

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** ~~fabrie 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.]

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

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

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

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

"Changeable copy sign-" **means a** ~~A sign~~ **that includes** ~~or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign, and~~ ~~A sign on which the message changes less often more than one time per day shall be considered an animated sign and not a changeable copy sign for purposes of this chapter;~~ **provided that a A-changing** ~~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 a changeable copy sign for purposes of this chapter.~~

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

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

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

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

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

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

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

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

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

"Lot." See HCC § 21.32.030.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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>A</u> P = Allowed without sign permit	
<u>P</u> S = Allowed only with sign permit	
N = Not allowed	
PH = Allowed only upon approval by the Planning Commission after a public hearing	
For parenthetical references, <i>e.g.</i> , “(a),” see Notes following graphical portion of table.	

Section 4. Table 1 following Homer City Code 21.60.060, Signs on private property, is 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	<u>EEMU</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>	PH
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	PH
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	N	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)	PN	PN	PN	N	P	P	<u>PS</u>	P	P	<u>P</u>	P	P	N	N
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> <u>P</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> <u>P</u>
Portable	N	N	N	N	S	S	S	S	S		S	S	N	N

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

Notes to Table 1:

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

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

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

Table 2 Part A

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

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

[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.
2000 to 349		50 s.f.
<u>0 to 199</u>		<u>30 s.f.</u>

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

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

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

One business or occupancy in one building – 36 sq ft

Two independent businesses or occupancies or principal buildings in any combination – 54 sq ft

Three independent businesses or occupancies or principal buildings in any combination – 63 sq ft

Four or more independent businesses or occupancies or principal buildings in any combination – 72 sq ft

Section 6. Table 3 following Homer City Code 21.60.060, Permitted Sign Characteristics by Zoning District, is amended to read as follows:

Sign Type	RR	UR	RO	INS (a)	CBD	TC	GBD	GC 1	GC 2	<u>EEMU</u>	MC	MI	OSR	PS
Animated (b)	N	N	N	N	<u>PS</u>	<u>PS</u>	N	<u>PS</u>	N	<u>P</u>	<u>PS</u>	N	N	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>	N	PH
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>	N	N
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>	N	PH
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>	N	N

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

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

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

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

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

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

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

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

~~a1. Official traffic control devices.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

e. Holiday lights between October 15 and April 15;

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

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

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

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

a. **Banners;**

b. Beacons;

c. Pennants;

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

e. Inflatable signs and tethered balloons;

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

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

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

i. Abandoned signs, which shall be removed by the owner or lessee, if any, of the lot upon which the signs are located. If such owner or lessee fail to remove such signs after an opportunity for a hearing before the Planning Commission and fifteen days written notice to

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

remove given by the City, then (i) the owner or lessee has committed a violation, and (ii) the City may remove the signs and collect the cost of removal from such owner or lessee, who shall be jointly and severally liable for such cost.

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

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

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

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

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

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

b. Commercial. A temporary sign that bears a commercial message is subject to the following: on private property shall be:

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

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

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

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

3. One temporary sign other than those described in 1 and 2 above may be allowed by permit for displays of not more than 14 days in a 90 day period.

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

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

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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