

March 7, 2012  
5:30 P.M.

Cowles Council Chambers  
491 East Pioneer Avenue  
Homer, Alaska

## WORK SESSION Advisory Planning Commission AGENDA

1. Call To Order, 5:30 P.M.
2. Discussion of Items on the Regular Meeting Agenda
3. Staff Report PL 12-10, Sign Ordinance *Page 9*
4. Staff Report PL 12-07, Land Allocation Plan *P 33 Please bring your plan from the last packet*
5. Public Comments  
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
6. Commission Comments
7. Adjournment



**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 February 15, 2012
- 6. Presentations**
- 7. Reports**
  - a. Staff Report PL 12-11, 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.
- 9. Plat Consideration**
- 10. Pending Business**
  - A. Staff Report PL 12-10, Sign Ordinance *Page 9*
  - B. Staff Report PL 12-07, Land Allocation Plan *Page 33 Please bring the plan from the last packet*
- 11. New Business**
- 12. Informational Materials**
  - A. Memorandum 12-xx RE: KPB Ordinance 2012-06 *Page 37*
  - B. City Manager's Report *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. Notice of the next regular or special meeting or work session will appear on the agenda following "adjournment."



Session 12-02, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Vice Chair Dolma at 6:45 p.m. on February 15, 2012 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: COMMISSIONER MINSCH

STAFF: CITY PLANNER ABBOUD  
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).

There were no public comments.

#### **RECONSIDERATION**

#### **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 the January 4, 2012 minutes
2. Time Extensions Requests
3. Approval of City of Homer Projects under HAA 1.76.030 g
4. KPB Coastal Management Program Reports

The consent agenda was approved by consensus of the Commission.

#### **PRESENTATIONS**

#### **REPORTS**

- A. Staff Report PL 12-06, City Planner's Report

City Planner Abboud reviewed his staff report and answered Commission questions.

#### **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.

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
FEBRUARY 15, 2012

- A. Staff Report PL 12-08, Draft Ordinance 12-xx Amending the Zoning Map to rezone portions of the Rural Residential and General Commercial Two districts to Conservation

City Planner Abboud reviewed his staff report.

Vice Chair Dolma opened the public hearing. There were no public comments and the hearing was closed.

VENUTI/BOS MOVED TO APPROVE THE AMENDMENTS TO THE ZONING MAP TO REZONE PORTIONS OF RURAL RESIDENTIAL AND GENERAL COMMERCIAL TWO DISTRICTS TO CONSERVATION AND FORWARD IT TO CITY COUNCIL FOR ADOPTION.

The Commission briefly discussed the history of the zoning. It was noted that relabeling the land won't make any difference regarding bird strikes, which have been minimal given the proximity to the airport. The Borough had it zoned as Preservation and this change will bring it in line with the City's designation of Conservation.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

#### PLAT CONSIDERATION

- A. Staff Report 12-03 Thompson Subdivision, Upton Addition Preliminary Plat

City Planner Abboud reviewed the staff report.

SONNEBORN/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 12-03 THOMPSON SUBDIVISION, UPTON ADDITION PRELIMINARY PLAT.

There was brief comment that everything appears to be in order.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

#### PENDING BUSINESS

- A. Staff Report PL 12-09, Sign Ordinance

City Planner Abboud reviewed his staff report. He explained that the Economic Development Advisory Commission was tasked by Council to review and make recommendations, and they voted to support the Commission's work as presented.

Some Commissioners expressed that people want sandwich boards and they should be a permitted use. Other Commissioners disagreed noting that there is a small group of business owners calling out for this. There are a lot of communities that don't allow sandwich boards. The proliferation of the signs is a real issue.

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FEBRUARY 15, 2012

The Commission discussed seasonal options for sandwich boards, allowing them to be out during normal business hours, permitting for a specific amount of time, and outright allowance. They talked about businesses that are challenged with limited space to put a permanent sign and the point was raised that there are businesses off Pioneer that will never be able to put sandwich board out by the road to advertise. City Planner Abboud added that at the Point of View mall a permanent sign was installed for the businesses within the mall and one tenant decided he didn't want to be part of it. If this is the direction the City is headed then there has to be a way for business owners to be held accountable if they get a permit for a temporary sandwich board. Allowing a 30 day permit would work well for grand openings and business owners will need to think about when they want to use their 30 day permit. Imposing a fee for the permit will hopefully make business owners work within the boundaries of the permit.

BOS/HIGHLAND MOVED TO POSTPONE THIS TO THE NEXT WORKSESSION.

There was brief discussion.

VOTE: YES: BOS

NO: HIGHLAND, SONNEBORN, VENUTI, DOLMA, ERICKSON

Motion failed.

HIGHLAND/ERICKSON MOVED TO ALLOW THIRTY DAY TEMPORARY SIGNS WITH A LARGE EXPIRATION DATE BY PERMITTED USE ONLY.

There was brief discussion that sending something back to Council shows they looked at it and while some Commissioners prefer the requirement of a permanent sign, this may look a little more pro business.

ERICKSON/SONNEBORN MOVE TO AMEND THAT THEY COME IN AFTER HOURS OF OPERATION.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was discussion about the expiration date. It was intended to help the planning staff and also people who pass by could see the date. City Planner Abboud wasn't sure it would be beneficial. They also considered cost for the permit, how often it can be renewed if at all, and the varying business hours.

ERICKSON/SONNEBORN MOVED TO AMEND TO ADD THAT IT IS RENEWABLE WITH A FEE.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

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FEBRUARY 15, 2012

VOTE: (Main motion as amended): YES: ERICKSON, HIGHLAND, VENUTI  
NO: SONNEBORN, DOLMA, BOS

Motion failed.

SONNEBORN/BOS MOVED TO MOVE THIS TO THE NEXT WORKSESSION.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

**NEW BUSINESS**

A. Staff Report PL 12-04, Planning Commission Work List

The Commission reviewed the revised worklist and spent time discussing the items to get a better idea of the intent.

B. Staff Report PL 12-07, Land Allocation Plan

The Commission agreed to address this at the next regular meeting.

**INFORMATIONAL MATERIALS**

A. City Manager's Report dated January 23, 2012

**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**

There were no staff comments.

**COMMENTS OF THE COMMISSION**

Commissioner Highland commented that it gets so interesting when they work on something for a long time, like the sign ordinance, how things come along. We're working on it, that's for sure.

Commissioners Sonneborn and Erickson had no comments.

Commissioner Bos commented that he likes the remodel in the Council Chambers. It was a good meeting and a good atmosphere.



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Commissioner Venuti said he didn't have an agenda when he came on the Commission, he saw it as an opportunity to serve the community, as he starts to get input from people, he is starting to form an agenda and to-be honest, he is pro business.

Vice Chair Dolma said he thinks they are all pro business.

**ADJOURN**

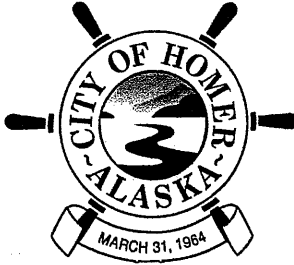
There being no further business to come before the Commission, the meeting adjourned at 8:51 p.m. The next regular meeting is scheduled for March 7, 2012 at 6:30 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_





# City of Homer Planning & Zoning

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## STAFF REPORT PL 12-11

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** March 7, 2012  
**SUBJECT:** Planning Director's Report

### February 13<sup>th</sup> City Council Regular Meeting

**Ordinance 12-10**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 21.27, East End Mixed Use District, Amending Homer City Code 21.10.010, Zoning Districts, and Amending the Homer Zoning Map to Rezone Portions of the Rural Residential, General Commercial One and General Commercial Two Zoning Districts to East End Mixed Use. Planning. Recommended dates: Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012.

Memorandum 12-021 from City Planner as backup.  
ADOPTED without discussion.

### February 27<sup>th</sup> City Council

**Ordinance 12-10**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 21.27, East End Mixed Use District, Amending Homer City Code 21.10.010, Zoning Districts, and Amending the Homer Zoning Map to Rezone Portions of the Rural Residential, General Commercial One and General Commercial Two Zoning Districts to East End Mixed Use. Planning. Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012.

Memorandum 12-021 from City Planner as backup.  
Memorandum 12-028 from City Attorney as backup.

### Activities:

The office has been updated permitting information on the web site. With the State Fire Marshal's blessing, Dotti has outlined the procedures to obtain a "Fire Marshal Approval Letter" for "existing buildings without a previous plan review." In particular, this helps the small commercial buildings on the Spit. With accurate measurements, pencil and paper, Fire Marshal Approval is achievable for these older buildings. This helps Planning, the lease committee, and Port and Harbor.

Also updated on the website are the permitting requirements for Bank Stabilization projects. These projects are usually constructed between the 17.4 ft and 23.3 ft tide line with a variety of options; from gabions (wire

baskets) to rock boulders. Applicants wishing to construct a bank stabilization project are directed to the Army Corp of Engineers (ACOE) and Alaska Dept of Fish and Game (AF&G). In the end, a Zoning Permit is issued that verifies that state and federal permits are in place, that all fill is non-toxic and the 17.4 tide line (Critical Habitat Area) is staked and photos taken.

I have received a preview of the newly proposed flood plain insurance maps. This time things look much more uniform and no great deviation from neighboring transects or the current map is present. This looks much more justifiable and does not turn 500 year flood plains from the current map into 100 year flood plain. I had to question the previous versions for identifies areas that were somehow identified to be at least 5 times the current flood risk. A new schedule for adoption should follow soon.

I have talked to DOT about the planning Lake Street improvement project. It will not likely happen before 2015, but it is definitely being worked on. They have concluded that it would be a superior design to allow a bike lane on the west side of the street without curbing than to create a separated sidewalk. This is something that the public work director and I suggested earlier.

Dotti has been working with the City Manager's office to help bring lease holders into compliance prior to renewing. Julie has also done some work for the City Manager dealing with gas line proposals.



# City of Homer Planning & Zoning

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## STAFF REPORT PL 12-10

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** March 7, 2012  
**SUBJECT:** sign ordinance

### **Introduction:**

After reviewing the concerns of the Council, the Planning Commission moved to work on the ordinance in the worksession. While the EDC reviewed the ordinance and recommended support of the ordinance as presented to the City Council, the Commission was still divided.

I do believe that most items that the Council referred to do have an agreed recommendation:

### **REAL ESTATE SIGNS**

It is reasonable to allow one sign per lot to advertise the sale of property or structure for a time period up to the completion of a sale. Rules already prohibit signs displayed off-site and just need to be enforced, along with all such regulations regarding the placement of these signs.

### **ELECTORAL SIGNS**

While paring down the maximum size of an electoral sign would put them (size wise) on par with the maximum allowed for any other temporary sign, it would not put them on a level with all other signs as the City Attorney recommended. Continuing to allow 32 square foot electoral signs has no particular support or opposition from the EDC or PC.

### **EMPHASIS ON SAFETY**

Regulations currently in code sufficiently deal with the safety aspects of displaying signs. Additional attention can be given to enforcing the current regulations.

### **TEMPORARY SIGNS**

The conversation regarding temporary signs basically deals with the display of sandwich boards. More specifically, sandwich boards with commercial messages. Many communities have a more uniformly developed business districts and sandwich boards may either be easily incorporated into the vast expanse of public walkway or might not work at all if minimal setbacks and narrow walkway are prevalent.

In our community, things have not been so orderly developed. Many buildings may be on one lot, some of which might not be positioned well for pedestrian or street exposure. Some were built in the back of a frontage lot. Some may have only minimal setback from the right-of-way or have nothing but parking lot between a business and the street or narrow sidewalk. I mention this because these situations frame the sandwich board controversy.

The display of these signs is anything but uniform and many they function in different ways depending of the situation. Like with many things, it is near impossible to satisfy everyone's desire. In many places on the spit, there are few places to legally display sandwich boards and they are soon found in the rights-of-way. Every business has opportunities for display of permanent and free standing signs. The difference between a sandwich board and a freestanding sign is basically a few posts and a little effort, but you are limited to one freestanding sign per lot.

I am presenting a series of question that can be used to consider regulation of sandwich boards.

**Do we wish to recommend an allowance for the display of temporary commercial signs?**

The considerations are the same as previously presented. Will the display of sandwich be detrimental to the City as a whole? Will their use escalate so that all the main drags in town are covered in sandwich boards? Will it detract from the marketability of Homer as a destination? Are there already reasonable options other than the display of sandwich boards?

This conversation starts with considerations for individual businesses and blossoms into a conversation to what the impact is to all of Homer. Some points that I recall include: Are these signs actually bringing more business into town or is it just a shift in the market share for those that use them? Will others that do not use them have to start to regain their market share? Many businesses pay a premium for location.

Is anything other than allowing for the outright permitted use of sandwich board year round going to appease? Are we ready for the implications? If you can agree that a provision must be made, only then should we move on. I suggest a motion on the record indicating that the Planning Commission wishes or does not wish to make an allowance for temporary commercial signs.

**Qualities to consider for the regulation of sandwich boards.**

After being part of all the conversations about the display of sandwich boards, I believe that there are some things that are pretty much accepted.

- Only display on-premises, no off-premises displays
- One per lot
- 16 square foot maximum
- Display shall be during time of business operation only when staff is on-site and open to the public
- Current regulation regarding placement adequately deals with safety and needs to be enforced

Now the challenging part,  
**The period of display.**

- Current regulations allow for display of 14 days out of a ninety day period.

As you may know, as far as displaying a temporary goes, I really like the intent here. This basically allows for a display once a week. I believe it was intended for the 'special' event and not for continuous display. This works great for the once a week sale. The sign is brought out for that occasion and goes in afterward.

Theoretically, not everyone would have their sign out at once. It gives an option for use, but sandwich boards should not dominate the landscapes. If people actually respected the timeframe, I would not have a hard time allowing this display to be above the limits for permanent signs and no permit should be needed.

The regulations primary downfall is that it is rather difficult to discern when ninety days have started. If you decide to recommend this, I would recommend that a breakdown of the ninety day period be made in code, perhaps quarterly starting on the same date.

- Many communities allow temporary signs to be permitted for a straight amount of time.

A common period of display is 30 days and requires a permit. Then you may want to consider if a renewal period is appropriate. This concept has many options. You could renew in a timeframe, say ninety days and/or you could limit the amount of renewals, say once every six months. I would recommend that this type of display require a permit so the activity could be tracked better. It should be limited as part of the calculations for the total signage allowed per lot especially in consideration of more frequent display.

The possible advantage of this is that it allows for a continuous display, which might be seen as a disadvantage when everyone has their sign out during the summer.

### **Recommendation**

Review the premises that on things that I believe we agree upon, if this is correct please make a motion to accept. Give consideration to the direction you wish to take sandwich boards. If you have some more concerns that I have not listed bring them up. The decision is yours.





## **Shelly Rosencrans**

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**From:** Melissa Jacobsen  
**Sent:** Friday, February 24, 2012 2:38 PM  
**To:** Shelly Rosencrans; Jo Johnson  
**Subject:** EDC Unapproved Minutes Excerpt re: Sign Ordinance

Here is the excerpt on the EDC discussion of Ord. 12-01(S)(A) Sign Ordinance

### **NEW BUSINESS**

#### **A. Review of Sign Ordinance 12-01(S)(A) and EDC Recommendations**

City Planner Abboud reviewed his staff report provided in the packet and gave an overview of the Planning Commissions work regarding temporary signs.

**FAULKNER/NEECE MOVED THAT THE EDC SUPPORTS THE SIGN ORDINANCE AS SUBMITTED TO THE COUNCIL BY THE PLANNING COMMISSION.**

Commissioner Faulkner expressed his reasoning for supporting the sign ordinance as follows:

- There are so many sixty day businesses on the spit that don't care to read and follow the sign ordinance.
- When one business displays a sandwich board, neighboring businesses do the same and the signs proliferate.
- The Planning Commission prepared a good ordinance that addresses issues that needed to be changed.

Commissioner Sarno questioned if the signs work and if they are taken away will it harm businesses? City Planner Abboud commented that we are at the end of the road and businesses don't have to stop people before they get to Fritz Creek, as an example. A temporary sign takes a market share from another local business, and then when everyone has one their returns diminish. He posed the question do the temporary signs make more people come back to our community? Commissioner Sarno commented regarding safety

Chair Davis and Commissioner Wagner felt that the issue is finding a way to allow them but make it enforceable. Chair Davis questioned the legality of prohibiting commercial temporary signs but allowing them for charitable events. City Planner Abboud explained that the City Attorney advised that the restriction is allowable as long as non commercial messages are given more leniency than commercial messages.

**VOTE: YES: FAULKNER, NEECE  
NO: DAVIS, WAGNER, SARNO**

Motion failed.

The Commission had discussion of options. Comments included a city issued decal that includes a date to be displayed on temporary signs; changing the 14 days out of 90 to 14 days out of a quarter; designating different zones with separate rules; and seasonal allowances.

Comments were reiterated that if you allow one sandwich board on the spit or along Pioneer Avenue you are allowing 200. That's the way competition works. Allowing 14 day temporary commercial message signs, the city could hire a full time sign person, but it will never be enforced and the business community will be riled up as their signs are piled in the back of a pick-up. It puts planning in the position of being the bad cops. It seems more appropriate to say no to commercial sandwich boards.

Regarding different rules for zones, City Planner Abboud explained that different districts have different sign rules, but in relation to allowing temporary signs in one zone and not another, it is an issue of competition and the majority of the Planning Commission felt that the temporary sign rules in town should be the same on the spit.

Point was raised regarding safety and the high winds that blow on the spit, the signs can cause harm to property if they hit buildings, cause injury if they hit a pedestrian, and on the spit, they can end up in the bay. It was expressed that the only way to resolve the problem is to fix it to the ground with posts on the businesses property and then it becomes a permanent sign.

Commissioner Faulkner pointed out that what is legal in the sign ordinance as submitted. Sandwich board signs are the only controversy being stirred up by a half a dozen business owners. The ordinance has a lot in to allow people to do legal signage. City Planner Abboud noted that changeable copy is allowed, for example so business can display their special of the day.

Commissioner Neece added that a lot of times you can't see the sandwich boards because people are crowded around them or people move them out of their way. They are more of a hindrance than a help. There are many communities that don't allow sandwich board signs. They are prolific and dangerous, and something permanent on the side of a building is a better approach.

**WAGNER/SARNO MOVED TO RECONSIDER COMMISSIONER FAULKNER'S MOTION.**

There was no discussion.

**VOTE: YES: NEECE, SARNO, FAULKNER, DAVIS, WAGNER**

Motion carried and the following motion was back on the floor:

**FAULKNER/NEECE MOVED THAT THE EDC SUPPORTS THE SIGN ORDINANCE AS SUBMITTED TO THE COUNCIL BY THE PLANNING COMMISSION.**

Question was raised if this is wise. City Planner Abboud commented that the Planning Commission considered all of the same issues and it isn't as simple when you are considering it for the whole community. There are a lot of businesses that didn't and won't show up because sandwich boards aren't their thing.

**VOTE: YES: DAVIS, FAULKNER, SARNO, NEECE, WAGNER**

Motion carried.

## **INFORMATIONAL ITEMS**

### **COMMENTS OF THE AUDIENCE**

Franco Venuti stated he is a city resident and a planning commissioner. He also served for six years as a member of the Chamber of Commerce Board of Directors, so he is pro business. He appreciates the EDC supporting the Planning Commission, but they didn't do what City Council asked of them. The Planning Commission worked on it for about year. Last year a city in Brazil made an ordinance that eliminated all signs, imagine the bloodshed over that. He explained the Planning Commission held a public hearing and business people in town argued for sandwich board signs and had good arguments. If he is looking for a hair cut he looks for his barbers sandwich board sign. He said he his talking for himself and not the Commission and many of them may not agree with him on this. He thinks sandwich board signs could be done through permit and enforceable with a date on the sign. The Council said they wanted the EDC to come up with a solution and they haven't. They shot themselves and the Planning Commission in the foot because now he doesn't think they will have a sign ordinance this year. Things move at a snails pace and change doesn't

happen quickly. He doesn't think the EDC did the right thing for the common good. He thinks it would be helpful if the EDC could meet with the PC to have a discussion to hash out the sign ordinance. We can't just say no and have it go in circles.

Commissioner Faulkner asked what his solution would be. Mr. Venuti said that speaking on his own behalf he thinks it should be a permit-able sign with an obvious date attached, not allowed in right away, not within 50 feet of an intersection, readable from 50 feet and provided they haven't exceeded their allotted signage, and to institute a business license and make it self policing. His concern with sandwich boards is safety at intersections.

Chair Davis expressed some frustration in that Planning worked on it for over a year, and then Council asks the EDC to come up with a solution in one night. He would be willing for the commissions to have some discussion if the opportunity arises.

Bumppo Bremicker, city resident, remembers when the sign code got started over the golden arches. This is not a new issue; it's been going on for years and for Council to send it to EDC and say "fix it" is unreasonable. Brad's motion was the only reasonable solution. The sandwich boards have been dealt with, you can have a sign of an allowable size permanently mounted on the property or building, it's been fought out for years. He noted Maura's sign and while he loves to go there, they aren't even open and the sandwich board on the corner blocking the intersection. It's ridiculous. There has to be a rule. Don't pass rules that can't be enforced. Make it fair, clear, and enforce it. He said he is against sandwich boards. If you have a business you need to have a reasonable plan for a sign on a building or a pole. We've gone through this.

#### **COMMENTS OF CITY STAFF**

#### **COMMENTS OF THE COUNCIL MEMBER**

#### **COMMENTS OF THE COMMISSION MEMBERS**

Commissioner Neece remembers the first battle over the signs in '84. This has been going on for a while.

Commissioner Wagner commented that he is working on a LION investment group based on a model out of Port Townsend. He has been involved with local loans for 7 years and later in March hopes to put it out. It's a legal way to introduce people with money to people who need money.

Commissioner Faulkner commented the message they are sending Council is that the Planning Commission wrote a good sign ordinance and the EDC is against sandwich boards. If the Council wants to change it, that's fine, but if you need a sandwich board you can put some pole in the ground make it a permanent sign, with changeable copy, that isn't a hazard. He also commented that he attended the gas line working group meeting. It seems the City is leaning toward financing the low pressure lines in the core area with reinstating of the seasonal sales tax. This would be everyone else in Homer paying for the highest density people to have their gas lines laid. It's like skimming the cream off the top, and we all pay for it. His advice to the group was if they are going to tax groceries to put gas in, the line should go up West Hill, across Skyline, down East Hill and taxes us to put the trunk lines in for the whole town. If they don't, everyone already paying for the core area will have to pay for the low density, which will cost more, and no one will be helping them out. He hopes the Commission can have it as an agenda item at the next meeting so the Commission would look at funding the gas line and whether the sales tax should facilitate gas for the core area or city wide. The gas line is probably the biggest thing going right now in relation to economic development.

Commissioner Sarno commented the entire group probably feels the pressure of being the nexus of the economic pressure it town. It is not an easy Commission. She encouraged them to do more work and thinking about the signs. She hopes the group stays together to deal with these serious issues. She isn't comfortable with what happened today, but feels like the discomfort can get the Commission towards where they want to be.

Student Representative Davis had no comment.

Chair Davis expressed that this was a lose-lose situation for the Commission. He doesn't know what else they could have done, there is no silver bullet or they would have found it. He feels good about the Commissions work tonight. They did have are recommendation to Council, that they take a strong look at the hard work that's already been done by the Planning Commission. He agrees that what they do is important and it isn't easy. He appreciates when people bring the history out.

*Melissa Jacobsen, CMC  
Deputy City Clerk  
City of Homer, Alaska*

***PUBLIC RECORDS LAW DISCLOSURE: Most e-mails from or to this address will be available for public inspection under Alaska public records law.***

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**CITY OF HOMER  
HOMER, ALASKA**

Planning/City Attorney

**ORDINANCE 12-01(S)(A)**

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 21.60.080 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 21.60.095, ELECTORAL SIGNS;~~ 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 without limitation cardboard, cloth and plastic,** ~~that is mounted to a pole or a building by a permanent frame at~~

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

44 one or more edges. Banner material attached to a rigid frame on all edges or ~~A~~ flag shall  
45 not be considered a banner.

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

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

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

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

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

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

67 "Electoral sign." Any sign used for the purpose of advertising or promoting a political  
68 party, or the election or defeat of a candidate initiative, referendum or proposition at an election.

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

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

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

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

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

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

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

86 "Lot." See HCC § 21.32.030.

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

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

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

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

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

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

104 "**Permanent sign**" **means a sign that is not a temporary sign.**

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

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

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

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

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

124 "Residential sign:" means a ~~Any~~-sign located in the Rural Residential, Residential Office  
125 or Urban Residential zoning districts that contains no commercial message except for advertising  
126 for goods or services legally offered on the premises where the sign is located, if offering such  
127 services at such location conforms to with-all requirements of the zoning code.

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

131 "Setback:" means the ~~The~~-distance between a sign located on a lot and the closest lot  
132 ~~line and the sign~~.

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

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

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

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

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

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150 Section 2. The title and subsection (a) of Homer City Code 21.60.060, Signs allowed on  
151 private property with and without permits, are amended to read as follows:  
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153 21.60.060 Signs allowed on private property with and without permits. a. Signs shall be  
154 allowed on private property in the City ~~in accordance with,~~ and only in accordance with Table 1.  
155 If the letter "A" appears for a sign type in a column, such sign type is allowed without prior  
156 permit approval in the zoning district represented by that column. If the letter "P" appears for a  
157 sign type in a column, such sign type is allowed only with prior permit approval in the zoning  
158 districts represented by that column. Special conditions may apply in some cases. If the letter  
159 "N" appears for a sign type in a column, such a-sign type is not allowed in the zoning districts  
160 represented by that column under any circumstances. If the letters "PH" appear for a sign  
161 type in a column, such sign type is allowed in the zoning districts represented by that  
162 column only with prior approval by the Commission after a public hearing.

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

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



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

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

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

174 Section 3. The Key to Tables 1 through 3 that follows Homer City Code 21.60.060,  
 175 Signs on private property, is amended to read as follows:  
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KEY to Tables 1 through 3	
RR Rural Residential UR Urban Residential RO Residential Office INS Institutional Uses Permitted in Residential Zoning Districts (a) CBD Central Business District TC Town Center District	GBD Gateway Business District GC1 General Commercial 1 GC2 General Commercial 2 <u><b>EEMU East End Mixed Use</b></u> MC Marine Commercial MI Marine Industrial OSR Open Space Recreation PS Public Sign Uses Permit
<p><b><u>AP</u></b> = Allowed without sign permit  <b><u>PS</u></b> = Allowed only with sign permit            N = Not allowed            PH = Allowed only upon approval by the Planning Commission after a public hearing</p>	
.	
For parenthetical references, e.g., “(a),” see Notes following graphical portion of table.	

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 178  
 179 Section 4. Table 1 following Homer City Code 21.60.060, Signs on private property, is  
 180 amended to read as follows:

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

Sign Type	RR	UR	RO	INS (a)	CBD	TC	GBD	GC 1	GC 2	<del>EEM</del> <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>	PI
Other (b)	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u> (ik)	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N	PI
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> (e)	<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	
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>A</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>A</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>A</u>
Portable	N	N	N	N	S	S	S	S	S		S	S	N	N

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

181 Notes to Table 1:

- 182 a. This column does not represent a zoning district. It applies to institutional uses permitted under  
 183 the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established  
 184 organization or corporation of a public, non-profit, or public safety/benefit nature, i.e., schools, churches,  
 185 and hospitals.
- 186 b. No commercial message allowed on sign, except for a commercial message drawing attention to  
 187 goods or services legally offered on the lot, ~~except signs approved by the state of Alaska Department of~~  
 188 ~~Transportation and signs that meet the requirements of HCC § 21.60.092.~~
- 189 c. No commercial message of any kind allowed on sign if such message is legible from any location  
 190 off the lot on which the sign is located.
- 191 d. Only address and name of occupant allowed on sign.
- 192 e. May include only building name, date of construction, or historical data on historic site; must be  
 193 cut or etched into masonry, bronze, or similar material.
- 194 f. No commercial message of any kind allowed on sign.
- 195 ~~g. If such a sign is suspended or projects above a public right-of-way, the issuance and continuation~~  
 196 ~~of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability~~  
 197 ~~insurance for such a sign in such form and such amount as the City planner may reasonably from time to~~  
 198 ~~time determine, provided that the amount of such liability insurance shall be at least \$500,000 per~~  
 199 ~~occurrence per sign.~~
- 200 ~~gh.~~ The conditions of HCC § 21.60.130 ~~of this ordinance apply.~~
- 201 ~~hi.~~ Flags of the United States, the state, the city, foreign nations having diplomatic relations with the  
 202 United States and any other flag adopted or sanctioned by an elected legislative body of competent  
 203 jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the  
 204 United States for the stars and stripes. Any flag not meeting any one or more of these conditions shall be  
 205 considered a banner sign and shall be subject to regulations as such.
- 206 ~~j. Permitted on the same terms as a temporary sign, in accordance with HCC § 21.60.130, except~~  
 207 ~~that it may be free standing.~~
- 208 ~~ik.~~ The main entrance to a development in GBD may include one ground sign announcing the name  
 209 of the development. such sign shall consist of natural materials. Around the sign grass, flowers and shrubs  
 210 shall be placed to provide color and visual interest. The sign must comply with applicable sign code  
 211 requirements.

212  
 213 Section 5. Table 2 following Homer City Code 21.60.060, Signs on private property, is  
 214 amended to read as follows:

Table 2. Maximum Total Sign Area Per Lot by Zoning District							
<b><u>Table 2 Part A</u></b>							
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	

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

**Table 2 Part B**

In all other districts not described in Table 2 Part A, the maximum combined total area of all signs, in 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</u>	<u>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.	
<u>2000</u> to 349	50 s.f.	
<u>0</u> to <u>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

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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	<u>PS</u>	<u>PS</u>	N	<u>PS</u>	N	<u>P</u>	<u>PS</u>	N
Changeable Copy (c)	N	N	N	N	<u>PS</u>	<u>PS</u>	N	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>
Illumination Internal	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	N	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>
Illumination External	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>

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

Neon (d)	N	N	N	N	PS	PS	N	PS	PS	P	PS	PS
Notes to Table 3												
<p>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>i.e.</i>, schools, churches and hospitals.</p> <p>b. Animated signs may not be neon or change colors or exceed three square feet in area.</p> <p>c. Changeable Copy signs must be wall or pole mounted, and may not be flashing.</p> <p>d. Neon signs may not be flashing and may not exceed 32 square feet.</p> <p>e. The PS column does not represent a zoning district. It applies to Public Signs permitted under the zoning code, in all zoning districts.</p>												

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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. No sign shall be erected in the public right of way except in accordance with HCC § 21.60.090 and the permit requirements of HCC § 21.60.140.**

c. **Fees. An application for a sign permit shall be accompanied by the applicable fees established by the Homer City Council from time to time by resolution.**

d. **Action. Within seven working days after the submission of a complete application for a sign permit, the Department shall:**

**1. If the sign is allowed only with the prior approval of the Commission after a public hearing, refer the application to the next available Commission meeting for a public hearing.**

**2. If the sign is subject to administrative permit approval, either**

**i. Issue the sign permit, if each sign that is the subject of the application conforms in every respect with the requirements of this chapter;**  
**or**

**ii. Reject the sign permit if a sign that is the subject of the application fails in any way to conform to the requirements of this chapter.**

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

249 **In case of rejection, the Department shall specify in the rejection the section**  
250 **or sections of this chapter to which the sign does not conform.**

251  
252 Section 8. Subsection (b) of Homer City Code 21.60.080, Design, construction, and  
253 maintenance, is amended to read as follows:

254  
255 b. Except for banners flags, temporary signs and window signs conforming in all respects  
256 to with the requirements of this chapter, all signs shall be constructed of permanent materials and  
257 shall be permanently attached to the ground, a building, or another structure by direct attachment  
258 to a rigid wall, frame, or structure.

259  
260 Section 9. Homer City Code 21.60.090, Signs in the public right-of-way, is amended to  
261 read as follows:

262  
263 21.60.090 Permanent sSigns in the public rights-of-way. No person may place,  
264 construct or erect a permanent sign shall be allowed in a the public right-of-way, except for  
265 the following:

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

267 a1. Official traffic control devices.

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

271 c2. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;  
272 and

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

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

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

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

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

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

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

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

290  
291 Section 10. Homer City Code 21.60.095, Electoral signs, is repealed. Subsection (d) of  
292 Homer City Code 21.60.095, Electoral Signs, is amended to read as follows:

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

297  
298 Section 11. Homer City Code 21.60.100, Signs exempt from regulation under this  
299 chapter, is amended to read as follows:

300  
301 21.60.100 Signs exempt from regulation under this chapter. The following signs shall be  
302 exempt from regulation under this chapter:

303 a. Any sign bearing only a public notice or warning required by a valid and  
304 applicable federal, state, or local law, regulation, or ordinance.

305 b. Any emergency warning sign erected by a governmental agency, a public  
306 utility company, or a contractor doing authorized or permitted work within a public  
307 right-of-way.

308 c. Any sign inside a building, not attached to a window or door, that is not legible  
309 from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign  
310 is located,

311 de. Works of art that do not contain a commercial message;

312 ed. Holiday lights between October 15 and April 15;

313 fe. Traffic control signs on private property, such as a stop sign, a yield sign, and  
314 similar signs, the face of which meet Department of Transportation standards and that contain no  
315 commercial message of any sort.

316 gf. Signs in existence before February 11, 1985, but such signs shall not be replaced,  
317 moved, enlarged, altered, or reconstructed except in compliance with this chapter.

318  
319 Section 12. Homer City Code 21.60.110, Signs prohibited under this chapter, is amended  
320 to read as follows:

321  
322 21.60.110 Signs prohibited under this chapter. All signs not expressly permitted under  
323 this chapter or exempt from regulation hereunder in accordance with HCC § 21.60.100 are  
324 prohibited in the City. Without limiting the foregoing, examples of prohibited signs include:

325 a. Banners;

326 ba. Beacons;

327 cb. Pennants;

328 de. Strings of lights not permanently mounted to a rigid background, except those  
329 exempt under HCC § 21.60.100;

330 ed. Inflatable signs and tethered balloons;

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

331 fe. Animated signs that are neon, change colors, or exceed three square feet in area;  
332 gf. Placement of hand bills, flyers, or bumper stickers on parked vehicles other than  
333 by owner;

334 h. Signs placed on or painted on a motor vehicle or trailer parked with the primary  
335 purpose of providing signage not otherwise allowed by the Code; Prohibited is any sign displayed  
336 on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to  
337 advertise a product, service, business, or other activity. This regulation shall permit the use of  
338 business logos, identification or advertising on vehicles primarily and actively used for business  
339 purposes and/or personal transportation.

340 ig. Abandoned signs, which shall be removed by the owner or lessee, if any, of the  
341 lot upon which the signs are located. If such owner or lessee fail to remove such signs after an  
342 opportunity for a hearing before the Planning Commission and fifteen days written notice to  
343 remove given by the City, then (i) the owner or lessee has committed a violation, and (ii) the City  
344 may remove the signs and collect the cost of removal from such owner or lessee, who shall be  
345 jointly and severally liable for such cost.

346  
347 Section 13. Homer City Code 21.60.120, General permit procedures, is repealed.

348  
349 Section 14. Homer City Code 21.60.130, Temporary signs-private property, is amended  
350 to read as follows:

351  
352 21.60.130 Temporary signs ~~Private property.~~ a. General. All temporary signs are  
353 subject to the following requirements:

354 1. A temporary sign may not be an illuminated, animated, or changeable  
355 copy sign.

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

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

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

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

366 b. ~~Number. Only one temporary sign per lot is allowed.~~

367 1. One sign advertising the property on which the sign is located for sale  
368 or for rent; or

369 2. One sign advertising a temporary sale of household goods located on  
370 the lot where the sale is held.

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



371 c. Non-commercial. Temporary signs that do not bear a commercial message  
372 are allowed on private property in any number, subject to the square footage limitations in  
373 this chapter.

374  
375 Section 15. Homer City Code 21.60.140, Temporary signs-Public right-of-way, is  
376 repealed.

377  
378 Section 16. Homer City Code 21.60.150, Time of compliance-Nonconforming signs and  
379 signs without permits, is amended to read as follows.

380  
381 21.60.150 Time of compliance-Nonconforming signs and signs without permits. a.  
382 Except as otherwise provided herein, the owner of any lot or other premises on which exists a  
383 sign that does not conform to ~~with~~ the requirements of this chapter or for which there is no  
384 current and valid sign permit must remove such sign or, in the case of a nonconforming sign,  
385 bring it into conformity with the requirements of this chapter.

386 b. Signs that were prohibited by Ordinance 84-33(S), as amended by Ordinances 86-  
387 18; and 89-8, and that are prohibited by ~~in~~ this chapter are illegal and must be removed  
388 immediately.

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

401 d. Any sign that was constructed and continues to be maintained in accordance with  
402 the applicable laws that governed territory prior to its annexation to the City, but which becomes  
403 unlawful under this code as a result of annexation to the City, is lawfully nonconforming. A sign  
404 that is lawfully nonconforming under this subsection may remain in place and continue to be  
405 maintained until the information on the face of the sign is changed, or for a period of one year  
406 after the later of (i) the effective date of the annexation of the territory or (ii) the effective date of  
407 the ordinance that assigns the territory in which the sign is located to a zoning district under the  
408 Homer zoning code, whichever occurs first. If any action is taken that increases the degree or  
409 extent of the nonconformity with the code, the sign loses lawful nonconforming status and must  
410 be removed immediately. ~~A change in the information on the face of an existing nonconforming~~  
411 ~~sign is allowed.~~ At the end of the period during which the lawfully nonconforming sign is

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

412 allowed to remain in use, the sign shall either be removed or the owner must obtain a permit, if  
413 required, and complete all other steps and make any modifications necessary to bring it into full  
414 compliance with this code.

415 **e. Notwithstanding the remainder of this section, a nonconforming banner or**  
416 **temporary sign shall be removed no later than March 1, 2012.**

417  
418 Section 17. Homer City Code 21.60.160, Violations, is repealed.

419  
420 Section 18. Homer City Code 21.60.170, Enforcement and remedies, is amended to read  
421 as follows:

422  
423 21.60.170 Enforcement and remedies. In addition to the remedies provided in HCC  
424 **Chapter 21.90, violations of this chapter are subject to the following remedies:**

425 a. **A person designated to enforce this title under HCC 21.90.020 may remove a**  
426 **temporary sign placed in a public right-of-way in violation of this chapter. The person**  
427 **responsible for the illegal placement shall be liable for the cost incurred in removing the**  
428 **sign.** Any violation or attempted violation of this chapter or of any condition or requirement  
429 adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by  
430 injunction or other appropriate proceedings pursuant to law.

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

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

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

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

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

449  
450 Section 19. Sections 1 through 18 of this Ordinance are of a permanent and general  
451 character and shall be included in the City Code.

452

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

453            Section 20. This Ordinance shall become effective on March 1, 2012.

454

455            ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of  
456            \_\_\_\_\_ 2011.

457

458

CITY OF HOMER

459

460

461

462

\_\_\_\_\_  
JAMES C. HORNADAY, MAYOR

463

464    ATTEST:

465

466

467

468    \_\_\_\_\_  
JO JOHNSON, CMC, CITY CLERK

469

470    YES:

471    NO:

472    ABSTAIN:

473    ABSENT:

474

475    First Reading:

476    Public Hearing:

477    Second Reading:

478    Effective Date:

479

480    Reviewed and approved as to form:

481

482

483

484    \_\_\_\_\_  
Walt E. Wrede, City Manager

485    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) 235-3106  
*Fax* (907) 235-3118  
*E-mail* [Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)  
*Web Site* [www.ci.homer.ak.us](http://www.ci.homer.ak.us)

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## Memorandum

Commissioner Highland spoke with staff and made the following comments. The Commission may choose to include her recommendations in the PC comments to Council.

Designate the following:

- C-7 Conservation
- C-8 Conservation
- C-9 Conservation/parkland
- C-11 Conservation/parkland
- E-25 Park – End of the road park is not designated as a park







# City of Homer Planning & Zoning

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Web Site [www.ci.homer.ak.us](http://www.ci.homer.ak.us)

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## STAFF REPORT PL 12-07

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** February 15, 2012, *March 7 2012*  
**SUBJECT:** Land Allocation Plan

### GENERAL INFORMATION

Attached you will find a copy of the 2012 Draft Land Allocation Plan for your review. Every year, the City Council requests all the advisory commissions to review city owned land. Commissions may make recommendations on how the city should use its land, which should be leased, sold, turned into parks, etc. Some years there are a lot of recommendations; other years there are very few. The Council holds a joint work session for the Land Allocation Plan with all the Commissions, and this year it is scheduled for Tuesday, March 27th. When the Council has heard or read the recommendations from the Commissions, they pass a resolution, which lists any properties to be sold, leased, etc.

The Planning and Zoning Department puts together the Land Allocation Plan, so if you questions about a particular property, please email staff.

The Planning Commission should have a discussion in regards to recommendations, and participation in the joint work session. Recommendations from the Commission will be forwarded in a memo to Council. The Commission should also figure out who will attend the work session. All commissioners are invited, but the Commission should ensure that at least one Commissioner will attend to represent its views.

### Recommendation:

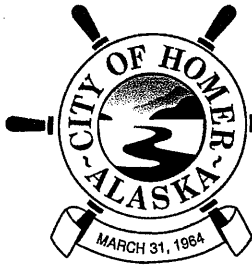
Planning Commission review the land allocation plan, formulate recommendations if any, and decide who will attend the work session.

### ATTACHMENTS

1. 2012 Land Allocation Plan – Review Draft







# City of Homer

## Planning & Zoning

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Homer, Alaska 99603-7645

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*Web Site* [www.ci.homer.ak.us](http://www.ci.homer.ak.us)

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### MEMORANDUM 12-

**TO:** Mayor Hornaday and Homer City Council  
**THRU:** Walt Wrede, City Manager  
**FROM:** Rick Abboud, City Planner  
**DATE:** March 1, 2012  
**SUBJ:** **KBP Ordinance 2012-06** AN ORDINANCE AMENDING KPB 21.18.081, 21.18.100, AND 21.18.140 TO PERMIT CERTAIN STRUCTURES IN TIDALLY INUNDATED AREAS, AND CONDITIONALLY PERMIT CERTAIN STRUCTURES WITHIN THE HABITAT PROTECTION DISTRICT AND ADDING DEFINITIONS

#### Introduction

This ordinance came to the attention of the Mayor and the City Manager asked me to research how this might affect Homer. The short answer is “not much”, as with most items such as this there is a much more detailed explanation.

#### Habitat Protection District

Beluga Slough is the only waterway that is found to be subject to this regulation in Homer. The ordinance deals with development found within 50 feet of the “mean high water line”, which in Homer is the 17.4 foot tide.

The potential for development within the jurisdiction of this regulation is very low at best. But, if someone was planning to develop something subject to the regulations, they might have an opportunity to apply for a conditional use permit through the borough, while meeting all other subject regulations such as Flood Plain, Army Corp of Engineers, and local land use permits as applicable.

#### Conclusion

The amendment to the ordinance might allow for development opportunities not presently supported. The potential for development subject to this regulation in Homer is very limited.

#### Attachments

1. Proposed KPB Ordinance 2021-06





## **KENAI PENINSULA BOROUGH**

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

PHONE: (907) 262-4441 • FAX: (907) 262-1892

www.borough.kenai.ak.us

**MIKE NAVARRE  
BOROUGH MAYOR**

### **MEMORANDUM**

**TO:** Gary Knopp, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Bill Smith, Assembly Member *Bill Smith*  
Mako Haggerty, Assembly Member *for MH*

**DATE:** February 15, 2012

**SUBJECT:** Ordinance 2012-*06* Amending KPB 21.18 - Anadromous Streams Habitat Protection to permit certain structures in tidally inundated areas, conditionally permit certain structures within the Habitat Protection District, and add definitions

The borough is in the process of a phased implementation of the addition of numerous streams which were added to the Anadromous Streams Habitat Protection district. Implementation Phase 2 encompassing most of the Kenai Peninsula is scheduled to take effect on May 1, 2012.

These added areas have brought to light issues with small pre-existing parcels that have seen their development rights unduly restricted due to the greater part of the parcel being in the Habitat Protection District and consequently have a limited area that could be developed. This condition has existed along the Kenai River and a few other areas for some time.

This ordinance allows, through the conditional use process, some development to occur within the Habitat Protection District when certain standards are met. By defining a conditional use for use by property owners, staff and the Planning Commission, I believe we will add a fair process allowing additional development which will relieve some of the burden for small lot property owners.

A standard of development is proposed that the parcels be served by a public sewer system to insure that waste water is properly disposed and streamside water quality is protected. A further condition brings into play city permitting processes in order to provide a more local influence on the development.

I believe it is important that borough regulations do not unreasonably restrict development rights and more particularly, do not eliminate development rights.

Your consideration of this ordinance will be appreciated.

<b>Acre</b>	<b>Sq Ft</b>	<b>50% Sq Ft</b>
0.01	436	218
0.02	871	436
0.03	1,307	653
0.04	1,742	871
0.05	2,178	1,089
0.06	2,614	1,307
0.07	3,049	1,525
0.08	3,485	1,742
0.09	3,920	1,960
0.1	4,356	2,178
0.11	4,792	2,396
0.12	5,227	2,614
0.13	5,663	2,831
0.14	6,098	3,049
0.15	6,534	3,267
0.16	6,970	3,485
0.17	7,405	3,703
0.18	7,841	3,920
0.19	8,276	4,138
0.2	8,712	4,356
0.21	9,148	4,574
0.22	9,583	4,792
0.23	10,019	5,009
0.24	10,454	5,227
0.25	10,890	5,445
0.26	11,326	5,663
0.27	11,761	5,881
0.28	12,197	6,098
0.29	12,632	6,316
0.3	13,068	6,534
0.35	15,246	7,623
0.37	16,117	8,059
0.38	16,553	8,276
0.4	17,424	8,712
0.41	17,860	8,930
0.42	18,295	9,148
0.43	18,731	9,365
0.44	19,166	9,583
0.45	19,602	9,801
0.5	21,780	10,890
0.6	26,136	13,068
0.7	30,492	15,246
0.75	32,670	16,335
0.8	34,848	17,424
0.9	39,204	19,602
1	43,560	21,780

Introduced by: Smith, Haggerty  
Date: 02/28/12  
Hearing: 04/03/12  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2012-06**

**AN ORDINANCE AMENDING KPB 21.18.081, 21.18.100, AND 21.18.140 TO PERMIT  
CERTAIN STRUCTURES IN TIDALLY INUNDATED AREAS, AND  
CONDITIONALLY PERMIT CERTAIN STRUCTURES WITHIN THE HABITAT  
PROTECTION DISTRICT AND ADDING DEFINITIONS**

1 **WHEREAS**, KPB Chapter 21.18, Anadromous Streams Habitat Protection, was initially  
2 adopted in 1996 to protect salmon spawning and rearing habitat; and

3 **WHEREAS**, initially the provisions of the ordinance only applied to portions of the Kenai  
4 River; and

5 **WHEREAS**, through Ordinance 2000-08 the Assembly expanded the scope of this chapter to  
6 apply to 10 tributaries of the Kenai River and 14 additional streams within the  
7 east side of Cook Inlet; and

8 **WHEREAS**, through Ordinance 2011-12 the Assembly expanded the scope of this chapter to  
9 apply to most of the remaining anadromous streams within the borough; and

10 **WHEREAS**, the development restrictions on small parcels within the Habitat Protection  
11 District, including those originally regulated and some newly regulated, may  
12 unduly restrict development rights on some parcels; and

13 **WHEREAS**, the best interest of the borough will be served by enacting a conditional use  
14 process which can allow development, with appropriate standards, on small  
15 parcels; and

1 WHEREAS, at its regularly scheduled meeting of \_\_\_\_\_ the Planning Commission  
2 recommended \_\_\_\_\_;

3 NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI  
4 PENINSULA BOROUGH:

5 SECTION 1. That KPB 21.18.081(B) is hereby amended by adding a new provision as follows:

6 ...

7 10. A principal structure or an addition to a principal structure may be approved  
8 within the habitat protection district provided all the following standards are  
9 met:

10 a. The parcel boundaries were defined prior to January 1, 2012.

11 b. The parcel is subject to a city building code and is served by a public  
12 sewer system.

13 c. The parcel has an area of .3 acres or less.

14 d. On the portion of the parcel within the habitat protection district, the  
15 total impervious coverage may not exceed 50% of the area able to  
16 sustain native vegetation, or 5,000 square feet of area able to sustain  
17 native vegetation, whichever is less.

18 e. The standard for development is to utilize suitable parcel areas outside  
19 the habitat protection district as a preferred alternative to development  
20 within a habitat protection district. Within the habitat protection  
21 district, it is preferred to minimize impact by preserving the nearshore  
22 areas which may sustain native vegetation.

1 SECTION 2. That KPB 21.18.100 is hereby amended by adding a new Section E. as follows:

2 ...

3 E. Building permits issued by a city for areas subject to tidal inundation,  
4 between mean high water and mean higher high water, will constitute a  
5 determination that the requirements of KPB 21.18 are satisfied and the  
6 project is exempt from KPB 21.18 application.

7 SECTION 3. That KPB 21.18.140 is hereby amended by adding the following definitions:

8 ...

9 AB. "Native vegetation" means native plant communities that are undisturbed or  
10 mimicked.

11 AC. "Impervious Coverage" means an area of ground that, by reason of its  
12 physical characteristics or the characteristics of materials covering it, does  
13 not absorb rain or surface water. All parking areas, driveways, roads,  
14 sidewalks and walkways, whether paved or not, and any areas covered by  
15 buildings, structures, or water shedding material such as, but not limited to,  
16 concrete, asphalt, brick, stone, wood, ceramic tile, plastic sheeting or metal  
17 shall be considered to be or have impervious coverage. Elevated light  
18 penetrating structures meeting the requirements of KPB 21.18.071 A.2 shall  
19 not be counted as impervious coverage.

20 AD. "Higher high water" The higher of the two high waters of a tidal day where  
21 the tide is of the semidiurnal or mixed type. The single high water occurring  
22 daily during periods when the tide is diurnal is considered to be higher high  
23 water.

1            AE. "Mean Higher High Water" A tidal datum. The average of all the daily  
2            higher high water recorded over a 19-year period or a computed equivalent  
3            period.

4    **SECTION 4.** That this ordinance takes effect immediately upon its enactment.

5    **ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \***  
6    **DAY OF \* 2012.**

\_\_\_\_\_  
Gary Knopp, Assembly President

ATTEST:

\_\_\_\_\_  
Johni Blankenship, Borough Clerk

Yes:

No:

Absent:



## MANAGERS REPORT

February 27, 2012

TO: MAYOR HORNADAY / HOMER CITY COUNCIL

FROM: WALT WREDE

### UPDATES / FOLLOW-UP

1. Natural Gas: We met with Enstar representatives this week to go over design and cost estimates for the distribution system. I asked Enstar to provide cost estimates for three LID options for Council consideration. Those options are 1) the “core area” 2) the entire City limits and 3) the core area plus a loop that goes up West Hill, across Skyline, and down East Hill. At the last meeting, Council members had several questions for Enstar. Answers to those questions are attached. This agenda contains a resolution expressing support for the \$1.00 per mcf increase idea. We anticipate that ordinances amending the code to provide for gas main LIDs and for regulation of gas main utilities in the ROW will be ready for introduction at the first meeting in March. A resolution expressing the necessity to create an LID and starting the process to seek landowner approval can be expected in April.
2. Customer Charge / Multi-family Dwellings: The new customer charge for residential units in multi-family dwellings which was approved by the Council last year is about to go into effect. Some of you have been contacted by apartment building owners who have expressed disapproval. It might be a good time to remind ourselves why the Council enacted this change. Customer charges for residential units within multi-family dwellings are very common. The staff have been recommending this for a number of years and Council approved it in June as part of setting the overall fee schedule for the next two years. Recall that the Council changed the commodity fee from commercial to residential and added the customer fee for each unit. Customer charges cover the fixed costs associated with maintaining the infrastructure. In December, the Council dropped the requirement that each unit have a separate meter and went with an administrative charge instead in part, to save money for contractors and dwelling owners. The Council made the change to customer charges for the following reasons:
  - Fairness: it was seen as unfair that single family homes paid a customer charge but apartments did not. Everyone benefits from the distribution system, fire hydrants etc. being maintained properly. This spreads the cost more equitably.
  - Increase Customer Base: One of the goals of the Council has been to increase the customer base to balance the budget and keep the Water and Sewer Fund in the black. This added approximately 400 customers and significant additional revenue.
  - Stable Fees: The Council did not wish to raise the basic fees for water and sewer for the next two years. The Council was able to keep fees at the current level with no increases by reducing its contribution to

depreciation reserves to a minimal amount and spreading costs more equitably among the residential customer base.

3. Health Insurance Broker: During the budget discussions at the end of last year, the Council approved an employee contribution toward the cost of providing health insurance. During this discussion, the Mayor and several Council members expressed an interest in having a workshop with the city insurance broker, Jeff Paxton. That workshop has been scheduled for 4 Pm on March 19<sup>th</sup>. I would be interested in hearing what topics the Council may wish to discuss and learn more about. Some topics may have to be in executive session depending upon how deep you want to get into the details of things like spending on certain types of coverage (HIPPA and privacy regulations). For now, I have indicated to Jeff that we would like him to discuss broad topics that could be discussed in open setting such as trends in health care costs, city spending on insurance, projected costs in the future, ways to control costs and the role of the broker, and the impacts on Homer that the new Health Care law will have, including the tax implications.
4. Term Contracts: Carey has issued a request for proposals for engineering services for term contracts. The two are for engineers to provide civil (roads, trails, drainage, etc) and water and sewer engineering services. Another RFP is on the way for marine engineering. Term contracts have worked very well for us in the past. They allow us to move quickly and be more efficient because we do not have to issue an RFP every time a new project comes up. This will help us move ahead quickly on some of the capital projects we have and in some cases, provide the project management assistance we need.
5. Airport Doors: In the 2011 Operating Budget, the Council approved \$25,000 to replace the glass sliding doors at the airport terminal. The building maintenance staff has been researching different types of sliding glass doors and companies that would provide and install them. The staff has been spending many hours repairing and nursing these doors along and recently they have become inoperable on occasions. Sometimes the doors are stuck in the open position; something we clearly do not want in the winter. (See attached memo from PW Superintendent.) It was necessary to take action immediately. The Council has already approved the money but we did not have time to bring you a resolution approving the contract. Lakeshore Glass of Homer was the lowest responsible bidder at \$21,850. Work is proceeding.
6. HB 312: This is a bill that we are watching closely which could have big impacts for Homer residents if natural gas arrives in the community. Katie testified in favor at a hearing last week and Linda Anderson is working on it as well. Council has not formally expressed an opinion on this one so we want to bring it to your attention and make sure you knew that we are working on it. HB 312 would provide low interest loans to businesses and residents who wish to make the conversion to natural gas.
7. Building Art: This agenda contains a memorandum with recommendations from the Public Arts Committee regarding how public art should be displayed in the expanded and renovated City Hall. There are other locations within the building that are calling out for art and the Arts Committee has expressed a willingness to help secure it. That raises a number of issues about the donation of art and the

display of art by local residents in public buildings that probably should be discussed. It would be good to have policies in place before we leap into this. We have already addressed this issue to some degree at the library.

8. Community Recreation Program: New schedules for sports activities at the High School and Middle school have been established that put a severe squeeze on Community Recreation Programs. Some of the most popular programs (most participants and most revenue) will be seriously impacted and may even have to be cancelled. The future of the program is uncertain and the current contract with the School District expires at the end of June. This has renewed interest in moving some if not all of the Community Rec. Programs to the HERC Building. It would be good if Council could have a discussion about this sometime soon.

#### ATTACHMENTS

1. Enstar responses to Council Questions
2. Memorandum from PW Superintendent re: Airport Terminal Sliding Glass Doors



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