

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 89-8

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF HOMER AMENDING SECTION 21.60.013 EXEMPTIONS, SUBSECTION G, SECTION 21.60.014 SIGN STANDARDS BY DISTRICT, SUBSECTION B 2 (iii), SECTION 21.60.015, SUBSECTION (i), SUBSECTION (j) AND SECTION 21.60.018, DEFINITIONS

WHEREAS, there is a need to clarify the allowed sign area in cases where two or more businesses are located in a single building or within a cluster of buildings; d,

WHEREAS, the Homer Advisory Planning Commission held a public hearing regarding the proposed amendments on October 12, 1988;

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Homer Municipal Code, Section 21.60.014 Sign Standards by District, Subsection b. 2 (iii) and Section 21.60.018, Definitions are amended as follows:

Chapter 21.60

SUPPLEMENTAL REGULATIONS

Sections:

21.60.010	Sign standards.
21.60.011	Purpose.
21.60.112	General provisions.
21.60.113	Exemptions.
21.60.014	Sign standards by district.
21.60.015	General prohibitions.
21.60.016	Existing signs.
21.60.017	Administration.
21.60.018	Definitions.
21.60.020	Height regulations-Exceptions-When permitted.
21.60.030	Yards-Projections into-When permitted.
21.60.040	Fences.
21.60.041	Conditional fence permit.
21.60.042	Exception.

21.60.010 Sign standards. Sign standards are set out in Sections 21.60.011 through 21.60.018.

21.60.011 Purpose. It has become apparent that the proliferation of signs has created a cluttered and distracting environment for motorist and pedestrians, thereby reducing the overall effectiveness and purpose of signs, which is to provide essential information and direction to the public. Therefore,

the purpose of this section of the zoning ordinance shall be to regulate the size, manner and number of signs so as to protect the health, safety, welfare and aesthetics of the community. In order to protect the safety and health of the community, signs shall be regulated so as not to create traffic hazards or be confused with traffic control devices. Signs shall be designed, constructed and maintained so as not to present an injurious or unsafe situation. Furthermore, in order to safeguard the welfare and aesthetics of the community and to protect the natural attractiveness of the area, signs shall be controlled to offer an equitable means for business identification while preventing the visual pollution caused by overly large, garish, out-of-place or cluttered signs which are incompatible with the goals of the community as outlined in the comprehensive plan.

21.60.012 General provisions. The following provisions shall apply in all zoning districts to all signs governed by the ordinance codified in this section, subject to the specific regulations in each zoning district:

a. Signs shall identify or advertise only interests conducted on the lot, and as such are considered accessory to the use on the lot. Signs that display the symbol, slogan or trademark of national brand soft drinks or other products that do not form the bulk of the business transaction are prohibited. Government agencies may erect information signs as deemed necessary.

b. Signs shall be maintained in good repair. Any sign not in substantial, sturdy condition will be subject to abatement as a public nuisance.

c. Signs shall be setback a minimum of five feet from any property line, except where specifically prohibited, and shall not be located within any sight distance triangle required at street intersections or driveways. Sight triangle is defined by lines connecting points as follows: beginning at the point where the midline of the private driveway or entrance or exit for a common parking area intersects the public right-of-way thence to a point thirty-five feet along the right-of-way line in the direction of approaching traffic thence to a point twenty-five feet towards the interior of the property at the previously described midline thence to the beginning (no such visibility triangle need be maintained on the side driveway entrance or exit from the approaching traffic on the same side of the street). No sign, except temporary street banners, shall project into the airspace of any right-of-way or sidewalk.

d. No lighted sign shall cause undue glare beyond the property line or adversely affect the safe vision of motor vehicle operations or pedestrians. No sign shall have blinking, flashing, reflecting, neon, rotating or other illumination devices which have a changing light intensity, or which create an appearance or illusion of writing or printing. Signs containing clocks and temperature readings are permissible. No exposed lamp

bulbs shall be permitted. Gas-filled light tubes shall be allowed only when used for indirect illumination and when placed in such a manner that light tubes are not exposed to public view.

21.60.013 Exemptions. The provisions of this chapter shall not apply to the following signs, except as stated or as the same may be controlled by Section 21.60.012.

a. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, or names of occupants of premises;

b. Flags and insignia of any government except when displayed in connection with commercial promotion;

c. Legal notices, traffic signs, information signs, historic signs, or directional signs erected by government bodies;

d. Signs required by law, such as gasoline price signs;

e. Signs directing and guiding traffic parking on public or private property, but bearing no advertising matter;

f. A sign advertising the sale or rental of a premise, not artificially illuminated and of a temporary nature, with a maximum area on one side of four square feet;

g. Subdivision tract development or residential projects containing two acres or more, one sign not exceeding fifty square feet in surface area, if erected, must be erected at least twenty feet from any public right-of-way and ten feet from any side or rear lot lines of adjoining property;

h. Political signs of four square feet per sign may be displayed in any zone except open space recreation provided the candidate or proposition has been qualified for the election and the signs shall be removed immediately after the date of the election;

i. Construction Signs. During construction, repair or alteration of a structure, temporary signs which denote the architect, engineer, contractor, or builder or which denote the name of the structure and its use or occupants-to-be may be erected on the construction site. Each sign shall be thirty-two square feet or less in size and not more than one such sign shall be permitted for each architect, engineer, contractor, builder or denoting the name, use and occupants-to-be of the structure. Any of these may be combined on one or more signs, but the total square footage of the sign or signs shall not exceed that set out above. All construction signs shall be removed when the construction is completed;

j. Special events signs, including street banners, provided the signs are removed immediately after the date of the event;

k. Signs on a lot that is fenced or screened so that no part of the signs are visible from a public right-of-way;

l. Signs within a building that are not visible from a public right-of-way. Window signs will be counted as signs if the intent is to attract attention for advertising purposes or identify the business;

m. Incidental signs, such as credit card and affiliation signs, provided not more than five such signs per business;

n. Temporary signs designed to advertise a sale, service or other commercial activity of a limited duration. Such signs shall be affixed to the building and not be displayed for more than fourteen days in any ninety-day period and shall otherwise conform to the district regulations;

o. Temporary signs designed to advertise a sale, service or other commercial activity of less than twenty-four hours of duration, (i.e. itinerant merchants);

p. Christmas lights will be permitted for decorative use from Thanksgiving until January 15th.

21.60.014 Sign standards by district. a. Signs in the Residential Zones, Rural Residential, Urban Residential and Residential Office.

1. Signs identifying home occupations, shall be unlighted and shall not exceed four square feet containing the name of the occupant and the name of the lawful home occupation located against the wall of the principal building;

2. Churches, public and quasi-public institutions including schools and municipal buildings may erect for their own use one identification or announcement sign or bulletin board not exceeding twenty square feet in area, and not exceeding eight feet in height;

3. Multiple-family dwellings, boarding and lodging-house may have one sign not exceeding six square feet in surface area identifying the premises and indicating "vacancy" or "no vacancy" at the principal entrance;

4. All other permitted, conditional or legal nonconforming uses may have one sign not exceeding twenty square feet in display area, and not exceeding eight feet in height.

b. Signs in Commercial Zones, Central Business District, General Commercial 1, General Commercial 2, Marine Industrial and Marine Commercial.

1. For any residential uses permitted outright or conditionally, signs for such shall conform to the requirements of Section 21.60.014(a).

2. For all other permitted or conditionally permitted uses, or legal nonconforming uses, the following limitations apply:

(i) A maximum of two business signs may be allowed, one of which may be either a pole sign or a roof sign, which may not exceed a total of fifty square feet per side to a maximum of one hundred square feet if more than one side is utilized for advertising. The other of which, a wall sign, may not exceed twenty-five percent of the wall frontage or fifty square feet whichever is less.

(ii) Pole signs may not exceed the height of the building or twenty feet, whichever is less. Sign height shall be measured from the surface of the adjacent roadway. Roof signs shall not exceed the ridgeline of the building.

(iii) In cases where two or more businesses are located in a single building, or within a cluster of buildings, one main sign is permitted no larger than seventy-five

square feet per side, to a maximum of one hundred fifty square feet if more than one side is utilized for advertising. In addition, one sign affixed to the building, of fifty twenty square feet maximum per business, or not to exceed 25% of the wall frontage, whichever is less. Multiple business licenses within a single business premise do not qualify for additional sign area.

21.60.015 General prohibitions. The following signs are prohibited:

- a. All signs contrary to the provision of the ordinance codified herein;
- b. Signs within any sight distance triangle, setback or right-of-way unless authorized;
- c. Readerboard signs including portable readerboard signs, provided, however, that readerboards (marquees) for theaters, civic auditoriums, hotel conventions, etc., that announce events are allowed, subject to the district regulations;
- d. Strings of pennants, flyers, ribbons or other flying devices, except those announcing special events. Such pennants may be erected two weeks prior to the event and removed immediately after the event;
- e. Signs attached to, or placed on a vehicle or trailer parked on public or private property calling attention to a sale or otherwise advertising; provided, however, that this provision shall not be construed as prohibiting the identification of a firm or its product on a vehicle;
- f. Off-premises signs, except real estate, political, civic events (temporary), or garage sale signs;
- g. Signs which no longer serve an on-going business, or abandoned signs;
- h. Bench signs, beacon, studio signs, flashing, moving signs.
- i. The placement of handbills, flyers, bumper stickers or other advertising material on parked vehicles other than by the owner.
- j. Fabric banners that display the symbol, slogan or trademark of national brand soft drinks, or other products except if used as a temporary sign as outlined in 21.60.013 (n).

21.60.016 Existing signs. Existing signs that do not conform to the provisions of this code shall be considered nonconforming signs. It is the intent of this code to eliminate nonconforming signs according to a fair and equitable schedule. Modification and elimination of such signs to bring them into compliance is in the public interest and declared to be public purpose. To accomplish that purpose:

- a. The owner must permanently remove all signs that exceed the number allowable within this code within one year of the effective date of the ordinance codified herein;
- b. The owner may choose to continue using two nonconforming signs until such time as the full value of the signs are recovered through amortization according to a two-year or five-year schedule from the effective date of the ordinance

codified herein. The owner shall determine the schedule in writing to the City. It is recommended that those signs of less than one thousand dollar value be amortized according to the two-year schedule and that signs of greater than one thousand dollar value be amortized according to the five-year schedule. Replacement of nonconforming signs according to an owner elected accelerated schedule is in the public interest.

21.60.017 Administration. In addition to the administration and enforcement of Sections 21.60.010 through 21.60.018 as per Chapter 21.30, the following requirements also apply:

a. Review for compliance will be done at the building permit application stage. A scaled drawing of the sign and plot plan showing the location is to be included with the building permit. The administrative official shall classify the sign and determine the area of any irregularly shaped or unusual sign.

b. Relief from any of the provisions of Sections 21.60.010 through 21.60.018 may be provided by a variance as prescribed under the Homer Municipal Code, Chapter 21.62.

c. If any section, subsection, sentence, clause, phrase, or portion of the ordinance codified herein is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

21.60.018 Definitions. For purposes of Sections 21.60.010 through 21.60.018, the following definitions pertaining to signs shall apply:

1. "Audio sign" means a sign that emits a noise or sound, either spoken words, music or singing.

2. "Banner sign" means a sign hung with or without frames, which may or may not contain characters, letters or illustrations, made of paper, plastic or fabric of any kind. Flags of the United States or any political subdivision thereof are not "banner signs". Banner signs are temporary signs.

3. "Beacon sign" means any sign with one or more beams, capable of being directed in any direction or directions or capable of being revolved automatically.

4. "Bench sign" means a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

5. "Building height" means the vertical distance from the accessible finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the highest point of a pitch or hip roof.

6. "Construction sign" means a sign giving the name or names of the principal contractors, architect, lenders, etc. for and upon a site of construction together with related information.

7. "Directional sign" means a sign which functions solely to direct traffic to a location; such as the parking lot of a business.

8. "Directory sign" See subsection 13 of this section, incidental sign.

9. "Electrical sign" means a sign where electric illumination varies in intensity.

10. "Flashing sign" means a sign where electric illumination varies in intensity.

11. "Freestanding sign" (pole sign, monument sign, ground sign) means a sign which is detached from any building or structure, but on the same property as the business that it advertises.

12. "Handbill" shall mean any flyer, notice or brochure advertising or promoting any product, business, cause, political candidate or issue, and intended for distribution to the general public.

13. "Historic sign" See subsection 13 of this section, incidental sign.

14. "Incidental sign" means nonelectric, information signs, two square feet in area or less, which identifies hours of operation, credit card affiliations, affiliation with organizations, or similar information intended for the convenience of the public while on the premises.

15. "Indirect illumination" means use of lights, which are shielded from public view, to indirectly project illumination onto a sign which is itself not internally lit.

16. "Informational sign" means signs whose sole intent is to convey information to assist the public and conveying no advertising matter.

17. "Marquee sign" (changeable copy sign, attraction board) means a sign with moveable letters, most common at places of commercial entertainment to announce coming or current attractions.

18. "Moving sign" means a sign in which any portion moves, either with the elements such as the wind, or by mechanical power or other method.

19. "Nonconforming sign" means any sign which does not conform to the regulations of the ordinance codified herein.

20. "Off-premise sign" means a commercial advertising sign or structure which advertises a business, person, product activity or service not on or offered on the premise on which subject sign is located, also commonly known as billboard, off-site, outdoor advertising sign.

21. "Political sign" means any poster or other sign which advertises or endorses a political candidate or political issue as its main purpose.

22. "Pole sign" See subsection 11 of this section, freestanding sign.

23. "Portable sign" means a sign that is not attached to any building or structure. It may readily be picked up and moved from one location to another. It may be with or without its own wheels.

24. "Premise" means gross rented area within a single property within a multiple tenant building.

25. "Projecting or fin sign" means a sign affixed to any building or structure, the edges of which extend beyond such building wall. Also called "right-angle sign".

26. "Readerboard sign" means a sign face consisting of tracks to hold readily changeable letters, allowing frequent changes of copy.

27. "Real estate sign" means a sign which is used to offer for sale, lease or rent the property upon which the sign is placed. See also subsection 33 of this section, temporary sign.

28. "Ridge line" means either the edge of the roof or the ridge line, whichever forms the line of the building silhouette.

29. "Sale sign" See subsection 33 of this section temporary sign.

30. "Sign" means any device fixed to, painted on or incorporated in the building surface or displayed from or with a building or structure, or freestanding upon the site and which is visible from the public right-of-way and designed to convey or direct a message to the public concerning the identification of the premises or to advertise or promote the interest of any private or public firm, person or organization. However, this shall not include any official court or public notices nor the flag, emblem or insignia of a government, school or religious group when displayed for official purposes.

Interior signs, if located on a window and if obviously intended for viewing from the exterior, shall be considered a sign for purposes of the ordinance codified herein.

31. "Sign area"

i. For a sign on a separate sign structure, the area of that structure exclusive of any support poles is the sign area encompassing the copy, insignia and border.

ii. For a sign on a building wall having no separate structure, sign area is measured from the visible border or background color difference which includes all graphics, letters and background.

iii. For a building wall sign with no border or background color difference, sign area is measured within a set of implied or imaginary lines parallel to and three inches outside of all graphics and letters of the sign.

iv. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign.

32. "Sign height" means the distance between the average adjacent ground area and the top of the sign.

33. "Special event sign" means signs that announce a civic or cultural or unique and random event.

34. "Sign structure" means a structure which supports or is capable of supporting any sign as defined in this code. A sign structure may be a single pole or poles and may or may not be an integral part of a building.

35. "Temporary sign" means any sign of paper, metal, plastic, or other material which does not require a building permit, and which can be removed quickly and simply without tools.

36. "Traffic sign" (also called safety sign) means a sign which functions primarily to provide for the efficient, safe and orderly flow of traffic.

37. "Wall frontage" means the face of a building oriented to the street. Where a building faces two streets, only one frontage is considered "main".

38. "Wall sign" means a sign painted, mounted or otherwise affixed to a wall of a building or structure, parallel to the building.

39. "Window sign" See subsection 33 of this section, temporary sign.

21.60.020 Height regulations--Exceptions--When Permitted.

a. The height limitations of Chapters 21.36 through 21.69 shall not apply to church spires, belfires, cupolas and domes, if not used for human occupancy, nor to chimneys, ventilators, weather vanes, skylights, water tanks, bulkheads, monuments, flagpoles, television and radio antennae, and other similar features, and necessary mechanical appurtenances usually carried above roof level.

b. The provisions of Chapters 21.28 through 21.69 shall not limit the erection of parapet walls or cornices up to five feet above the building height.

21.60.030 Yards--Projections into--When Permitted.

The following structures may project into required front, side or rear yards as specified below, and shall not be considered in determining lot coverage:

a. Paved terraces may project into required front, side or rear yards provided that no structure violates other requirements of Chapters 21.28 through 21.70.

b. Unroofed landings and stairs may project into required front and rear yards only, provided that no portion other than a light handrail extends higher than sixteen inches above the finished level.

c. Windowsills, belt courses, cornices, eaves and similar incidental architectural features should not project more than two feet into any required yard.

d. Open fire escapes should not project more than four feet six inches into any required yard.

21.60.040 Fences. Fences may be constructed at the lot line; provided, however, that front yard fences in residential zoning districts shall not exceed four feet in height nor shall any fence within residential zoning districts exceed four feet in height within the twenty-foot setback area. No fence may block any sight distance triangle which may be required by the ordinance codified in this chapter or other ordinance.

21.60.041 Conditional fence permit. Fences may be constructed to height in excess of those allowed only when a conditional fence permit is first obtained from the Planning and

Zoning Department. Prior to granting such a permit to applicant must demonstrate and the Homer Advisory Planning Commission must find that:

a. The issuance of such a permit is reasonably necessary, by reason of unusual or special circumstances or conditions relating to the property, for the preservation of valuable property rights for full use and enjoyment of the property;

b. The fence will not create a safety hazard for pedestrians or vehicular traffic;

c. The appearance of the fence is compatible with the design and appearance of other existing buildings and structures within the neighborhood;

d. The fence is a planned architectural feature to avoid dominating the site or overwhelming adjacent properties and structures;

e. The orientation and location of the fence is in proper relation to the physical characteristics of the site and the surrounding neighborhood;

f. The fence will be of sound construction and located so as not to create a safety hazard.

21.60.042 Exception. Under no circumstances will a conditional fence permit be considered for a fence in the sight distance triangle.

DATED at Homer, Alaska this 24th day of April, 1988.

CITY OF HOMER

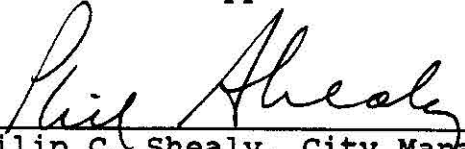
John P. Colton

ATTEST:

Patti J. Whalin
Patti J, Whalin, City Clerk

First Reading: 3/10/89
Public Hearing: 4/12/89
Second Reading: 4/24/89
Date of Adoption: 4/24/89

Reviewed and approved as to form and content:



Philip C. Shealy, City Manager

City of Homer Attorney