audience comments.

COMMENTS OF STAFF

City Planner Abboud said he would work on getting the sign ordinance ready for public hearing.

COMMENTS OF THE COMMISSION

Commissioners Venuti, Dolma, and Sonneborn had no comments.

Commissioner Bos said he was glad about the progress they made tonight and that he might not be at the next meeting. He thanked Chair Minsch for the point of view regarding the sign code.

Commissioner Erickson thanked City Planner Abboud for his work.

Commissioner Highland stated her usual dream of harmony between the economy and the environment.

Chair Minsch commented that the feed back she has been getting from her point of view has been positive.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 8:21 p.m. The next regular meeting is scheduled for October 19, 2011 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession scheduled October 19, 2011 at 5:30 p.m.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____





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STAFF REPORT PL 11-111

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: October 19, 2011
SUBJECT: Planning Director's Report

October 10th City Council

Resolution 11-098, A Resolution of the City Council of Homer, Alaska, Urging Federal Emergency Management Agency (FEMA) to Schedule a Flood Study Review Meeting in Homer to Discuss with the Public the Newly Proposed Digital Flood Insurance Rate Maps (DFIRMS) and Flood Insurance Study (FIS) Report for the City of Homer, Alaska, Prior to the Commencement of the Statutory 90-Day Appeal Period for Modified Base Flood Elevations (BFEs). Howard. 9
ADOPTED with discussion.

Resolution 11-096, A Resolution of the Homer City Council Adopting the 2012-2017 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2013. Mayor and City Council.
ADOPTED as AMENDED: Capital Improvement Projects identified as priorities for the FY 2013 State Legislative Request:

1. Sewer Treatment Plant Bio-solids Treatment Improvements
2. Homer Area Natural Gas Pipeline, Phase 2
3. Harbor Improvement Revenue Bond Projects (Bundled Projects)
4. Skyline Fire Station
5. Fishing Lagoon Improvements
6. Karen Hornaday Park Improvements, Phase I
7. Tanker 2 Refurbishment and Fire Engine 4 Refurbishment HVFD
8. Homer High School Track Renovation
9. Alternative Water Source
10. Deep Water/Cruise Ship Dock Expansion, Phase I
11. Homer Intersection Improvements
12. Ocean Drive Reconstruction with Turn Lane
13. Mariner Park Restroom
14. Kachemak Drive Rehabilitation/Pathway
15. Truck Loading Facility Upgrades at Fish Dock

Added to the CIP 2012-2017 list: Ice Plant Upgrade; Harbor Sheet Pile Loading Dock; Homer Harbor Float Improvements; Barge Mooring Facility; Marine Ways Large Vessel Haulout Facility.

Removed projects incorporated in the Harbor Improvement Revenue Bond Projects: Port and Harbor Building, Harbor Entrance Erosion Control, Ramp 3 Gangway and Approach, Harbor Float Replacement, System 5 Upgrade, and Load and Launch Ramp.

October 24th City Council Meeting

Water Meter Ordinance - introduction

Activities:

Dotti has been out for vacation. I have been fielding inquiries about the sign ordinance along with working on some on-going enforcement actions. I did have a teleconference with members of FEMA regarding the newly proposed flood maps. It is understood that the process to commence the 90 appeal period will not start until after December 1st. We figure that the appeal period would not end until at least May 1st. I am more confident that FEMA will send representative to Homer to explain the new maps prior to the appeal period, although no schedule has been forwarded.

Training:

Franco, James and I are planning to attend the training offered in Fairbanks.



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STAFF REPORT PL 11-108

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: October 19, 2011
SUBJECT: DRAFT sign ordinance – public hearing

Some changes have been incorporated into the sign ordinance since it was last at the Planning Commission.

Lines 40-45

I changed the definition of banner *mostly* as requested by the commission. The place where it did not work is when I was asked to describe banner material attached to a rigid frame on all edges as a sign. Well, by definition a banner is a sign, a prohibited one. I have to reinforce that to describe this as a sign does not necessarily imply that it is not also a banner. It is best to describe what we want to assure is not the case, it is not a banner, which is prohibited. It could be incorporated into any number of defined signs in code, just it is not a prohibited banner. As example of this language I added back the part about not being a flag also. This could come or go. It did seem to serve a purpose before and it would seem to serve the same purpose now.

Line 129

Added back the word “integral”

Lines 137-138

Added back definition of suspended sign

183 (Table)

Struck “Roof”

Added back “suspended” with corrected designation (P instead of S)

Struck “Banner (c)”

Line 313

Added banner (prohibited)

Lines 249-255

Added section to clean up unnecessary reference to “banner” (now prohibited)

Line 322

Added “banner” to list of prohibited signs

New Consideration

It seems if I look at thing long enough, I will always find something that does not set right within the sign code. I understand the Commission's intent regarding banners, but am not confident that eliminating floppy, flapping banners in the definition of banner is the best way to handle it. I would recommend a more traditional definition with a caveat or when a "banner sign" ceases to be considered a "banner sign" then just add "banner sign" to the list of prohibited signs.

Banner Sign – 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 constricted of non-durable materials, including, but not limited to, cardboard, cloth and/or plastic. Banner material attached to a rigid structure on all sides or when meeting the definition of a wall sign, ceases to be considered a banner sign.

One more fix to banners listed below, just a housekeeping issue that I found.

21.60.080 Design, construction, and maintenance. All signs shall be designed, constructed, and maintained in accordance with the Following standards:

b. Except for ~~banners~~, flags, temporary signs and window signs conforming in all respects with 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.

Conclusion

The sign code is a rather complex ordinance which is a delicate balancing act of meeting the expectations of the community, legal, enforceability and business interests. I highly doubt that many/any sign ordinances exist that perfectly balance all expectations. We have addressed several pressing issues without starting from scratch. I feel that we will want to take some time in the future to evaluate the modifications and give consideration to other subjects.

Recommendations

Discuss and make motion regarding "banner signs" (new definition, prohibition, and housekeeping) and schedule another public hearing.

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**CITY OF HOMER
HOMER, ALASKA**

Planning

ORDINANCE 11-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.60.040, DEFINITIONS; HOMER CITY CODE 21.60.060, SIGNS ALLOWED ON PRIVATE PROPERTY WITH AND WITHOUT PERMITS; HOMER CITY CODE 21.60.070, PERMITS REQUIRED; HOMER CITY CODE 21.60.808 DESIGN, CONSTRUCTION, AND MAINTENANCE; HOMER CITY CODE 21.60.090, SIGNS IN THE PUBLIC RIGHT-OF-WAY; HOMER CITY CODE 21.60.095, ELECTORAL SIGNS; HOMER CITY CODE 21.60.100, SIGNS EXEMPT FROM REGULATION UNDER THIS CHAPTER; HOMER CITY CODE 21.60.110 SIGNS PROHIBITED UNDER THIS CHAPTER; HOMER CITY CODE 21.60.130, TEMPORARY SIGNS-PRIVATE PROPERTY; HOMER CITY CODE 21.60.150, TIME OF COMPLIANCE-NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS; AND HOMER CITY CODE 21.60.170, ENFORCEMENT AND REMEDIES; AND REPEALING HOMER CITY CODE 21.60.120, GENERAL PERMIT PROCEDURES; HOMER CITY CODE 21.60.140, TEMPORARY SIGNS-PUBLIC RIGHTS-OF-WAY; AND HOMER CITY CODE 21.60.160, VIOLATIONS; REGARDING THE REGULATION OF SIGNS.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.60.040, Definitions, is amended to read as follows:

21.60.040 Definitions. ~~In~~ For the purpose of this chapter, in addition to terms defined in HCC §21.03.040, the following words and phrases shall have the meanings set forth in this section chapter.

"Abandoned sign:" means a ~~Any sign containing copy~~ that refers to a business or activity that is no longer being conducted or pursued.

"Animated sign:" means a ~~Any 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- ~~A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature~~ does not cause a sign to be ~~shall be considered a time and temperature portion of a sign and not an animated sign for purposes of this chapter.~~

"Banner:" means a ~~Any sign of 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 fabric or similar materials, including, but not limited to, cardboard, cloth and/or plastic, ~~that is mounted to a pole or a building by a permanent frame at~~

[**Bold and underlined added.** Deleted language stricken through.]

45 ~~one or more edges.~~ **Banner material attached to a rigid frame on all edges or Aa** flag, as
46 defined in HCC § 21.60.040, shall not be considered a banner.

47 "Beacon-" ~~means a Any-sign~~ **that emits** with one or more beams **of light**, capable of
48 being directed in **one or more** ~~any director or directions or eapable of being rotated or moved.~~

49 "Building marker-" **means a wall** ~~Any-sign~~ cut or etched into masonry, bronze, or similar
50 material that includes only the building name, date of construction, or historical data on historic
51 site.

52 "Building sign-" ~~means a Any-sign~~ **that is** attached to **and/or supported by** any part of a
53 building, **but that is not a freestanding sign** ~~unless it is supported in whole or in part by~~
54 ~~structures or supports that are placed on, or anchored in, the ground and that are independent~~
55 ~~from any building or other structure.~~

56 "Changeable copy sign-" ~~means a A-sign~~ **that includes** ~~or portion thereof with~~
57 characters, letters, or illustrations that can be changed or rearranged without altering the face or
58 the surface of the sign, ~~and, A-sign~~ on which the message changes **less often** ~~more than one time~~
59 ~~per day shall be considered an animated sign and not a changeable copy sign for purposes of this~~
60 ~~chapter;~~ **provided that a A-changing** sign on which the only copy that changes is an electronic
61 or mechanical indication of time or temperature **does not cause a sign to be** ~~shall be considered~~
62 ~~a time and temperature portion of a sign and not a changeable copy sign for purposes of this~~
63 ~~chapter.~~

64 "Commercial message-" **means letters, graphic material or a combination thereof** ~~Any~~
65 ~~sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls~~
66 attention to a business, brand, product, service or other commercial activity.

67 "Department-" ~~The Planning and Zoning division or department of the City.~~

68 "Electoral sign-" **means a** ~~Any-sign~~ used for the purpose of advertising or promoting a
69 political party, or the election or defeat of a candidate, initiative, referendum or proposition at an
70 election.

71 "Flag-" **means the flag** ~~Flags~~ of the United States, the State, the City, ~~a~~ **foreign nations**
72 having diplomatic relations with the United States, and any other flag adopted or sanctioned by
73 an elected legislative body of competent jurisdiction. ~~A flag shall not be considered a banner for~~
74 ~~purposes of this chapter.~~

75 "Freestanding sign-" ~~means a~~ ~~Any-sign~~ supported, in whole or in part, by structures or
76 supports that are placed on, or anchored in, the ground and that are independent **of** ~~from~~ any
77 building or other structure.

78 "Ground sign-" ~~means A ground sign~~ is a freestanding sign that is placed directly on the
79 ground having or appearing to have a foundation or solid base beneath 50 percent or more of the
80 longest horizontal dimension of the sign.

81 "Handbill-" ~~Any flyer, notice or brochure advertising or promoting any product, business,~~
82 ~~cause, political candidate or issue, and intended for distribution to the general public.~~

83 "Incidental sign-" **means an** ~~A-sign,~~ **generally informational, or directional sign** that **is**
84 **incidental and subordinate** ~~has a purpose secondary to~~ **a principal** ~~the use of the lot on which~~
85 it is located, such as "no parking," "entrance," "loading only," "telephone," ~~and other similar~~

[**Bold and underlined added.** Deleted language stricken through.]

86 directives. No sign with a ~~and that bears no~~ commercial message that is legible from outside
87 that a position off the lot on which the sign is located shall be considered incidental.

88 "Lot." See HCC § 21.32.030.

89 "Marquee." ~~Any permanent roof like structure projecting beyond a building or extending~~
90 ~~along and projecting beyond the wall of the building, generally designed and constructed to~~
91 ~~provide protection from the weather.~~

92 "Marquee sign." means a Any sign attached in any manner to, in any manner, or made a
93 part of, a permanent roof-like structure projecting beyond a building, generally designed
94 and constructed to provide protection from the weather marquee.

95 "Non-conforming sign." ~~Any lawfully pre-existing sign that does not conform to~~
96 ~~regulations of this chapter that became applicable after erection of the sign.~~

97 "Official traffic control device" means a sign not inconsistent with Alaska Statutes
98 Title 28, placed or erected by authority of a state or municipal agency or official having
99 jurisdiction, for the purpose of traffic regulating, warning and guiding.

100 "Off-premises sign." means a A sign containing a commercial or non-commercial
101 message drawing attention to goods or services, business or other activity not offered or
102 conducted on the lot on which the sign is located.

103 "Pennant." means a Any lightweight plastic, fabric, or other material, whether or not
104 containing a message of any kind suspended from a rope, wire, or string, usually in series,
105 designed to move in the wind.

106 "Permanent sign" means a sign that is not a temporary sign.

107 "Portable sign." ~~means a Any sign not permanently attached to the ground or other~~
108 ~~permanent structure, or a sign designed to be transported, including signs designed to be~~
109 ~~transported by means of wheels; signs converted to A or T frames; menu and sandwich board~~
110 ~~signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on~~
111 ~~vehicles parked and visible from the public right of way, unless said vehicle is used in the~~
112 ~~normal day to day operations of the business.~~

113 "Principal building." means a The building in which is conducted the principal use of the
114 lot is conducted on which it is located. Lots with multiple principal uses may have multiple
115 principal buildings, but storage buildings, garages, and other accessory structures shall not be
116 considered principal buildings.

117 "Projecting sign." means a Any building sign attached affixed to a building or wall and
118 that protrudes in such a manner that its leading edge extends more than six inches beyond the
119 surface of the such building or wall.

120 "Public sign." means A Public Sign is an off-premises off premises sign placed by a
121 governmental agency to that provides direction or information, or to identify or identifies
122 public facilities such as parks, playgrounds, libraries, or schools or to a distinct area of the City,
123 such as Pioneer Avenue, the Homer spit, Old Town and entrances to the City. Public Signs may
124 identify categories of services available, but may not carry any other commercial message.
125 Public signs are non-regulatory.

126 "Residential sign." means a Any sign located in the Rural Residential, Residential Office
127 or Urban Residential zoning districts that contains no commercial message except for advertising

[Bold and underlined added. Deleted language stricken through.]

128 for goods or services legally offered on the premises where the sign is located, if offering such
129 services at such location conforms ~~to with~~ all requirements of the zoning code.

130 "Roof sign, integral." ~~means a~~ Any sign erected and constructed as an integral part of a
131 normal ~~the roof of a building structure~~, such that no part of the sign extends vertically more than
132 two feet above the highest portion of that roof of which it is a part.

133 "Setback-" ~~means the~~ The distance between a sign located on a lot and the closest lot
134 line and the sign.

135 "Sign-" ~~means a~~ Any device, fixture, placard, or structure that uses any color, form,
136 graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the
137 purpose of a person or entity, or to communicate information of any kind to the public.

138 "Suspended sign." A sign that is suspended from the underside of a horizontal plane
139 surface and is supported by such surface.

140 "Temporary sign-" ~~means a~~ Any sign that is not affixed permanently to a building or
141 to a permanent support or foundation, used only temporarily and is not permanently mounted
142 including without limitation menu or sandwich board signs.

143 "Wall sign-" ~~means a~~ Any sign attached parallel to, but within six inches of, a wall,
144 painted on the ~~wall surface of~~, or erected and confined within the limits of an outside wall of any
145 building or structure, which is supported by such ~~wall or~~ building or structure, and which
146 displays only one sign surface.

147 "Window sign-" ~~means a~~ Any sign, pictures, symbol, or combination thereof, designed to
148 communicate information about an activity, business, commodity, event, sale, or service, that is
149 placed inside a window or upon the window panes or glass and is visible from the exterior of the
150 window.

151
152 Section 2. The title and subsection (a) of Homer City Code 21.60.060, Signs allowed on
153 private property with and without permits, are amended to read as follows:

154
155 21.60.060 Signs allowed on private property with and without permits. a. Signs shall be
156 allowed on private property in the City ~~in accordance with, and~~ only in accordance with Table 1.
157 If the letter "A" appears for a sign type in a column, such sign type is allowed without prior
158 permit approval in the zoning district represented by that column. If the letter "P" appears for a
159 sign type in a column, such sign type is allowed only with prior permit approval in the zoning
160 districts represented by that column. Special conditions may apply in some cases. If the letter
161 "N" appears for a sign type in a column, such a sign type is not allowed in the zoning districts
162 represented by that column under any circumstances. If the letters "PH" appear for a sign
163 type in a column, such sign type is allowed in the zoning districts represented by that
164 column only with prior approval by the Commission after a public hearing.

165 b. Although permitted under the previous paragraph, a sign designated by an "AP"
166 or "PS" in Table 1 shall be allowed only if:

167 1. The sum of the area of all building and free standing signs on the lot does
168 not exceed ~~conforms with~~ the maximum permitted sign area for the zoning district in
169 which the lot is located as specified in Table 2; and

[Bold and underlined added. Deleted language stricken through.]

170 2. The characteristics of the sign conform ~~to with~~ the limitations of Table 3;
171 Permitted Sign Characteristics, and with any additional limitations on characteristics
172 listed in Table 1 or Table 2.

173 c. Any sign type that is not listed on the following tables is prohibited ~~are not~~
174 ~~permitted, with or without a permit.~~

175
176 Section 3. The Key to Tables 1 through 3 that follows Homer City Code 21.60.060,
177 Signs on private property, is amended to read as follows:
178

KEY to Tables 1 through 3	
RR Rural Residential	GBD Gateway Business District
UR Urban Residential	GC1 General Commercial 1
RO Residential Office	GC2 General Commercial 2
INS Institutional Uses Permitted in Residential Zoning Districts (a)	<u>EEMU East End Mixed Use</u>
CBD Central Business District	MC Marine Commercial
TC Town Center District	MI Marine Industrial
	OSR Open Space Recreation
	PS Public Sign Uses Permit
<p><u>AP</u> = Allowed without sign permit <u>PS</u> = Allowed only with sign permit N = Not allowed PH = Allowed only upon approval by the Planning Commission after a public hearing</p>	
<p>For parenthetical references, e.g., "(a)," see Notes following graphical portion of table.</p>	

179
180
181 Section 4. Table 1 following Homer City Code 21.60.060, Signs on private property, is
182 amended to read as follows:
183

[Bold and underlined added. Deleted language stricken through.]

184

Sign Type	RR	UR	RO	INS (a)	CBD	TC	GBD	GC 1	GC 2	<u>EEM</u> <u>U</u>	MC	MI	OSR	PS
<u>Freestanding</u>														
Residential (b)	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	N	N	<u>N</u>	N	N	<u>AP</u>	<u>PF</u>
Other (b)	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u> (jk)	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	<u>PF</u>
Incidental (c)	N	N	<u>AP</u> (d)	<u>AP</u> (d)	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>A</u>	<u>AP</u>	<u>AP</u>	N	N
<u>Building</u>														
Banner	N	N	N	N	<u>NS</u>	<u>NS</u>	N	<u>NS</u>	<u>NS</u>	<u>N</u>	<u>NS</u>	<u>NS</u>	N	N
Building Marker (e)	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>A</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	N
Identification (d)	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>A</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	N
Incidental (c)	N	N	<u>AP</u> (f)	<u>AP</u> (c)	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>A</u>	<u>AP</u>	<u>AP</u>	N	N
Marquee (g)	N	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	N
Projecting (g)	N	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	N
Residential (b)	<u>AP</u>	<u>AP</u>	<u>AP</u>	N	<u>AP</u>	<u>AP</u>	<u>AP</u>	N	N	<u>N</u>	N	N	<u>AP</u>	N
Roof	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Roof, Integral	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	N
Suspended (g)	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	N
Temporary (gh)	<u>AN</u>	<u>AN</u>	<u>AN</u>	<u>AN</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>A</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>
Wall	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	<u>AP</u>	<u>AP</u>
Window	N	N	<u>AP</u>	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	N
<u>Miscellaneous</u>														
Banner (e)	N	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	N
Flag (hi)	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>A</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>
Portable	N	N	N	N	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>		<u>S</u>	<u>S</u>	N	N

[**Bold and underlined added.** Deleted language stricken through.]

185 Notes to Table 1:

186 a. This column does not represent a zoning district. It applies to institutional uses permitted under
187 the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established
188 organization or corporation of a public, non-profit, or public safety/benefit nature, i.e., schools, churches,
189 and hospitals.

190 b. No commercial message allowed on sign, except for a commercial message drawing attention to
191 goods or services legally offered on the lot, except signs approved by the state of Alaska Department of
192 Transportation and signs that meet the requirements of HCC § 21.60.092.

193 c. No commercial message of any kind allowed on sign if such message is legible from any location
194 off the lot on which the sign is located.

195 d. Only address and name of occupant allowed on sign.

196 e. May include only building name, date of construction, or historical data on historic site; must be
197 cut or etched into masonry, bronze, or similar material.

198 f. No commercial message of any kind allowed on sign.

199 ~~g. If such a sign is suspended or projects above a public right of way, the issuance and continuation~~
200 ~~of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability~~
201 ~~insurance for such a sign in such form and such amount as the City planner may reasonably from time to~~
202 ~~time determine, provided that the amount of such liability insurance shall be at least \$500,000 per~~
203 ~~occurrence per sign.~~

204 gh. The conditions of HCC § 21.60.130 of this ordinance apply.

205 hi. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the
206 United states and any other flag adopted or sanctioned by an elected legislative body of competent
207 jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the
208 United states for the stars and stripes. Any flag not meeting any one or more of these conditions shall be
209 considered a banner sign and shall be subject to regulations as such.

210 ij. Permitted on the same terms as a temporary sign, in accordance with HCC § 21.60.130, except
211 that it may be free standing.

212 jk. The main entrance to a development in GBD may include one ground sign announcing the name
213 of the development. such sign shall consist of natural materials. Around the sign grass, flowers and shrubs
214 shall be placed to provide color and visual interest. The sign must comply with applicable sign code
215 requirements.

216
217 Section 5. Table 2 following Homer City Code 21.60.060, Signs on private property, is
218 amended to read as follows:

Table 2. Maximum Total Sign Area Per Lot by Zoning District

Table 2 Part A

The maximum combined total area of all signs, in square feet, except incidental, building marker and flags (b) shall not exceed the following according to district:

R	UR	RO	RO (e)	INS (a)	OSR	PS (d)
4	4	6	50	20	4	32

Table 2 Part B

In all other districts not described in Table 2 Part A, the maximum combined total area of all signs, in

Deleted language stricken through.

square feet, except incidental, building marker and flags, shall not exceed the following:

<u>Square feet of wall frontage (c):</u>	<u>Maximum allowed sign area per lot Principle Building:</u>
750 s.f. and over	150 s.f.
650 to 749	130 s.f.
550 to 649	110 s.f.
450 to 549	90 s.f.
350 to 449	70 s.f.
2000 to 349	50 s.f.
<u>0 to 199</u>	<u>30 s.f.</u>

In all districts covered by Table 2 Part B, on any lot with multiple principal buildings or with multiple independent businesses or occupancies in one or more buildings, the total allowed sign area may be increased beyond the maximum allowed signage as shown in Table 2 Part B, by 20%. This additional sign area can only be used to promote or identify the building or complex of buildings.

In all districts covered by Table 2 Part B, freestanding signs, when otherwise allowed, shall not exceed the following limitations:

Only one freestanding sign is allowed per lot, except one freestanding Public Sign may be additionally allowed. A freestanding sign may not exceed ten (10) feet in height. The sign area on a freestanding sign (excluding a Public Sign) shall be included in the calculation of maximum allowed sign area per lot and shall not exceed the following:

- One business or occupancy in one building – 36 sq ft
- Two independent businesses or occupancies or principal buildings in any combination – 54 sq ft
- Three independent businesses or occupancies or principal buildings in any combination – 63 sq ft
- Four or more independent businesses or occupancies or principal buildings in any combination – 72 sq ft

219
220
221
222

Section 6. Table 3 following Homer City Code 21.60.060, Signs on private property, is amended to read as follows:

Sign Type	Table 3.											
	RR	UR	RO	INS (a)	CBD	TC	GBD	GC1	GC2	<u>EEMU</u>	MC	MI
Animated (b)	N	N	N	N	PS	PS	N	PS	N	P	PS	N
Changeable Copy (c)	N	N	N	N	PS	PS	N	PS	PS	P	PS	PS
Illumination Internal	N	N	N	PS	PS	PS	N	PS	PS	P	PS	PS
Illumination External	N	N	N	PS	PS	PS	PS	PS	PS	P	PS	PS
Neon (d)	N	N	N	N	PS	PS	N	PS	PS	P	PS	PS

[Bold and underlined added. Deleted language stricken through.]

Notes to Table 3

- a. The INS column does not represent a zoning district. It applies to institutional uses permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established organization or corporation of a public, non-profit or public safety/benefit nature, *i.e.*, schools, churches and hospitals.
- b. Animated signs may not be neon or change colors or exceed three square feet in area.
- c. Changeable Copy signs must be wall or pole mounted, and may not be flashing.
- d. Neon signs may not be flashing and may not exceed 32 square feet.
- e. The PS column does not represent a zoning district. It applies to Public Signs permitted under the zoning code, in all zoning districts.

Section 7. Homer City Code 21.60.070, Permits required, is amended to read as follows:

21.60.070 Sign permits ~~Permits required.~~ a. No person may place, construct, erect or modify a sign for which ~~If a sign requiring a provision of this chapter requires a permit without first obtaining a permit for the sign under this section~~ the provisions of this chapter is to be placed, constructed, erected, or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of HCC § 21.60.120.

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 either:

1. 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

2. 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.

Section 8. Homer City Code 21.60.080, Design, construction, and maintenance, is amended to read as follows:

b. Except for banners flags, temporary signs and window signs conforming in all respects with 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

[Bold and underlined added. Deleted language stricken through.]

255 to a rigid wall, frame, or structure.

256
257 Section 9. Homer City Code 21.60.090, Signs in the public right-of-way, is amended to
258 read as follows:

259
260 21.60.090 Permanent Signs in the public rights-of-way. No **person may place,**
261 **construct or erect a permanent** sign shall be allowed in a the public right-of-way, except for
262 the following:

263 a. ~~Permanent Signs. Only the following permanent signs, including:~~

264 **a1. Official traffic control devices.**

265 **b.** Public signs erected by or on behalf of a governmental body to post legal notices,
266 identify public property, convey public information, and direct or regulate pedestrian or
267 vehicular traffic;

268 **c2.** Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
269 and

270 **d3.** Signs containing commercial messages **that have been** must be approved by the
271 State of Alaska Department of Transportation, ~~Tourist Oriented Directional Signing Program.~~

272 ~~b. Temporary Signs. Temporary signs for which a permit has been issued in~~
273 ~~accordance with HCC § 21.60.140, which shall be issued only for signs meeting the following~~
274 ~~requirements:~~

275 1. ~~The signs shall contain no commercial message; and~~

276 2. ~~The signs shall be no more than two square feet in area each.~~

277 3. ~~Notwithstanding (1) and (2), such signs calling attention to civic events~~
278 ~~shall be no more than four square feet in area, if freestanding, or if street banner, may not~~
279 ~~exceed the width of traveled portion of road.~~

280 ~~e. Emergency signs. Emergency warning signs erected by a governmental agency, a~~
281 ~~public utility company, or a contractor doing authorized or permitted work within the~~
282 ~~public right of way.~~

283 ~~d. Other Signs Forfeited. Any sign installed or placed on public property, except in~~
284 ~~conformance with the requirements of this section, shall be forfeited to the City and subject to~~
285 ~~confiscation. In addition to other remedies hereunder, the City shall have the right to recover~~
286 ~~from the owner or person placing such a sign the full costs of removal and disposal of such sign.~~

287
288 Section 10. Homer City Code 21.60.095, Electoral Signs, is amended to read as follows:

289
290 21.60.095 Electoral Signs. Electoral signs are allowed in all zoning districts subject to the
291 restrictions of this section.

292 d. An electoral sign shall not exceed ~~32-16~~ square feet in area and shall not exceed the
293 height limitation applicable to non-electoral signs within the same district.

294
295 Section 11. Homer City Code 21.60.100, Signs exempt from regulation under this
296 chapter, is amended to read as follows:

[Bold and underlined added. Deleted language stricken through.]

- 297
298 21.60.100 Signs exempt from regulation under this chapter. The following signs shall be
299 exempt from regulation under this chapter:
300 a. Any sign bearing only a public notice or warning required by a valid and applicable
301 federal, state, or local law, regulation, or ordinance.
302 b. Any emergency warning signs erected by a governmental agency, a public utility
303 company, or a contractor doing authorized or permitted work within a public right-
304 of-way.
305 c. Any sign inside a building, not attached to a window or door, that is not legible from a
306 distance of more than three feet beyond the lot line of the lot or parcel on which such sign is
307 located,
308 d. Works of art that do not contain a commercial message;
309 e. Holiday lights between October 15 and April 15;
310 f. Traffic control signs on private property, such as a stop sign, a yield sign, and similar
311 signs, the face of which meet Department of Transportation standards and that contain no
312 commercial message of any sort.
313 g. Signs in existence before February 11, 1985, but such signs shall not be replaced,
314 moved, enlarged, altered, or reconstructed except in compliance with this chapter.

315
316 Section 12. Homer City Code 21.60.110, Signs prohibited under this chapter, is amended
317 to read as follows:

318
319 21.60.110 Signs prohibited under this chapter. All signs not expressly permitted under
320 this chapter or exempt from regulation hereunder in accordance with HCC § 21.60.100 are
321 prohibited in the City. Without limiting the foregoing, examples of prohibited signs include:

- 322 a. Banner
323 ba. Beacons;
324 cb. Pennants;
325 d. Strings of lights not permanently mounted to a rigid background, except those exempt
326 under HCC § 21.60.100;
327 e. Inflatable signs and tethered balloons;
328 f. Animated signs that are neon, change colors, or exceed three square feet in area;
329 g. Placement of hand bills, flyers, or bumper stickers on parked vehicles other than by
330 owner;
331 h. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose
332 of providing signage not otherwise allowed by the Code; Prohibited is any sign displayed on a
333 parked trailer or truck or other vehicle where the primary purpose of the vehicle is to advertise a
334 product, service, business, or other activity. This regulation shall permit the use of business logos,
335 identification or advertising on vehicles primarily and actively used for business purposes and/or
336 personal transportation.

337 ig. Abandoned signs, which shall be removed by the owner or lessee, if any, of the lot
338 upon which the signs are located. If such owner or lessee fail to remove such signs after an

[Bold and underlined added. Deleted language stricken through.]

339 opportunity for a hearing before the Planning Commission and fifteen days written notice to
340 remove given by the City, then (i) the owner or lessee has committed a violation, and (ii) the City
341 may remove the signs and collect the cost of removal from such owner or lessee, who shall be
342 jointly and severally liable for such cost.

343
344 Section 13. Homer City Code 21.60.120, General permit procedures, is repealed.

345
346 Section 14. Homer City Code 21.60.130, Temporary signs-private property, is amended
347 to read as follows:

348
349 21.60.130 Temporary signs-~~Private property~~. a. **General. All temporary signs are**
350 **subject to the following requirements:**

351 **1. A temporary sign may not be an illuminated, animated, or changeable**
352 **copy sign.**

353 **2. Unless a smaller area is required by another provision of this chapter, the**
354 **area of a temporary sign shall not exceed 16 square feet.**

355 **3. A temporary sign whose message pertains to a specific date, event, or time**
356 **period shall not be displayed for more than seven days after that date or the**
357 **conclusion of the event or time period.**

358 **b. Commercial. A temporary sign that bears a commercial message is not allowed**
359 **except: on private property shall be:**

360 **a. Term. A temporary sign shall not be displayed for more than 14 days in any 90-**
361 **day period, except a sign offering for sale or lease the lot on which the sign is located,**
362 **which is allowed as long as the property is for sale or lease.**

363 **b. Number. Only one temporary sign per lot is allowed.**

364 **1. One sign advertising the property on which the sign is located for sale or**
365 **for rent; or**

366 **2. One sign advertising a temporary sale of household goods located on the**
367 **lot where the sale is held.**

368 **c. Non-commercial. Temporary signs that do not bear a commercial message are**
369 **allowed in any number, subject to the square footage limitations in this chapter.**

370
371 Section 15. Homer City Code 21.60.140, Temporary signs-Public right-of-way, is
372 repealed.

373
374 Section 16. Homer City Code 21.60.150, Time of compliance-Nonconforming signs and
375 signs without permits, is amended to read as follows.

376
377 21.60.150 Time of compliance-Nonconforming signs and signs without permits. a.
378 Except as otherwise provided herein, the owner of any lot or other premises on which exists a
379 sign that does not conform with the requirements of this chapter or for which there is no current

[Bold and underlined added. Deleted language stricken through.]

380 and valid sign permit must remove such sign or, in the case of a nonconforming sign, bring it
381 into conformity with the requirements of this chapter.

382 b. Signs that were prohibited by Ordinance 84-33(S), as amended by Ordinances 86-18,
383 89-8 and that are prohibited in this chapter are illegal and must be removed immediately.

384 c. Any sign that was constructed and continues to be maintained in accordance with the
385 applicable ordinances and other laws that existed prior to an amendment to this code, but which
386 becomes unlawful as a result of an amendment to this code, is lawfully nonconforming. A sign
387 that is lawfully nonconforming under this subsection may remain in place and continue to be
388 maintained **until the information on the face of the sign is changed, or** for a period of one year
389 after the effective date of the amendment, **whichever occurs first.** If any action is taken that
390 increases the degree or extent of the nonconformity with the amended code, the sign loses lawful
391 nonconforming status and must be removed immediately. ~~A change in the information on the~~
392 ~~face of an existing nonconforming sign is allowed.~~ At the end of the period during which the
393 lawfully nonconforming sign is allowed to remain in use, the sign shall either be removed or the
394 owner must obtain a permit, if required, and complete all other steps and make any modifications
395 necessary to bring it into full compliance with this code.

396 d. Any sign that was constructed and continues to be maintained in accordance with the
397 applicable laws that governed territory prior to its annexation to the City, but which becomes
398 unlawful under this code as a result of annexation to the City, is lawfully nonconforming. A sign
399 that is lawfully nonconforming under this subsection may remain in place and continue to be
400 maintained **until the information on the face of the sign is changed, or** for a period of one year
401 after the later of (i) the effective date of the annexation of the territory or (ii) the effective date of
402 the ordinance that assigns the territory in which the sign is located to a zoning district under the
403 Homer zoning code, **whichever occurs first.** If any action is taken that increases the degree or
404 extent of the nonconformity with the code, the sign loses lawful nonconforming status and must
405 be removed immediately. ~~A change in the information on the face of an existing nonconforming~~
406 ~~sign is allowed.~~ At the end of the period during which the lawfully nonconforming sign is
407 allowed to remain in use, the sign shall either be removed or the owner must obtain a permit, if
408 required, and complete all other steps and make any modifications necessary to bring it into full
409 compliance with this code.

410 **(e) Notwithstanding the remainder of this section, a nonconforming banner or**
411 **temporary sign shall be removed no later than January 1, 2012.**

412
413 Section 17. Homer City Code 21.60.160, Violations, is repealed.

414
415 Section 18. Homer City Code 21.60.170, Enforcement and remedies, is amended to read
416 as follows:

417
418 21.60.170 Enforcement and remedies. In addition to the remedies provided in HCC
419 Chapter 21.90, violations of this chapter are subject to the following remedies:

420 a. A person designated to enforce this title under HCC 21.90.020 may remove a
421 temporary sign placed in a public right-of-way in violation of this chapter. The person

[Bold and underlined added, Deleted language stricken through.]

422 responsible for the illegal placement shall be liable for the cost incurred in removing the
423 sign. ~~Any violation or attempted violation of this chapter or of any condition or requirement~~
424 ~~adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by~~
425 ~~injunction or other appropriate proceedings pursuant to law.~~

426 **b. Notwithstanding any other provision of this title:**

427 **1. An appeal to the Planning Commission from an enforcement order that**
428 **requires the abatement or removal of a temporary sign placed on private property**
429 **in violation of this chapter must be filed within seven days after the date of**
430 **distribution of the enforcement order to the person whose property is the subject of**
431 **the enforcement order.**

432 **2. An appeal from a final decision of the Planning Commission regarding an**
433 **enforcement order that requires the abatement or removal of a temporary sign**
434 **placed on private property in violation of this chapter must be taken directly to the**
435 **Superior Court** ~~A violation of this chapter shall be considered a violation of the zoning~~
436 ~~code of the City, subject prosecution and, upon conviction, subject to fines pursuant to~~
437 ~~HCC § 21.90.100.~~

438 ~~e. The City shall have and may exercise all remedies provided for or allowed by City~~
439 ~~code or other law for the violation of the zoning code.~~

440 ~~d. All remedies provided herein shall be cumulative. To the extent that state law may~~
441 ~~limit the availability of a particular remedy set forth herein for a certain violation or a part~~
442 ~~thereof, such remedy shall remain available for other violations or other parts of the same~~
443 ~~violation.~~

444
445 Section 19. Sections 1 through 16 of this Ordinance are of a permanent and general
446 character and shall be included in the City Code.

447
448 Section 20. This Ordinance shall become effective on January 1, 2012.

449
450 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
451 _____ 2011.

452
453 CITY OF HOMER

454
455
456 _____
457 JAMES C. HORNADAY, MAYOR

458
459 ATTEST:

460
461
462 _____
463 JO JOHNSON, CMC, CITY CLERK

[Bold and underlined added. Deleted language stricken through.]

464

465 YES:

466 NO:

467 ABSTAIN:

468 ABSENT:

469

470 First Reading:

471 Public Hearing:

472 Second Reading:

473 Effective Date:

474

475 Reviewed and approved as to form:

476

477

478

479 _____
Walt E. Wrede, City Manager

480 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

[Bold and underlined added. Deleted language stricken through.]





City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-109

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: October 19, 2011
SUBJECT: Draft Ordinance 11-XX, Amending Homer City Code to add one accessory dwelling unit as a permitted use.

GENERAL INFORMATION

This ordinance proposes to allow one detached dwelling unit, accessory to a primary dwelling unit, as a permitted use. The districts affected are Urban Residential, Residential Office, and the Central Business District. At the last meeting, the Commission removed the Gateway Business District from the ordinance.

Under current code, a second detached home requires a conditional use permit. If a property owner wants to build a detached dwelling unit, like a cabin, cottage, or garage apartment if the garage is not attached to the house, then a CUP is required. This ordinance would eliminate the need for a CUP.

Planning Staff review per 21.95.040

21.95.040 Planning Department review of code amendment. The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

- a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.
Staff response: 2008 Comprehensive Plan Chapter 4 Land Use Goal 1 and goal 5 are supported by this amendment. This amendment encourages infill, increasing the supply and diversity of housing while supporting a variety of dwelling options.
- b. Will be reasonable to implement and enforce.
This amendment will reduce the number of conditional use permits reviewed by the Planning Commission, reduce staff time spent on simple applications, and can reasonably be handled administratively without Commission review.
- c. Will promote the present and future public health, safety and welfare.
This amendment promotes health, safety and welfare by encouraging small dwelling units in zones where public water and wastewater are available.
- d. Is consistent with the intent and wording of the other provisions of this title.

1 CITY OF HOMER
2 HOMER, ALASKA

3
4 Planning

5 ORDINANCE 11-xx

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE SECTIONS 21.14.030; 21.16.030;
8 21.18.030; 21.22.030; ADDRESSING PERMITTED USES AND
9 STRUCTURES; TO ADD ONE ACCESSORY DWELLING UNIT AS A
10 PERMITTED USE TO A PRIMARY SINGLE FAMILY RESIDENCE IN THE
11 URBAN RESIDENTIAL, RESIDENTIAL OFFICE, AND CENTRAL
12 BUSINESS DISTRICTS.

13 WHEREAS, Homer City Code 21.14.030, 21.16.030, 21.18.030 and 21.22030 requires
14 an approved conditional use permit for the placement of “more than one building containing a
15 principle use on a lot”; and,
16

17 WHEREAS, The Homer Advisory Planning Commission wishes to allow the placement
18 of an accessory dwelling unit on a lot without the burden of gaining a conditional use permit if
19 no other regulation requires such; and
20

21 WHEREAS, the 2008 Comprehensive Plan Chapter 4 Land Use Goal 1 states: “Guide
22 Homer’s growth with a focus on increasing the supply and diversity of housing, protect
23 community character, encourage infill, and helping minimize global impacts of public facilities
24 including limiting greenhouse gas emissions; and,
25

26 WHEREAS, the 2008 Comprehensive Plan Chapter 4 Land Use Goal 5 states: “Maintain
27 high-quality residential neighborhoods; promote housing choice by supporting a variety of
28 dwelling options.
29

30
31 THE CITY OF HOMER ORDAINS:
32

33 Section 1. Homer City Code 21.14.020, Urban Residential District Permitted uses and
34 structures, is amended to include:

35 **g. One detached dwelling unit as an accessory structure to a primary single family**
36 **dwelling on a lot.**
37

38
39 Section 2. Homer City Code 21.16.020, Residential Office District Permitted uses and
40 structures, is amended to include:

41 **r. One detached dwelling unit as an accessory structure to a primary single family**
42 **dwelling on a lot.**
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Section 3. Homer City Code 21.18.020, Central Business District Permitted uses and structures, is amended to include:

i. One detached dwelling unit, excluding mobile homes, as an accessory structure to a primary single family dwelling on a lot.

Section 4. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____ 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager

Thomas F. Klinkner, City Attorney

Date: _____

Date: _____



City of Homer Planning & Zoning

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STAFF REPORT PL 11-110

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: October 19, 2011
SUBJECT: HAPC policies and procedures

Requested Action: Review the amendments to the policies and procedures documents, and make any other changes. Postpone action until the next meeting.

GENERAL INFORMATION

The Policies and Procedures document is adopted by the City Council by Resolution. They are guidelines for how the HAPC conducts business. This document is reviewed every year or so, to keep it current with city code changes. Amendments are introduced at one meeting, and adopted at the next meeting.

In January the Council adopted Ordinance 10-58, concerning rezones. Also, the nonconforming code section of the manual needs modifications to match current code.

No action is needed at the October 19 meeting. Planning Commission can consider the revisions and postpone to the regular meeting on November 2nd.

STAFF COMMENTS/RECOMMENDATIONS:

The Commission previously worked on the policies and procedures in March, but never adopted the changes.

1. Planning Commission consider the revisions and postpone to the work session and regular meeting on February 16th.

ATTACHMENTS

1. Draft Policies and Procedures



Policies and Procedures Homer Advisory Planning Commission



2011 Resolution 11-xx

QUALIFICATION STATEMENT

Nothing in this chapter should be considered in lieu of any applicable laws and procedures found in the Alaska State Statutes, the Kenai Peninsula Borough Code of Ordinances, where applicable, or the Homer City Code.

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INTRODUCTION

The purpose of this policy manual is to clarify the role of the Homer Advisory Planning Commission ("Commission") in administration of the Homer Zoning Ordinance, Title 21, and Subdivisions, Title 22. Further, this manual describes policies for the Commission that are supplementary or explanatory to the requirements of Homer City Code.

This manual is divided into sections, which explain the policies for administering and implementing the land use permitting ordinances and the zoning ordinance.

The policy and procedure manual will be endorsed by resolution of the City Council and may be amended at any meeting of the Commission by a majority plus one of the members, provided that notice of the proposed amendment is given to each member in writing. Proposed amendments to the procedure manual shall be introduced at one meeting and action shall be taken at a subsequent Commission meeting.

PUBLIC TESTIMONY AND COMMENT

The Commission invites citizen participation regarding matters brought before it for consideration.

For any public participation before the Commission, the citizen should walk to the microphone located at the rostrum directly in front of the Commission podium, sign in, and after receiving recognition from the Chair, state his/her name and address and purpose for appearing. Comments are limited to three minutes. In special circumstances, this time limit may be extended by two minutes by the Chair with concurrence of the body. Items that generate a large amount of citizen interest may be taken out of their regular position on the agenda at the discretion of the Commission as an accommodation to the public. Moving these items on a published agenda will be done at the beginning of the meeting, during the adoption of the agenda.

Comment time limits

Comments and testimony are limited to three minutes. In special circumstances, this time limit may be adjusted by two minutes up or down by the Chair with concurrence of the body.

Public Comment

Any citizen desiring to speak on any matter other than public hearing items or preliminary plats on the agenda may do so under "Public Comments." After the public comment period is introduced, the Chair may recognize any member of the public who wishes to address the Commission. No official action will be taken by the Commission under this item.

Public Hearings and Plats

The public may comment on public hearing items and preliminary plats when those agenda items are addressed by the commission. These are generally items eight and nine on the regular agenda.

Comments on topics not on the agenda

Any citizen desiring to speak on a matter not on the agenda may do so under "Comments of the Audience," item number thirteen on the regular agenda.

DELIBERATION of QUASI-JUDICIAL DECISIONS

When making a quasi judicial decision, the Commission may choose to deliberate at an open meeting, or may choose to meet at a time, date and location set by the Commission. Such a meeting for deliberations only is not subject to the Open Meetings Act and is not required to be open to the public.

APPEALS (Quasi Judicial)

PURPOSE

The purpose of review of appeals before the Commission is to ascertain that errors of fact or interpretation have not been made pertaining to zoning matters. Generally, appeals to the Commission will be appeals of a determination, decision, or permitting matter decided upon by the City Planner.

The City Council, sitting as the Board of Adjustment, hears appeals of decisions made by the Commission. For example, conditional use permits, variance, etc, can be appealed to the Board of Adjustment, or a matter that was appealed to the Commission can be further appealed to the Board of Adjustment.

Public Hearing

Appeals before the Commission require a public hearing. Notice of the public hearing will be in accordance with HCC 21.93 and HCC 21.94.

Review Standards

In reviewing an appeal request, the Commission will consider:

1. Documentation of evidence;
2. The Record of Appeal; and
3. Controlling sections of Chapter 21 Homer City Code;
4. Any new evidence or testimony presented during the public hearing.

Once the public hearing is closed, the Commission cannot hear additional comments on the topic.

Determination

All decisions will be in writing. The officially adopted minutes shall be made part of the decision. A specific statement of findings and reasons supporting the decision shall be made. Copies of the decision will be promptly mailed to the persons participating in the appeal.

An appeal from an action or determination of the Commission is to be filed with the city clerk within thirty days of the distribution of the decision document.

REVIEW OF BRIDGE CREEK WATERSHED PROTECTION DISTRICT

PURPOSE

The Commission may approve development within the Bridge Creek Watershed Protection District (BCWPD) subject to the standards provided in the zoning ordinance and in compliance with the Comprehensive Plan, for those uses or structures specified within the Bridge Creek Watershed Protection

District ordinance. The purpose is to prevent the degradation of the water quality and protect the Bridge Creek Watershed to ensure its continuing suitability as a water supply source for the City's public water utility. These provisions benefit the public health, safety, and welfare of the residents of the City of Homer and other customers of the city's water system by restricting land use activities that would impair the water quality, or increase the cost for treatment.

Conditional Use

A conditional use permit may be issued in accordance with Chapter 21.61 and subject to the requirements of the Bridge Creek Watershed Protection District Chapter 21.40.060 Conditional uses and structures, and/or Chapter 21.40.080 Erosion sediment control, Chapter 21.40.090 Agricultural activity, Chapter 21.40.100 Timber growing and harvesting operations, Chapter 21.40.110 Stream buffers, and Chapter 21.40.130 Exceptions to buffers.

Preliminary Plats

The Commission will review and comment on all subdivision proposals within the Bridge Creek Watershed Protection District.

**REVIEW POLICIES FOR CONDITIONAL USE PERMITS
(Quasi -Judicial)**

PURPOSE

It is recognized that there are certain uses which are generally considered appropriate in a district, provided that controls and safeguards are applied to ensure their compatibility with permitted principal uses. The conditional use permit procedure is intended to allow Commission consideration of the impact of the proposed conditional use on surrounding property and the application of controls and safeguards. This procedure assures that the conditional use will be compatible with the surrounding area and in keeping with the character and integrity of the neighborhood.

Public Hearing

A public hearing before the Commission is required before a conditional use permit may be granted. Notice of the public hearing will be in accordance with HCC 21.94.

Review Standards

The Commission has 45 days from the close of the public hearing to make a decision on a conditional use permit application. The applicant may agree, in writing, to the extension of the 45 day time period for Commission action.

The Commission may approve, approve with conditions, or disapprove an application. The Commission must prepare written findings and reasons supporting its decision. Approval of a conditional use permit requires five yes votes. If a conditional use permit is denied, the written findings and reasons for that decision will be approved by those who voted against the permit, even if the number against is less than a majority of the Commission.

Specific conditions may be required. Such conditions will be part of the terms under which the conditional use permit is granted and violations of such terms shall be deemed a violation of this ordinance. Failure to meet any time limitations imposed by the conditional use permit shall void the permit. An extension may be granted following a public hearing on the matter. Extensions will be granted for good cause only.

The development of the conditional use project or site, following issuance of the permit, will be in accordance with the conditions of the permit, standards of the zoning regulations and/or the approved site plan. Failure to observe any conditions or standards will be deemed a violation.

Determination

The Commission must make findings of fact sufficient to support its decision. Upon determination the Commission will document the decision and the basis for decision. The petitioner will be notified by mail by a copy of the meeting minutes and the decision documentation.

Appeals

The Commission Chair will alert the petitioner and other interested parties in attendance that an appeal of the Commission's decision is possible and that the appeal must be filed within thirty days of the distribution of the decision document.

NONCONFORMITY REVIEW POLICIES (Quasi -Judicial)

PURPOSE

The Commission shall review and determine the nonconformity of certain structures and uses. The purpose of review is to establish the commencement date of use, establish the effective date of applicable regulations, and formally accept the nonconformity ~~and/or establish a reasonable schedule for termination of a nonconformity which significantly impairs the public health, safety and general welfare.~~

City code states which nonconformities are reviewed by the City Planner and which are reviewed by the Commission. Generally, the Commission will be reviewing nonconforming uses within the city, excluding the areas annexed on March 20, 2002.

Public Hearing

The Commission shall conduct a public hearing per HCC 21.94.

Review Standards

It shall be the responsibility of the owner to show proof of continuing nonconformity of any property, use or structure.

Prior to determining the nonconformity of a use or structure, the Commission will determine:

1. The commencement date of use;
2. The effective date of applicable regulations.

There may exist uses, or structures which were legal before the effective date of the controlling regulation, but which are now prohibited under the terms of the existing ordinance. See HCC 21.61.040.

To avoid undue hardships, actual construction lawfully begun prior to the effective date of the zoning ordinance will be allowed to continue provided the work will be carried on diligently. Actual construction is defined as the placement of materials in a permanent position and fastened to produce a product.

Nonconforming Uses of Land/Structures

When a lawful structure exists prior to September 28, 1982, or March 20 2002 for annexed areas, but does not meet the district or ordinance requirements, it shall be considered nonconforming. Nonconforming structures may be continued and/or expanded only on the legal lot if the nonconformity of the structure does not increase.

Legally existing structures are those that:

1. Exist prior to effective date of Ordinance 4-300-2 (Interim Zoning Ordinance) dated June 13, 1966.
2. Exist prior to effective date of Ordinance No. 33 (Kenai Peninsula Borough) dated May 2, 1967 and are in compliance with Ordinance 4-300-2.
3. Exist prior to effective date of Ordinance 78-13 (Kenai Peninsula Borough) dated May 16, 1978 and are in compliance with Kenai Peninsula Borough Ordinance No. 33 and Homer Ordinance 4-300-2.
4. Exist prior to effective date of Ordinance 82-15 (Homer Zoning Ordinance) dated September 28, 1982 and are in compliance with previous zoning ordinance requirements.

Once a structure made nonconforming by this title is abandoned or brought into conformity with this title, the structure shall thereafter conform to the regulations of the zone in which it is located, and the nonconformity shall not be allowed to continue.

The A lawful nonconforming use may continue so long as it remains lawful. No nonconforming use may be enlarged to occupy a greater area of land than was occupied as of the date it became nonconforming, or August 12, 2008, whichever is later. It may expand in accordance with 21.61.040. Once a use made nonconforming by this title is abandoned, changed, discontinued, or ceases to be the primary use of a lot, the use of that lot shall thereafter conform to the regulations of the zone which the lot is located, and the nonconformity shall not thereafter be resumed or allowed to continue.

~~A reasonable schedule for the termination of a nonconforming land use/structure which specifically impairs the public health, safety and general welfare will be established by amendment to the zoning ordinance. (See Zoning Amendment procedure.)~~

Determination

Upon presentation of such proof that establishes the continuing nonconformity of any use or structure, the Commission shall formally accept the nonconformity, as a valid use or structure until such time as the use ceases. Upon determination by the Planning Commission staff will document the decision and basis for decision. The petitioner will be notified by mail by a copy of the relevant meeting minutes and the decision documentation.

Appeals

The Commission Chair will alert the petitioner and other interested parties that an appeal of the Commission's decision is possible. The appeal must be filed within thirty days of the distribution of the decision document. The City Clerk will process all appeals.

PRELIMINARY PLAT REVIEW POLICIES

PURPOSE

The purpose of this policy statement is to clarify the position of the Commission with regard to their recommendations of acceptance or denial of preliminary plats. This review provides the opportunity for the City to make comments and recommendations to the Kenai Peninsula Borough Planning Commission. The Kenai Peninsula Borough holds platting powers for the entire borough, both inside and outside the city limits. The Homer Advisory Planning Commission acts as an advisory body to the Borough Planning Commission on plat matters inside city limits and within the Bridge Creek Watershed Protection District.

The preliminary plat process allows an exchange of information between the subdivider, the Planning and Zoning Office, and the Commission. Proper utilization of the preliminary process should result in a recommendation of approval for the majority of the plats.

Procedures

General. Kenai Peninsula Borough Code 20.12.050 governs subdivisions in first class cities. A surveyor will submit one full size copy and a 11" x 17" reduced copy of the preliminary plat to the Planning Director when subdividing land in the City of Homer or the Bridge Creek Watershed Protection District. The Commission shall review the plat and take action within forty-nine days of the date of receipt unless the applicant agrees to an extension. Recommendations of the Commission based upon lawful ordinances shall be incorporated in the final plat.

The Commission will consider plats and make recommendations. The staff report and minutes are then forwarded to the borough planning department.

The borough planning commission makes the final determination. Once the preliminary plat has been accepted, the final plat is submitted to the borough for either administrative approval or approval by the borough planning commission.

ZONING ORDINANCE AMENDMENTS

PURPOSE

The Commission will review all proposals to amend the zoning ordinance or zoning map and make recommendations to the City Council per HCC 21.95. ~~Neither the Commission nor City Council may consider a zoning map amendment that establishes a new zone within an area of less than one acre, excluding streets and rights of way, except for the extension of existing district boundaries. Neither the Commission nor City Council may consider a zoning ordinance request which is substantially the same as any other amendment submitted within the previous nine months and which was rejected.~~

Initiation/Application

Amendments to the zoning ordinance will be made in accordance with HCC 21.95. When the amendment request is accepted as complete by the Planning Department, the matter will be scheduled presented within 30 days to the for the next Planning Commission, meeting according to the Commission meeting schedule and due dates.

Public Hearing

A public hearing before the Commission is required. Notice of the public hearing will be in accordance with HCC 21.94. In the case of a zoning ordinance amendment or major district boundary change, no notification of neighboring property will be required, but notices will be posted in at least three public places.

Review Standards

Zoning text and zoning map amendments shall be reviewed according to HCC 21.95.

~~The Commission will generally review the zoning amendment to determine:~~

- ~~1. The public need and justification for the proposed change;~~
- ~~2. The effect on the public health, safety and welfare;~~
- ~~3. The effect of the change on the district and surrounding property; and~~
- ~~4. The relationship to the Comprehensive Plan and purposes of the zoning regulations.~~

~~A balanced decision on a rezone request is one that is not arbitrary, has legitimate public purpose and is consistent with the comprehensive plan.~~

Determination

The Planning Commission shall submit to the City Council its written recommendations per 21.95.060(d) regarding the amendment proposal along with the Planning Department's report on the proposal, all written comments on the proposal, and an excerpt from its minutes showing its consideration of the proposal and all public testimony on the proposal. ~~The Commission will make findings and send its written recommendations to the City Council along with meeting minutes and public records relating to the proposed amendment.~~ Such recommendations of the Commission shall be advisory only and shall not be binding on the City Council.

POLICY FOR REVIEW OF ZONING VARIANCES (Quasi-Judicial)

PURPOSE

The Commission may grant a variance to provide relief when a literal enforcement of the regulations and standards of the zoning ordinance, Chapter 21, would deprive a property owner of the reasonable use of his real property.

The purpose of review is to ascertain that those conditions specified as necessary to granting a variance shall be satisfied; that the variance will be the minimum necessary to permit the reasonable use of land or structure, and that the variance will not be granted which will permit a land use in a district in which that use is otherwise prohibited.

Public Hearing

A public hearing before the Commission is required before a variance may be granted. Notice of the public hearing will be in accordance with HCC 21.94.

Review Standards

In reviewing a variance request and prior to granting a variance, the Commission must consider the standards of review as established in HCC 21.72. All of the conditions must exist before a variance can be granted.

Determination

The Commission must prepare written findings and reasons supporting its decision. Approval of a variance requires five yes votes. If a variance is denied, the written findings and reasons for that decision will be approved by those who voted against the permit, even if the number against is less than a majority of the Commission. Upon determination, staff will document the decision and the basis for decision. The petitioner will be notified by mail with a copy of the meeting minutes (those portions that apply to the petition) and the decision documentation.

The Commission Chair will alert the petitioner and other interested parties that an appeal of the Commission's decision is possible. The appeal must be filed within thirty days of the distribution of the decision document. The City Clerk will process all appeals.



BUDGET MESSAGE

FY 2012 OPERATING BUDGET

Submitted September 28; Introduced October 10, 2012

Introduction:

The Draft FY 2012 Operating Budget was delivered to the City Council on September 28, 2012. The draft budget was a result of many hours of hard work, number crunching, and program review by the department heads and their staff. I would like to especially thank Regina Mauras, the Finance Director, for her immeasurable contribution to this effort. I believe the budget document contains more information and is easier to read than ever before. This draft budget is often referred to as the "Manager's Budget" and it is scheduled to be introduced via a budget ordinance at the regular meeting on October 10, 2011. After the budget is introduced by ordinance, it becomes the Council's budget and it can be amended as Council sees appropriate at anytime right up to final adoption.

The draft budget contains new graphics and data regarding personnel costs that I think the Council and the public will find to be helpful. The budget incorporates a recalibration of how some expenditures on the Spit related to the visitor industry (garbage collection, restroom maintenance and custodial) are shared between the General Fund and the Port and Harbor Enterprise Fund. The budget also fully incorporates the transfer of the port maintenance function from the Public Works Department to the Port and Harbor Department.

In developing this budget, I did my best to adhere to the budget priorities identified by the Council and balance them against fiscal reality and what is needed to maintain core municipal services. For example, my priorities as City Manager were workforce morale, productivity, building reserves, filling some vacant positions, and maintaining a high level of service delivery. This budget achieves those objectives for the most part with the notable exceptions of COLA's and filling vacant positions. The budget addresses Council priorities including no new or increased taxes or fees, at least in the initial draft, a conservative budget that acknowledges continued economic and revenue uncertainty, and increased transfers to depreciation and fleet reserve accounts. One Council priority that the budget does not address at this time is refilling vacant positions in core programs.

A budget summary follows which provides a quick overview of the draft budget. This summary covers all three operating funds and highlights the "flashpoints" that many people zero in on and want to know first about the budget. A more detailed description of the contents of each fund follows in subsequent sections and we will go through the budget with you line item by line item at the Committee of the Whole on Monday.

Budget Summary:

- There are no new or increased taxes or fees
- All funds are balanced, meaning that revenues meet or exceed expenditures
- Transfers to depreciation and fleet reserves are included for the General Fund this year but they have been reduced slightly for the Port and Harbor Enterprise Fund and the Water and Sewer Utility Fund.
- Increases in real expenditures are limited to fixed costs, training, and basic operating supplies.
- Non-profits are funded at last year's level. That includes The Chamber of Commerce, the Homer Foundation, the Pratt Museum, and Haven House.
- There are no new positions or vacant positions that have been filled with the exception of a part time seasonal position with Parks.
- There are no changes to employee compensation from last year.

- The budget does not include a COLA.

The General Fund

The General Fund is balanced in the sense that revenues meet or exceed expenses. The total General Fund Budget is \$10,782,862. Total Revenues and Transfers are projected to increase by \$668,004. This is due largely to the fact that PERS relief payments are shown as revenue. Property tax is projected to remain essentially level and sales tax is projected to increase by almost \$200,000 over what was budgeted last year. Expenditures increase by \$622,756 over 2011 however, most of that is accounted for by transfers to depreciation and reserve accounts and PERS relief payments which also are included on the expenditures side. Projected revenues exceed projected expenditures by \$ 443,246 before transfers. Virtually all of those excess funds were transferred into reserve accounts. Of that amount, \$329,894 was transferred into depreciation and fleet reserve accounts.

Following are some budget highlights that I would call your attention to:

- The lobbying contract is included at the same level as last year, pending Council action. \$22,000 from the General Fund and \$22,000 from P&H Fund (page 55).
- The Attorney Contract and budget is included at last year's level, consistent with Council action. (page 55).
- The Animal Shelter contract is included at last year's level, pending Council action. (page 97).
- Non-Profits are included at last year's level (Pages 66, 92, and 114.)
- Fishing Hole Contribution included at last year's level (page 66).
- Contributions to depreciation and fleet reserves included for first time in two years, restored to 2009 levels but still far short of 2008 (page 47).
- Almost no major capital expenditures from reserve accounts proposed (page 201)
- No new positions or vacant positions filled with exception of restoration of vacant summer temporary Parks position. (page 228.)
- Funding restored for Council stipends (back to previous level) and for Council travel (for AML and Juneau) (page 55).
- Funding restored on limited basis for training (Clerk, Finance, Personnel, Police, Fire) and for basic operating supplies.
- Funding included for two elections (to provide for possible runoff or special elections) (page 60).
- Estimated "warm status" costs for HERC Building (Old School) (page 70)
- Estimated energy costs for expanded but more efficient City Hall (page 78)

Analysis / Comment

Overall, the general fund is in much better shape than it has been the previous couple of years. We can be thankful that at least this year, we are not talking about layoffs, eliminating entire programs, reducing the level of services, and deleting funding for services that might be considered "nice" but not essential. I am very pleased that we were able to include transfers to depreciation and fleet reserves for the first time since FY 2009.

However, we should not allow our collective relief over the fact that we can manage to produce what is essentially a status quo budget cloud our vision. There are still a number of concerns that must be addressed. Although the General Fund reserve is now close to the level recommended by the auditors, this budget does not "grow" the reserve at all. Second, although we are happy to be able to do something about depreciation this year, the amount transferred is far below what was transferred in the past and that recommended by the auditors and Council resolution. The economy and tax revenues continue to be very uncertain as we move forward. That is why I chose

to place all of the excess revenues this year into savings accounts rather than fill vacant positions. I was not confident that the positions we would fill would be sustainable. Finally, the number of vacant positions continues to be a problem. The most critical positions right now, in my opinion are the project manager, maintenance and custodial, dispatch, and the jail. I would be happy to talk with the Council about this in detail.

Port and Harbor Enterprise Fund:

The Port and Harbor Enterprise Fund is balanced in that projected total revenues (\$3,431,243) exceed projected total expenditures (\$3,174,725). The fund is operating in the black in terms of operating expenses however, when the recommended depreciation expenses are included as though they represented a real expenditure this year, it appears that the fund is operating in the red, and by a large margin. Projected revenues are down slightly from 2011. The budget includes expenditures that are up approximately \$100,000; a fact that can be attributed largely to PERS Relief, increases in operating supplies, and increased garbage collection costs. This budget transfers \$470,000 into depreciation and fleet reserves which is \$30,000 less than 2011. Budget highlights for the Port and Harbor Enterprise Fund include:

- No new fees or fee increases pending Council action (see below)
- Incorporation of the port and harbor maintenance function
- Moderate expenditures from reserves (page 201)
- No new personnel
- An essentially status quo operating budget

Analysis / Comment:

The Port and Harbor Enterprise Fund is solvent but it is essentially treading water. This is basically a maintenance budget. It covers day to day operating costs and that is about it. The City has deferred maintenance, repair, upgrades, and investment in this vital infrastructure for too long. There is room to generate more revenue that can be reinvested in the port and harbor however, deciding how to increase revenues and what to spend them on can be difficult. Political pressure to keep fees low has trumped good management. As a result, fees have not kept up with inflation and they do not generate enough revenue to address basic depreciation. Because the City has not raised fees as it should and has not kept up with maintenance, repair and investment, the decisions get harder and the necessary fee increases more drastic.

The Enterprise Fund does not have as much in its depreciation reserve account as it should given its assets and the value of its infrastructure. Instead of transferring \$500,000 a year, the City should be transferring three times that much. The Fund is also developing a problem with retained earnings and cash on hand. This is getting dangerously low and it means that the Fund does not have much margin for error if a large unforeseen expense occurs or revenues suddenly decline.

As noted above, there are legitimate opportunities to raise fees and the City should probably do so simply to grow the depreciation reserves and improve the Fund's retained earnings position. But, given the current state of the economy, care should be taken to not raise fees to the point of diminishing returns. As you know, the Special Port Revenue Bond Committee is looking at the possibility of selling revenue bonds to leverage other funds and finance improvements in the harbor. This would also require raising fees. This is where the decisions get tough. But, the City has a wonderful asset and economic engine here. We have exciting opportunities before us to improve and maintain the asset if we manage it carefully with an eye toward the future.

Water and Sewer Utility Fund

The Water and Sewer Utility Fund is balanced but the margin between revenues and expenditures is tight. Water revenue is projected to increase by about \$150,000 over the 2011 Budget to \$1,717,101 but sewer revenues are anticipated to decrease by \$300,000 to \$1,572,089. Total revenues are projected to decrease by \$129,852 to \$3,289,190. Expenditures are budgeted to increase by \$115,284 to \$3,107,571. This can be accounted for by PERS relief showing as an expense, and by increases in fixed costs and essential operating supplies. Only the minimum amount authorized by resolution, \$200,000, was placed in the depreciation reserves. That was necessary to balance the budget.

Highlights for the Water and Sewer Revenue Fund Include:

- No increases in fees consistent with the fee schedule adopted in July
- No new staff positions
- Expense increases limited to inflation and purchase of basic supplies
- Moderate capital expenses from reserves for basic infrastructure upgrades and repair (page 201)

Analysis / Comment:

The Water and Sewer Utility Fund remains vulnerable because of the basic structural flaws we have discussed in the past. We have a production and distribution infrastructure that is very expensive to operate and maintain and relatively few customers to pay for it. We have a reliable source of funds to build things and expand the infrastructure (dedicated sales tax) but inadequate funds to maintain it all (user fees). There is intense political pressure to keep fees down even though doing so may not always be in the best interest of the Fund. Our bonded indebtedness is significant and will limit opportunities to finance new projects or expansion of the distribution system for the next few years at a minimum. That is a problem if the Council's goal is to increase the number of customers. This year we have further uncertainty on the revenue side until we fully understand how the new "meter" ordinance will work in practice. We have already discovered some unanticipated flaws and will soon be discussing amendments with the Council.