

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

**CITY OF HOMER
HOMER, ALASKA**

Planning

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

ORDINANCE 12-01(S)

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE 21.60.040, DEFINITIONS; HOMER CITY
8 CODE 21.60.060, SIGNS ALLOWED ON PRIVATE PROPERTY WITH AND
9 WITHOUT PERMITS; HOMER CITY CODE 21.60.070, PERMITS
10 REQUIRED; HOMER CITY CODE 21.60.080 DESIGN, CONSTRUCTION,
11 AND MAINTENANCE; HOMER CITY CODE 21.60.090, SIGNS IN THE
12 PUBLIC RIGHT-OF-WAY; HOMER CITY CODE 21.60.100, SIGNS EXEMPT
13 FROM REGULATION UNDER THIS CHAPTER; HOMER CITY CODE
14 21.60.110 SIGNS PROHIBITED UNDER THIS CHAPTER; HOMER CITY
15 CODE 21.60.130, TEMPORARY SIGNS-PRIVATE PROPERTY; HOMER
16 CITY CODE 21.60.150, TIME OF COMPLIANCE-NONCONFORMING
17 SIGNS AND SIGNS WITHOUT PERMITS; AND HOMER CITY CODE
18 21.60.170, ENFORCEMENT AND REMEDIES; AND REPEALING HOMER
19 CITY CODE 21.60.095, ELECTORAL SIGNS; HOMER CITY CODE
20 21.60.120, GENERAL PERMIT PROCEDURES; HOMER CITY CODE
21 21.60.140, TEMPORARY SIGNS-PUBLIC RIGHTS-OF-WAY; AND HOMER
22 CITY CODE 21.60.160, VIOLATIONS; REGARDING THE REGULATION OF
23 SIGNS.

25 THE CITY OF HOMER ORDAINS:

26
27 Section 1. Homer City Code 21.60.040, Definitions, is amended to read as follows:

28
29 21.60.040 Definitions. In ~~For the purpose of this chapter,~~ **in addition to terms defined**
30 **in HCC §21.03.040,** the following words and phrases shall have the meanings set forth in this
31 ~~section~~ **chapter.**

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

34 "Animated sign-" ~~means a Any-sign that uses flashing lights, movement or change of~~
35 ~~lighting to depict action or create a special effect or scene,~~ **or that includes characters, letters,**
36 **or illustrations whose message changes at least one time per day; provided that a changing-**
37 ~~A sign on which the only copy that changes is an electronic or mechanical indication of time or~~
38 ~~temperature~~ **does not cause a sign to be** ~~shall be considered a time and temperature portion of a~~
39 ~~sign and not an animated sign for purposes of this chapter.~~

40 "Banner-" ~~means a Any-sign of lightweight~~ **sign that contains a message which is**
41 **attached or imprinted on a flexible surface that deforms under light pressure and that is**
42 **typically constructed of non-durable fabric or similar materials, including without limitation**
43 **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 of~~ 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.

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:

152
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.~~

173
 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:
 176

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

177
 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	EEM <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	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	N	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N
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							
<u>Table 2 Part A</u>							
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:

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

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

215
 216 Section 6. Table 3 following Homer City Code 21.60.060, Signs on private property, is
 217 amended to read as follows:
 218

Table 3.												
Sign Type	RR	UR	RO	INS (a)	CBD	TC	GBD	GC1	GC2	EEMU	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	<u>PS</u>	<u>PS</u>	N	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>
<u>Notes to Table 3</u>												
<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>												

219
 220
 221
 222
 223
 224
 225
 226
 227
 228
 229
 230
 231
 232
 233
 234
 235
 236
 237
 238
 239
 240
 241
 242
 243
 244
 245
 246
 247
 248

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.

292
293 Section 11. Homer City Code 21.60.100, Signs exempt from regulation under this
294 chapter, is amended to read as follows:

295
296 21.60.100 Signs exempt from regulation under this chapter. The following signs shall be
297 exempt from regulation under this chapter:

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

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

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

306 d. Works of art that do not contain a commercial message;

307 e. Holiday lights between October 15 and April 15;

308 f. Traffic control signs on private property, such as a stop sign, a yield sign, and
309 similar signs, the face of which meet Department of Transportation standards and that contain no
310 commercial message of any sort.

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

313
314 Section 12. Homer City Code 21.60.110, Signs prohibited under this chapter, is amended
315 to read as follows:

316
317 21.60.110 Signs prohibited under this chapter. All signs not expressly permitted under
318 this chapter or exempt from regulation hereunder in accordance with HCC § 21.60.100 are
319 prohibited in the City. Without limiting the foregoing, examples of prohibited signs include:

320 a. **Banners;**

321 b. Beacons;

322 c. Pennants;

323 d. Strings of lights not permanently mounted to a rigid background, except those
324 exempt under HCC § 21.60.100;

325 e. Inflatable signs and tethered balloons;

326 f. Animated signs that are neon, change colors, or exceed three square feet in area;

327 g. Placement of hand bills, flyers, or bumper stickers on parked vehicles other than
328 by owner;

329 h. **Signs placed on or painted on a motor vehicle or trailer parked with the primary**
330 **purpose of providing signage not otherwise allowed by the Code; Prohibited is any sign displayed**

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

331 on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to
332 advertise a product, service, business, or other activity. This regulation shall permit the use of
333 business logos, identification or advertising on vehicles primarily and actively used for business
334 purposes and/or personal transportation.

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

341
342 Section 13. Homer City Code 21.60.120, General permit procedures, is repealed.

343
344 Section 14. Homer City Code 21.60.130, Temporary signs-private property, is amended
345 to read as follows:

346
347 21.60.130 Temporary signs-Private property. a. General. All temporary signs are
348 subject to the following requirements:

349 1. A temporary sign may not be an illuminated, animated, or changeable
350 copy sign.

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

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

356 b. Commercial. A temporary signs that bears a commercial message is not
357 allowed except: on private property shall be:

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

361 b. Number. Only one temporary sign per lot is allowed.

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

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

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

369
370 Section 15. Homer City Code 21.60.140, Temporary signs-Public right-of-way, is
371 repealed.

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

372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412

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

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

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

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

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

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

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

413 Section 17. Homer City Code 21.60.160, Violations, is repealed.
414

415 Section 18. Homer City Code 21.60.170, Enforcement and remedies, is amended to read
416 as follows:
417

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

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

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

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

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

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

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

444
445 Section 19. Sections 1 through 18 of this Ordinance are of a permanent and general
446 character and shall be included in the City Code.

447
448 Section 20. This Ordinance shall become effective on March 1, 2012.
449

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

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

452
453
454
455
456
457

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

458
459
460
461
462

ATTEST:

463 JO JOHNSON, CMC, CITY CLERK

464
465
466
467
468
469

YES:

NO:

ABSTAIN:

ABSENT:

470
471
472
473

First Reading:

Public Hearing:

Second Reading:

Effective Date:

474
475
476
477

Reviewed and approved as to form:

478
479
480

Walt E. Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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