

There were no plats scheduled for consideration.

PENDING BUSINESS

A. Staff Report PL 11-99, Draft Sign Code Amendments

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

There was discussion about vehicle signs. Commissioner Erickson suggested the language from the United States Sign Council would be appropriate as it is more defining and should replace (g), line 311, and leave 1 and 2 below it.

ERICKSON/BOS MOVED TO AMEND LETTER G LINE 311 THROUGH 314 TO READ WHAT THE UNITED STATES SIGN COUNCIL RECOMMENDS ON PAGE 35 OF THE PACKET.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

City Planner Abboud suggested eliminating number one and two that follow letter g. The Commission agreed by consensus to eliminate lines 315 to 317 as well.

There was discussion that the verbiage about temporary signs starting on line 339 is confusing and they considered ways to clarify it. The following language was suggested:

Temporary signs that bear a commercial message are not allowed except 1. For advertising a garage sale; 2. Advertising real estate for sale, then include the rules that apply to the signs that are allowed, a) they may not be off premise and b) there may be only one.

SONNEBORN/BOS MOVED TO SEND THIS BACK TO STAFF TO HAVE IT RE-OUTLINED.

Suggestion was made to word it in the positive and say when they are allowed instead of when they are not. There was further discussion about having a short period of time for having free sign permits and the concept of having a thirty day time frame for new businesses to be allowed to have temporary signs.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ERICKSON/HIGHLAND MOVED THAT WE HAVE A TWO WEEK GRACE PERIOD FOR A NEW BUSINESS TO HAVE A TEMPORARY SIGN.

The Commission considered different time frames, why a grace period might be needed, and what type of sign might be allowable. They reviewed the purpose of the sign code which is stated at the beginning of HCC 21. 60. It was noted that once a person gets a permit they can do a temporary or interim sign that is allowed under the permit until the permanent sign

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 21, 2011

comes in. Staff could advise sign applicants of a thirty day temporary allowance when they get their permit.

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

Motion failed.

ERICKSON/MINSCH MOVED THAT THERE BE A THIRTY DAY GRACE PERIOD ALLOWED FOR AN INTERIM SIGN FOR NEW BUSINESSES WHEN THEY APPLY FOR THEIR SIGN PERMIT.

The Commission considered the circumstances that could warrant an interim sign. It wouldn't apply to existing businesses that have name changes or are changing signs; only sign permit applications for new businesses. It was noted that there needs to be a definition of an interim sign. Staff could bring back recommendations for the Commission if the motion passes.

Concern was expressed about interim signs out all summer. Point was also raised that this concept muddies the waters and there needs to be a better way to add this to the already confusing sign code. There has to be other ways to be pro-business and deal with these signs.

It was suggested that the interim sign could be smaller than what is allowed normally. City Planner Abboud it is still a temporary sign and creating this makes a whole new section and makes it more complicated.

There was discussion that there should be an opportunity for new businesses to be able to show that they are there, or they don't have a sign yet because they just found their building. A differing view was that it sounds like a business just coming in to test the water without putting much money in to it, or they feel it isn't worth the investment and won't be in business another year. If a business is coming in for the long haul, why wouldn't they plan and invest in permanent sign.

VOTE: YES: ERICKSON

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

Motion failed.

City Planner Abboud will bring back a staff report that includes Mr. Smith's comments from the last meeting.

SONNEBORN/BOS MOVED TO POSTPONE THE SIGN ORDINANCE UNTIL BROUGHT BACK BY STAFF.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

The Commission took a break at 7:57 p.m. and the meeting resumed 8:01 p.m.

NEW BUSINESS

A. Staff Report PL 11-100, Kachemak Drive Bike Path

City Planner Abboud reviewed the recommendations in the staff report.

The Commission discussed the project and acknowledged there has been Commission support of this concept.

MINSCH/BOS MOVED THAT THE ADVISORY PLANNING COMMISSION SUPPORTS THE CONCEPT OF A NON MOTORIZED ACCESS ALONG KACHEMAK DRIVE.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MINSCH/BOS MOVED THAT A LARGE PART OF THIS PROJECT IS A PRIVATE PROPERTY RIGHTS ISSUE THAT SHOULD BE ADDRESSED CAREFULLY FROM THE ONSET. THE UTILITY EASEMENTS ARE PRIVATE PROPERTY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

BOS/HIGHLAND MOVED THAT THE ADVISORY PLANNING COMMISSION RECOMMEND THE CITY ADD THE KACHEMAK DRIVE PATH IMPROVEMENTS TO THE STIP NEEDS LIST AS AN AVENUE FOR STATE FUNDING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was discussion that this needs to be a grass roots public effort as the people who had to give up easements through eminent domain are not going to give anything to the City.

MINSCH/HIGHLAND MOVED THAT THE COMMISSION APPRECIATES THE EFFORTS OF THE PARKS AND RECREATION ADVISORY COMMISSION AND ENCOURAGES THEM TO CONTINUE WITH THIS GRASS ROOTS EFFORT.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 11-93

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: September 7, 2011
SUBJECT: DRAFT Sign Ordinance

General Information

The latest version of the ordinance is essentially the same as the Planning Commission reviewed at the last meeting. The only change is formatting of 21.60.110 (g). Although there is some consideration for amendment of the ordinance, staff believes that it is best to solicit public comment at this time while there is still an opportunity to reach out to those that will be affected by the changes before they may leave town after the tourist season. We propose that the Commission consider holding an additional public hearing.

Staff recommended amendment

Discussion: The City Attorney recommended a few changes to the definition of a public sign that staff disagrees with. Primarily, one of the goals of having a public sign category was to allow groups, such as the chamber of commerce, the opportunity to create and place signs that attract attention to a specific part of town, or an entrance to town. The attorney proposed a minor change that would allow only a government agency to place such a sign... and that is not the goal! Staff thinks he has confused public signs that require a public hearing with signs in the public right of way, line 254, which would be signs such as stop signs. Staff recommends amending the ordinance to use the public sign definition, third listed below.

Current code:

"Public Sign." A Public Sign is an off premises sign that provides direction to 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.

Attorney changes:

"Public sign." means A Public Sign is an off-premise off-premises sign placed by a governmental agency to that provides direction or information, or to identify 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.

Staff Recommendation:

"Public sign." means A Public Sign is an off-premise off-premises sign that provides direction or information, or to identify 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.

Reconsideration of motion to limit Electoral Signs to a maximum of 16 square feet

The Planning Commission has decided to keep provisions in the code pertaining to exclusive provisions for electoral signs. While the Attorney has reservations regarding the treatment of electoral signage any different than any other type of temporary sign, most municipalities do have exclusive regulations regarding this type of signage. Currently, electoral signs enjoy the benefit of being allowed in any number in addition to any other sign allowance in code and may be a maximum of 32 square feet in size. Considering the generous allowance for this type of sign, staff has no objection to pairing down the size of the maximum display to 16 square feet (which is the maximum size proposed for any other temporary signs).

STAFF RECOMMENDS:

1. Amend definition of a "public sign" by removing "placed by a governmental agency to".
2. Make other amendments, if needed.
3. Consider holding an additional public hearing.

Att: Draft sign ordinance 8.26.11 public hearing

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 11-

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

THE CITY OF HOMER ORDAINS:

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

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

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

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

"Banner-" means a ~~Any-sign~~ of lightweight fabric or similar material that is attached to a rigid structure along its entire circumference ~~mounted to a pole or a building by a permanent frame at one or more edges. A flag, as defined in HCC § 21.60.040, 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 director or directions or capable of being rotated or moved.~~

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

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

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

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

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

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

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

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

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

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

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

79 "Incidental sign-" means an A sign, generally informational, or directional sign that is
80 incidental and subordinate has a purpose secondary to a principal the use of the lot on which
81 it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar
82 directives. No sign with a and that bears no commercial message that is legible from outside
83 that a position off the lot on which the sign is located shall be considered incidental.

84 "Lot." See HCC § 21.32.030.

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

P:\PACKETS\PCPacket 2011\Ordinance\Sign\Draft Sign Ord. 8.26.11 Public Hearing.docx

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

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

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

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

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

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

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

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

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

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

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

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

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

"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-" 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 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:

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

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

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>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, <i>e.g.</i> , "(a)," <i>see</i> 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.]

P:\PACKETS\PCPacket 2011\Ordinance\Sign\Draft Sign Ord. 8.26.11 Public Hearing.docx

180

Sign Type	RR	UR	RO	INS (a)	CBD	TC	GBD	GC 1	GC 2	<u>EEM</u> <u>U</u>	MC	MI	OSR
<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>
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
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
<u>Building</u>													
Banner	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
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>
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>
Incidental (c)	N	N	<u>AP</u> (f)	<u>AP</u> (c)	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>A</u>	<u>AP</u>	<u>AP</u>	N
Marquee (g)	N	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N
Projecting (g)	N	N	N	N	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>P</u>	<u>PS</u>	<u>PS</u>	N
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>
Roof	N	N	N	N	N	N	N	N	N	<u>N</u>	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
<u>Suspended (g)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>		<u>S</u>	<u>S</u>	<u>N</u>
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>
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>
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
<u>Miscellaneous</u>													
Banner (c)	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
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>
Portable	N	N	N	N	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>		<u>S</u>	<u>S</u>	N

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

P:\PACKETS\PCPacket 2011\Ordinance\Sign\Draft Sign Ord. 8.26.11 Public Hearing.docx

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

Table 2 Part B

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

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

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

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

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

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

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

One business or occupancy in one building – 36 sq ft

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

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

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

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

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

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

P:\PACKETS\PCPacket 2011\Ordinance\Sign\Draft Sign Ord. 8.26.11 Public Hearing.docx

Notes to Table 3

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

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

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

b. Applications. An application for a sign permit shall be submitted to the Department on an application form or in accordance with application specifications published by the Department. An application for a permit for a sign that is not an off-premise sign shall be submitted by the owner of the lot where the sign is to be located, or by a tenant leasing all or part of the lot when the sign names, advertises, or calls attention to a business, brand, product, service or other commercial activity of the tenant.

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

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

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

2. Reject the sign permit if a sign that is the subject of the application fails in any way to conform to the requirements of this chapter. In case of rejection, the Department shall specify in the rejection the section or sections of this chapter to which the sign does not conform.

Section 8. Homer City Code 21.60.090, Signs in the public right-of-way, is amended to read as follows:

21.60.090 Permanent sSigns in the public rights-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:

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

- 251 a. ~~Permanent Signs. Only the following permanent signs, including:~~
252 ~~a1. Official traffic control devices.~~
253 ~~b. Public signs erected by or on behalf of a governmental body to post legal notices,~~
254 ~~identify public property, convey public information, and direct or regulate pedestrian or~~
255 ~~vehicular traffic;~~
256 ~~c2. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;~~
257 ~~and~~
258 ~~d3. Signs containing commercial messages that have been must be approved by the~~
259 ~~State of Alaska Department of Transportation, Tourist Oriented Directional Signing Program.~~
260 ~~b. Temporary Signs. Temporary signs for which a permit has been issued in~~
261 ~~accordance with HCC § 21.60.140, which shall be issued only for signs meeting the following~~
262 ~~requirements:~~
263 ~~1. The signs shall contain no commercial message; and~~
264 ~~2. The signs shall be no more than two square feet in area each.~~
265 ~~3. Notwithstanding (1) and (2), such signs calling attention to civic events~~
266 ~~shall be no more than four square feet in area, if freestanding, or if street banner, may not~~
267 ~~exceed the width of traveled portion of road.~~
268 ~~e. Emergency signs. Emergency warning signs erected by a governmental agency, a~~
269 ~~public utility company, or a contractor doing authorized or permitted work within the~~
270 ~~public right-of-way.~~
271 ~~d. Other Signs Forfeited. Any sign installed or placed on public property, except in~~
272 ~~conformance with the requirements of this section, shall be forfeited to the City and subject to~~
273 ~~confiscation. In addition to other remedies hereunder, the City shall have the right to recover~~
274 ~~from the owner or person placing such a sign the full costs of removal and disposal of such sign.~~

275
276 Section 9. Homer City Code 21.60.100, Signs exempt from regulation under this chapter,
277 is amended to read as follows:

278
279 21.60.100 Signs exempt from regulation under this chapter. The following signs shall be
280 exempt from regulation under this chapter:

- 281 a. Any sign bearing only a public notice or warning required by a valid and applicable
282 federal, state, or local law, regulation, or ordinance.
283 b. Any emergency warning signs erected by a governmental agency, a public utility
284 company, or a contractor doing authorized or permitted work within a public right-
285 of-way.
286 c. Any sign inside a building, not attached to a window or door, that is not legible from a
287 distance of more than three feet beyond the lot line of the lot or parcel on which such sign is
288 located,
289 d. Works of art that do not contain a commercial message;
290 e. Holiday lights between October 15 and April 15;

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

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

294 gf. Signs in existence before February 11, 1985, but such signs shall not be replaced,
295 moved, enlarged, altered, or reconstructed except in compliance with this chapter.
296

297 Section 10. Homer City Code 21.60.110, Signs prohibited under this chapter, is amended
298 to read as follows:
299

300 21.60.110 Signs prohibited under this chapter. All signs not expressly permitted under
301 this chapter or exempt from regulation hereunder in accordance with HCC § 21.60.100 are
302 prohibited in the City. Without limiting the foregoing, examples of prohibited signs include:

- 303 a. Beacons;
304 b. Pennants;
305 c. Strings of lights not permanently mounted to a rigid background, except those exempt
306 under HCC § 21.60.100;
307 d. Inflatable signs and tethered balloons;
308 e. Animated signs that are neon, change colors, or exceed three square feet in area;
309 f. Placement of hand bills, flyers, or bumper stickers on parked vehicles other than by
310 owner;

311 g. A sign on a motor vehicle or trailer that is parked on or off a business premises
312 for the primary purpose of displaying the sign. It will be presumed that a motor vehicle or
313 trailer bearing a sign is parked for the primary purpose of displaying the sign if the sign is
314 both:

- 315 1. Legible from a public right-of-way at a distance of 100 feet or more, and;
316 2. The motor vehicle or trailer is parked at the same location continuously
317 for four or more hours, or on a recurring daily schedule.

318 hg. Abandoned signs, which shall be removed by the owner or lessee, if any, of the lot
319 upon which the signs are located. If such owner or lessee fail to remove such signs after an
320 opportunity for a hearing before the Planning Commission and fifteen days written notice to
321 remove given by the City, then (i) the owner or lessee has committed a violation, and (ii) the City
322 may remove the signs and collect the cost of removal from such owner or lessee, who shall be
323 jointly and severally liable for such cost.
324

325 Section 11. Homer City Code 21.60.120, General permit procedures, is repealed.
326

327 Section 12. Homer City Code 21.60.130, Temporary signs-private property, is amended
328 to read as follows:
329

330 21.60.130 Temporary signs-~~Private property.~~ a. General. All temporary signs are
331 subject to the following requirements:

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

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

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

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

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

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

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

345 1b. The sign may not be an off-premise sign.

346 2. There may be no more than Only one such temporary sign per lot is allowed.

347 3. The purpose of the sign shall be limited to the following

348 i. Advertising the property on which the sign is located for sale or for
349 rent; or

350 ii. Advertising a temporary sale of household goods on a lot occupied
351 by a dwelling.

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

354
355 Section 13. Homer City Code 21.60.140, Temporary signs-Public right-of-way, is
356 repealed.

357
358 Section 14. Homer City Code 21.60.150, Time of compliance-Nonconforming signs and
359 signs without permits, is amended to read as follows.

360
361 21.60.150 Time of compliance-Nonconforming signs and signs without permits. a.
362 Except as otherwise provided herein, the owner of any lot or other premises on which exists a
363 sign that does not conform with the requirements of this chapter or for which there is no current
364 and valid sign permit must remove such sign or, in the case of a nonconforming sign, bring it
365 into conformity with the requirements of this chapter.

366 b. Signs that were prohibited by Ordinance 84-33(S), as amended by Ordinances 86-18,
367 89-8 and that are prohibited in this chapter are illegal and must be removed immediately.

368 c. Any sign that was constructed and continues to be maintained in accordance with the
369 applicable ordinances and other laws that existed prior to an amendment to this code, but which
370 becomes unlawful as a result of an amendment to this code, is lawfully nonconforming. A sign
371 that is lawfully nonconforming under this subsection may remain in place and continue to be
372 maintained **until the information on the face of the sign is changed, or for a period of three**
373 **years** one-year after the effective date of the amendment, **whichever occurs first.** If any action

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

P:\PACKETS\PCPacket 2011\Ordinance\Sign\Draft Sign Ord. 8.26.11 Public Hearing.docx

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 January 1, 2012.

Section 15. Homer City Code 21.60.160, Violations, is repealed.

Section 16. Homer City Code 21.60.170, Enforcement and remedies, is amended to read as follows:

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.

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

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.~~

e. ~~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 17. Sections 1 through 16 of this Ordinance are of a permanent and general character and shall be included in the City Code.

Section 18. This Ordinance shall become effective on January 1, 2012.

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

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

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

P:\PACKETS\PCPacket 2011\Ordinance\Sign\Draft Sign Ord. 8.26.11 Public Hearing.docx

458

459 Reviewed and approved as to form:

460

461

462

463 Walt E. Wrede, City Manager

464 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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

Shelly Rosencrans

From: Alaska's Hallo Bay Bear Camp [hallobay@acsalaska.net]
Sent: Friday, September 02, 2011 9:11 AM
To: Jones, Kevin L (DOT)
Cc: High, Carl S (DOT); Simpson-Golden, Danika L (DOT); Bailey, Jennifer L Q (DOT); millimom@xyz.net; Department Planning
Subject: Re: Signage on State property and Roadside Trailer Advertising
Attachments: hallobay.vcf

Good Morning Kevin,

Thank you for your response to my letter of comment on the upcoming Sign Commission Meeting.

As a property and business owner in Homer and Kenai Peninsula Borough, I appreciate the opportunity to give my opinion regarding questionable signage practices in my Community and Borough.

I have now done my part as a resident of Homer to keep our small community looking neat and orderly to our residents and all who may chance to visit. There is nothing more I can do now, except to put my faith and trust that others have more foresight than I in these matters of maintaining a semblance of order in our wonderful Community, Borough and State.

Sincerely,

Clint Hlebechuk

On 9/1/2011 12:06 PM, Jones, Kevin L (DOT) wrote:
Mr. Hlebechuk,

I apologize I wasn't able to respond sooner but schedules and work load have been very hectic here. I was able to complete a fence line inspection of the Homer Airport this morning just to ensure that nothing had changed, and all signage I saw is still in compliance with current State regulations. An airport property leaseholder or sub-leaseholder is allowed approved signage for their place of business on airport property. The signage can be placed on the fence line that fronts the lease lot and/or on their building/hangar. All signage I observed this morning met this criteria. I also inspected the Sterling Highway from milepost 169 to the end of the Homer Spit and I was not able to locate any trailer mounted portable advertising. Between local maintenance and our Right of Way department we deal with this type of issue a lot. Due to manpower constraints and other priorities we're not always able to correct the issues as fast as we'd like to, and depending on the situation some of these types of signs are not illegal. If you'd like more information on the current State regulations regarding our Right of Way, please contact Danika Simpson-Golden at 269-0700. If you'd like more information regarding airport regulations, feel free to contact myself or Jennifer Bailey in Aviation Leasing at 269-0742. Thank you.

Kevin Jones
State of Alaska D.O.T
Homer Airport Manager
235-5217

From: Alaska's Hallo Bay Bear Camp [mailto:hallobay@acsalaska.net]
Sent: Tue 8/30/11 9:54 AM
Subject: Fwd: RE: Signage on State property and Roadside Trailer Advertising

FYI and update: Roadside Trailer advertising has been reported at Homer Spit and more recently again, on the Sterling Hwy entering Homer. Apparently some have learned how to use the system, no concern for our community or community pride, but rather how much can they get before heading south.

Clint Hlebechuk

----- Original Message -----

Subject:RE: Signage on State property and Roadside Trailer Advertising

Date:Tue, 30 Aug 2011 06:47:16 -0800

From:Milli <millimom@xyz.net>

To:'Alaska's Hallo Bay Bear Camp' <hallobay@acsalaska.net>

Clint: Please forward this to: High, Carl S carl_high@dot.state.ak.us, and to Paul Seaton and Sen. Stevens. Carl is superintendent of DOT on the Peninsula. It wouldn't hurt to cc to Keven Jones kevin_jones@dot.state.ak.us as well, he heads up the DOT at the airport.

These guys don't give up, do they?????

milli

From: Alaska's Hallo Bay Bear Camp [<mailto:hallobay@acsalaska.net>]

Sent: Monday, August 29, 2011 8:34 PM

To: planning@ci.homer.ak.us

Subject: Signage on State property and Roadside Trailer Advertising

To: Homer Advisory Planning Commission

RE: Your letter of August 26th inviting comments.

I wonder if it may be possible that Alaska could lose their Federal Highway Funding for failure to enforce the Federal Highway Beautification Act because of the ongoing roadside advertising? Perhaps this is something we might want to look into.

Scenario #1 Homer Airport Security Fence: (attached photo #1)

The Homer Airport fence, the entire length of FAA Drive, can you envision the advertising potential of dozens of companies placing banners like these shown in the photos the length of FAA Drive or worse, the entire airport perimeter. If one company is allowed to do this, then everyone should have the opportunity to place signage upon this State owned fence because in essence, we all own it. Perhaps "the fence" might become the "New, End of the Road Homer Community Billboard".

Is it possible that Homeland Security may have input to this type of signage in addition to the State of Alaska who seems to be the owner of the security fence? I mean if anyone can nail their business sign on a State of Alaska Airport fence with impunity, others could certainly ramp that ability up to a myriad of other State properties.

I believe State inspectors should demand the removal of these flapping banners. Perhaps the flapping sign owners could paint or attach their sign onto their building like the rest of Homer businesses. Why are they allowed special treatment?

On the other hand where does one apply for the permit to place their Homer business banners on this lucrative advertising space or does one just place their flapping banner on the now "suggested" rigid surface on any

available part of the fence because no one will enforce some common sense rules? I wager some company like "Cupid.com" would love to put a 50 foot banner on an Alaska Airport security fence or perhaps "Trojan Condoms" who have been advertising quite vigorously on the TV lately. Now wouldn't that make us all proud Homer citizens. Maybe we can join the UGLIEST SIGN IMAGE CONTEST, Homer could win! ENTER HERE

Personally, I do not rightfully believe any banners or signage should be placed upon a fence which serves as a security barrier to our local airport.

Please, would someone with someone with a little common sense and community pride please step up and enforce the clean up our Homer Airport security fence so we to can have a little pride in our community.

Scenario #2 Roadside Advertising on the Sterling Highway

(attached photo #2 trailer parked in Sterling Highway rest area)

This type of advertising needs to be controlled or variations of it are going to become very popular very soon and you know what, there are no limits to how big these can go. A 40' foot van, two or three 40' foot vans end to end would make an astounding roadside sign and there is not a thing that currently can or is being be done about it. You have just seen the tip of the iceberg here, more is coming.

Here is a sample Essex and Here is another and Another

Buy A Moveable Trailer Advertisement Here

I believe the main problem with the various sign issues is the City and State are doing too little, too late and now we have an ugly growing problem that is very soon going to be totally out of control. Mark my words, just do nothing and watch our community began taking on the persona of a Mexican border town and our property values start declining.

You best check into you Scenic Byway funding here as well to see that its rating and or funding is not injured by some non-resident business showing us Alaskans how they do sign business in California.

To the Sign Planning Commission, I suggest that you have a fair ways yet to go to properly address the signage issues and problems in the works and yet to come. Your current effort is appreciated, but as a property owner in Homer, I am very disappointed in what I consider a very lackluster approach with the "proposed sign code changes".

Thank you for your time

Sincerely,

Clint Hlebechuk
290 Crestwood Circle
Homer, Alaska 99603
907-235-1599

Shelly Rosencrans

From: Dotti Harness
Sent: Tuesday, August 30, 2011 8:35 AM
To: neonman@ptialaska.net
Cc: Shelly Rosencrans; rabboud@ci.homer.ak.us
Subject: RE: Homer's Sign Code

Darby,

Thank you for taking the time to comment.
We'll forward your comments to the Planning Commission.
There will be several public hearings so stay tuned.

Dotti Harness-Foster
City of Homer
Planning and Zoning Office
435-3118

-----Original Message-----

From: neonman@ptialaska.net [<mailto:neonman@ptialaska.net>]
Sent: Friday, August 26, 2011 8:19 PM
To: Dotti Harness
Subject: Re: Homer's Sign Code

Hi Dotti -

Since I will be unable to attend this meeting, I wanted to give some feedback that I hope will be taken under consideration.

In response to the sandwich board signs, I agree that in general these are a problem. For those businesses that are established, making them mount their signs is a great idea. However, for those small and/or newer businesses, sandwich boards may be their only option to advertise until they get their business up and running in order to be able to afford mounted signs. I hope that these small/new businesses won't suffer due to larger, more established businesses who have taken advantage of cheap sandwich board signage.

In this case, I would propose that any business that is older than two years old and/or larger than a certain size would be required to have mounted signage. I would like to see new/small businesses have the option to keep sandwich boards until they too meet the two year/size requirements for mounted signs.

As for flapping banners, these absolutely should be mounted on better backing.

Thank you for letting me give my input into this matter.

Sincerely,

Darby Evans
Neon of Alaska
Anchorage, AK
907-248-0185

> You are receiving this email because you are a business owner in Homer
> or have indicated interest in Homer's Sign standards.
>
>
>
>
>
> The Homer Advisory Planning Commission has proposed changes to the
> Sign Code.
>
>
>
> There will be a presentation on Wed., September 7, 2011 at 6:30pm at
> City Hall that covers the basic proposed changes. Immediately
> following the presentation there will be a Public Hearing.
>
>
>
> For specific questions, I welcome you to make an appointment to see
> how the proposed changes could affect your business. Helpful during
> the appointment will be sign and building measurements.
>
>
>
> The Draft Ordinance is on the Planning Departments web site:
>
> <http://www.cityofhomer-ak.gov/planning>
>
>
>
> You can submit comments via:
>
> Fax: 235-3148
>
> Email: planning@ci.homer.ak.us
>
> Mail: 491 E. Pioneer Avenue, Homer, Alaska 99603
>
>
>
> Dotti Harness-Foster
>
> City of Homer
>
> Planning and Zoning
>
> 907-235-3106
>
>
>
>

Shelly Rosencrans

From: Bearypatch [bearypatch@ak.net]
Sent: Tuesday, August 30, 2011 5:10 PM
To: Department Planning
Subject: Thoughts to ponder!

Dear Planning & Zoning Council,

It has come to my attention that you are looking at removing sandwich boards in our town and changing business sign sizing.

I drove down Pioneer street yesterday and counted 7 sandwich boards, including mine, at The Ivory Goose Antique and Tea Emporium. Not one of them were in the pedestrian walk way/bike path. However, there are two of us that only have our sandwich boards out during our business hours. We bring them into our shops during none business hours. We believe this to be appropriate. Since we do not need to advertise while closed.

Since I personally have laid out a very large sum of money to have my sign hung on an attractive wooden frame, paid a rather large amount of money to have a specialty sign painted to put on that frame, I am not willing to comply with any changes to said signage. So...this letter is to inform you that I believe I like my sign just the way it is.

Now to the problem with signs in Homer. Over all...most of the business in Homer have tried to have attractive signs professionally designed. However, there are a few business signs out there that need to be culled out.

I personally don't think that taping words for a sign is too professional. If one can afford paint to paint scenery, one should think about painting the signage. Paper signage written by hand isn't acceptable, either.

I am not sure how in the world some of these signs passed the city code that stands. I like many of the other business owners have complied. I think that most of the signs in Homer are lovely. There are a few exceptions!

You must remember that Homer is a artist community, given to rare ideals and creative freedoms. Yes, we need guidelines to our signage for business. We do not need to become as neighboring communities, or Anchorage is having billboards/business complex multi-listings/plastic lit signage.

I believe we need to keep with a colorful artistic signage theme and as well as our building. My customers of 18yrs. have appreciated our individuality, here in Homer.

We need to clean up our lots and business properties more than anything. Why don't you spend time on that issue?

Most sincerely,

Coletta Walker
The Beary Patch Bed & Breakfast
The Ivory Goose Antique Emporium
P.O. Box 1544
Homer, Alaska 99603
907-235-2483
cell 299-2992

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 7, 2011

Session 11-13, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:01 p.m. on September 7, 2011 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT

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

There were no public comments.

RECONSIDERATION

- A. Reconsideration by Commissioner Dolma on the motion to amend HCC 21.60.095 electoral signs may not exceed 16 square feet.

DOLMA/HIGHLAND MOVED TO RECONSIDER THE MOTION TO AMEND HCC 21.60.095 ELECTORAL SIGNS MAY NOT EXCEED 16 SQUARE FEET.

Commissioner Dolma said he wants to make sure everyone understands the effects this ordinance will have and consider the enforcement issues that might be involved.

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

Motion carried.

ADOPTION OF CONSENT AGENDA

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

1. Approval of the August 17, 2011 minutes
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030 g
4. KPB Coastal Management Program Reports
5. Draft Decision and Findings for A Request for a Conditional Use Permit for the Homer Transfer Facility to Construct a ne 9600 sf building at the Borough solid waste site at 3300 Sterling Highway to Consolidate and Bale Solid Waste in Preparation to Transfer to the Central Peninsula

The Consent Agenda was approved by consensus of the Commission.

PRESENTATIONS

A. Proposed Sign Code Changes, Rick Abboud, City Planner

City Planner Abboud made his presentation about the sign code changes. It was a summary preview of the amendments scheduled for the public hearing.

REPORTS

A. Staff Report PL11-97, City Planner's Report

City Planner Abboud reviewed his staff report.

PUBLIC HEARINGS

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

A. Staff Report PL 11-93 Draft Sign Code Amendments

City Planner Abboud reviewed the staff report.

Dan Smith, city resident and a barber in town, is new to Homer. He received the notice regarding the sign code amendment and there is a lot he doesn't agree with. When he first started here a year ago he sat and waited. He decided to do what he did in Oregon and had a sandwich board made, and his business increased 50% or more. They had a nicer sign made which has brought in more business. He sees that they are taking things away, but wants to know what they propose replacing it with. He has talked with a friend of his who is in a similar position and they have considered leaving. He sees that the Commission has talked about how sandwich boards are pushing the pedestrians and bicycles into traffic. He has never seen that as an issue, he hasn't heard of anyone being hit because of it. The Legends sandwich board sign is about 4 feet off the sidewalk and disturbs no one. It is well designed, brings in a lot of business, and does not impede pedestrian or bicycle traffic.

Scott Fraley, city resident, appreciates that Commission is made up of reasonable people. He is not upset but would like to voice his opinion. He grew up in Homer and appreciates it a lot. It was mentioned that the sandwich boards are in the way and he doesn't think they are, but could be moved to the side if needed. The idea that it is an eyesore is fairly off base. There are plenty of things in the town that are an eyesore, and sandwich boards are the last on that list, yet the Commission chose to make rules about them. What are we doing about Waddell's place at the corner across the street from McDonalds; it's a big eyesore with all the junk. The Cousin's place on the spit, that is a gigantic eyesore and what are we doing about that. This is punishing businesses. Having grown up in this town he has seen friends he graduated with aspire to start a business and here they are being punished. He is curious to know the Commission's mission and their purpose. He would like to see it written out and have the Commission draw their direction from that. They need to help the community flourish and a big part of the community is its businesses. We have plans and dreams as a city that includes things like the public library, and city hall, but how will we fund it if we are shutting down businesses by limiting signage.

Bob Phillips, city resident, commented the biggest eyesore that he saw today was a voting sign of 42 feet when a business can only have 16. People come to Alaska because it is a place where you have a little bit of freedom. You can enjoy your life, and if you don't like it you should go to New York and play with your signs. He thinks this is totally ridiculous, he doesn't see where sandwich boards have interfered with anybody. We have so many ugly buildings on the main drive. This is a town that brings tourists in and it could be an eye appealing town. There are so many empty stores that need paint, the eyesore is on the spit where the boats are, and he doesn't see tourists complaining about signs on buildings out there. They are coming here to enjoy the city. The people who are complaining are the ones who don't have businesses and drive around drinking their lattes. What about grandfather rights on signs that are already up? Do they have to come down? Does our opinion really matter, or are minds already made up? He sees City signs that are oversized, like the one going into the dog catcher area. So will you take it down and re-do it? We need to make our town presentable and work on the visual problems we have instead of hurting businesses. The country's economy is falling apart and he doesn't think we need to add to the problem.

Adrienne Sweeney, city resident, commented that her family has owned businesses in Homer for over 80 years and her great grandmother would be appalled at the anti business attitude and regulations that keep cropping up in this town. Mrs. Sweeney has 18 employees who depend on her to survive. Over just a few years Homer has succeeded in regulating the canneries and the jobs that went with it out of this town, increased the cost of water to businesses over 100% in one year, and now more federal regulations are hurting our charter boat businesses. She believes that every small business in Homer is struggling right now and with the way our economy is going, things are not looking good. We do not need more sign regulations right now to hurt our businesses. Right now we need the City to help small businesses survive so we can keep providing jobs in this community. In this economy we should be thinking of ways to stimulate growth in the business community, not creating regulations that are going to hinder businesses. She said she checked with the police department and they have not had a single accident, injury, or safety complaint that they can find a record of. She believes that it is an excuse to get rid of sidewalk signs that help bring business into the small businesses. Nor does she see how limiting on or off premise vehicle signage to four hours a day at a time helps the community. Right now our charter boat operators are struggling and those folks have signs on vehicles they park on the spit when they go out on 12 plus hour days. She is ashamed they are punishing a charter boat operator who is trying to make a living and provide jobs for the community. She is ashamed at the proposal and said the Commission did not do their research. She adamantly opposes both of these proposals and supports anything that helps small business.

Chair Minsch acknowledged that the four hour vehicle parking issue relates to parking regulations in the harbor and will look to clarify the vehicle signage information.

Robert Carpenter, city resident, commented that one thing that needs to be looked at with signage is that it is all about business. Without business, Homer can blow away because without business, people don't show up. We can't eat, pay our taxes, or our utilities. Without advertisement, businesses are word of mouth and he doesn't think we are back in the 1800's where everyone talks to everyone about where they got their hair cut. We look at signs, internet, and telephone books because we are looking for the quick and easy way to get there. He agrees that any sign in the roadway causing traffic problems is a safety issue, but if it is in the grass or not in the direct right-of-way, then the driver did the wrong thing by

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 7, 2011

pulling into the traffic. He found the proposed solution interesting, where sandwich signs are focused on civic events, political advertisements, or for sale or rent sign. He appreciates that for sale or rent signs or civic events do drum up business, but he doesn't see how politician's signs support that. The information says 14 of 90 days are when he can put his sign out. It is .16 of a working quarter and is not very good. There are 14 units in the building he is in so he gets 10 square feet to advertise. Most of the units are empty because they can't advertise. It is something to think about. If you take away advertisement, you take away business, and once again, you take away the people.

Mike Barth, local State Farm agent, commented that he drives the truck with the logos all over it. He acknowledged Chair Minch's comments but the way he reads the information, it seems clear that he can't park his truck in the parking lot of his office for more than four hours. It is completely ridiculous. For him it is a huge objection. He will trust the Commission is going to look at it. He agrees with a lot of people here that the sandwich boards are something we use to drive traffic into our business. He tracks his clients and asks where business comes from and it overwhelmingly comes from the signage out side his building letting people know he is there. It has made an impact for him, as he has only been open three months. For him personally not having the sign would be a detriment to his business. Part of the solution would be state where the signs can be put to avoid safety concerns. He has heard that it cost money and time to regulate it, but he questions what the education has been. He was here three months before he was told what he could do with his sign. It took about five minutes of staff time and the problem was taken care of relatively quickly. He wonders about getting information to new businesses, perhaps something in the chamber welcome packet.

Fred Kaatz, owns the business Stay Tan on Lake Street with his wife. When they opened in December they contacted planning staff to ask specifically what they could and could not do. Based on what he was told he spent about \$700 on a professionally made sandwich board. Not too long after he put it out, they were told it couldn't be in the right-of-way, which takes them 15 feet or more off the street. Originally they were told it couldn't be in the sidewalk and it was three feet off that. The only problem they have had with their sign is that the wind blows it over. His point is that without the sign his business would have had a much slower growth than it has. Now they are told they can only have one sign out there at a time, and there are multiple businesses there. The signs aren't in harms way, they are there to promote business which pays the taxes. Businesses produce, government does not produce. We pay the salary of government and without that, we all know the scenario. He was also told the very person that gave the authority to place the sign there and said he had to move the sign didn't have the authority to tell him to put it there in the first place. It is rather upsetting. The bottom line is they have kept the sign there and have waited an opportunity to address this, and as another gentleman pointed out to allow a sign for 14 of 90 days is ridiculous. There is enough to do in running businesses, maintaining organization and supplies, without having to check off how many days the sign has been out front because of some law that business owners feel is cumbersome, silly, and ridiculous. He thinks the Commission could spend their time on things of much more value to the community. In fairness, allowing a sign to be proportionate to a building is very reasonable, but the rest of the stuff is a burden to business owners.

Karen Austermuhl, with Magic Touch Massage, moved to Homer in May, opened her business in June. She had the same business in Fairbanks. She never had a sign when she was there, all she had to do was put a couple websites up as it is a community of young people who look up

massage on their cell phones and her website comes up. In Homer more people are middle aged who use signs, which she found out the hard way. In the beginning she couldn't figure out why she wasn't getting much business. She put up a sign and people started coming in. When she would meet people who had come to Fairbanks from Homer and ask why they were there, those young people had to leave Homer and go to Fairbanks for work, which is sad because this is a beautiful place with really nice people. To her it looks like this is being turned into a retirement community, not a thriving place for young people to plan to live their life and raise families. Homer is depending on high taxes, where there were none in Fairbanks. If there were more businesses the city could tax less. When she asks people how they found out about her business, 90% of them say I saw your sign when I drove by. She hopes her business thrives and she makes it here. Political signs should be banned, not small business signs.

Kevin Fraley, city resident, makes signs for a living as he owns Printworks and Alaska Sign Express. He finds more and more that he makes a lot of his living outside of Homer because Homer is very anti-sign. It is bothersome to him in the current economic climate, this is yet another advance on businesses thriving. He knows they are not elected and some own businesses trying to make a living in the community as well. He thanked them for their public service as he knows they are doing this as a service to the community. But what they are doing with the sign restriction is not helping the community. Others have made suggestions about things to enhance the community. It would be refreshing to see a city government work hand in hand with the business to grow a community, and develop resources for the government to exist. This is not what you're doing. This is hindering businesses, it is an anti-business ordinance. It is an infringement and restriction on business owners being able to do what they do, which is to generate revenue, pay employees, pay taxes, and pay our city government that is struggling to fund itself. Deficits and struggling governments seem to be a problem across our nation. It is shocking to him they can't see this is the kind of thing that causes that. We need to think about the trash and vehicles that are piling up in front of homes and businesses. He can understand restricting signs to create certain flavor in a community but a lot of this is not true with the issues of the sandwich boards.

Joan Philips came here in 1950 and homesteaded. Her kids own the Time Bandit, they have the store on the spit and in town. They build Land's End and the first boardwalk. She thinks they should leave the boardwalks alone. They draw a lot of tourists, people expect there to be signs out there and it to be funky looking, because that is what they are coming for. She thinks they are taking away an atmosphere to make it be little tiny signs and things like that. She thinks we came here to be free and not to be over regulated. Her question to the Commission is if they are going to listen and hear what has been said. She appreciates the work they are doing, but they need to hold it in their heart and conscience to listen to what people are saying. She feels kind of tired of Homer when they put things to vote, the people vote, and then a few people in power don't let it happen. That is very wrong. She hopes Homer can be a place that grows, is unique, and not be over regulated. She talks to people from all over the world who love it here and don't say that signs are too big. They say it is unique and wonderful.

Rob Hyslip, owner of a boardwalk on the spit, agrees with some things that have been said about the eyesores on the spit, the old boats and what not. While he doesn't appreciate all the stuff there, he goes down the spit all the time in the summer and there are people constantly taking pictures. They want different; part of it is the scenic beauty of the mountains and glaciers, and part of it a bunch of derelict boats on the spit that is not like

their homes. The signs are not a hazard; the tourists are more of a hazard. It's cool though, it is what they are here for. Many people here in the summer are not the local residents, the locals know where the businesses are, but the people who come here on vacation are depending on signs. He agrees that we don't want a bunch of giant billboards all over the place because we don't want to look like where they are from. It is important to be able to have signs so people can find places. It is good to have regulations, but let's not regulate ourselves into the ground.

Marie Bader, city resident, commented that there is a sticker that says "Homer, were here, because were not all there." She finds a lot of solace in that sticker. The businesses around here that want to put out a little sandwich board, God bless 'em. It's the summer, put them out. It isn't a safety hazard. She gets a little irritated though with temporary fly by night businesses that zoom in for the weekend with four or five sandwich boards, then they are gone. Do they have to go to planning office to find out what the ordinance is? Regarding the flapping banners, she has a banner and she doesn't want it banner to flap. But we have wind here and can't help it if our banners flap. She would hate to get zapped for a flapping banner. Lastly she commented that she would like to paint her building to avoid the signage, with care, like some other buildings have done. She noted the halibut on Bob's Trophy Charters. He probably doesn't have to worry about a sign as his whole wall is one. These are just things to think about. And again, Homer, were here, because were not all there, and she doesn't want to be a Time Square.

Jackie Dentz, owner of Frosty Bear Ice Cream Parlor on the spit, said she drove the spit yesterday and found every single business out there, with the exception of Finn's Pizza, is not in compliance according to the rules as they read. The spit is a fairy land of unique businesses and tourist attractions. Why would you want to slap the hand that feeds by making so many rules to further handicap businesses? These brave owners who operate for the city's financial benefit, collecting and paying taxes, have a very limited time frame, experience this reality of economic depression and horrific weather to work around, the recent events of losing 1/3 of our charter fleet, not to mention going to one fish allocation, and living daily with the possibility of a tsunami that would eliminate all business on the spit. The city obviously can not and does not enforce current codes, so why do you want to make more, and why attack the spit, a huge revenue resource in the continuing failing debacle of sign code enforcement. Unless you walk in her shoes, you have no idea what she endures as a business owner in this little man eating hamlet by the sea. They need to know she works very hard to pay her taxes, collect sales tax, be in compliance with state and federal mandates, labor laws, ABC Board regulations, DEC mandates, Workman's comp, all consuming audits, plus insurance after insurance. All these take her money and now they are spending the money she is earning for the city foolishly in the fact that we are even having this meeting. She agrees regulations are important to a point, but they have overstepped their bounds. What she wants to point out is that a very important thing happened this summer that needs to be addressed, a false alarm for a tsunami. Not one person did anything but point fingers. When they thought there was an emergency, no one knew how to evacuate the spit. The city needs an evacuation plan, she lives and works out there and doesn't know what the plan is, but all traffic should become one way off the spit, the police should have put up barricades to stop on going flow. They don't have their priorities in the right place. This is pushing people out of business. And as an aside the DOT should put a turnout for people to take pictures of Cousin's boat.

Cherise Hyslip, boardwalk owner on the spit and also an artist, commented she knows that with art there is a huge opinion of what is and is not an eyesore and she considers her signs

the same. We have thousands of people taking pictures of our quaint little fishing village, it is beautiful. There are times when banners flap, like after the 50 mph winds from the previous night. Their banners flew down, but they are back up straight today. She asked the Commission to please work with the business owners. It is so hard to make a living as a small business owner, so please help us.

Bill Smith commented that in the past the City did erect a sign which was contrary to the height and size limits enacted by City, and after pressure from a specific planning commissioner, the sign was removed. The City is not exempt from its own sign regulations in his opinion. 16 sf for political signs would be great in his opinion. When addressing banners and flapping, they are defining a banner as one that's attached to a rigid structure along the circumference, but don't say that banner material has to be attached. In dealing with building signs on line 48, he thinks it should say it means a sign that is attached to and/or supported by the building. Line 74-76, ground sign basically says when sign people put up a sign they may not put a solid foundation and only a skirting giving the appearance of a solid foundation. That's why he put that original language is in there. The marquee sign language is unclear so they can review it and think about it. Line 96 off premise signs has been discussed before because the real word is premises when you are talking about a building or a place. It is used differentially throughout the document. Public signs, staff suggest retaining the intent and language of public sign, which we put in the sign code to allow the business on Pioneer or Old Town to erect in the public right-of-way a directional sign where certain parts of the community may be located that may otherwise be bypassed going to the spit. Line 116 he likes staff's suggested substitute. He doesn't see a definition for roof signs, and there is code about them. Perhaps not even distinguish between interval roof signs and roof signs at all. The graph addresses free standing sign may not exceed 10 feet in height, and interpretation in other parts the 10 feet calculates from the road grade, which can result in signs exceeding dimensional requirements other businesses are allowed to have.

Al Waddell, city resident, introduced himself as the guy who owns that crazy corner. There are six wonderful acres that his family has owned for 58 years, along with 2.1 acres behind the post office. The rest of it is long gone, sold off to pay taxes and take care of things. He understands the definition of government is to do something for the people they can not do for themselves. "We the people", he firmly believes we all understand where that comes from. He and most here firmly believe we do not need anymore restrictions on our chances to do business in Homer. Signs are a necessary part of business. When he bought his signs, he heard a neat slogan; a sign with no business is a sign of no business. Whether it's a blow up snowman at Christmas, which they were told was illegal after it had been up for 18 years, are they going to be allowed to have Christmas trees or things like that on their property? We don't need anymore government trying to run our business, times are tough enough. Most, if not all, people here try to do business and pay taxes to help pay City of Homer wages to their workers. This year his business's gross is equivalent to the year 2000. Taxes, water bills, light bills, freight, propane, gas, and food bills all have soared in these past 11 years. He and his wife received their 2011 tax bill for \$26,871 for property tax, and guess what? They don't have it. They will have to pay the penalty and huge interest charge this year but will pay their mortgage, probably by melting the jewelry in the store. Do you really think they need more restrictions? After 58 years of ownership of their property, they quit. All the property is for sale.

Michelle Barling, owns Ocean View RV and Gift Shop, and also Jelly Beans with her mother. They have a sandwich sign in front of their business. The RV Park has 100 sites that are full in

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 7, 2011

June and July with an average 2 day stay. They promote businesses through town and with the sandwich board sign they are able to pull in more business. This new ordinance would hinder their business. We need to pull together and work together as a community, not be hindered and separated, especially with the economy the way it is. She hopes the Commission has listened to everyone and hopes they will take it to heart. We are all in the same boat as one community.

Chip Duggan, city resident, commented that he just bought his third business, and he doesn't know why. He questioned why it is safe to have sandwich boards for political signs and for sale signs, but not safe for anyone else. And how can a Realtor go and advertise all over town with every for sale sign they have. He said he has a lot of realtor friends who won't like that he said that, but oh well.

There were no further comments and Chair Minsch closed the public hearing, with the comment that there will be another one scheduled in the near future.

MINSCH/ERICKSON MOVED TO TAKE THE DRAFT SIGN ORDINANCE BACK TO A WORKSESSION FOR MORE DISCUSSION BEFORE THE NEXT PUBLIC HEARING IS SCHEDULED.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

A. Staff Report PL 11-94; Tietjen Lot F-2 Subdivision Preliminary Plat

City Planner Abboud reviewed the staff report. He corrected that Dmitri D. Kimbrell, RLS is the surveyor for this plat, not Roger Imhoff, RLS.

VENUTI/BOS MOVED FOR ADOPTION OF STAFF REPORT PL 11-94 TIETJEN LOT F-2 SUBDIVISION PRELIMINARY PLAT WITH STAFF FINDINGS AND RECOMMENDATIONS.

There was brief discussion that everything seems to be in order.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report PL 11-95, Anderson 1980 Sub L&J Addition Preliminary Plat

City Planner Abboud reviewed the staff report.

There was discussion that the applicants are trying to correct an issue of the house encroaching onto the next lot and address the utility easement.

BOS/VENUTI MOVED TO ADOPT STAFF REPORT PL 11-95, ANDERSON 1980 SUB L&J PRELIMINARY PLAT WITH STAFF FINDINGS AND RECOMMENDATIONS.



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 11-82

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: August 3, 2011
SUBJECT: DRAFT sign ordinance

General Information

The City Attorney has compiled the latest draft of the sign ordinance. I still believe that a few adjustments are in order. The adjustments are a result of a few things that include transmission of wishes and interpretation of the various groups working on this ordinance. The attorney has made some changes as a result of Planning Commission, Planning Staff, and legal review of the various concepts. It seems that all of the groups (Planning Commission, staff, and Attorney) are challenged with the interpretation of one another. So, bear with me the best you can and we will get through this. I plan on having the Attorney available for questions at the work session. I am hoping that after digesting the responses, we will be ready to make the final amendments and forward the ordinance for public hearing. Please make careful notes of all your concerns.

Summary of the latest version

Lines 38-39, Banner – made banner acceptable in rigid format only, no strings.

Lines 135-136, Temporary Sign- we still have a reference to balloons and umbrellas. Staff is not supportive of reference to balloons and recommend striking it from the ordinance. We are neutral to umbrellas as we really have not had any dealing with such.

Tables – eliminated “suspended”, I am not sure what this is. Also eliminated references to “banner”, listed as wall sign- currently has no ‘miscellaneous’ status and “portable”, eliminated in definitions. Other than that the only other changes are going from P to A and S to P, P for ‘permit needed’ and A allowed w/o permit.

Table 2 – added back the 20% allowance to identify the building or complex of buildings as is now allowed, this was eliminated by Attorney and added back by staff as no direction was provided for its elimination. We do not wish to have the current signage eliminated with this ordinance.

Temporary Signs – all information relocated starting on line 310. According to the current version of the ordinance, all temporary signs are divided into those with a commercial message that those without. They are allowed in any quantity up to the square foot limit for the district where it is found. Commercial messages are limited to those listed on lines 328 through 331 and may not be located off-premise. Political and other signs without a commercial message are now lumped together. If amendments are made to allow commercial messages on temporary signs, staff recommends that a limit of 12 hrs or hours of business operation is allowed.

Staff technical issues with Temporary Signs

- Ordinance states that commercial messages may not be off-site (garage sale/reality)
- Should temporary signs be in addition to sign allowance? In which districts? RR limits signs to 4 square feet.

Lines 352-353, clearly defines when nonconforming signs must comply.

Lines 364-365, ISSUE – this is the Attorney’s attempt to allow for a 3 year grace period for compliance. As I see it, this is not what the Commission requested, which was a grace period exclusively for the multiple buildings on the spit to comply. PROBLEM-It is problematic to codify an exception to an unlawful violation. The signage currently found on many spit properties clearly exceeds any allowance in code, the right to continue can only be granted to currently conforming or accepted nonconforming. We can only grant exception to things that were lawful at inception. This should be a definite point for discussion with the Attorney. I am back to suggest leaving it in the hands of administration to deal with violations as we see fit, unless the Attorney has another suggestion.

STAFF RECOMMENDS:

1. Review and submit questions in advance to planning@ci.homer.ak.us or by calling 235-3106.
2. Discuss various points of contention with Attorney at work session.
3. Make amendments, if needed.

Att: Draft sign ordinance 7.28.11
Table 1 w/o edits

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 11-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.60.040, DEFINITIONS; HOMER CITY CODE 21.60.060, SIGNS ALLOWED ON PRIVATE PROPERTY WITH AND WITHOUT PERMITS; HOMER CITY CODE 21.60.070, PERMITS REQUIRED; HOMER CITY CODE 21.60.090, SIGNS IN THE PUBLIC RIGHT-OF-WAY; HOMER CITY CODE 21.60.100, SIGNS EXEMPT FROM REGULATION 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 fabric or similar material that is attached to a rigid structure along its entire circumference mounted to a pole or a building by a permanent frame at one or more edges. A flag, as defined in HCC § 21.60.040, 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 director or directions or capable of being rotated or moved.

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

P:\PACKETS\PCPacket 2011\Ordinance\Sign\Sign Ord att draft 7.28.11 with Table 1 dhf2.docx

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

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

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

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

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

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

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

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

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

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

77 "Incidental sign-" means an ~~A sign, generally informational, or directional sign that is~~
78 incidental and subordinate has a purpose secondary to a principal the use of the lot on which
79 it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar
80 directives. No sign with a and that bears no commercial message that is legible from outside
81 that a position off the lot on which the sign is located shall be considered incidental.

82 "Lot-" See HCC § 21.32.030.

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

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

P:\PACKETS\PCF\Packet 2011\Ordinance\Sign\Sign Ord att draft 7.28.11 with Table 1 dhf2.docx

"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-premise 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-premise off-premises sign placed by a governmental agency to that provides direction or information, or to identify 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.~~

"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 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.

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

127 "Setback:" means the distance between a sign located on a lot and the closest lot
128 line and the sign.

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

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

134 "Temporary sign:" means a Any-sign that is used only temporarily and is not
135 permanently mounted, including without limitation menu or sandwich board signs.

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

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

144
145 Section 2. The title and subsection (a) of Homer City Code 21.60.060, Signs allowed on
146 private property with and without permits, are amended to read as follows:

147
148 21.60.060 Signs allowed on private property with and without permits. a. Signs shall be
149 allowed on private property in the City in accordance with, and only in accordance with Table 1.
150 If the letter "A" appears for a sign type in a column, such sign type is allowed without prior
151 permit approval in the zoning district represented by that column. If the letter "P" appears for a
152 sign type in a column, such sign type is allowed only with prior permit approval in the zoning
153 districts represented by that column. Special conditions may apply in some cases. If the letter
154 "N" appears for a sign type in a column, such a sign type is not allowed in the zoning districts
155 represented by that column under any circumstances. If the letters "PH" appear for a sign
156 type in a column, such sign type is allowed only with prior approval by the Commission
157 after a public hearing.

158 b. Although permitted under the previous paragraph, a sign designated by a "P" or
159 "S" in Table 1 shall be allowed only if:

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

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

166 c. Any sign that is not listed on the following tables is prohibited ~~are not permitted;~~
167 ~~with or without a permit.~~

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

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)	MC Marine Commercial
CBD Central Business District	MI Marine Industrial
TC Town Center District	OSR Open Space Recreation
	PS Public Sign Uses Permit
AP = Allowed without sign permit	
PS = 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.	

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

REST OF PAGE INTENTIONALLY LEFT BLANK

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

P:\PACKETS\PCPacket 2011\Ordinance\Sign\Sign Ord att draft 7.28.11 with Table 1 dhf2.docx

Sign Type	RR	UR	RO	INS (a)	CBD	TC	GBD	GC 1	GC 2	CM	M I	OS R	PS
Freestanding													
(b) Residential	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	N	N	N	N	<u>PA</u>	PH
Other (b)	N	N	N	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u> (k)	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	N	PH
(c) Incidental	N	N	<u>PA</u> (d)	<u>PA</u> (d)	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	N	N
Building													
Banner	N	N	N	N	<u>SP</u>	<u>SP</u>	N	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	N	N
Building Marker (e)	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	N
Identificati on (d)	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	N
(c) Incidental	N	N	<u>PA</u> (f)	<u>PA</u> (c)	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	N	N
Marquee (g)	N	N	N	N	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	N	N
(g) Projecting	N	N	<u>NP</u>	N	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	N	N
(b) Residential	<u>PA</u>	<u>PA</u>	<u>PA</u>	N	<u>PA</u>	<u>PA</u>	<u>PA</u>	N	N	N	N	<u>PA</u>	N
Roof	N	N	N	N	N	N	N	N	N	N	N	N	N
Roof, Integral	N	N	N	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	N	N
(g) Suspended	N	N	N	S	S	S	S	S	S	S	S	N	N

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

P:\PACKETS\PCPacket 2011\Ordinance\Sign\Sign Ord att draft 7.28.11 with Table 1 dhf2.docx

(h)	Temporary	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>PP</u>	<u>PP</u>	<u>SP</u>	<u>PP</u>	<u>PP</u>	<u>PP</u>	<u>P</u>	<u>NP</u>	<u>NE</u>	Formatted: Strikethrough
	Wall	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>S</u>	<u>PA</u>	<u>PH</u>	
	Window	N	N	<u>PA</u>	N	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>S</u>	N	N	
	Miscellaneous														
	Banner(e)	N	N	N	N	S	S	S	S	S	S	S	N	N	
	Flag (i)	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>P</u>	<u>PA</u>	<u>PA</u>	
	Portable(j)	N	N	N	N	S	S	S	S	S	S	S	N	N	

REST OF PAGE INTENTIONALLY LEFT BLANK

253-8

(Homer 12/08)

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

P:\PACKETS\PCPacket 2011\Ordinance\Sign\Sign Ord att draft 7.28.11 with Table 1 dhf2.docx

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

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>
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</u> to <u>199</u>	<u>30 s.f.</u>

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

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

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

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

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

P:\PACKETS\FCPacket 2011\Ordinance\Sign\Sign Ord att draft 7.28.11 with Table 1 dhf2.docx

Section 6. Table 2 following Homer City Code 21.60.060, Signs on private property, is amended to read as follows:

Sign Type	Table 3.										
	RR	UR	RO	INS (a)	CBD	TC	GBD	GC1	GC2	MC	MI
Animated (b)	N	N	N	N	SP	SP	N	SP	N	SP	N
Changeable Copy (c)	N	N	N	N	SP	SP	N	SP	SP	SP	SP
Illumination Internal	N	N	N	SP	SP	SP	N	SP	SP	SP	SP
Illumination External	N	N	N	SP	SP	SP	SP	SP	SP	SP	SP
Neon (d)	N	N	N	N	SP	SP	N	SP	SP	SP	SP

Notes to Table 3

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

b. Animated signs may not be neon or change colors or exceed three square feet in area.

c. Changeable Copy signs must be wall or pole mounted, and may not be flashing.

d. Neon signs may not be flashing and may not exceed 32 square feet.

e. The PS column does not represent a zoning district. It applies to Public Signs permitted under the zoning code, in all zoning districts.

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

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

b. **Applications. An application for a sign permit shall be submitted to the Department on an application form or in accordance with application specifications published by the Department. An application for a permit for a sign that is not an off-premise sign shall be submitted by the owner of the lot where the sign is to be located, or by a tenant leasing all or part of the lot when the sign names, advertises, or calls attention to a business, brand, product, service or other commercial activity of the tenant.**

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

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

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

P:\PACKETS\PCPacket 2011\Ordinance\Sign\Sign Ord att draft 7.28.11 with Table 1 dhf2.docx

- 243 1. Issue the sign permit, if each sign that is the subject of the application
244 conforms in every respect with the requirements of this chapter; or
245 2. Reject the sign permit if a sign that is the subject of the application
246 fails in any way to conform to the requirements of this chapter. In case of rejection,
247 the Department shall specify in the rejection the section or sections of this chapter to
248 which the sign does not conform.

249
250 Section 8. Homer City Code 21.60.090, Signs in the public right-of-way, is amended to
251 read as follows:

252
253 21.60.090 Permanent sSigns in the public rights-of-way. No person may place,
254 construct or erect a permanent sign shall be allowed in a the public right-of-way, except for
255 the following:

- 256 a. ~~Permanent Signs. Only the following permanent signs, including:~~
257 a1. Official traffic control devices.
258 b. Public signs erected by or on behalf of a governmental body to post legal notices,
259 identify public property, convey public information, and direct or regulate pedestrian or
260 vehicular traffic;
261 c2. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
262 and
263 d3. Signs containing commercial messages that have been must be approved by the
264 State of Alaska Department of Transportation, ~~Tourist Oriented Directional Signing Program.~~
265 b. ~~Temporary Signs. Temporary signs for which a permit has been issued in~~
266 ~~accordance with HCC § 21.60.140, which shall be issued only for signs meeting the following~~
267 ~~requirements:~~
268 1. ~~The signs shall contain no commercial message; and~~
269 2. ~~The signs shall be no more than two square feet in area each.~~
270 3. ~~Notwithstanding (1) and (2), such signs calling attention to civic events~~
271 ~~shall be no more than four square feet in area, if freestanding, or if street banner, may not~~
272 ~~exceed the width of traveled portion of road.~~
273 c. ~~Emergency signs. Emergency warning signs erected by a governmental agency, a~~
274 ~~public utility company, or a contractor doing authorized or permitted work within the~~
275 ~~public right of way.~~
276 d. ~~Other Signs Forfeited. Any sign installed or placed on public property, except in~~
277 ~~conformance with the requirements of this section, shall be forfeited to the City and subject to~~
278 ~~confiscation. In addition to other remedies hereunder, the City shall have the right to recover~~
279 ~~from the owner or person placing such a sign the full costs of removal and disposal of such sign.~~

280
281 Section 9. Homer City Code 21.60.095, Electoral signs, is repealed.

282
283 Section 10. Homer City Code 21.60.100, Signs exempt from regulation under this
284 chapter, is amended to read as follows:

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

P:\PACKETS\PCPacket 2011\Ordinance\Sign\Sign Ord att draft 7.28.11 with Table 1 dhf2.docx

285
286 21.60.100 Signs exempt from regulation under this chapter. The following signs shall be
287 exempt from regulation under this chapter:

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

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

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

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

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

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

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

303
304 Section 11. Homer City Code 21.60.120, General permit procedures, is repealed.

305
306 Section 12. Homer City Code 21.60.130, Temporary signs-private property, is amended
307 to read as follows:

308
309
310 21.60.130 Temporary signs-Private property. a. All temporary signs are subject to the
311 following requirements:

312 1. Temporary signs shall not be illuminated, animated, or changeable copy
313 signs.

314 2. Unless a smaller size is required by another provision of this chapter, the
315 maximum size of a temporary sign is restricted to 16 square feet.

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

319 b. Temporary signs on private property shall be allowed in all zoning districts subject to
320 the following requirements:

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

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

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

325 1b. No temporary sign that bears a commercial message may be an off-
326 premise sign. Only one temporary sign bearing a commercial message per lot is
327 allowed, and is limited to the following:

328 i. Advertising the property on which the sign is located for sale or for
329 rent.

330 ii. Advertising a temporary sale of household goods on a property
331 occupied by a dwelling.

332 2. Temporary signs that do not bear a commercial message are allowed in
333 any number, subject to the square footage limitations in this chapter.

334
335 Section 13. Homer City Code 21.60.140, Temporary signs-Public right-of-way, is
336 repealed.

337
338 Section 14. Homer City Code 21.60.150, Time of compliance-Nonconforming signs and
339 signs without permits, is amended to read as follows.

340
341 21.60.150 Time of compliance-Nonconforming signs and signs without permits. a.
342 Except as otherwise provided herein, the owner of any lot or other premises on which exists a
343 sign that does not conform with the requirements of this chapter or for which there is no current
344 and valid sign permit must remove such sign or, in the case of a nonconforming sign, bring it
345 into conformity with the requirements of this chapter.

346 b. Signs that were prohibited by Ordinance 84-33(S), as amended by Ordinances 86-18,
347 89-8 and that are prohibited in this chapter are illegal and must be removed immediately.

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

360 d. Any sign that was constructed and continues to be maintained in accordance with the
361 applicable laws that governed territory prior to its annexation to the City, but which becomes
362 unlawful under this code as a result of annexation to the City, is lawfully nonconforming. A sign
363 that is lawfully nonconforming under this subsection may remain in place and continue to be
364 maintained until the information on the face of the sign is changed, or for a period of three
365 years one-year after the later of (i) the effective date of the annexation of the territory or (ii) the
366 effective date of the ordinance that assigns the territory in which the sign is located to a zoning

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

P:\PACKETS\PCPacket 2011\Ordinance\Sign\Sign Ord att draft 7.28.11 with Table 1 dhf2.docx

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 January 1, 2012.

Section 15. Homer City Code 21.60.160, Violations, is repealed.

Section 16. Homer City Code 21.60.170, Enforcement and remedies, is amended to read as follows:

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.~~

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

P:\PACKETS\PCPacket 2011\Ordinance\Sign\Sign Ord att draft 7.28.11 with Table 1 dhf2.docx

Section 17. Sections 1 through 16 of this Ordinance are of a permanent and general character and shall be included in the City Code.

Section 16. This Ordinance shall become effective on January 1, 2012.

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

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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

P:\PACKETS\PCPacket 2011\Ordinance\Sign\Sign Ord att draft 7.28.11 with Table 1 dhf2.docx

Table 1 without edits shown.

Sign Type	RR	UR	RO	INS (a)	CBD	TC	GBD	GC1	GC2	CM	MI	OSR	PS
<u>Freestanding</u>													
Residential (b)	A	A	A	A	A	A	A	N	N	N	N	A	PH
Other (b)	N	N	N	P	P	P	P (k)	P	P	P	P	N	PH
Incidental (c)	N	N	A (d)	A (d)	A	A	A	A	A	A	A	N	N
<u>Building</u>													
Banner	N	N	N	N	P	P	N	P	P	P	P	N	N
Building Marker (e)	A	A	A	A	A	A	A	A	A	A	A	A	N
Identification (d)	A	A	A	A	A	A	A	A	A	A	A	A	N
Incidental (c)	N	N	A (f)	A (c)	A	A	A	A	A	A	A	N	N
Marquee (g)	N	N	N	N	P	P	P	P	P	P	P	N	N
Projecting (g)	N	N	P	N	P	P	P	P	P	P	P	N	N
Residential (b)	A	A	A	N	A	A	A	N	N	N	N	A	N
Roof	N	N	N	N	N	N	N	N	N	N	N	N	N
Roof, Integral	N	N	N	P	P	P	P	P	P	P	P	N	N
Temporary (h)	A	A	A	A	P	P	P	P	P	P	P	P	P
Wall	A	A	A	A	P	P	P	P	P	P	P	A	PH
Window	N	N	A	N	P	P	P	P	P	P	P	N	N
<u>Miscellaneous</u>													
Flag (i)	A	A	A	A	A	A	A	A	A	A	A	A	A

Table 1:

A = Allowed without a sign permit

P= Permit needed.

N= Not allowed

PH= Public Hearing

Removed Suspended, Banner(c) and Portable(j) rows.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report PL 11-82, Sign Code Amendments

The Commission continued their discussion from the worksession. They addressed electoral signs, temporary signs, and off premise signs.

B. Staff Report PL 11-76, Draft Resolution Amending the Homer Advisory Planning Commission Bylaws to Change the Regular Meeting Time

MINSCH/HIGHLAND MOVED TO APPROVE THE DRAFT RESOLUTION OUTLINED IN STAFF REPORT PL 11-76 AND FORWARD TO CITY COUNCIL FOR ADOPTION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report PL 11-77, East End Mixed Use

Chair Minsch explained that the Commission gave staff feedback during the worksession.

NEW BUSINESS

A. Staff Report PL 11-84, More than One Permitted Principal Use on a Lot

City Planner Abboud reviewed the staff report.

HIGHLAND/VENUTI MOVED TO DISCUSS AND MAKE RECOMMENDATIONS.

No objection was expressed and discussion ensued.

The Commission discussed challenges and concerns regarding density and how it relates to the different districts and the Comprehensive Plan. They began reviewing districts to try to establish if there is enough direction for staff to make a determination rather than bringing it to the Commission with a CUP. The following points were raised:

- Concern was expressed regarding water and septic requirements in rural residential district.
- Staff could permit one additional use, and two or more would come to the Commission.
- Would this include permitting a second 4-plex or rooming house.

Chair Minsch recommended reviewing the Comprehensive Plan. City Planner Abboud appreciated the feed back and will bring a revised recommendation at a future meeting.

INFORMATIONAL MATERIALS



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 11-78

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: July 20, 2011
SUBJECT: DRAFT sign ordinance

Rick- OK here we are again. I would have really rather had an "attorney approved" draft at this time, but I do not. The various drafts with comments and questions are getting a bit overwhelming. Perhaps we will have an attorney lay down that is a bit further along at meeting time. For now, I have created my own draft for discussion. Have a close look and prepare questions for the Attorney, as I hope to have him available at the meeting. My goal is to have a solid final draft after this. Thanks for your patience!

At our packet deadline we had not received an updated draft sign ordinance, but in the end the recommended changes simplify the code by eliminating duplication, contradiction and streamlining enforcement. In a nutshell this ordinance:

1. Cleans up the sign definitions.
2. Makes the Table 1 abbreviations more readable.
3. Establishes signage based on principal building.
4. Allows temporary signs in the residential districts.
5. Broadens those who can apply for a sign permit to include business tenants.
6. Establishes a timeline to "amortize" existing signs on lots with multiple buildings.
7. Authorizes the Planning staff to remove temporary signs in ROWs.
8. Shortens the time to file an appeal to 7 days with the HAPC review being the final decision from the city.

Tom Klinker, the city attorney will join the meeting telephonically. He will discuss the First Amendment right to free speech by seeking content-neutral sign provisions with emphasis on temporary signs and banners. He has asked that questions be submitted by Tuesday, July 19th at 8:30 am allowing him and his staff time to do the necessary research.

The draft ordinance includes side comments by (IR) = City Attorney, and (DH) = Dotti Harness-Foster comments. At the June 15, 2011 HAPC meeting the commission asked the City's position on a 'content neutral' sign code. "Content neutral" means that a sign code may not regulate on the basis of the content or favor the display of one message over another. Typically, the burden of justifying a content-based sign code is on the city. To avoid future liability and legal costs, it is prudent to keep the sign code as content neutral as possible.

Staff understood (motion needed) that the HAPC agreed to include 'commercial' temporary signs within the temporary sign standards of a maximum of 16 sf. This provision passes the 'content neutral' test. Requiring that commercial temporary signs be removed when the business is not open, or a maximum of 12 hours per day, does not pass the 'content neutral' display time. The likelihood of a business challenging the inability to display a temporary sign during the 'off' hours is....?

I feel compelled to bring forward one topic within the sign code that the HAPC hasn't discussed; the amount of signage allowed in the RR, UR and parts of the RO district. In particular, B&Bs and churches in the RR district along the Sterling Hwy consider the existing sign allowance of four (4) sf restrictive. The existing code adds to the confusion by allowing 4 sf of signage in RR and UR, 6 sf of signage in RO unless you're along one of the main roads in the RO district then the business is allowed 50 sf. The United States Sign Council recommends allowing 8 sf in residential districts, which seems reasonable and conducive to Homer's residential areas. Discuss, and if the HAPC agrees, a motion is needed, to recommend increasing the sign allowance in the RR, UR and RO districts to 8 sf. Retain the provision for 50 sf of signage in the RO district along the main roads, per HCC 21.60.060 Table 2, (e).

STAFF RECOMMENDS:

1. Review and submit questions in advance to Dotti at dharness@ci.homer.ak.us or by calling 235-3106.
2. Motion(s) are needed to clarify the use of 'commercial' temporary signs. Line 306-307
3. Motion(s) are needed to clarify the display time for 'commercial' temporary signs. Line 313-314
4. Make amendments, if needed.

Att: Draft sign ordinance

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Commissioner Highland commented in support of a buffer requirement along East End Road and also suggest the notion to existing businesses to improve the visual impact. She would like to see a buffer for all new development of businesses. When you drive through Wasilla you see what happened without buffers and anything to make visual improvement is a very good concept. She feels very strongly that buffers should be required, it might be different if it pure industrial and commercial, but this is an access into town.

Chair Minsch questioned what would be accomplished by planting a spruce tree for new businesses requiring direct motor vehicle access. They need direct access and need to be seen from the road. If it is a small building that is a permitted use they can exist, we are trying to encourage them and they need to be seen from the road. Larger buildings will require a CUP. She noted the City Hall sign that is covered by bushes and no one can see it. Little signs don't do much.

Commissioner Venuti questioned the purpose behind the rule when the existing properties should meet the same standard. He doesn't see where much improvement is gained by a buffer requirement for new development.

There was discussion about the phase 1 and phase 2 requirements and about issues that trigger the site development standards.

HIGHLAND/VENUTI MOVED TO POSTPONE DISCUSSION TO THE NEXT MEETING.

Chair Minsch asked that it be included on the worksession since buffers haven't been part of the conversation until tonight.

Commissioner Venuti asked staff to consider that buffer could be based on road frontage and bring suggestions back.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report PL 11-68, Draft Ordinance 11-xx Sign Code Ordinance

City Planner Abboud reviewed the staff report.

HIGHLAND/DRUHOT MOVED TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING THE DRAFT SIGN ORDINANCE.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

The Commission discussed banners and when they are and are not temporary signs. Question was raised whether a banner tied at all four corners to two permanent poles constitutes a rigid structure along the entire circumference. Staff encouraged that if it is encased or mounted on a separate frame, then it is no longer a banner. When it is attached without a frame then it's a banner. The conversation transitioned to whether there would be an allowance for advertising civic events and if that is even appropriate to restrict a temporary sign based on the message.

On page 2 of the staff report there was a note about signage on churches and B&B's along the Sterling Highway. Chair Minsch encouraged the Commissioners to read the gateway overlay information as there are specific rules for that area.

The discussion carried over to political signs. Because there is no definition of a temporary sign and how long it can be displayed, it is challenging. Election signs have a purpose and they have a time they can be up before elections and a time they need to come down. In the draft the attorney argues that they are temporary sign and should be addressed like any other. Point was raised that in our town it isn't something that will be enforced as a temporary sign.

HIGHLAND/VENUTI MOVED TO POSTPONE DISCUSSION TO THE NEXT WORKSESSION AND ASK THE CITY ATTORNEY TO PARTICIPATE.

City Planner Abboud said it will be included on the regular meeting agenda as well.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report PL 11-76, Bylaws Change to Amend the Meeting Time

This item was postponed to the next meeting due to notice requirements for the second notice of the amendment.

The Commission took a short recess at 8:47 p.m. and the meeting resumed at 8:50 p.m.

NEW BUSINESS

A. Staff Report PL 11-79 Hostels Permitted as "Permitted" and "Conditional" Housing Use

City Planner Abboud reviewed the staff report. He recommended eliminating GC2 from the ordinance and including it in the Marine Commercial district to accommodate workers on the spit.

HIGHLAND/VENUTI MOVED TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING HOSTELS AS PERMITTED AND CONDITIONAL USES IN ZONING DISTRICTS.

Commissioner Highland noted a typographical error on staff recommendation 1.



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 11-68 *WS*

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: June 15, 2011
SUBJECT: DRAFT sign ordinance

After our well-meant intentions of simplifying the sign code to make compliance on the spit a reality, we sent it off to the attorney and ended up with more than we expected (and we did expect some modification). I received the ordinance from the attorney and put it on the agenda, then took a closer look and figured that staff needed to work with the attorney to explain some of the reasoning behind some of the existing code provisions. At this time, the attorney is on vacation and unable to consider additional refinements. So instead of pulling it from the agenda, I made a few adjustments and thought that the Planning Commission could have a look prior to a final revision. It is my intent to have a logic check with the commission and work to get a final draft for the next meeting. The most significant topics for discussion in my estimation revolve around two particular items:

- 1. The definition of banner – The definition found in lines 38-41. This effectively eliminates banners, so do we really need it at all? Wouldn't this just be a sign and then a non-rigid banner be a flag?*
- 2. Removal of the exemption for signs existing prior to February 11, 1985, lines 282 – 283. This is effectively the exception for signs over 10 feet in height. Are we ready to require these to be removed? Other concerns regarding amnesty are discussed below.*

Another item we thought needed to go was provisions for permitting temporary signs in the rights-of-way. After thinking about it, most all of the desire to put up such a sign is found in State ROW, a place where we really do not have the authority to grant. Additionally, we would not want to deal with election signs in the ROW since the attorney thought that reference to content could be suspect.

Because of the complicity of the sign ordinance in general, we do not address all scenarios in this staff report. Although we believe that we have had enough internal discussion to explain the logic regarding most all scenarios. If you are in need of clarification of how the ordinance treats or responds to a specific scenario and are not seeing it, PLEASE contact us prior to the meeting, so we may explain or research it. RICK

Before the City Attorney left on vacation he submitted a draft sign ordinance. We have not had the opportunity to edit this draft with him, so at first glance the **bold, strike-throughs** and balloons are overwhelming. This draft ordinance has blossomed beyond Spit signage for multiple buildings, but in the end the recommended changes simplify the code by eliminating duplication and contradiction. Many of the changes deal with semantics and the First Amendment right to free speech by seeking content-neutral provisions.

Staff remains concerned about the complete ban on commercial temporary signs. A compromise by allowing **commercial temporary signs during the hours the business is open, with a maximum of 12 hours per day** would reflect the message in the Chamber's June newsletter which proclaims, "We encourage businesses to place sandwich boards or signage in front of their businesses to encourage (cruise) passengers to stop in."

In the draft, "iR" balloons are the attorneys comments, "DH" balloons are Dotti Harness-Foster comments.

Line 27-143 cleans up sign definition.

Line 148-155 changes the abbreviation for Table 1 more readable.

Line 157-161 allows temporary signs in the residential districts.

Line 171-179 establishes the sign allowance per principal building

Line 208-213 broadens those who can apply for a sign permit.

Line 261 treats electoral signs as any temporary sign by repealing HCC 21.60.095 Electoral signs.

Line 281- 2 Clarification is needed on the timeline to "amortize" existing signs.

It's our understanding that:

- Temporary, portable sandwich board would need to comply upon adoption, or January 1st, 20xx.
- Building signs on multiple buildings would need to comply within three years, or January 1st, 20xx.
- There were no changes to the amortization of any other signs.

Line 331-352 authorizes Planning staff to remove temporary sign in ROWs.

Line 338-346 requires that an appeal be filed within 7 days with the HAPC being the final decision from the city.

With your comments our goal is to have a FINAL DRAFT for the July 20th HAPC meeting. Only then can we move forward for public comment.

STAFF RECOMMENDS:

1. Review and submit questions in advance to Dotti at dharness@ci.homer.ak.us or by calling 235-3106.
2. Comment on other provisions.

Att: Draft sign ordinance



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 11-61

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: May 18, 2011
SUBJECT: Internally illuminated signs

At the May 4, 2011 HAPC work session the Commission reviewed research regarding internally illuminated signs and how other communities set sign standards. Based on the conversation, the main issues were 1) Opaque backgrounds; 2) Changeable copy; 3) Nonconforming signs. First, signs with opaque backgrounds:

1) Signs with opaque (dark) backgrounds emit less light than a similar sign with a light background. In other words, an internally lit sign with a dark background and white letters emits less light than a sign with a light background with dark lettering.

Research indicates that a sign with a black lettering on a white background has better legibility and recognitionⁱ.

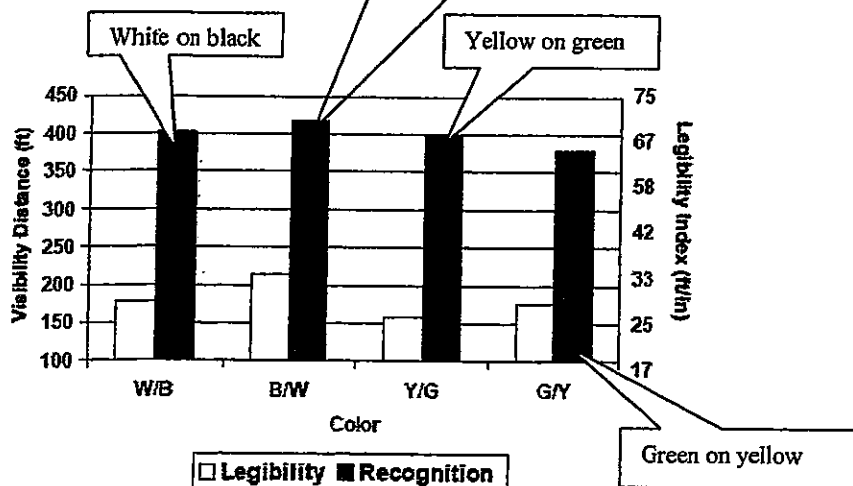


Figure 5. Mean legibility and recognition distance for the four color combinations.

Smart Growth suggests eliminating internally lit signs, "Because internally lit signs can be intrusive, consider prohibiting them or strictly limiting their size and *brightness*. Any lighting for signs should be shielded and focused to ensure that glare doesn't impact surrounding roads and properties."

Enforcement: Brightness as in wattage, type and number of bulbs is difficult to enforce because bulbs can easily be changed. Far easier to enforce is sign background color. Professional sign manufacturers are prudent about getting pre-authorization and a sign permit prior to installation.

- 2) Changeable copy signs should be exempt from any standards that require an opaque background.
- 3) New standards would apply to new signs only. HCC 21.60.150 provides nonconforming signs to remain.

STAFF COMMENTS: If the goal of the Commission is to reduce the brightness of signs, the most enforceable options are to:

Prohibit internally illuminated signs cabinets that allow the entire face to be illuminate, except for changeable copy signs.

and/or:

The sign background to be opaque and of a non-reflective material, except for changeable copy signs.

Since the "Spit" sign code amendments blossomed to include other parts of town, if the internally illuminated amendments are simple in nature, they too maybe included in the draft sign code ordinance. Staff is working with the city attorney on that ordinance.

ⁱ *Internally Illuminated Sign Light: Effects on Visibility and Traffic Safety* published by the United States Sign Council, 2009

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report PL 11-60, Draft Ordinance 11-xx, Conservation District

C. Staff Report PL 11-59, Draft Ordinance 11-xx, East End Mixed Use

D. Staff Report PL 11-57, Internally Illuminated Signs

HIGHLAND/BOS MOVED TO POSTPONE THE REMAINING AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

No new business items were scheduled.

INFORMATIONAL MATERIALS

A. City Manager's Report May 9, 2011

B. Memo Dated May 9, 2011 from Deputy City Clerk Jacobsen to HAPC Regarding Renewal of a Motion

C. Letter dated May 11, 2011 from Dotti Harness-Foster Planning Technician, to Property or Business Owners Regarding Sandwich Board Signage

COMMENTS OF THE AUDIENCE

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

There were no audience comments.

COMMENTS OF STAFF

City Planner Abboud commented that this was a challenging packet. There was a lot of stuff and it was tough, even for him. He received two calls, and expected more, but said that if they feel like they want to change something write it down and let him know. We operate in a lot of areas that are opinions and while he gives it his best shot, if Commissioners disagree then talk to him about it, be prepared to present an alternative, and be ready with a motion to satisfy the change. He appreciates their work and is glad they got as far as they did tonight.

COMMENTS OF THE COMMISSION

There were no Commission comments.



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 11-53

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: May 4, 2011
SUBJECT: Internal illuminated signs

At the April 20, 2011 HAPC meeting there was a brief discussion about a moratorium on new internally illuminated signs. The purpose of this staff report is to provide a condensed summary of internally lit sign issues. Staff reviewed several articles published by the United States Sign Council and attached to this staff report is one cities sign standards for internal illuminated signs. Also available (by telephone) during the Commissions' work session is Doug Field from Kenai Neon Signs who has installed several internally illuminated signs in Homer. Staff has also prepared photos that illustrate the key concepts in this report. First, a recap on how Homer's Sign code addresses internally lit signs.

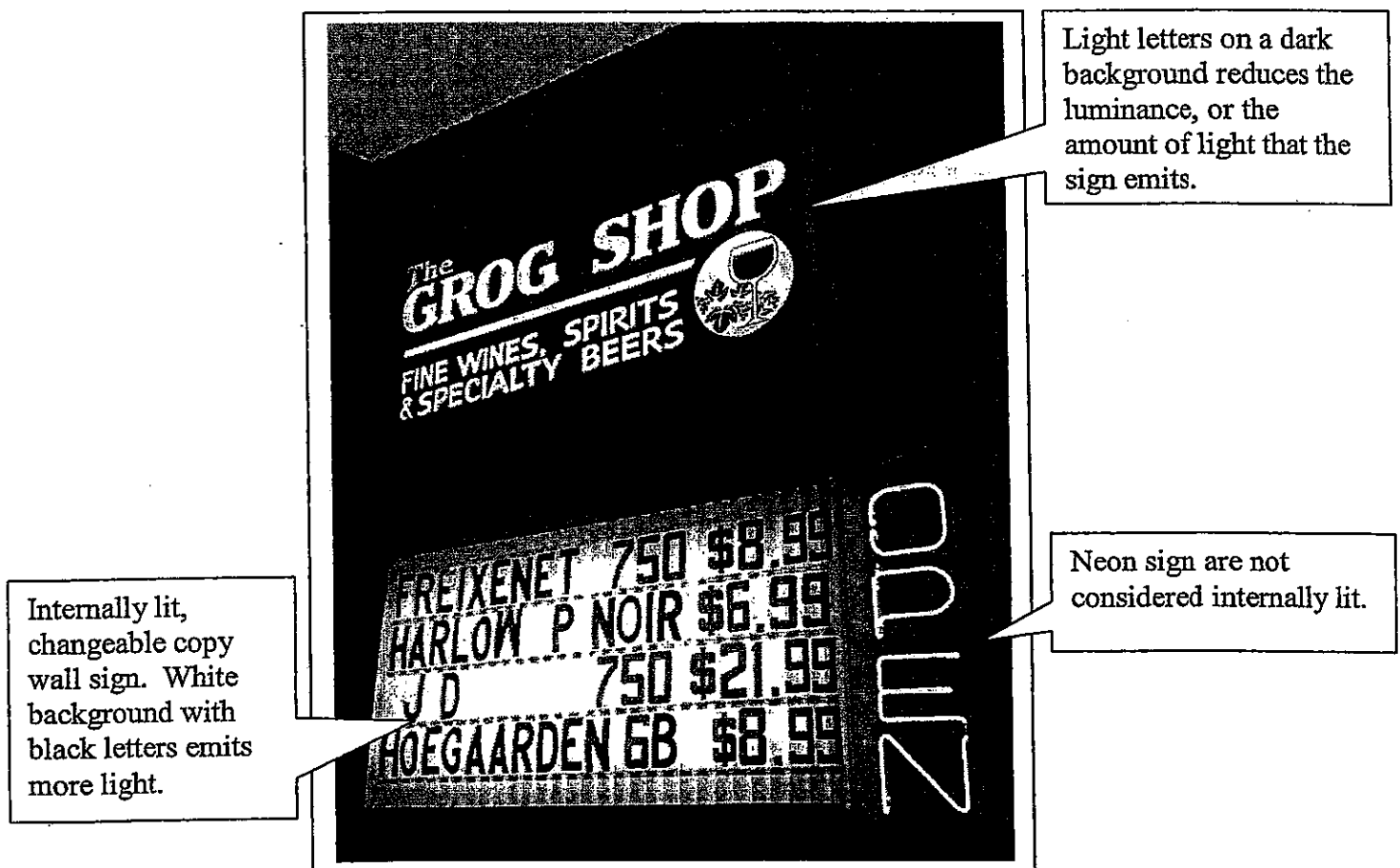
Existing code: HCC 21.60.060 Table 3 allows "Illumination Internal" signs in the commercial districts with one exception. "Illumination Internal" are not allowed in the Gateway Business District. Illuminated internal signs have the same size and height restrictions as other signs and can be mounted on a wall, freestanding, and/or changeable copy. Homer's sign code restricts flashing, blinking, rotating, and changeable messages except for time and temperature.

Smart Growth suggests eliminating internal lit signs, "Because internally lit signs can be intrusive, consider prohibiting them or strictly *limiting their size and brightness*. Any lighting for signs should be shielded and focused to ensure that *glare doesn't impact surrounding roads and properties*." *Homer limits the size of all signs and requires that light shine only upon the sign. Brightness is discussed below.*

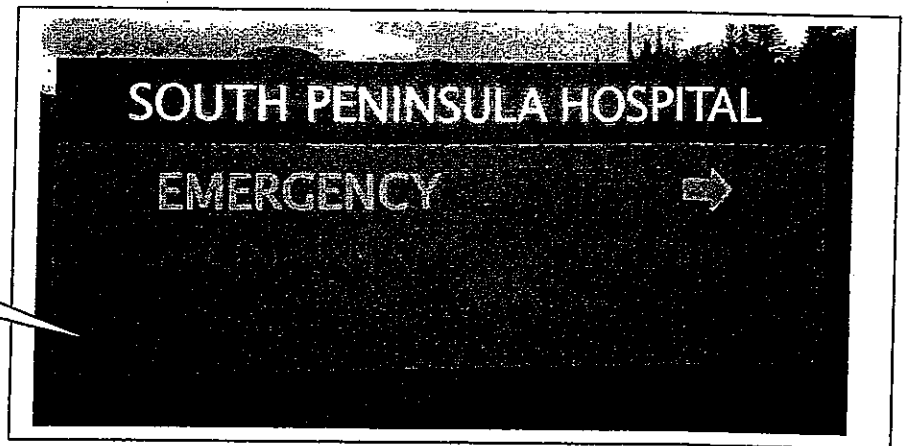
Aesthetics and economics: Signs contribute to a community's economic viability and can work in effective partnership with aesthetic goals. Where there is no benefit to the general community, other than forcing a biased viewpoint or particular aesthetic preference on the business community, the arguments for requiring just compensation are particularly strong.ⁱ

Readability research summary: Research indicates that when external and internal signs are compared, internally lit signs have approximately 40% improvement for readability. There are many variables that contribute to sign readability, but when studied and compared researchers go through great means to dissolve factors such as drivers age, gender, mph, right or left side of the road, font size, style and color, and sign background.

Sign Background: as in the contrast between letters and background. For example: light letters on a dark background reduces the luminance, or the amount of light that the sign emits. The City of Middletown, Connecticut requires a dark background by stating that “the sign background or field should be opaque and of a non-reflective material.” The converse prohibits internally lit signs that allow the entire face to illuminate, as in a white background with dark lettering. In Homer, we usually issue sign permits based on the proof that the sign manufacture provide, so the sign’s background color could be enforced at the time of permitting.



An internally lit, freestanding ground sign with an opaque background.



“Stencil-cut internal illuminated lettering” The City of Middletown, Connecticut restricts the illuminated portions of the sign to just the lettering or logo. See attached.

Brightness of a sign has several variables including bulb type, wattage, contrast between the signs background and the lettering, stencil-cut lit letters and color contrast. Light bulbs are interchangeable from neon tubes, LEDs, incandescent or halogen lamps. Testing or measuring brightness has variables such as: contrast between the background and lettering, number of ‘active’ bulbs, and meter calibration which makes brightness standards difficult to enforce.

Timers or dimmers: Timers and dimmers are feasible. For example: the City of Middletown, Connecticut requires that “illuminated signs should not be illuminated after 10pm or the close of business, whichever is later.” Local sign makers have indicated that installing a timers and/or dimmers is feasible.

Information for this staff report was gathered from the United State Sign Council publications: *INTERNAL vs. EXTERNAL ON-PREMISE SIGN LIGHTING*, Visibility and Safety in the Real World, and *INTERNALLY ILLUMINATED SIGN LIGHTING*, Effects on Visibility and Traffic Safety. If you would like the full articles contact the planning staff.

STAFF RECOMMENDATION: View the side presentation that illustrates the research and local examples of internally lit signs. Comment and/or direct staff to pursue or not.

Att: City of Middletown, Connecticut, Design Review and Preservation Board, pg 2-3

ⁱ International Sign Association, Official Positions of the International Sign Association Adopted June 16, 2001

General Illumination Standards

1. Illumination should not interfere or distract from the message conveyed by the sign.
2. Lighting for signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises *HCC 21.60.080*
3. The light source, whether internal to the sign or external, shall be shielded from view. This requirement is not intended to preclude the use of creative exposed lighting.
4. Illumination should be appropriate for the location, use and character of the neighborhood.
5. Illumination should seem integrated into the building façade or property/neighborhood character.
6. Illuminated signs should not be illuminated after 10pm or the close of business, whichever is later.
7. Flashing, blinking, revolving, or rotating lights are not permitted. *HCC 21.60.060*
8. All exposed conduit and junction boxes should be concealed from public view.

Internal Illumination Standards

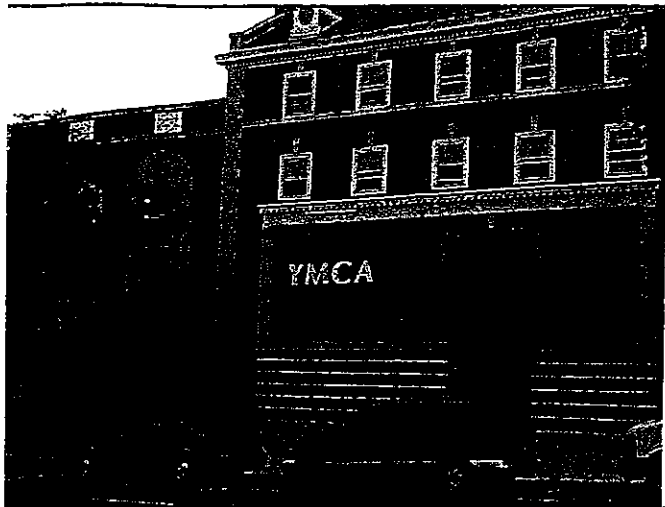
1. Internally illuminated sign cabinets that allow the entire face to illuminate are prohibited.
- 2. The sign background or field should be opaque and of a non-reflective material.

External Illumination Standards

1. External lighting fixtures that project light on a sign from above or below are strongly encouraged. Light fixtures supported on the front of the building cast light on the sign and a portion of the façade immediately around the sign. The visual impact of this should be considered in lighting selection.
2. Light fixtures should be simple and unobtrusive in appearance and size.
3. Light fixtures should be positioned as to not obscure the sign's message and graphics.
4. Light sources should be shielded and such that the light source is directed away from passersby. Light sources should be directed against the sign such that it does not shine onto adjacent property or cause glare for motorists and pedestrians. Bare light bulbs should not be exposed.
5. Awnings with signage included should always be externally illuminated.

Preferred Internal Illumination Styles

1. Halo-Style Internal Illumination- This form of internal illumination directs light to the wall behind the sign that results in a halo of light around the opaque lettering or logo.



Correct:

This style is frequently compatible with historic structures and simple signage.

2. Stencil-Cut Internal Illumination- This form restricts the illuminated portions of the sign to the lettering or logo. The remaining face of the sign is opaque.

Correct:

Stencil-Cut creates a sign that prevents the background of the sign from being illuminated. Only the logo and name of the brand would illuminate.

3. Channel-Letters Internal Illumination- This style of sign is comprised of individual letters and symbols, each with its own internal illumination.



Correct:

Channel Letters creates a sign that advertises only that which is important, in this case it is the logo and name of the brand.

4. Push-Through Graphics and Text- A mix between stencil-cut and channel-letters, where an opaque background like a stencil-cut, but has raised lettering or images that act similarly to channel-letters.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
MAY 4, 2011

application comes in. He noted that the issue of the setback to the slope isn't relevant to the purpose of this action.

Commissioner Highland questioned the 3:1 ratio. City Planner Abboud explained that is something dealt with at the Borough and not through Homer City Code. He noted that if a Commission had opposition they could express it for the record. He thinks the relation between the upland and low land area makes the issue negligible.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

BOS/VENUTI MOVED TO POSTPONE THE REST OF THE AGENDA TO GO INTO DELIBERATION.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

- A. Staff Report PL 11-52, Draft Ordinance 11-xx East End Mixed Use
- B. Staff Report PL 11-45, Draft Ordinance Amending Chapter 21.34, Conservation District

NEW BUSINESS

- B. Staff Report PL 11-57, Internally Lit Signs
POSTPONED.

INFORMATIONAL MATERIALS

- A. City Manager's Report April 11, 2011
- B. 'Planning Made Easy' Excerpt of Chapter 5- Ethics

COMMENTS OF THE AUDIENCE

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

There were no audience comments.

COMMENTS OF STAFF

Deputy City Clerk Jacobsen recommended that the Commission become familiar with the dollar amounts outlined in the Ethics portion of City Code specific to conflicts of interest. Code outlines \$1000 per occurrence or \$5000 per year. So if a Commissioner states that there is the potential to earn more than \$1000 then that is the Commission's cue that there is in fact a conflict per Homer City Code. It doesn't matter if you ask if a Commissioner can make an unbiased decision and they say yes. A no vote for a conflict of interest cannot be justified when a commissioner states that the amount, if hired, would exceed \$1000. She said if the



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-46

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: April 20, 2011
SUBJECT: Sign code amendments

This staff report includes an updated draft ordinance based on amendments made at the April 6, 2011 HAPC meeting. In summary, the amendments are:

1. City wide "sign allowances" based on the wall frontage of the principal building(s). Motion carried.
2. Buildings with wall frontage of 0 to 199 sf would have a 'sign allowance' of 20 sf. Motion carried.
3. Buildings with wall frontage of 200 to 349 sf would have a 'sign allowance' of 40 sf. Motion carried.
4. Banners on buildings and mounted on a permanent rigid frame on all edges. Motion carried.
5. No temporary sandwich boards allowed. Motion carried.
6. Event signs may be displayed for a maximum of seven (7) days and a maximum number of event signs is five (5). Motion carried.
7. Signs would need to comply when the face is changed, or within three (3) years. Motion carried.

- A motion for banners and sandwich boards to comply within one year **failed**.

Also discussed and addressed in the staff report are:

8. Electoral signs
9. Internally lit signs
10. Lot owners responsible for sign permits

The sign conversation started with the concern how best to accommodate multiple Spit buildings on one parcel. In trying to ensure that changes to the sign code truly meet that goal, staff is concerned that the draft ordinance has broadened and could disrupt the initials goals.

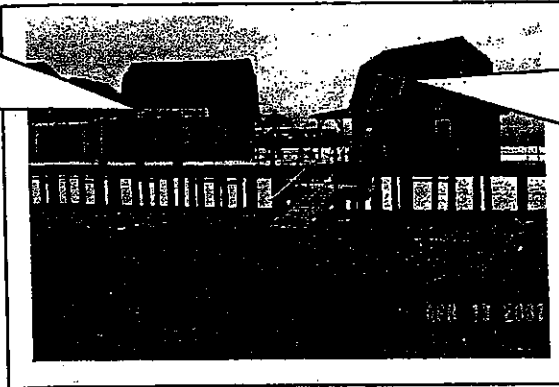
1. Sign allowance based on the wall frontage of the principal building(s). Line 15-23.

Regulatory methods: On April 6, 2011 the HAPC asked about how other communities regulate "Sign allowances." "Sign allowances" can be a function of lot area, street frontage, building area or some combination thereof.¹ Homer's 'sign allowance' is within these standards by basing the "sign allowance" on the building's wall frontage. The wall frontage approach is straight forward and the 100 sf range within each category avoids 'hair-splitting' calculations under roof peaks.

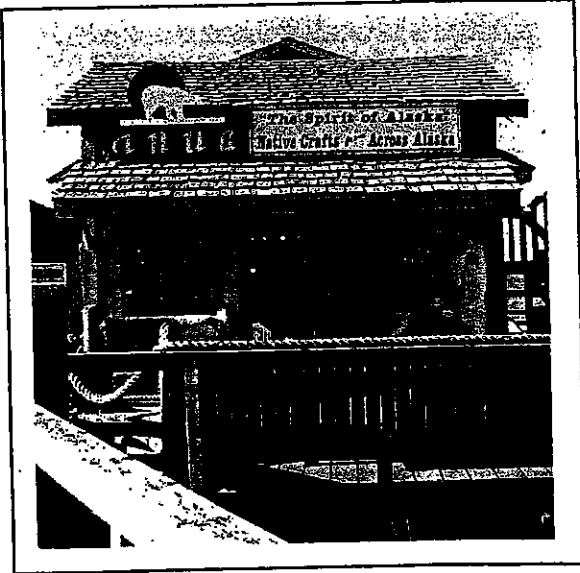
2. Buildings with wall frontage of 0 to 199 sf would have a 'sign allowance' of 20 sf. Line 23.

This amendment is not recommended by staff: Business owners may consider a 20 sf sign allowance restrictive, especially those businesses with large setbacks from the rights-of-way (ROW). Along the Homer Spit Road the width of the ROW ranges from 90 to 180 feet. This results in varying setbacks for business store fronts that range from 45 to 190 feet from the road center line. To accommodate businesses that have large setbacks from the road, staff recommends that the sign allowance of buildings with wall frontages of 0 to 199 sf be 30 (~~20~~) sf.

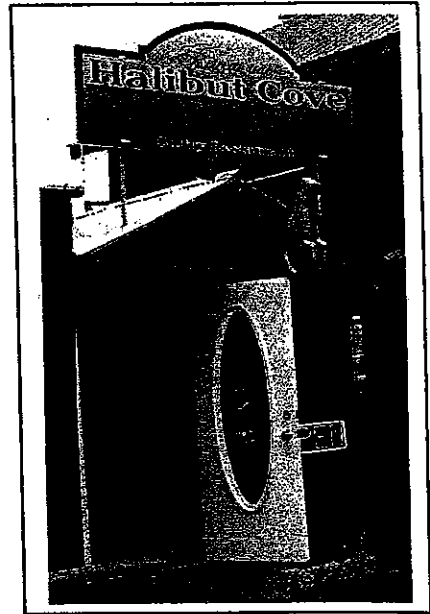
250 sf of wall frontage
2' x 16' = 32 sf main sign
16" lettering (Tackle Busters)
3" lettering (Booking)
190' from road center line



Frosty Bear Ice Cream
4' x 10' main sign
12" high lettering
160' building setback from
road center line
Black lettering on white
background.



160 sf of wall frontage
22 sf of signage (text only)
85' building setback from road center line
Photo taken 8/18/2010

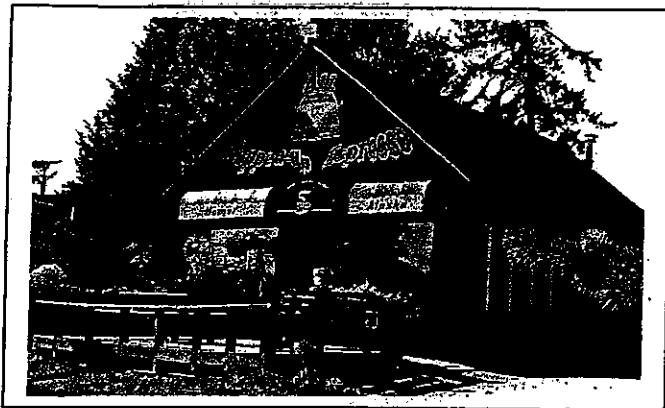


Less than 200 sf of wall frontage
32 sf of signage
45' building setback from road center line

3. Buildings with a wall frontage of 200 to 349 sf would have a 'sign allowance' of 40 sf. Line 22.

This amendment is not recommended by staff: This amendment would require existing compliant businesses to reduce their signage within three (3) years. The intent of this ordinance as staff understands it is to fix Spit sign issues, not reduce signage city wide.

Reducing the "sign allowance" for buildings with a wall frontage of 200 to 349 sf from 50 to 40 sf broadens this sign ordinance to existing businesses that are in compliance. Below are photos of businesses that comply with the 50 sf sign allowance.



240 sf of wall frontage
50 sf of signage
Photo taken 9/13/2010

300 sf wall frontage
50 sf of signage
(additional signage on deck
the railings).
Photo taken 8/24/11



At the April 6, 2010 HAPC the Commission asked for information on sign readability, a huge topic that I'll attempt to boil down thanks to help from the International Sign Association.

- Viewer reaction time depends on what the driver has to do. For example: "Homer 12 miles" the driver reads it, processes the information, no action needed.
- In a simple driving environment it takes 4 seconds to see a sign, and an additional 4 seconds to process the sign, plus another 4 seconds to respond.
- Signs displayed at a perpendicular angle to the road are more readable.
- Font size, font type and contrast matters.
- Other road distractions as in the fishing hole, kite surfers, eagles etc.

4. Banners mounted to a building by a permanent rigid frame on all edges. Line 5-6.

Staff does not recommend restricting banners from deck railings or for that matter within a freestanding sign. This broadens the sign ordinance to existing businesses such as the Hillas building, Captain's Coffee, Cosmic Kitchen, Don Jose's, and the Veteran's building on Pioneer Avenue. All these buildings have decks with a mix of banners and rigid signs that are tacked or screwed into the railing. Often times a banner is an interim to a more permanent sign.

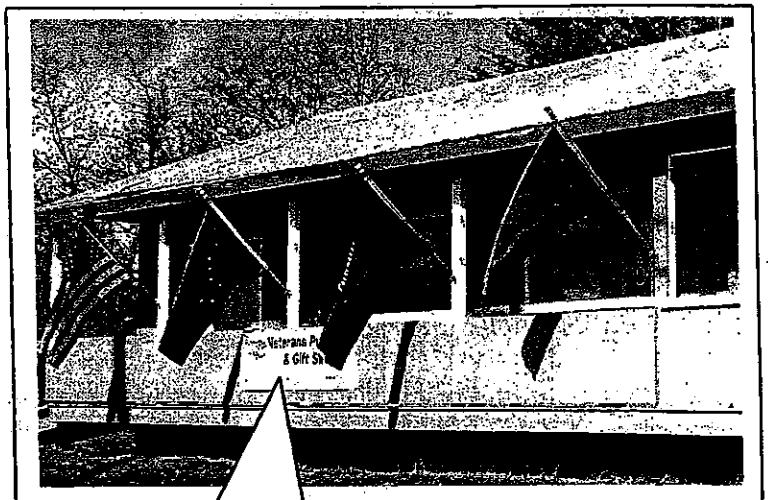
On the Spit, staff estimates that approximately 30% to 60% of the buildings would need to reduce signage to meet the proposed standards. This equates to a reduction of at least 600 sf of signage from buildings and decks. When aiming for sign compliance business owners are likely to remove banners before a more expensive rigid sign.

A motion to amend the draft ordinance would be something like:

"I move that banners be mounted on a permanent rigid frame on all edges."



A banner mounted on a permanent rigid frame on all edges.



A deck banner mounted on a permanent rigid and attached on all edges.

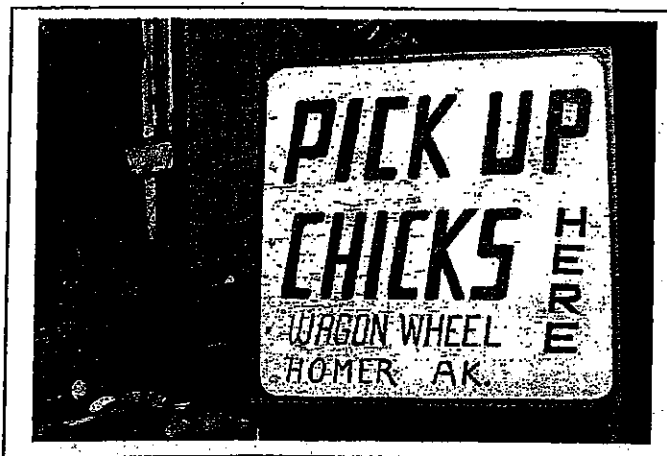
5. Temporary sandwich boards. Line 29-32.

The total ban on sandwich boards is not recommended by staff. First, business owners are convinced that sales increase when their sandwich board is displayed. Second, tourists appreciate some direction. Third, businesses may create more 'creative' substitutes to sandwich boards. Fourth, the legal consequence of allowing sandwich boards for civic events, but not for commercial messages is 'content-based,' 'content' being the commercial message. Research reveals that court challenges to a complete ban of a particular type of sign has had mixed results, in conjunction with the city's failure to provide adequate substitutes for such an important medium.²

Based on the above, staff is keeping with the recommendation to limit commercial temporary signs to business hours, with a maximum of 12 hours per day. If the HAPC agrees, a motion to amend the draft ordinance would be something like:

"The display of a **commercial** temporary sign shall not be displayed **only during the hours the business is open, with a maximum of 12 hours per day** 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."

Additional thoughts: Eliminating sandwich boards from the MC district would not allow businesses on a boardwalk to have sandwich boards on their boardwalks. Do we really want to be that restrictive?



A temporary portable sign.
Approximately 16 sf.
GC1 district.

6. "Event" signs maybe displayed for a maximum of seven (7) days, and the maximum number of event signs is five (5). "Event" signs are also temporary and portable signs which are addressed in HCC 21.60.090, 21.60.130 and 21.60.140. "Event" signs are not defined in our code. Staff will work with the city attorney on these issues.

7. Signs would need to comply when the face is changed, or within three (3) years. This is a policy statement, a Whereas, and not included in the attached draft ordinance. Staff will work with the City Attorney on an appropriate policy statement.

Information on subjects of discussion:

8. "Electoral" signs:

HCC 21.60.095 allows electoral signs to be displayed 60 days prior to an election, and they must be removed within one week after the election. Maximum size is 32 sf. To be content neutral political signs can be the same size as any other allowed sign. For example, a real estate For Sale sign is also a temporary sign and HCC 21.60.130(c) states that the "maximum size of a temporary sign is restricts to 16 sf." If the commission wishes to address electoral signs, some discussion is needed on the desired outcome, and then staff will work with the city attorney to include it in the draft ordinance.

9. Internally lit signs:

HCC 21.60.060 Table 3 allows "Illumination Internal" signs in the commercial districts with one exception. Neither "Illumination Internal" nor "banners" are allowed in the Gateway Business District. Eliminating internal lit signs is suggested by Smart Growth advocates: "Because internally lit signs can be intrusive, consider prohibiting them or strictly limiting their size and brightness. Any lighting for signs should be shielded and focused to ensure that glare doesn't impact surrounding roads and properties."

If the HAPC wishes to ban "Illumination Internal" a motion is needed to amend the draft ordinance:

"I move to amend Table 3, Illumination Internal signs to reflect "N" = Not allowed in the Central Business District, Town Center, General Commercial 1 & 2, Marine Commercial, Marine Industrial district and for all institutional uses(INS)."

10. Lot owners responsible for sign permit.

HCC 21.60.070(a) and HCC 21.60.092(f) puts the responsibility on the property owner to secure a sign permit.

Multitenant properties such as a boardwalk or a mall may have several sign changes in a year; requiring a land owner or corporate officer signature for every sign permit is onerous for a tenant that already has a lease agreement. Staff will work with the city attorney to resolve this issue.

STAFF COMMENTS/RECOMMENDATIONS:

Staff recommends adopting SR 11-45 and the following amendments:

1. Banners mounted to a building by a permanent rigid frame on all edges. Line 5-6.
2. Buildings with a wall frontage of 200 to 349 sf would have a 'sign allowance' of 50 (40)sf. Line 22
3. Buildings with wall frontage of 0 to 199 sf would have a 'sign allowance' of 30 (20)sf. Line 23
4. The display of a commercial temporary sign shall ~~not~~ be displayed only during the hours the business is open, with a maximum of 12 hours per day ~~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. Line 29-32.

Comments or motions are needed on:

5. Electoral signs
6. Illuminated Internal signs: A sample motion, "I move to amend Table 3, Illumination Internal signs to reflect "N" = Not allowed in the Central Business District, Town Center, General Commercial 1 & 2, Marine Commercial, Marine Industrial district and for all institutional uses(INS)."

ATTACHMENTS

1. April 20th Draft ordinance

¹ *Sign Regulation for Small and Midsize Communities*, American Planning Association, 1989, pg 6.

² *A Framework for On-Premise Sign Regulations*, by Alan C. Weinstein, LLC, March 2009

Based on the April 6, 2011 HAPC motions. Attached to SR 11-46, April 20, 2011

Section 1. Homer City Code Title 21 Zoning and Planning 21.60.040 Definitions:

"Banner." Any sign of lightweight fabric or similar material that is mounted to a pole or a building by a permanent rigid frame on all at one or more edges.

Section 2. Homer City Code Title 21 Zoning and Planning, 21.60.060 Table 2 Part B Sign Code Maximum Total Sign Area is hereby amended as follows:

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 principal building(s)</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.
------------	---------

200 to 349	40(50) s.f.
------------	-------------

0 to 199	20 s.f.
----------	---------

Comment [DH1]: Not recommended by staff, because it broadens this sign ordinance to existing businesses that are in compliance.

Comment [DH2]: Not recommended by staff due to large ROW's.

Section 3. Homer City Code Title 21 Zoning and Planning 21.60.130 Temporary signs-Private property is amended to read as follows:

21.60.130 Temporary signs-Private property. Temporary signs on private property shall be allowed subject to the following requirements:

a. Term. A commercial temporary sign shall not be displayed, only during the hours the business is open ~~open with a maximum of 12 hours per day 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.

Comment [DH3]: Not recommended by staff. Too restrictive and could disrupt the initial goals.

33

34

35 Section 4. Homer City Code Title 21 Zoning and Planning 21.60.140 Temporary signs-
36 Public right-of-way is amended to read as follows:

37 21.60.140 Temporary signs-Public right-of-way. Permits for temporary private signs in
38 the public right-of-way shall be issued in accordance with the following conditions:

39 a. Term and Number of Permits. The maximum term of such a permit shall be 7 60 days. No
40 more than one permit for temporary signs shall be issued to any applicant in any calendar
41 year. For any sign containing the name of a political candidate, the candidate shall be
42 deemed to be the applicant.

43

44 b. The signs must meet the requirements of Table 3 of this chapter.

45 c. Number of signs. No more than 5 20 signs may be erected under one permit.
46

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

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
APRIL 20, 2011

Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

No public hearings were scheduled.

PLAT CONSIDERATION

No plats were scheduled.

PENDING BUSINESS

A. Staff Report Pl 11-46 Sign Code Amendments

DOLMA/HIGHLAND MOVED TO BRING STAFF REPORT PL 11-46 TO THE TABLE FOR DISCUSSION.

No objection was expressed and discussion ensued.

The Commission had discussion with staff on the sign code amendments during their worksession.

Regarding item two in the staff report there was agreement with staff's comments to bring the sign size back up as it may be hard for people to see some of the buildings that are sitting back from the road.

DRUHOT/HIGHLAND MOVED TO CHANGE ITEM TWO TO READ 30 SQUARE FEET OF SIGN ALLOWANCE INSTEAD OF 20 SQUARE FEET FOR BUILDINGS WITH WALL FRONTAGE OF 0-199 SQUARE FEET.

Commissioner Highland noted that a concern for the future of Homer is that we continue to keep the signs as small as we can within reason but this seems to be a reasonable amendment.

Commissioner Venuti commented that a 4x5 sign will be pretty big.

There was brief discussion whether consideration should be given to the location of the building or boardwalk in relation to the road. Buildings which are closer would have a smaller allowance than those set back farther from the road. City Planner Abboud and Planning Technician Engebretsen responded that concept would be very challenging to explain and regulate.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

DOLMA/VENUTI MOVED TO ACCEPT THE STAFF RECOMMENDATION TO CHANGE THE 40 SQUARE FEET TO 50 SQUARE FEET FOR BUILDINGS 200 TO 349 SQUARE FEET.

Commissioner Dolma commented that after looking at examples of existing signs it might be a hardship for people who already have signs currently in place. This is a compromise between preserving the status quo and making amendments to the ordinance.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VENUTI/HIGHLAND MOVED TO ACCEPT STAFF RECOMMENDATIONS ON BANNERS MOUNTED TO A BUILDING TO BE ON A PERMANENT RIGID FRAME ON ALL EDGES.

Commissioner Venuti expressed his desire to get this to the public for their feedback.

Chair Minch agreed with staff comments that if people come into compliance with sign square footage then the banner issue may take care of itself.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was discussion that staff recommends removing the word building.

MINSCH/DRUHOT MOVED TO DELETE BUILDING ON LINE 6.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VENUTI/HIGHLAND MOVED TO MAINTAIN THE COMMISSION'S POSITION TO NOT ALLOW SANDWICH BOARD SIGNS.

Commissioner Druhot commented that she would like to see no sandwich boards on the spit and eliminate them in Marine Commercial, which helps with safety issues. There is good reasoning for having some of these in town if they are kept off sidewalks and closer to the businesses.

While the Commission agreed that there are safety issues with the sandwich boards in the right-of-way and on the side walk out on the spit, there were comments for and against allowing them in town. Some felt there could be options to be allow them in town if business owners would keep them away from sidewalks, closer to their businesses, and put away when businesses are closed. Others felt business owners won't comply because right now they leave them out all night and it will be difficult to enforce after hours.

The discussion turned to temporary event signs and how this action would affect them. Staff will work with the City Attorney to define event signs.

MINSCH/HIGHLAND MOVED TO AMEND TO INCLUDE ITEM 6 THAT EVENT SIGNS MAY DISPLAYED AND STAFF WILL WORK WITH THE CITY ATTORNEY ON A DEFINITION.

There was brief discussion.

VOTE: (Primary Amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VENUTI/HIGHLAND MOVED TO AMEND THE ORIGINAL MOTION TO STATE COMMERCIAL SANDWICH BOARD SIGNS.

There was brief discussion.

VOTE: (Primary amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VOTE: (Main Motion as Amended): YES: MINSCH, HIGHLAND, VENUTI, DOLMA
NO: DRUHOT

There was discussion about item 7 and including amnesty language in code. Planning Technician Engebretsen noted that there is conforming language in the sign code and it is very problematic code wise to write in more amnesty with another compliance timeframe. The suggestion of working it into the whereas clauses as a policy statement and working with businesses to educate them on the requirements and deadlines is cleaner. There is no language in the code that requires a building be in compliance to get a sign permit. City Planner Abboud reiterated comments from a previous meeting that he has had discussion with the City Attorney who said a sign permit may not be held up because of other violations on the property.

MINSCH/DRUHOT MOVED TO ACCEPT ITEM 7 PAGE 17 REFERENCING SIGNS NEED TO COMPLY WHEN FACES CHANGE OR WITHIN 3 YEARS. STAFF WILL WORK WITH THE ATTORNEY ON THE APPROPRIATE POLICY STATEMENT THAT WILL BE INCLUDED IN THE DRAFT ORDINANCE.

There was brief discussion clarifying that this does not relate to sandwich boards or banners which the Commission has already stated are not allowed.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

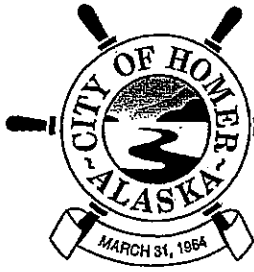
DOLMA/HIGHLAND MOVED THAT BANNING TEMPORARY COMMERCIAL SANDWICH BOARDS IS EFFECTIVE IMMEDIATELY UPON ADOPTION BY THE CITY COUNCIL.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was brief discussion about internally illuminated signs and having a moratorium on any new internally illuminated signs in the city. Planning Technician Engebretsen warned that they consider the unintended consequences that may result from this. Currently code allows externally illuminated signs with the upward facing lighting. She asked that they be cognizant that if one is eliminated there will be more of the other. She suggested more time be spent on this.



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-42

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: April 6, 2011
SUBJECT: Sign code amendments

Based on comments at the March 7th joint work session, staff has drafted an ordinance where the amount of signage, also known as "sign allowance", is based on the wall frontage of a "principal building." Portable A-frame signs are limited to the hours the business is open, and banners are required to be mounted to a rigid frame. This draft ordinance is similar to what was presented at the September 15, 2010, October 6, 2010, October 20, 2010, and the November 3, 2010 work sessions. Though no motions were made in support of the draft ordinance, no amendments were made to change directions. Staff requires direction so that we can provide a draft ordinance for the public to review and comment on, followed by formal public hearings in the early fall.

This staff report also includes information on short-term "event" signs and phasing-out, also known as "sign amortization." In the end, staff recommends approving (in concept) the draft ordinance and commenting on "event" signs and sign amortization. Only then, will staff work with the city attorney to bring back a drafted ordinance for your review.

Principal Buildings: Line 15-23.

As discussed in the fall of 2010, the proposed amendments makes sign size compatible and in scale with multiple small buildings on the Spit by:

1. Changing the amount of signs allowed FROM being based on a lot TO being based on a **principal building(s)**. HCC 21.60.060 Table 2 Part B. Line 15-16.
2. Adding a row to Table 2 for small buildings. Line 22-23.

Banners: Line 4-6.

The number of banners, the visual clutter, their size, their floppy nature and their display on deck railings is bothersome to some folks. First, an explanation of how "banners" are regulated in Homer is followed by "banner issues."

Banners regulations: Banners are allowed in the commercial districts and are included in the sign allowance. Banners are not allowed in the residential and the Gateway Business district.
P:\PACKETS\PCPacket 2011\Ordinance\Sign\SR 11-42 April 6, 2011 JE input.docx

Homer City Code does not specifically address banners on decks. The "banner" definition describes mounting a banner on "a pole" and a "permanent frame." Most property owners consider their deck "permanent" and built with "poles" and planks.

HCC 21.60.060(c) Table 1 allows two types of "Banners"

1. Miscellaneous signs cannot have a commercial message that is legible for any location off the lot, HCC 21.60.060(c) Table 1: "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." Due to these limitations, no one has applied for a miscellaneous banner(s), nor has staff ever permitted Miscellaneous Banners.

2. Building Banners are allowed (HCC 21.60.060(c) Table 1) and are displayed as on buildings/walls and deck railings. The definition of banners allows a banner to be mounted on a pole or a building by a permanent frame at one or more edges. In most cases, mounting a banner on a pole by one edge results in a floppy banner.

HCC 21.030.040 defines: "Building sign." Any sign attached to any part of a building, 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."

Banner analysis

The number and visual clutter of banners is likely to be reduced if/when a sign allowance established. If the typical small retail building had a sign allowance of 30-50 sf, staff estimates that the amount of signage (*including banners*) will be reduced by 30% - 60%. When aiming for sign compliance business owners are likely to remove banners before a more expensive rigid sign.

Size of banners: There is no maximum size for banners. As long as the banner(s) are within the "sign allowance" the banner is in compliance. Seasonal banners such as "Derby" are included in a "sign allowance".

Deck railings: Restricting banners from deck railings is problematic because decks provide excellent visibility. The Hillas building, Captain's Coffee, Cosmic Kitchen and the Veteran's building on Pioneer Avenue all have decks with a mix of banners and rigid signs that are tacked or screwed into the railing.

Floppy banners: are not attached to a rigid surface nor are they firmly secured on all sides. Requiring banners to be attached on all edges, to a rigid, solid surface would curtail flimsy banners flopping in the wind.¹ A proposed code amendment to HCC 21.60.040 Definitions:

Line 4-6. "'Banner." Any sign of lightweight fabric or similar material that is mounted to a pole or a building by a permanent rigid frame on all ~~at one or more~~ edges. A flag, as defined in HCC § 21.60.040, shall not be considered a banner."

Portable A-frame are temporary signs and commonly referred to as sandwich boards: (Line 28-30)

Background: When placed in the rights-of-way, portable A-frame signs are a safety concern and add to the visual clutter especially in the summer as their numbers blossom. Portable A-frames (sandwich boards) are allowed in the commercial districts and are included in the sign allowance. One portable A-frame, (sandwich board) is allowed per lot with a maximum size is 16 sf (one side), and may "not be displayed for more than 14 days in any 90 day period...." per HCC 21.60.130.

Definitions:

"Portable sign." 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" per HCC 21.60.040.

"Temporary sign." Any sign that is used only temporarily and is not permanently mounted per HCC 21.60.040.

Display days/hours: Enforcement of the 14 days in any 90 day period is challenging because it requires continual monitoring, tracking and proving the number of days the sign has been posted. Business owners are passionate about their portable A-frame signs and often comment that sales increase when their portable A-frame sign is out.

If the goal is to reduce the visual clutter, a more enforceable option is to reduce the display hours to business hours only, with maximum of 12 hours a day. This is similar Gig Harbor, Washington which restricts the display hours to "Signs may be displayed during business hours only" GH 17.80.110(f)(2). Assuming a 12 hour business work day, this would reduce the visual clutter by 50%. A late evening or early morning sweep makes enforcement far easier than tracking 14 days in any 90 day period.

Rights-of-way(ROW): Often times, business owners and/or tenants do not know where the lot lines are, and in reality only a survey can accurately establish lot lines. Staff spends consider time with business owners to establish the approximate location of the lot lines.

Proposed change city wide: The draft ordinance replaces the display time of commercial temporary-portable signs to when the business is open, with a maximum of 12 hours per day. Not included in this draft ordinance is (non-commercial) temporary signs in the right-of-way (ROW) such as spaghetti feed, rotary health fair and/or political signs, per HCC 21.60.140. Proposed code amendment to HCC 21.60.130(a). Temporary signs-Private Property:

Line (28-30) HCC 21.60.130 (a)Term. A commercial temporary sign shall ~~not~~ be displayed only during the hours the business is open, with a maximum of 12 hours per day. ~~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.

Event Signs: (Line 38-45)

HCC 21.60.090(b)(3) describes temporary "event" signs that shall not be more the four (4) sf. In the past, the Planning Office has not issued permits for "event" signs whether on private property or in the rights-of-way. Typical Homer "event" signs advertise a weekend event, are posted on private property and in the rights-of-way, and are a mix of banners and portable A- "Event" signs are different the signs promoting derbies and raffle which are included in the properties sign allowance.

From *A Framework for On-Premise Sign Regulations* points out:

"It is reasonable for a community to regulate signs for special events – whether these events are related to commercial enterprises (grand opening, clearance sales, sidewalk sales, etc.) or institutional (places of worship, schools, non-profits) festivals, etc. These regulations can include: the number of days the signs can be displayed; the number and type of advertising devices (signs, banners, balloons, etc.) that can be displayed; and their location on the property."²

Considerations: Neither banners nor portable A-frames signs are allowed in the residential districts. Staff recommends confining "special event" signage to events lasting one week or less, with signs posted a maximum of three (3) days in advance. For example if an event starts on Thursday, signs could be posted on Monday and taken down within 24-hours of the closure of the event.

Line 38. HCC 21.60.140(a) Temporary signs-Public right-of-way. Term and Number of Permits. The maximum term of such a permit shall be 7 60 days. No more than one permit for temporary signs shall be issued to any applicant in any calendar year. For any sign containing the name of a political candidate, the candidate shall be deemed to be the applicant. *Staff note: This allows a weeklong event to have temporary signs out on a Monday before the event, and taken down by Monday after the event.*

Line 45. HCC 21.60.140(c). Number of signs. No more than 5 20 signs may be erected under one permit. *Staff note: This covers the main intersections in town.*

HCC 21.60.090(b)(1) states that signs shall contain "No commercial message" and a maximum of four (4) sf for civic events, HCC 21.60.090(b)(3). *Staff notes: Four (4) sf is small. If the commission proposes a change, staff recommends 16 sf. This is consistence with the maximum size of 16 sf for temporary signs on private property, HCC 21.60.130(c).*

Amortizing or “phase-out” time period:

Most of the existing signs on the Spit do not qualify as “nonconforming signs” because the signs are not “legal” by today’s standards. Being sensitive to the business owner’s investment in their signage would be sensible; “phase-out” often called “amortization” for a specific time period to meet compliance is a reasonable approach.

Staff researched the background of sign amortizations, legal challenges and incentives.

Legal: The major factor that courts have cited in determining an adequate amortization period is whether sufficient time was allowed for the owner to recoup most of his/her investment. This is judged by looking at the nature of the use in relation to the character of the neighborhood; the value of the remaining use, if any, and the difficulty in removing the sign. A person challenging a zoning decision has the burden of proof that the zoning commission’s action was wholly arbitrary and unreasonable and was not related to the public health, safety, moral or general welfare.³

Amortization time: For tax purposes, most signs can be depreciated in three years, although some extend to 5-10 years. In areas where large expensive signs are financed, the term of the loan is unlikely to be more than three years and is almost certain to be 5 years or less.¹ Courts have routinely sustained billboard amortization periods of three years and less.⁴ For other types of signs, courts have upheld amortization periods ranging from 10 months to 10 years.⁵ In the 1990’s when Homer adopted a sign ordinance, 18 months was the time limit originally approved for removing signs that were nonconforming. In 2003 when Homer amended the sign code, One year was the time limit unless the owner obtained a permit.

Date specific: The American Planning Association suggests setting a specific date by which signs must be replaced with conforming signs or removed. The “the most important thing about a sign amortization periods is to have one. Even if it is necessary politically to agree to a 10-year or 15-year amortization period, such a provision is far better than the alternative of having no limit to the life of nonconforming signs.”

“A simpler and safer approach is simply to have the amortization period begin with the effective date of the new sign regulations. As with other dates in regulations, it is administratively simpler to use a “date Certain” (such as the next July 1 or January 1) rather than “ten days from the date of adoption,” a stipulation that requires someone to document the adoption date of a five-year-old regulations in order to begin enforcing the amortization provision.”⁶

The American Planning Association offers several options for sign phase-out or amortization. In *italic* is how these options might apply to Homer.

1. When a sign is removed, replaced, face is changed; it must be replaced with a conforming sign.
Staff note: Common amortization language uses the terms removed, replaced, however many of the Spit businesses remove their signs for the winter, with the intent to replace them in the spring. If there is a need to change the face of the sign, odds are there is a new business.
Staff recommends a reasonable accommodation that when the face of a sign is changed; all the signs on that particular building must be replaced with a conforming sign(s).
2. New tenants, lease renewals, building owners or property owners, shall thereafter comply.
Staff note: Sign compliance is part of the City's lease renewals. On private property there can multiple layers of ownership which is not realistic to track. If a new tenant moves into a portion of the building, or onto the boardwalk the entire site thereafter would need to comply. To avoid making the new tenant the "compliance culprit" staff recommends compliance when the face of the sign changes.

Based on APA amortization guidelines staff recommends phasing these standards in when the face of the sign changes, or no later than 3 years. January 1st of a given year provides plenty of time for seasonal businesses to make adjusts for the upcoming season.

Incentives: Some communities provide incentives for removing non-compliant signs. Examples are:

1. A prohibition of the installation of *any* new signs on a lot while a nonconforming sign(s) remain.
2. A bonus in the size of new sign(s) if non-compliance signs are removed by *date*.
3. Increased size Option. If a carved or sandblasted wooden sign is used, the sign size maybe increased by 20% of its underlying allowable sign area. GH 17.80.100(C)(1)(c).
4. Nominal cash compensation for early removal (including summer) of non-compliance signs.

Draft Spit Comprehensive Plan statements that support changes to the sign code are:

"Sign size needs to be compatible and in scale with multiple buildings on one parcel."
Pg 24, Commercial Development.

"Zoning should be adjusted to support Spit business owner's sense of individuality and unique character." Pg 23, Land Use & Community Development.

STAFF COMMENTS/RECOMMENDATIONS: The existing sign code is thorough and complete so the staff recommendations are geared to reduce clutter while maintaining the sign code's integrity. Staff recommends accepting the draft ordinance (in concept) and commenting on amortization and incentives. Only then will the draft ordinance be reviewed by the city attorney and brought back to you for approval. The attached draft ordinance includes:

- Line 4-5. "Banner." Any sign of lightweight fabric or similar material that is mounted to a pole or a building by a permanent rigid frame on all ~~at one or more~~ edges.
- Line 14-22. Sign allowance allocated by ~~let~~ principal building(s). Inserting a sign allowance for small buildings for 30 sf to 50 sf.
- Line 28-29. Temporary signs: A commercial temporary sign shall ~~not~~ be displayed only during the hours the business is open, with a maximum of 12 hours per day.
- Line 38-45. Temporary Event signs limited to a "maximum term of such a permit shall be 7 ~~60~~ days" and a maximum number of 5 ~~20~~ signs.
- Amortization: Phasing these standards in over a three (3) year period. When the sign face is changed; all of the signs on the building must be replaced with a conforming sign(s), or no later than 3 years. January 1st
- Incentives: Does the commission want to offer incentives? If so, staff recommends: If a hand painted, carved or sandblasted wooden or metal art sign is used, the sign size maybe increased by 20% of its underlying allowable sign area.

ATTACHMENTS

1. Amortization of Nonconforming Uses
2. Draft ordinance

¹ *Sign Regulation for Small and Midsize Communities*, American Planning Association, 1989, pg 16.

² *A Framework for On-Premise Sign Regulations*, Alan C. Weinstein, Inc. publisher: D.B. Ham, Inc. March 2009

³ *Amortization of Nonconforming Uses*, American Planning Association, by Margaret Collins, April 2001

⁴ *Land Use and the Constitution: Principles for Planning Practice*, American Planning Association, 1989, pg 187

⁵ *Planning and Urban Design Standards*, American Planning Association, 2006, pg 363

Section 1. Homer City Code Title 21 Zoning and Planning 21.60.040 Definitions:

"Banner." Any sign of lightweight fabric or similar material that is mounted to a pole or a building by a permanent rigid frame on all ~~at one or more~~ edges. A flag, as defined in HCC § 21.60.040, shall not be considered a banner.

Section 2. Homer City Code Title 21 Zoning and Planning, 21.60.060 Table 2 Part B Sign Code Maximum Total Sign Area is hereby amended as follows:

Table 2 Part B (MC and MI districts only)

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 principal building(s)</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.
200 to 349	50 s.f.
50 to 199	30 s.f.

Section 3. Homer City Code Title 21 Zoning and Planning 21.60.130 Temporary signs-Private property is amended to read as follows:

21.60.130 Temporary signs-Private property. Temporary signs on private property shall be allowed subject to the following requirements:

a. Term. A commercial temporary sign shall not be displayed only during the hours the business is open open with a maximum of 12 hours per day. 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.

Section 4. Homer City Code Title 21 Zoning and Planning 21.60.140 Temporary signs-
Public right-of-way is amended to read as follows:

21.60.140 Temporary signs-Public right-of-way. Permits for temporary private signs in
the public right-of-way shall be issued in accordance with the following conditions:

a. Term and Number of Permits. The maximum term of such a permit shall be 7 ~~60~~ days. No
more than one permit for temporary signs shall be issued to any applicant in any calendar
year. For any sign containing the name of a political candidate, the candidate shall be
deemed to be the applicant.

b. The signs must meet the requirements of Table 3 of this chapter.

c. Number of signs. No more than 5 ~~120~~ signs may be erected under one permit.

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

MINSCH/BOS MOVED THAT COMMERCIAL TEMPORARY SIGNS SHALL NOT BE ALLOWED.

Sandwich boards and temporary signs for the cruise ship is a big part of what is driving the signs, along with the economy, but the signs are multiplying quickly. We have been trying to deal with them and get them out of the right-of-way without a lot of success. Planning Technician Harness-Foster noted that she is trying to find a bridge by limiting the hours they can be out. There was discussion of possible options to allow sandwich board signs. Other comments included starting with not allowing them at all and see where it goes. The solution to the sandwich board issue is for the business to have a free standing sign.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Planning Technician Harness-Foster noted that according to code temporary signs could include banners.

Banner discussion included comments that they should not be allowed. There were also comments that the banner could be fixed to a permanent rigid frame, attached to a building, included in the allowable square footage for a sign, and not attached to a deck. Staff noted that there are locations of buildings on Pioneer Avenue like the Hillas Building and the Captains Coffee building with a combination of wood signs and banners on railings.

MINSCH/BOS MOVED THAT ANY LIGHT WEIGHT FABRIC OR SIMILAR MATERIAL FOR A BANNER TYPE SIGN MUST BE MOUNTED TO A BUILDING BY A PERMANENT RIGID FRAME ON ALL SIDES AND INCLUDED IN A BUILDINGS SIGNAGE ALLOWANCE.

There was question whether the deck railing is considered part of a building and if they can be affixed to decks. The question wasn't resolved but it was noted they can revisit this when the amendments come back.

VOTE: YES: BOS, VENUTI, HIGHLAND, DOLMA, MINSCH
NO: DRUHOT

Motion carried.

DOLMA/VENUTI MOVED THAT BANNERS AND V TYPE SANDWICH BOARD SIGNS BE IN COMPLIANCE IN ONE YEAR AND NOT THREE YEARS.

It was noted that the temporary signs, like sandwich boards and banners are not going to be permitted once Council approves this.

VOTE: NO: BOS, MINSCH, HIGHLAND, DRUHOT, VENUTI, DOLMA

Motion failed.

B. Staff Report PL 11-35, Draft Ordinance 11-xx East End Mixed Use

City Planner Abboud reviewed the staff report.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was brief discussion of election signs.

The Commission engaged in discussion of a sunset clause where everyone should be in compliance and amnesty for buildings on the spit in regard to their other zoning issues when applying for a sign permit. It was argued that the buildings should be brought to code and point was raised that many of the zoning issues out there are not simple fixes. City Planner Abboud added that he has had discussion with the City Attorney who said a sign permit may not be held up because of other violations. Staff will bring something back on how best to deal with amnesty and a sunset clause.

There was also discussion of the issue of responsibility for getting sign permits. Currently the property owner has to do it. It could be something where the owner and tenant both have to apply. Staff will look at verbiage for code.

The next issue addressed was the length of the sunset time to come into compliance. It was recommended that it be date specific. Most Commissioners wavered between 2 and 3 years.

DRUHOT/HIGHLAND MOVED THAT THE TIMEFRAME TO BECOME COMPLIANT WITH SIGN CODE BE THREE YEARS AFTER COUNCIL ADOPTION.

There was no discussion.

VOTE: YES: VENUTI, DRUHOT, MINSCH, HIGHLAND
NO: DOLMA, BOS

Motion carried.

In relation to the recommendation that if the sign face changes all signs on the building have to be in compliance, question was raised if that includes signs for multiple buildings. Chair Minsch was inclined to think it doesn't. Planning Technician Harness-Foster said she would ask for clarification.

MINSCH/BOS MOVED THAT WHEN THE FACE OF A SIGN IS CHANGED ALL THE SIGNS ON THE PARTICULAR BUILDING MUST BE REPLACED WITH A CONFORMING SIGN.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

The Commission discussed the suggested incentives. There were comments that it could help encourage nicer signs and it isn't too much of an increase. Others noted that a nice sign can be put together within the allotted amount and everyone should be held to the same limitations. It was also noted that some people's art may not be another person's art.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
APRIL 6, 2011

- Most of the small buildings are on the spit and it should start off with spit only.
- If we are going to deal with banners, temporary signs, and sandwich boards, they need to be dealt with city wide.
- The notion of incentives sounds good but adding 20% to a sign on a small building is a substantial increase and the criteria should be consistent for everyone.
- The reference to square footage starting on line 47 refers to wall frontage. The square footage of wall that faces the front or the right-of-way.

MINSCH/DRUHOT MOVED THAT THE SIGN ORDINANCE IS APPLICABLE TO EVERYONE IN HOMER INCLUDING THE HOMER SPIT.

There was brief discussion that it keeps it simple if everyone is held to the same code.

VOTE: YES: DRUHOT, MINSCH, VENUTI, DOLMA, BOS
NO: HIGHLAND

Motion carried.

There was discussion about building sizes and amount of signage.

DRUHOT/BOS MOVED TO AMEND LINE 53 TO CHANGE 50 TO 199 SQUARE FEET TO 0 TO 199 SQUARE FEET AND ACCEPT THAT WALL FRONTAGE OF 0 TO 199 SQUARE FEET WILL HAVE A MAXIMUM SIGN AREA OF 30 SQUARE FEET AND WALL FRONTAGE OF 200 TO 349 SQUARE FEET WILL HAVE A MAXIMUM SIGN AREA OF 50 SQUARE FEET.

The comment was made that these allowances are too big. It was noted that this is a start and they can discuss it further after staff updates the changes made tonight.

VOTE: YES: DRUHOT, MINSCH, BOS
NO: DOLMA, HIGHLAND, VENUTI

Motion failed.

There was discussion of supporting a smaller signage.

BOS/DOLMA MOVED TO AMEND LINE 52 TO CHANGE 50 SQUARE FEET TO 40 AND LINE 53 CHANGE 30 SQUARE FEET TO 20.

There was no discussion.

VOTE: YES: MINSCH, DOLMA, VENUTI, BOS, DRUHOT
NO: HIGHLAND

Motion carried.

DOLMA/BOS MOVED TO ACCEPT STAFF RECOMMENDATIONS FOR LINES 38-45 FOR TEMPORARY EVENT SIGNS CHANGING THE MAXIMUM TERM FROM 60 TO 7 AND THE MAXIMUM NUMBER OF DAYS FROM 20 TO 5.

There was no discussion.

PLAT CONSIDERATION

A. Staff Report PL 11-40, Augustine Subdivision No. 5 Preliminary Plat

City Planner Abboud reviewed the staff report.

Roger Imhoff, project surveyor, commented that he is not that converse with the impervious issues, if that is an issue. In response to questions, he clarified that the plat notes are standard notes and easements of record, including driveway easements. He also explained that he does not know the reasoning behind the replat.

Question was raised regarding future development on the lot and City Planner Abboud explained that they can't exceed the 4.2 and this action doesn't qualify the applicants to develop anymore. There was also brief discussion about the graveyard on the property. City Planner Abboud noted it was already there and he isn't aware of any code that says it can't be expanded or that it creates an impervious coverage issue.

There was discussion clarifying where the structures are on the lots and how the new lots would be configured.

There were no public comments.

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 11-40 AUGUSTINE SUBDIVISION NO. 5 PRELIMINARY PLAT.

Comments were made about the uncertainty of how to respond about impervious issues, and a cemetery. City Planner Abboud noted that these were not issues relevant to the platting process. No one was sure when the cemetery was established.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Staff Report Pl 11-42 Sign Code Amendments

Planning Technician Harness-Foster reviewed the staff report.

HIGHLAND/BOS MOVED TO BRING THIS TO THE FLOOR FOR DISCUSSION AND RECOMMENDATION.

No objection was expressed and discussion

Initial discussion points included-

- A small building would be considered 50 to 199 square feet.
- Some felt these changes would apply to the spit only, others felt they should be city wide.



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-37 WS

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: March 16, 2011
SUBJECT: Sign ordinance

Based on the March 7th Joint work session with the City Council it seems there is support for sign code amendments that address:

1. Banners
2. Temporary-sandwich boards
3. The amount of signage
4. Enforcement
5. Phase in compliance

Public involvement is key and a draft ordinance is needed before discussions with the public take place. On November 3, 2010 the HAPC reviewed a draft ordinance which addressed the amount of signage per principal building and temporary signs. If this is a direction that the HAPC would like to proceed, staff will expand the draft ordinance to include enforcement and phasing in the new regulations for an April HAPC meeting.

The planning staff is eager to use the summer season to inform the public. The timeline below allows for public workshops this summer followed by public hearings this fall. If an ordinance is to be effective for summer 2012 adoption should be in the winter/spring of 2012.

May 2011	Draft ordinance
June/July 2011	Invite business and property owners to workshops that explain the key concepts. Press coverage, flyers and gather public input.
August 2011	Based on the input, if needed, make adjustments to the draft ordinance
September 2011	Schedule public hearing(s) at the HAPC
Fall/winter	Send draft ordinance to City Council.
Feb. 2012	Education property owners

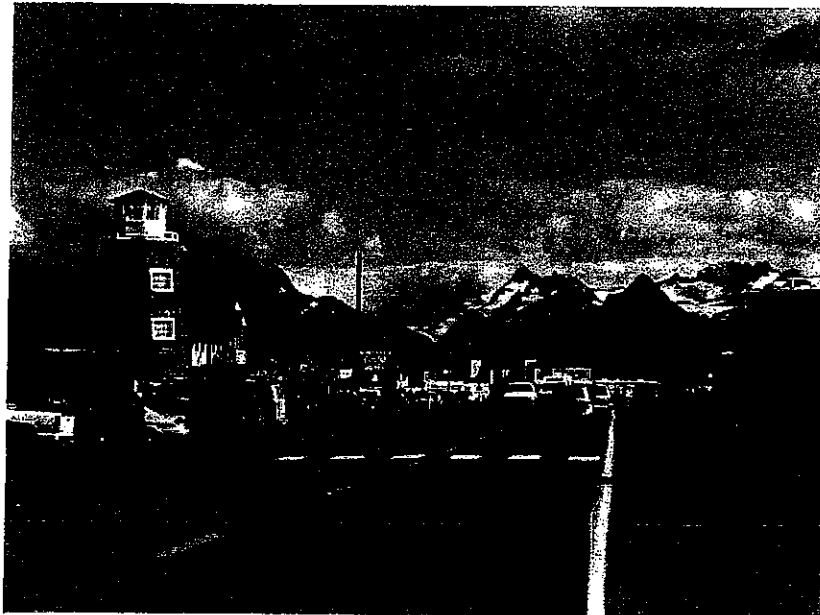
ATTACHED:

1. November 3, 2010 SR 10-105

CITY COUNCIL PLANNING COMMISSION

**MONDAY
MARCH 7, 2011**

**JOINT WORKSESSION
6:00 P.M.**



**CITY HALL COWLES COUNCIL CHAMBERS
491 E. PIONEER AVE.
HOMER, ALASKA**

Produced and distributed by the Clerk's Office ~ 3/03/11 ~ jj



HOMER CITY COUNCIL/WORKSESSION
491 E. PIONEER AVENUE
HOMER, ALASKA

MARCH 7, 2011
MONDAY, AT 6:00 P.M.
COWLES COUNCIL CHAMBERS

**MEETING NOTICE
JOINT WORKSESSION WITH PLANNING COMMISSION
AGENDA**

1. **CALL TO ORDER, 6:00 P.M.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
3. **Signage Code Enforcement on the Spit**
 - A. Staff Report PL 11-31 from Planning Technician Page 1
 - B. Memorandum 11-030 from Police Chief Page 5
4. **COMMENTS OF THE AUDIENCE**
5. **ADJOURNMENT. NEXT REGULAR MEETING IS SCHEDULED FOR MONDAY, MARCH 14, 2011 AT 6:00 P.M. THE NEXT COMMITTEE OF THE WHOLE IS SCHEDULED FOR MONDAY, MARCH 14, 2011 AT 5:00 P.M.** All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



City of Homer

Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site

www.ci.homer.ak.us

STAFF REPORT PL 11-31

TO: Homer Advisory Planning Commission
THROUGH: Homer Advisory Planning Commission (HAPC) and Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: March 7, 2011
SUBJECT: Spit signage and enforcement

The objective to this staff report is to help solidify points and questions for discussion with the City Council and the HAPC. This staff report starts with background information, includes Comprehensive Plan statements, code enforcement progress and ends with key questions to discuss.

Background information:

None of the boardwalks are in compliance with the current sign code which allows 150 sf of signage per lot. Gaining compliance would be no easy task and take a great deal of time and effort, perhaps so much that consideration would have to be given to extra staff time and possibly attorney fees.

Legal challenges may have multiple participants. The property owner is responsible for compliance; however ownership on the boardwalks often involve 1) a property owner, 2) a building owner and 3) a business owner. Compliance is based on the entire lot, which requires all the various owners to work together to reduce signage to 150 sf. In the most simplistic form, if one lot has 10 buildings, every building would need to reduce their signage to 15 sf. If one owner doesn't reduce their signage, the entire parcel is in violation.

Currently, Spit businesses on boardwalks view the sign code as unrealistic or unattainable. During the fall of 2010 the HAPC reviewed Homer's sign code and is considering changes to Spit signage on lots with multiple buildings. Signage would be allocated **per building versus per lot**. Oddly, in many instances this may increase the allowed signage on many lots with multiple structures, but in the end approximately 50% of the businesses will likely need to reduce their signage. If such sign code amendments are adopted the Planning and Zoning Office would take great lengths to educate Spit business owners of the changes. Even so, there is likely to be some resistance.

HAPC concerns:

To date, the Commission has not moved forward on a draft ordinance; so no public hearing has been held, nor have the property and business owners been contacted. If/when a draft ordinance is proposed staff and the commission will make every effort to contact owners.

The HAPC is sensitive to the economic impact of new sign regulations. Phasing in the sign ordinance respects the investment that business owners have in their signage. Phasing might include a timeframe to come into compliance (with regards to permanent signage) when not adding more signs.

The commission is sensitive to the uniqueness of the Spit and the effects of uncontrollable signs. The attached article from *Planning Commissioners Journal* addresses tourism: "The more one community comes to look like every other community, the less reason there is to visit. On the other hand, the more a community does to protect and enhance its distinctive character, whether natural or architectural, the more reason there is to visit."

C:\Documents and Settings\Johnson\Local Settings\Temporary Internet Files\Content.Outlook\2WRYTPB1\SR 11-31 March 7 HAPCCC joint session.docx
C:\Documents and Settings\Johnson\Local Settings\Temporary Internet Files\Content.Outlook\2WRYTPB1\SR 11-31 March 7 HAPCCC joint session.docx

Sign code enforcement is governed by Title 21 which allows violators 30 days to correct violation(s) HCC 21.90.060(c). Within that 30 days, the violator may appeal the enforcement order to the Planning Commission, HCC 21.93.300(a). The appeal hearing must be scheduled within 60 days, HCC 21.93.100(a). The Planning Commission has 60 days to render a decision, HCC 21.93.100(a). So far, 150 days, the summer season is over, the appeal fee is \$250.00 and the appellant may appeal to the Board of Adjustment. This process gets quite drawn out over a subject that is rather definitive. Another possibility is to involve a citation issued by the police and going directly to court (after gentle reminders and opportunities, given by the Planning Office, to come into compliance).

Draft Spit Comprehensive Plan: Statements related to the sign code include:

"Sign size needs to be compatible and in scale with multiple buildings on one parcel."
Pg 24, Commercial Development.

"Zoning should be adjusted to support Spit business owner's sense of individuality and unique character." Pg 23, Land Use & Community Development.

Enforcement progress:

The HAPC, the Port and Harbor Commission, the Lease Committee, and the planning staff have been working together to get Spit properties in compliance. For example, prior to lease renewals the leaseholders may need to get a Conditional Use Permits which verifies that FEMA, DEC and Fire Marshal certifications are current. The business owner may need to provide a survey, replace/remove older structures, and water/sewer connections. When the property owner is resistant the City incurs legal fees. The grid below illustrates the permit progress:

Permit	Business	On-site	Address
CUP 11-09	Petro Marine	Fuel tanks	4755 Homer Spit Road
CUP 10-05	The Fish Factory	Seafood processing	800 Fish Dock Road
CUP 10-03	Alaska Marine Hwy System	Warehouse	4667 Homer Spit Road
CUP 10-01	The Sports Shed	Retail-hotel	3815 Homer Spit Road
CUP 09-07	The Auction Block	Seafood processing	4501 Ice Dock Road
CUP 07-14	Kachemak Shellfish Growers	Retail-seafood processing	3851 Homer Spit Road
CUP 05-05	Yourkowski	Retail	4460 Homer Spit Road
<u>Upcoming</u>			
In 2011	Snug Harbor	Seafood processing	Ice Dock Road
In 2011	B. Faulkner	Wholesale seafood	4474 Homer Spit Road
In 2011	Central Charters	Retail, restaurants, booking	4241 Homer Spit Road

Draft Spit Comprehensive Plan statements that support enforcement:

"A clear policy is needed and appropriate regulations created and enforced to meet public health and safety concerns." Pg 25, 1.C Resort/Residential Development

"By permitting these activities, the City can better regulate them and ensure facilities meet building, health, and safety codes." Pg 25, 1.C Resort/Residential Development

The spit has a higher rate of noncompliant signs and structures than other parts of town.

Questions:

As the City Manager's Report mentions (1/10/2011) "many are concerned that the City is not doing enough, or being assertive enough about code enforcement, particularly on the Spit. On the other hand, a sizable portion of the community believes that the City is being too aggressive."

1. Is the City ready to financially support proactive enforcement of the current sign code? (150 sf per parcel)
2. Is the City willing to support changes to the sign code?
3. Should the Spit have different sign regulations than the rest of town?
4. Should there be some sort of time delay, phasing in compliance?
5. Should the City's Police Department be involved in enforcement?



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

MEMORANDUM 11-030

DATE: February 28, 2011
TO: Rick Abboud, City Planner
FROM: Mark Robl, Chief of Police
SUBJECT: Sign Violation Enforcement

Even with the addition of a new police officer this year, the police department will have very little time to engage in sign violation enforcement. We set records with our high numbers of arrests last year. We made more arrests in the last three months, typically slow winter months, than ever before. Our officers have been incurring overtime at unprecedented rates for this time of year and it is not slowing down.

I would expect most of the sign violations to occur in the summer. This is our busiest time and we often have to prioritize calls for service based on severity. There were many days last summer when we were unable to even do basic patrol work while our officers scrambled to keep up with case work demands from the district attorneys office and the court system. We were not able to respond to over one hundred calls for service. I am hoping to minimize overtime, fill in some of the blank schedule spots and reduce our response times and incidents of no response with our new officer. Taking on more work, no matter how trivial it may seem, is not practical.

Our dispatchers provide our secretarial and clerical support in addition to answering phone and radio calls. They have to prepare, log, file and transmit every citation that comes in from patrol. We are down one position in dispatch due to budget cuts and the existing staff will be hard pressed to keep up with summer work loads as it is. I am not interested in adding more work to their current responsibilities. We will also be down to one enforcement aide on the spit this summer, we had two last summer. This person will be very busy with parking enforcement and beach patrol duties.

It seems that there is more and more interest in increasing the enforcement of city ordinances. I suggest a code enforcement position be considered. It would be more cost effective to do code enforcement with a dedicated position and should cost considerably less than a police officer.



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-16 WS

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: February 16, 2011
SUBJECT: Goals for March 7, 2011 joint session with City Council

The objective to this staff report is to help solidify points that need to be made and questions that need to be answered in the CC/PC joint work session scheduled on March 7, 2011 at 6pm in City Council Chambers. This is my outline as I understand. It is up to the Planning Commission to refine the items and phrase questions as they like. I just want to make sure that all we need to address is clearly stated and presented to help guide and frame the discussion. Please make notes for discussion and suggestion of how you would like a staff report to look like. We start out with some background information to frame the issue then move on to pointed policy questions.

Background information:

None of the boardwalks are in compliance with the current sign code which allows 150 sf of signage per lot. Gaining compliance would be no easy task and take a great deal of time and effort, perhaps so much that consideration would have to be given to extra staff time and possibly attorney fees.

Legal challenges may have multiple participants. The property owner is responsible for compliance; however ownership on the boardwalks often involve 1) a property owner, 2) a building owner and 3) a business owner. Compliance is based on the entire lot, which requires all the various owners to work together to reduce signage to 150 sf. In the most simplistic form, if one lot has 10 buildings, every building would need to reduce their signage to 15 sf. If one owner doesn't reduce their signage, the entire parcel is in violation.

Currently, Spit businesses on boardwalks view the sign code as unrealistic or unattainable. During the fall of 2010 the HAPC reviewed Homer's sign code and is considering changes to Spit signage on lots with multiple buildings. Signage would be allocated per building versus per lot. Oddly, in many instances this may increase the allowed signage on many lots with multiple structures, but in the end approximately 50% of the businesses will likely need to reduce their signage. If such sign code amendments are adopted the Planning and Zoning Office would take great lengths to educate Spit business owners of the changes. Even so, there is likely to be some resistance.

Draft Spit Comprehensive Plan statements that support changes to the sign code are:

"Sign size needs to be compatible and in scale with multiple buildings on one parcel."
Pg 24, Commercial Development.

"Zoning should be adjusted to support Spit business owner's sense of individuality and unique character." Pg 23, Land Use & Community Development.

The HAPC, the Port and Harbor Commission, the Lease Committee, and the planning staff have been working together to get Spit properties in compliance. For example, prior to lease renewals the leaseholders may need to get a Conditional Use Permits which verifies that FEMA, DEC and Fire Marshal certifications are current. The business owner may need to provide a survey, replace/remove older structures, and water/sewer connections. When the property owner is resistant the City incurs legal fees. The grid below illustrates the permit progress:

Permit	Business	On-site	Address
CUP 11-09	Petro Marine	Fuel tanks	4755 Homer Spit Road
CUP 10-05	The Fish Factory	Seafood processing	800 Fish Dock Road
CUP 10-03	Alaska Marine Hwy System	Warehouse	4667 Homer Spit Road
CUP 10-01	The Sports Shed	Retail-hotel	3815 Homer Spit Road
CUP 09-07	The Auction Block	Seafood processing	4501 Ice Dock Road
CUP 07-14	Kachemak Shellfish Growers	Retail-seafood processing	3851 Homer Spit Road
CUP 05-05	Yourkowski	Retail	4460 Homer Spit Road
Upcoming			
In 2011	Snug Harbor	Seafood processing	Ice Dock Road
In 2011	B. Faulkner	Wholesale seafood	4474 Homer Spit Road
In 2011	Central Charters	Retail, restaurants, booking	4241 Homer Spit Road

Draft Spit Comprehensive Plan statements that support enforcement:

"A clear policy is needed and appropriate regulations created and enforced to meet public health and safety concerns." Pg 25, 1.C Resort/Residential Development

"By permitting these activities, the City can better regulate them and ensure facilities meet building, health, and safety codes." Pg 25, 1.C Resort/Residential Development
Support of enforcement actions.

Clearly in regards to signs and in some instances zoning permits and/or CUP's many instances of noncompliance are found on the spit which are disproportionate to those found in other parts of town.

Questions:

As the City Managers Report mentions (1/10/2011) "many are concerned that the City is not doing enough, or being assertive enough about code enforcement, particularly on the Spit. On the other hand, a sizable portion of the community believes that the City is being too aggressive..."

1. What kind of support is there for enforcement of the current sign regulations? Even if the use/structure is in violation?
2. Should the Spit have different sign regulations than the rest of the town?
3. Should there be some sort of delay or time extension given to come into compliance?



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 10-105

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: November 3, 2010

SUBJECT: Proposed Sign code changes

At the August 4th HAPC work session the Commission directed staff to research and present amendments to the existing sign code. Staff focused on lots with multiple buildings both in town and on the Spit and compared measurements of approximately fifty buildings and their signs. This staff report begins with some background on the current sign code and includes excerpts from staff reports presented at the Sept. 15, 2010, October 6, 2010 and October 20, 2010 HAPC meetings:

- A. Background on how the current sign code affects lots with multiple buildings.
- B. Principal Building definition.
- C. Amount of signage allowed per principal building.
- D. Visual examples of small buildings and their sign area.
- E. Freestanding signs (Anchored in the ground and independent from the buildings(s)).
- F. Temporary signs (Not permanently mounted)
- G. Measuring two-sided signs
- H. Compliance

REQUESTED ACTION: Review, modify as needed, and send to public hearing. (If the Commission wants these changes to be effective for the 2011 summer season, this draft ordinance needs to be moved to public hearing.)

The proposed amendments makes sign size compatible and in scale with multiple small buildings on the Spit by:

1. Changing the amount of signs allowed FROM being based on a ~~lot~~ TO being based on a principal building(s). HCC 21.60.060 Table 2 Part B. Line 44-45.
2. Adding a row to Table 2 for small buildings. Line 51-53.
3. Establishing the maximum size of a building complex sign. Line 58.

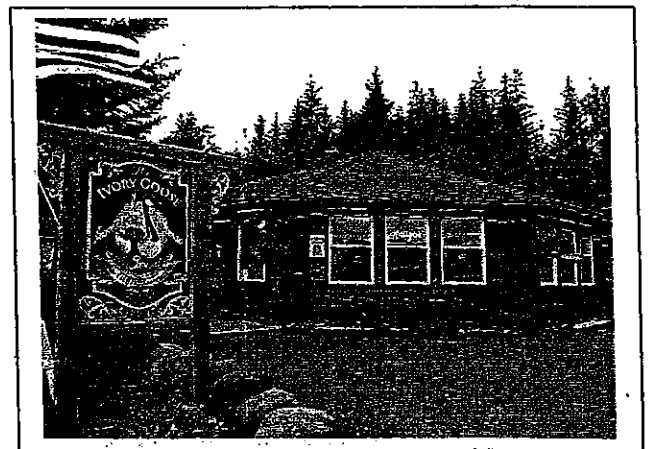
A. Background on how the current sign code affects lots with multiple buildings.

Currently, the amount of signage is based on a lot and by the amount of wall frontage. The more wall frontage a building has the more signage allowed. For example, Safeway is allowed the maximum of 150 square feet in signage, while small buildings are allowed 50 square feet of signage. So far straightforward, one business per lot. HCC 21.60.060 Table 2 Part B.

Belmonte Vista, The Yurt Village and Ivory Goose on Pioneer Avenue, have multiple buildings on one lot. Currently each lot is allowed a maximum of 150 square feet of signage plus a freestanding sign per HCC 21.60.060 Table 2 Part B. Dividing the 150 square feet of signage amongst these units seems workable and provides sufficient and legible signage.



Belmonte Vista with four buildings and a freestanding sign.



Ivory Goose on Pioneer Avenue, four buildings.

However, as the number of buildings increase the amount of signage remains at 150 square feet (per lot). Dividing 150 sf between twelve buildings provides 12.5 sf of signage per building.



Multiple buildings on one foundation, Cannery Row Boardwalk.

B. Staff explored amending the sign code to base the amount of signage on a “principal building”.
From HCC 21.60.060(c) Table 2 Part B:

Square feet of wall frontage	Maximum allowed sign area per lot <u>principal building.</u>
------------------------------	--------------------------------------------------------------

Homer’s Sign Code HCC 21.60.040 defines “Principal building” as “The building in which is conducted the principal use of the lot 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.” This existing definition accommodates multiple principal buildings, while excluding storage and accessory structures.

C. Amount of signage per “principal building.”

Staff compared the existing per lot code with the proposed per principal building(s) concept. At Belmonte Vista, and the Ivory Goose each building would be allowed 50 square feet per building, for a total of 200 square feet. The Yurt Village would be allowed 50 square feet per building, for a total of 400 square feet.

As the number of “principal buildings” increase the amount of signage increases. Since signage is proportional, staff considered adding a row to Table 2 to accommodate the small buildings. Proposed amendment HCC 21.60.060 Table 2 Part B:

Square feet of wall frontage	Maximum allowed sign area per lot <u>principal 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.
0 to 349 (existing)	50 s.f.
With wall frontage and sign sf adjusted	
200 to 349	50 sf
50 to 199	30 s.f.

Approximately half of the small Spit buildings have less than 200 square feet of wall frontage, likewise the Yurt Village. Therefore, staff considered a more proportional arrangement: adding a row to Table 2 “50 to 199 square feet of wall frontage” to allow “30 square feet of signage”, progressing to “200 to 349 of wall frontage” to allow “50 square feet of signage”.

Note: Starting with 50 sf of wall frontage requires a minimum to be considered a “principal building.”

Below: The Yurt Village has eight (8) permitted principal buildings. The current code allows a maximum of 150 sf of signage for the entire lot, which is workable. Based on the proposed amendment 400 sf of signage would be allowed.



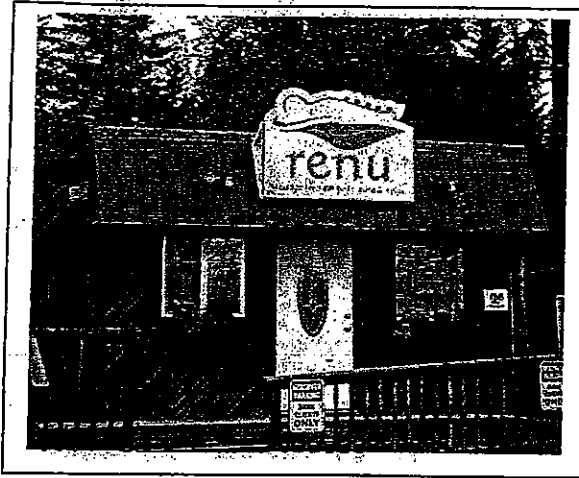
This grid shows the affects of the proposed amendments on lots with multiple small buildings. As the number of buildings increase, so does the signage. Consideration should be given to making the proposed amendments effective for only the Marine Commercial (MC) and Marine Industrial (MI) districts. If so, this amendment would affect eight (8) Spit parcels with multiple buildings.

	Belmonte Vista	Ivory Goose lot	The Yurt Village	Central Charters BW	Harborview Board walk	Cannery Row
Number of principal buildings	4	3	8	5	6	12
Zoning district	CBD	CBD	CBD	MC	MC	MC
Amount of signs allowed with the current code.	150 sf	150 sf	150 sf	150 sf	150 sf	150 sf
Proposed: Amount of signs based on Principal Building(s) and small (50 to 199) buildings.	160 sf	160 sf	400 sf	490 sf	260 sf	480 sf

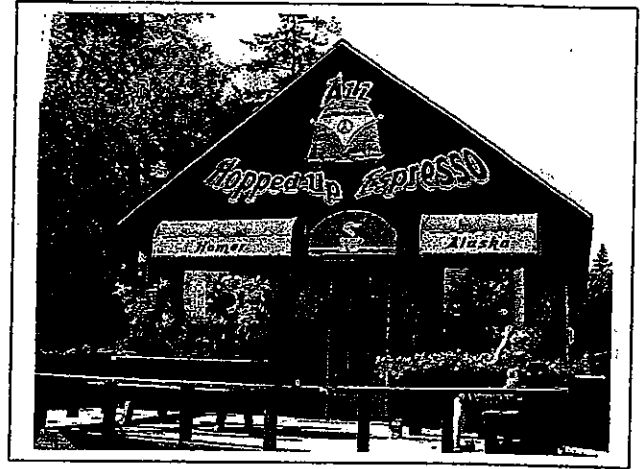
Rationale for making the Table 2 effective for the MC and MI districts only are:

- In town signage is working on sites with multiple buildings.
- 10+ buildings on one lot is UNIQUE to the Spit.
- Sign codes vary between zoning districts. For example: Homer's Residential Office district allows 50 sf of signage IF the business is along East End Road, Bartlett, Hohe, and Pennock, HCC 21.60.060(c) Table 2 Part B (e).
- The proposed amendments address the MAIN issue on the Spit.
- Small, baby steps rather than city wide.

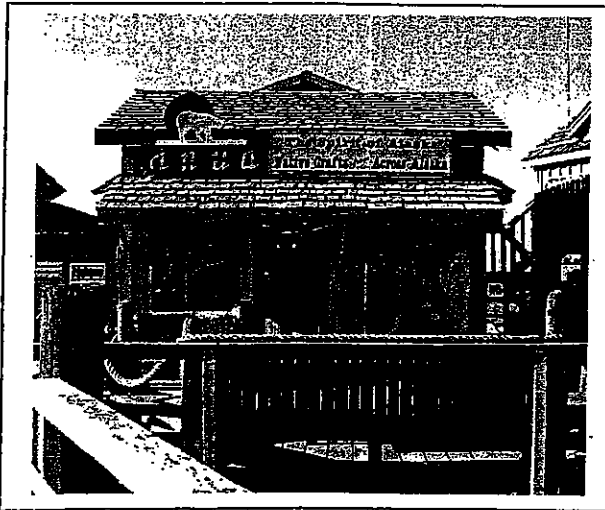
D. The photos might help grasp the wall frontage to sign area concept.



As proposed, the Renu building would be allowed 30 sf of signage. Currently 12 sf is displayed. Complies.



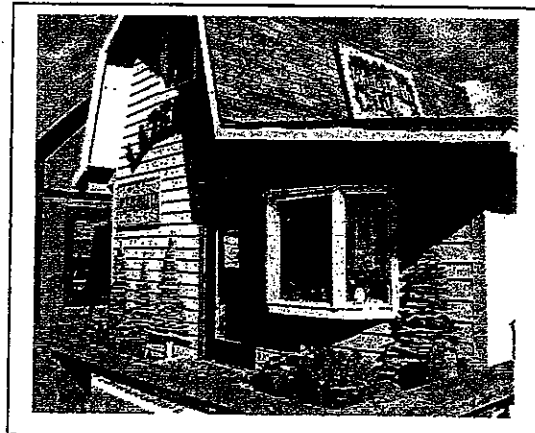
As proposed, All Hopped Up Espresso would be allowed 50 sf of signage. Currently 45 sf is displayed. Complies.



*The Inua Gift Shop has less than 200 sf of wall frontage. As proposed the The Inua Gift Shop would be allowed 30 sf of signs.
The Inua Gift Shop has approximately 30 sf of signs.*

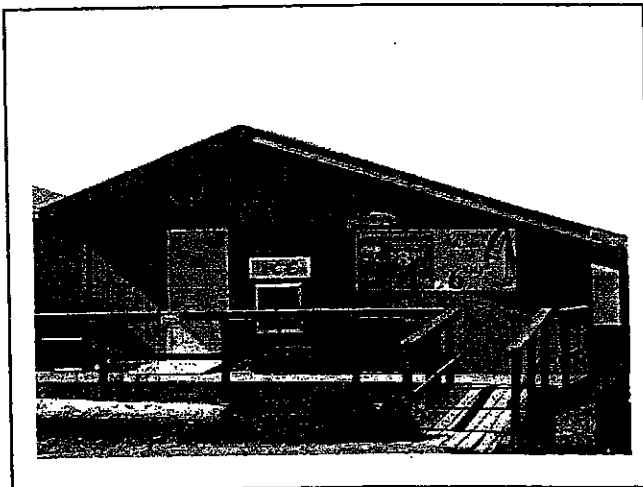
Complies with the proposed amendments.

*White Earth Tile has less than 220 sf of wall frontage.
As proposed the White Earth Tile would be allowed 50 sf of signs.
The building has approximately 42 +/- sf of signage (including deck sign).*





*Spit Sisters has 226+- wall frontage.
As proposed the Spit Sisters buildings would be allowed
50 sf of signs.
The signage including the banners adds up to 82 sf.
To comply, Spit Sisters would have to reduce signage to 50 sf.*



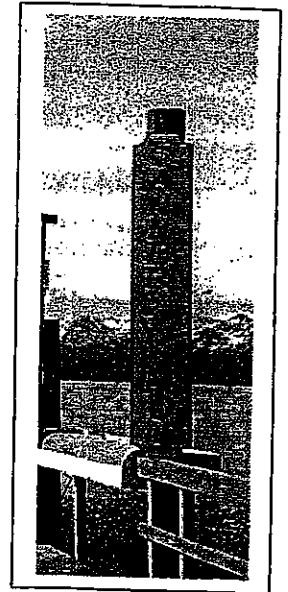
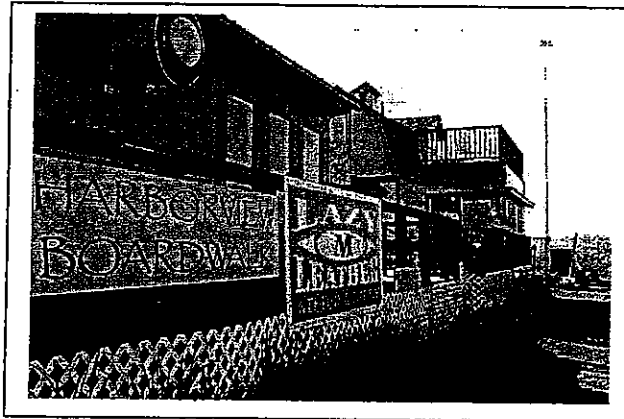
*The liquor store on the Central Charters
boardwalk has approximately
225 sf of wall frontage. As proposed the liquor
store would be allowed 50 sf of signage.
The liquor store has 72 sf of signs (including
banners on side wall).*

*To comply, the liquor store would have to reduce
signage to 50 sf.*

E. Building complex signs. (Line 58).

Parcels with multiple independent businesses are allowed additional signage to identify the building or complex of buildings. These *building complex* signs may be freestanding or mounted on a wall. Currently, the size of the *building complex* sign is based on 20% of the signs covered by Table 2 Part B. This 20% is in additional signage IF the sign is used to promote the *building complex*. Currently Belmonte Vista, Harborview Boardwalk and Cannery Row have and are allowed one *building complex* sign to identify their boardwalk, maximum of 30 sf.

As the amount of signage increases to accommodate multiple buildings, so does the sign area for *building complex* signs. Rather than a percentage, staff recommends setting the maximum “building complex” sign size at 30 sf. Thirty square feet is based on the existing code, 20% of 150 square feet equals 30 square feet. Without this amendment a parcel like Cannery Row would be allowed a *building complex* sign of 96 sf. Setting a maximum sign size for *building complex* signs is straight forward and easily to understand, regardless of the number of buildings on the lot.



Therefore, staff recommends amending HCC 21.60.060(c) Table 2 Part B (Line 54). “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%~~ thirty square feet. This additional sign area can only be used to promote or identify the building or complex of buildings.”

F. Temporary Signs: Portable, A-frame, sandwich boards. City wide. (Line 74-75)

The draft ordinance allows temporary-portable signs to be displayed only when the business is open. Temporary-portable signs are effective for businesses during operating hours, but add visual clutter especially when the business is not open.

HCC 21.60.130(d) **Hours.** Temporary signs shall be displayed only during the hours the business is open.

G. Measuring two-sided signs, HCC 21.60.050(b)

When measuring the sign area on a two-sided sign, one measures “the sign face visible from any one point.”

H. Compliance

None of the Spit boardwalks comply with the existing code which allows 150 sf of sign per lot. For example: dividing 150 sf into 12 or more buildings, each building is allowed 12.5 sf of signs. The property owner is responsible for compliance; however this is layered when the property owner, the building owner and the business owner are different people. In addition, the amount of signage one business can have is **dependent** on the amount of signage already on the lot. Basing sign standards on "per principal building" allows each building to comply **independent** of neighboring buildings.

Sign violations follow the same procedures and timeline as zoning violations, per HCC 21.60.170(b). Once the property owner, building owners and/or business owners receive their certified letter(s), they then have 30 days to comply or file a \$250 appeal. Appeals to the HAPC must be heard within 60 days, HCC 21.93.100.....the summer season is over. HCC 21.60.170(b) Enforcement and remedies directs us to "conviction by a court." Prior to moving this ordinance to public hearing the Planning staff will ask the city attorney to review HCC 21.60.170 Enforcement.

STAFF RECOMMENDATION: Review, modify as needed, and send to public hearing.

The draft ordinance:

1. Changes to Table 2 Part B are effective for Marine Commercial and Marine Industrial districts only.
2. Allocates signs by "principal building." (Line 44-45, Table 2 Part B)
3. Adds a row to Table 2 Part B "50 to 199" square feet of wall frontage to allow "30 square feet" of sign area. (Line 52-53)
4. Change HCC 21.60.060 (c) Table 2 Part B so that the maximum size of a building complex sign is by ~~20%~~ thirty square feet. (Line 58)
5. Restricts temporary portable signs to the hours the business is open. City wide. (Line 74-75).

Att: Draft ordinance

CITY OF HOMER, ALASKA

City Manager/Planning

AN ORDINANCE OF THE CITY OF HOMER
CITY COUNCIL TO AMEND HOMER CITY
CODE 21.60.060 TABLE 2 PART B MAXIMUM
TOTAL SIGN AREA AND AMEND HCC
21.60.130 TO RESTRICT THE DISPLAY OF
TEMPORARY SIGNS DURING HOURS THE
BUSINESS IS OPEN AND AMEND 21.60.170
ENFORCEMENT AND REMEDIES TO ALLOW
FINES TO BE ASSESSED
ADMINISTRATIVELY.

WHEREAS, Minimizing the visual sign clutter of excess signs prevents unsafe conditions and contributes to the identity of the Spit and cultivates pride; and

WHEREAS, Currently the sign code allocates sign area per lot; and

WHEREAS, Sign size needs to be compatible and in scale with multiple small principal buildings on one lot; and

WHEREAS, Restricting the display of portable temporary signs to when the business is open will help reduce visual sign clutter; and

WHEREAS, Enforcement and fines for violations of the sign code should be handled administratively per HCC 21.90.080.

WHEREAS, The Homer Advisory Planning Commission held a public hearing on this matter on

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Title 21 Zoning and Planning, 21.60.060 Table 2 Part B Sign Code Maximum Total Sign Area is hereby amended as follows:

Table 2 Part B (need to clarify city wide or MC and MI districts only)

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 principal building(s) lot.</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.
0 to 349	50 s.f.
<u>200 to 349</u>	<u>50 s.f.</u>
<u>50 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 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% thirty square feet. This additional sign area can only be used to promote or identify the building or complex of buildings.

Section 2. Homer City Code Title 21 Zoning and Planning 21.60.130 Temporary signs-Private property is amended to read as follows:

21.60.130 Temporary signs-Private property. Temporary signs on private property shall be allowed subject to the following requirements:

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.

c. Unless a smaller size is required by another provision of this title, the maximum size of a temporary sign is restricted to 16 square feet. (Ord. 08-29, 2008).

d. Hours. Temporary signs shall be displayed only during the hours the business is open. (City wide)

Section 3. Homer City Code Title 21 Zoning and Planning 21.60.170 Enforcement and remedies is amended to read as follows:

21.60.170 Enforcement and remedies. a. 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. 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. 80100.

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this _____ day of _____, 2009.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO L. JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and Approved as to form and content:

Walt E. Wrede, City Manager

Thomas F. Klinkner, City Attorney

Date: _____

DATA

PLAT CONSIDERATION

There were no plats for consideration.

PENDING BUSINESS

A. Staff Report PL 10-107, Draft Steep Slope Ordinance

Chair Minsch called for a break at 8:03 p.m. and resumed at 8:09 p.m.

City Planner Abboud reviewed the amendments.

HIGHLAND/BOS MOVED TO DISCUSS AND MAKE RECOMMENDATIONS.

There was no opposition expressed and discussion ensued.

The Commission briefly discussed that the amendments and agreed that this draft is clearer.

KRANICH/BOS MOVED TO FORWARD THE AMENDED DRAFT STEEP SLOPE ORDINANCE TO CITY COUNCIL FOR PUBLIC HEARING AND APPROVAL.

There was brief discussion that the amendments made after the public hearing were for clarification and not substantive. Another public hearing at the Commission level is not needed.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 10-105, Proposed Sign Code Changes

KRANICH/BOS MOVED TO ADDRESS THE SIGN CODE CHANGES AT A WORKSESSION.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. Staff Report PL 10-96, Draft Zoning Enforcement Ordinance (Outdoor Storage)

HIGHLAND/BOS MOVED TO BRING THIS TO THE FLOOR FOR DISCUSSION AND RECOMMENDATION.

There was no objection expressed and discussion ensued.

Commissioner Bos expressed his desire for this to be something that will give property owners an opportunity to succeed in cleaning up their property. He cited some examples that he has seen elsewhere.



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 10-97

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: October 6, 2010, ~~October 20, 2010~~

SUBJECT: DRAFT Sign Code Amendment

At the September 15, 2010 HAPC Work session staff presented options for amending the sign code to accommodate lots with multiple buildings. Based on that discussion staff has drafted an ordinance that would amend the existing sign code city-wide. The draft ordinance:

1. Allocates signage by "permitted principal building." HCC 21.60.060 Table 2 Part B. (Line 50-51)
2. Adds a row to Table 2 for small building "0 to 199 square feet of wall frontage" to allow "30 square feet" of signs, HCC 21.60.060 Table 2 Part B. (Line 57-59)
3. Restricts temporary portable signs to the hours the business is open, HCC 21.60.130 Temporary signs. (Line 74-75)
- 4.

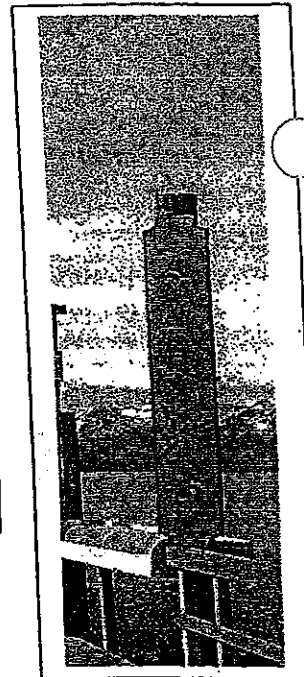
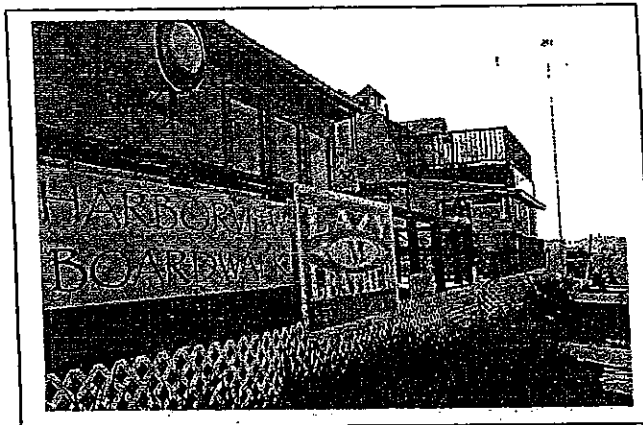
RECOMMENDATION: Review and suggest date for public hearing(s) or schedule time for further review.

Clarification to questions that surfaced during the September 15, 2010 Work Session:

The commission asked how boardwalks could identify themselves with a freestanding sign. Secondly, the commission asked how freestanding signs were sized for lots with multiple businesses.

First, Table 2 Part B allows one freestanding sign per lot. In addition to the sign area per principal building(s), lots with multiple principal buildings are allowed up to thirty (30) square feet of signage that promotes or identifies the "complex of buildings." This could be a freestanding sign like Belmonte Vista, or attached to a wall or railing as does Harborview Boardwalk and Cannery Row Boardwalk. Signs that identify a "complex of buildings" can be up to thirty (30) square feet which represents 20% of 150 square feet. From HCC 21.60.060 Table 2 Part B:

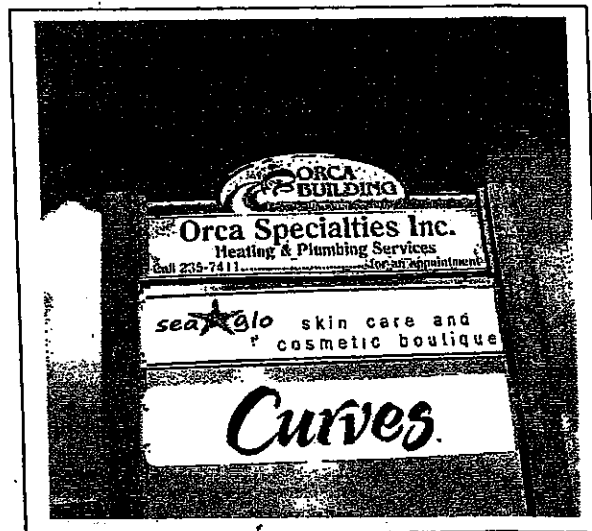
"In all districts covered by Table 2 Part B, on any lot with multiple principal buildings or with multiple independent businesses or occupancies in one or more buildings, the total allowed sign area may be increased beyond the maximum allowed signage as shown in Table 2 Part B, by 20%. This additional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



Secondly, lots with multiple businesses may share one the freestanding sign. In this case the code states that:

One business is allowed	36 square feet
Two businesses are allowed	54 square feet
Three businesses are allowed	63 square feet
For or more business are allowed	72 square feet

The above sign area is included in the allowed signage. The Orca Building and The Professional Center on Ben Walters use a freestanding sign to identify the building(s) while providing signage for the individual businesses.



Att: Draft ordinance

CITY OF HOMER, ALASKA

City Manager/Planning

AN ORDINANCE OF THE CITY OF HOMER
CITY COUNCIL TO AMEND HOMER CITY
CODE 21.60.060 TABLE 2 PART B MAXIMUM
TOTAL SIGN AREA AND AMEND HCC
21.60.130 TO RESTRICT THE DISPLAY OF
TEMPORARY SIGN DURING HOURS THE
BUSINESS IS OPEN AND AMEND 21.60.170
ENFORCEMENT AND REMEDIES TO ALLOW
FINES TO BE ASSESSED
ADMINISTRATIVELY.

WHEREAS, Minimizing the visual sign clutter of excess signs prevents unsafe conditions and contributes to the identity of the Spit and cultivates pride; and

WHEREAS, Currently the sign code allocates sign area per lot; and

WHEREAS, Sign size needs to be compatible and in scale with multiple small principal buildings on one lot; and

WHEREAS, The number of principal buildings on a lot is prescribed in the Conditional Use Permit process; and

WHEREAS, Restricting the display of portable temporary signs to when the business is open will help reduce visual sign clutter; and

WHEREAS, Enforcement and fines for violations of the sign code should be handled administratively per HCC 21.90.080.

WHEREAS, The Homer Advisory Planning Commission held a public hearing on this matter on _____.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Title 21 Zoning and Planning, 21.60.060 Table 2 Part B Sign Code Maximum Total Sign Area is hereby amended as follows:

41
42 | Table 2. Maximum Total Sign Area Per Principal Building(s) Lot-By
43 Zoning District

44 Table 2 Part B

45 In all other districts not described in Table 2 Part A, the maximum
46 combined total area of all signs, in square feet, except
47 incidental, building marker, and flags, shall not exceed the
48 following:

49 <u>Square feet of wall frontage (c):</u> 50 51	<u>Maximum allowed sign area</u> <u>per--principal building(s)</u> <u>lot.</u>
52 750 s.f. and over	150 s.f.
53 650 to 749	130 s.f.
54 550 to 649	110 s.f.
55 450 to 549	90 s.f.
56 350 to 449	70 s.f.
57 0 to 349	50 s.f.
58 <u>200 to 349</u>	<u>50 s.f.</u>
59 <u>0 to 199</u>	<u>30 s.f.</u>

Formatted: Font: Bold

60
61 Section 2. Homer City Code Title 21 Zoning and Planning 21.60.130 Temporary signs-Private
62 property is amended to read as follows:

63 21.60.130 Temporary signs-Private property. Temporary signs on
64 private property shall be allowed subject to the following
65 requirements:

- 66 a. Term. A temporary sign shall not be displayed for more than 14
67 days in any 90-day period, except a sign offering for sale or
68 lease the lot on which the sign is located, which is allowed as
69 long as the property is for sale or lease.
- 70 b. Number. Only one temporary sign per lot is allowed.

c. Unless a smaller size is required by another provision of this title, the maximum size of a temporary sign is restricted to 16 square feet. (Ord. 08-29, 2008).

d. Hours. Temporary signs displayed only during the hours the business is open.

Section 3. Homer City Code Title 21 Zoning and Planning 21.60.170 Enforcement and remedies is amended to read as follows:

21.60.170 Enforcement and remedies. a. 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. 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 § 21.90.80-100.

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this _____ day of _____, 2009.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO L. JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and Approved as to form and content:

Walt E. Wrede, City Manager

Thomas F. Klinkner, City Attorney

Date: _____



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 10-88 WS

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: September 15, 2010

SUBJECT: Proposed Sign code changes

At the August 4th HAPC Work session the Commission discussed Spit sign issues. The Commission directed staff to research and bring back a proposal. Options are numerous from no change to limitless signage on the Spit with a few guidelines. Based on the August 4th discussion staff has focused on lots with multiple buildings both in town and on the Spit. Staff has taken measurements of existing signs, their associated buildings. This report focuses on:

1. The amount of signage allowed per building versus per lot, HCC 21.60.060 Table 2 Part B.
2. Displaying temporary signs only when the business is open.
3. Clarifying fines for sign violations.

Our proposed solution includes:

Allocating signage by "principal building."

Adding a row to Table 2 "0 to 199 square feet of wall frontage" to allow "30 square feet."

Restricting temporary portable signs to the hours the business is open.

Streamlining violation procedures.

Background on these three topics:

1. Currently, the amount of signage is prescribed per lot and by the amount of wall frontage. The larger the building the more signage allowed. For example, Safeway is allowed the maximum of 150 square feet in signage, while small buildings like the Alibi or Northwind Gallery are allowed 50 square feet of signage. These are straightforward, one business per lot. From HCC 21.60.060 Table 2 Part B:

Square feet of wall frontage	Maximum allowed sign area per lot.
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.
0 to 349	50 s.f.

The Hillas Building on Pioneer Avenue has 12 units. Belmonte Vista on Lake Street and Ivory Goose on Pioneer Avenue, each have four buildings on one lot and have CUP's for "more than one permitted principal use." Based on the existing sign code, each lot is allowed a maximum of 150 square feet of signage plus a freestanding sign per HCC 21.60.060 Table 2 Part B. Dividing the 150 square feet of signage amongst four units seems workable and provides sufficient and legible signage.



Belmonte Vista with four buildings and a freestanding sign.



Hillas Building on Pioneer, 12 units.

The Yurt Village has seven (7) permitted principal buildings and is allow 150 square feet of signage for the entire lot.



However, as the number of buildings increase, some buildings permitted, some not, the amount of signage per lot remains at 150 square feet.



Multiple buildings on one foundation, Cannery Row Boardwalk.

Staff explored amending the sign code to base the amount of signage on a "Principal Building(s)".

Square feet of wall frontage	Maximum allowed sign area per lot <u>principal 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.
0 to 349	50 s.f.

Homer's Sign Code HCC 21.60.040 defines "*Principal building*" is defined as "The building in which is conducted the principal use of the lot 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." This existing definition accommodates multiple principal buildings, while excluding storage and accessory structures.

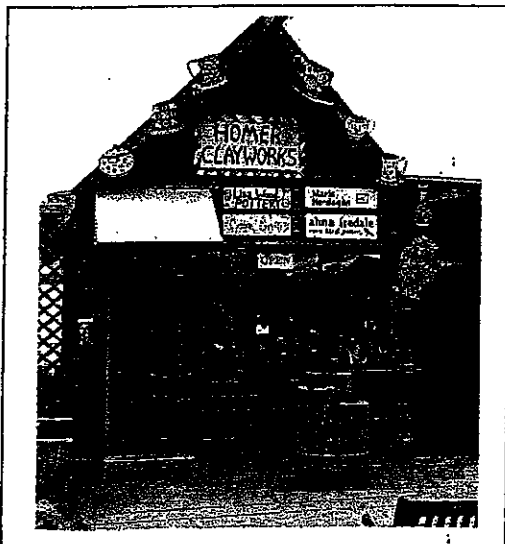
Staff compared the existing per lot code with the proposed per principal building(s) concept. For example, the Hillas Building would remain the same, one principal building. At Belmonte Vista, and the Ivory Goose each building would be allowed 50 square feet per building, for a total of 200 square feet for the entire lot. The Yurt Village would be allowed 50 square feet per building, for a total of 350 square feet for the entire lot. Staff felt an adjustment was needed to accommodate the increasing number of small buildings.

Focusing on small Spit retail buildings, staff measured signs and wall frontage. Approximately half of the small Spit buildings have less than 200 square feet of wall frontage, likewise the Yurt Village. Therefore, staff recommends a more proportional arrangement: adding a row to Table 2 "0 to 199 square feet of wall frontage" to allow "30 square feet of signage", progressing to "200 to 349 of wall frontage" to allow "50 square feet of signage".

Proposed amendment HCC 21.60.060 Table 2 Part B:

Square feet of wall frontage	Maximum allowed sign area per lot <u>principal 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.
0 to 349 (existing)	50 s.f.
With wall frontage and sign sf adjusted	
200 to 349	50 sf
0 to 199	30 s.f.

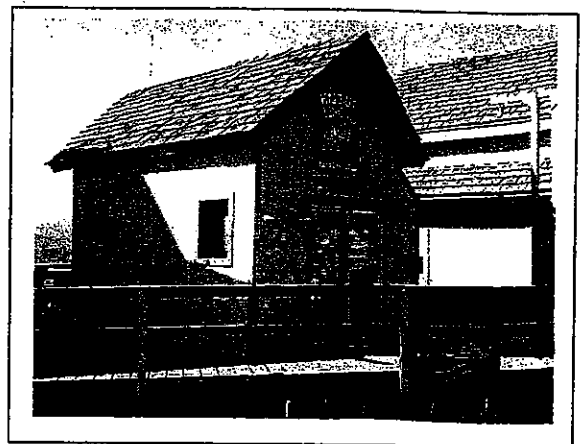
The photos might help grasp the wall frontage to sign area concept.

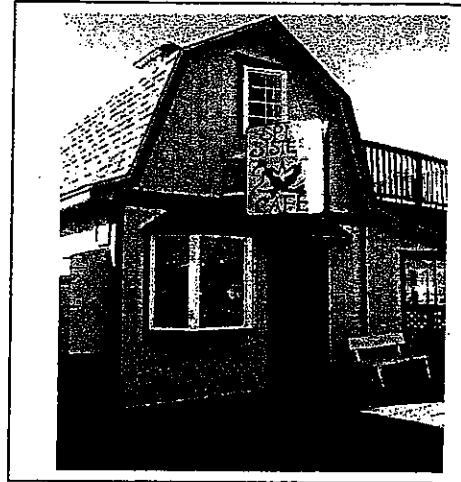


*Homer Clayworks
has 30 +- sf of
signage.*

*Halibut King has
47+- sf of
signage(including
deck sign).*

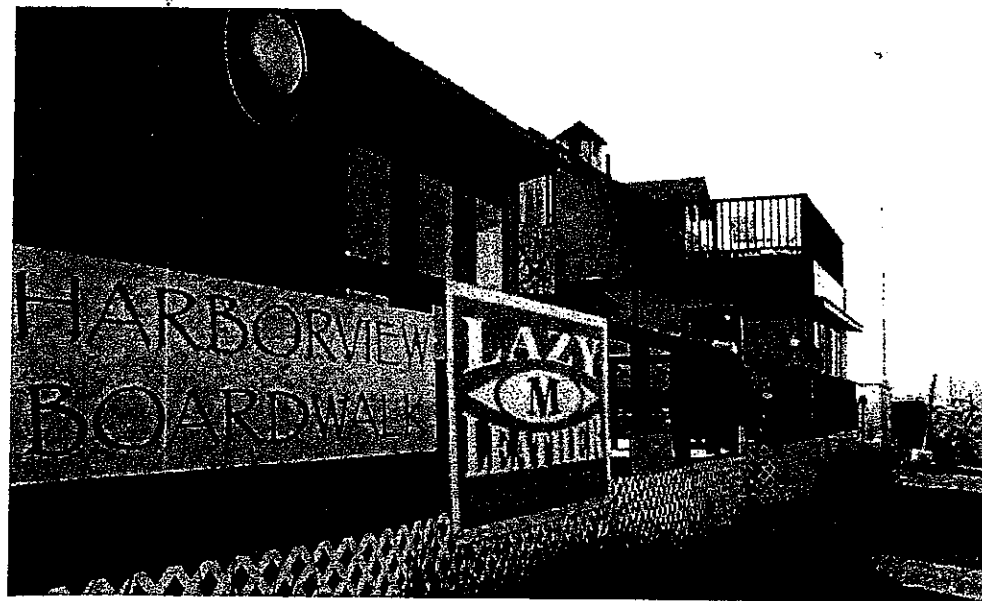
*Both buildings
have less than 200
sf of wall frontage.*





Spit Sisters has 226+- wall frontage. The signage including the banners adds up to 82 sf.

None of the Spit boardwalks comply with the existing code. The proposed amendment reduces visual clutter, and makes sign size compatible and in scale with multiple small buildings.



Harborview Boardwalk (harbor view)

2. Displaying temporary portable signs only when the business is open.

Temporary portable signs are effective for businesses during operating hours, but add visual clutter especially when the business is not open. Staff recommends displaying temporary portable signs only during business hours.

3. Clarifying fines for sign violations.

HCC 21.60.170(b) Enforcement and remedies directs us to “conviction by a court” per HCC 21.90.100 Fines for violations. Slow and costly are appeals to the HAPC, then to the Board of Adjustment followed by Court action to collect fines. This process can take years a while the signs are up. The city attorney may have suggestions for streamlining violation procedures.

RECOMMENDATION: Discuss, provide input and direct staff to write a draft ordinance to amend the sign code to include:

1. Allocating signage by “principal building.”
2. Adding a row to Table 2 “0 to 199 square feet of wall frontage” to allow “30 square feet.”
3. Restricting temporary portable signs to the hours the business is open.



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 10-97

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: October 6, 2010, ~~October 20, 2010~~

SUBJECT: DRAFT Sign Code Amendment

At the September 15, 2010 HAPC Work session staff presented options for amending the sign code to accommodate lots with multiple buildings. Based on that discussion staff has drafted an ordinance that would amend the existing sign code city-wide. The draft ordinance:

1. Allocates signage by "permitted principal building." HCC 21.60.060 Table 2 Part B. (Line 50-51)
2. Adds a row to Table 2 for small building "0 to 199 square feet of wall frontage" to allow "30 square feet" of signs, HCC 21.60.060 Table 2 Part B. (Line 57-59)
3. Restricts temporary portable signs to the hours the business is open, HCC 21.60.130 Temporary signs. (Line 74-75)
- 4.

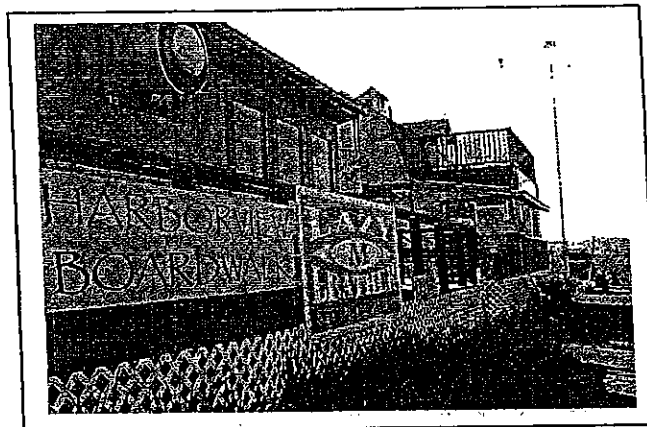
RECOMMENDATION: Review and suggest date for public hearing(s) or schedule time for further review.

Clarification to questions that surfaced during the September 15, 2010 Work Session:

The commission asked how boardwalks could identify themselves with a freestanding sign. Secondly, the commission asked how freestanding signs were sized for lots with multiple businesses.

First, Table 2 Part B allows one freestanding sign per lot. In addition to the sign area per principal building(s), lots with multiple principal buildings are allowed up to thirty (30) square feet of signage that promotes or identifies the "complex of buildings." This could be a freestanding sign like Belmonte Vista, or attached to a wall or railing as does Harborview Boardwalk and Cannery Row Boardwalk. Signs that identify a "complex of buildings" can be up to thirty (30) square feet which represents 20% of 150 square feet. From HCC 21.60.060 Table 2 Part B:

"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."



Secondly, lots with multiple businesses may share one the freestanding sign. In this case the code states that:

One business is allowed	36 square feet
Two businesses are allowed	54 square feet
Three businesses are allowed	63 square feet
For or more business are allowed	72 square feet

The above sign area is included in the allowed signage. The Orca Building and The Professional Center on Ben Walters use a freestanding sign to identify the building(s) while providing signage for the individual businesses.



Att: Draft ordinance

CITY OF HOMER, ALASKA

City Manager/Planning

AN ORDINANCE OF THE CITY OF HOMER
CITY COUNCIL TO AMEND HOMER CITY
CODE 21.60.060 TABLE 2 PART B MAXIMUM
TOTAL SIGN AREA AND AMEND HCC
21.60.130 TO RESTRICT THE DISPLAY OF
TEMPORARY SIGN DURING HOURS THE
BUSINESS IS OPEN AND AMEND 21.60.170
ENFORCEMENT AND REMEDIES TO ALLOW
FINES TO BE ASSESSED
ADMINISTRATIVELY.

WHEREAS, Minimizing the visual sign clutter of excess signs prevents unsafe conditions and contributes to the identity of the Spit and cultivates pride; and

WHEREAS, Currently the sign code allocates sign area per lot; and

WHEREAS, Sign size needs to be compatible and in scale with multiple small principal buildings on one lot; and

WHEREAS, The number of principal buildings on a lot is prescribed in the Conditional Use Permit process; and

WHEREAS, Restricting the display of portable temporary signs to when the business is open will help reduce visual sign clutter; and

WHEREAS, Enforcement and fines for violations of the sign code should be handled administratively per HCC 21.90.080.

WHEREAS, The Homer Advisory Planning Commission held a public hearing on this matter on _____.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Title 21 Zoning and Planning, 21.60.060 Table 2 Part B Sign Code Maximum Total Sign Area is hereby amended as follows:

41
42 Table 2. Maximum Total Sign Area Per Principal Building(s) Lot By
43 Zoning District

44 Table 2 Part B

45 In all other districts not described in Table 2 Part A, the maximum
46 combined total area of all signs, in square feet, except
47 incidental, building marker, and flags, shall not exceed the
48 following:

49 Square feet of wall frontage (c):	50 <u>Maximum allowed sign area</u> 51 <u>per principal building(s)</u> <u>lot.</u>
52 750 s.f. and over	150 s.f.
53 650 to 749	130 s.f.
54 550 to 649	110 s.f.
55 450 to 549	90 s.f.
56 350 to 449	70 s.f.
57 0 to 349	50 s.f.
58 <u>200 to 349</u>	<u>50 s.f.</u>
59 <u>0 to 199</u>	<u>30 s.f.</u>

Formatted: Font: Bold

60
61 Section 2. Homer City Code Title 21 Zoning and Planning 21.60.130 Temporary signs-Private
62 property is amended to read as follows:

63 21.60.130 Temporary signs-Private property. Temporary signs on
64 private property shall be allowed subject to the following
65 requirements:

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

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

c. Unless a smaller size is required by another provision of this title, the maximum size of a temporary sign is restricted to 16 square feet. (Ord. 08-29, 2008).

d. Hours. Temporary signs displayed only during the hours the business is open.

Section 3. Homer City Code Title 21 Zoning and Planning 21.60.170 Enforcement and remedies is amended to read as follows:

21.60.170 Enforcement and remedies. a. 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. 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 § 21.90.80499.

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this _____ day of _____, 2009.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO L. JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and Approved as to form and content:

Walt E. Wrede, City Manager

Thomas F. Klinkner, City Attorney

Date: _____

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

There were no pending business items on the agenda.

NEW BUSINESS

A. Staff Report PL 10-92, Draft Subdivision Code Amendment

City Planner Abboud reviewed the staff report.

KRANICH/HIGHLAND MOVED TO SCHEDULE THE SUBDIVISION ORDINANCE UNDER STAFF REPORT 101-92 FOR PUBLIC HEARING AT THE NEXT MEETING.

Commissioner Kranich explained that the Commission had good discussion at the worksession. The ordinance clarifies granting utility easements which has been ambiguous to the Commission in the past. There is information regarding the Non Motorized Transportation and Trails Plan he encouraged everyone review this to ensure it is correct. City Planner Abboud said he would distinguish what is the Planning Commissions work and what is the staff and attorneys work.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 10-97, Draft Sign Code Amendment

City Planner Abboud reviewed the staff report.

KRANICH/HIGHLAND MOVED TO POSTPONE ACTION AND SCHEDULE AT THE NEXT WORKSESSION AND NEXT MEETING AS AN ACTION ITEM.

It was noted that the next worksession is Commission training with the City Attorney so the Commission agreed to have it on the next available worksession.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. Staff Report PL 10-96, Draft Zoning Enforcement Ordinance (Outdoor Storage)

City Planner Abboud reviewed the staff report.

There was brief discussion about including commercial districts, provision for vehicles used for work, and if items can be concealed. It was suggested that seasonal use vehicles like tractors or snow plows can sit through the off season.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 20, 2010

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

There were no public hearings scheduled.

PLAT CONSIDERATION

There were no plats scheduled for consideration.

PENDING BUSINESS

A. Staff Report PL 10-97, Draft Sign Code Amendment
City Planner Abboud reviewed the staff report.

**DRUHOT/BOS MOVE TO DISCUSS AND MAKE RECOMMENDATIONS ON STAFF REPORT PL 10-97
DRAFT SIGN CODE AMENDMENT.**

Commissioner Druhot said she thinks it is ready to go to public hearing and hear what people have to say.

Commissioner Kranich suggested adding "may be" on line 74 changing it to say Temporary signs may be displayed only during the hours the business is open.

There was brief discussion about political signs and City Planner Abboud explained that political signs are addressed elsewhere in code.

Commissioner Dolma questioned the square footage of signs on flat boards with signage on both sides and sandwich board signs. City Planner Abboud said he thought there shouldn't be a display of more than 16 square feet, but wants to confer with the staff who deal with this more frequently.

Commissioner Highland asked if this revision would keep us in the realm of allowing large unattractive signs. City Planner Abboud commented that the ordinance is more liberal in some instances where there are multiple buildings on a lot or boardwalk.

Chair Minsch would like to discuss it further at a worksession. The Commission has only had staff presentations and hasn't had an opportunity to discuss the ordinance yet.

There was brief discussion that there should be clarification about what would be considered a principle building.

Question was raised whether signs currently in place will be grandfathered when this is enacted. City Planner Abboud responded that this ordinance isn't more restrictive than current code so there wouldn't be an issue.

DRUHOT/HIGHLAND MOVED TO TAKE THIS TO A WORKSESSION.

There was discussion that staff will take care of scheduling.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

MEMORANDUM 12-008

TO: MAYOR AND CITY COUNCIL MEMBERS
FROM: THOMAS F. KLINKNER
RE: SUBSTITUTE ORDINANCE AMENDING CITY SIGN CODE
CLIENT: CITY OF HOMER
FILE NO.: 506,742.521
DATE: JANUARY 4, 2012

Presented among ordinances for introduction at the January 9, 2012 Council meeting is an ordinance that makes numerous amendments to HCC 21.60, the City's sign code. The Homer Advisory Planning Commission developed these amendments with the advice and assistance of the Planning Department and the City Attorney. Accompanying this memorandum is a substitute ordinance amending the sign code, which includes the following changes that I recommend to the ordinance recommended by the Commission.

1. Definition of window sign (Section 1, page 4, lines 146-149). This definition is revised to delete language that is redundant with the definition of "sign" in the same code section and to clarify that the definition does not apply to a sign that is visible only within a building.

2. Section 4, table and annotations. This table (page 6) and the annotations to this table are revised as follows:

- Freestanding/Other. The correct annotation reference letter is "i" rather than "j".
- Freestanding/Incidental. The "c" annotation reference under "INS" is redundant and is deleted.
- Building/Marquee and Building/Suspended. The former "g" annotation (page 7, lines 196-200), which imposed a liability insurance requirement for certain marquee and suspended signs, has been deleted, so the "g" annotation reference for these two rows also should be deleted.
- "b" annotation (page 7, lines 188-189). The last part of this annotation conflicts with the definition of "residential sign" in HCC 21.60.040, and should be deleted.
- Former "j" annotation (page 7, lines 207-208). This annotation applied to "portable signs", a category of sign that has been combined with temporary signs in the revised sign code, and should be deleted.

3. Section 7, page 9, lines 234-236. The deletion of the language stricken through was omitted inadvertently from the ordinance.



**CITY OF HOMER
CITY HALL**

MEMORANDUM 12-048

To: Mayor and Council
Homer Advisory Planning Commission

From: Economic Development Advisory Commission

Date: March 14, 2012

Subject: Ordinance 12-01(S)(A) – Sign Code

At the March 13th meeting of the Economic Development Commission the four members present discussed Ordinance 12-01(S)(A), the Sign Code, in light of recent amendments made by the Homer Advisory Planning Commission.

The Economic Development Commission made a motion to allow a sign with a commercial message to be displayed for up to 14 days in a 90 day period with a permit and to limit the 90 day period to the same quarterly schedule as Kenai Peninsula Borough sales taxes are collected.

The only change from the planning Commission recommendation to the Council on temporary signs is to make the 90 day period consistent with the Kenai Peninsula Borough sales tax quarterly schedule.



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

MEMORANDUM 12-051

TO: Mayor Hornaday and Homer City Council
THRU: Walt Wrede, City Manager
FROM: Rick Abboud, City Planner
DATE: March 15, 2012
SUBJ: Draft Ordinance 12-01(S)(A), Sign Ordinance

Introduction

Since the City Council had last seen this ordinance it has been on the Planning Commission worksession and regular meeting agenda each twice and EDC has reviewed it twice, once before the PC amendments and once after.

Items for review

After reviewing the motions made by the City Council, I broke down the item to consider:

Safety

In all the reviews it was concluded that the provision in code regarding the placement of temporary signs adequately addressed safety and that added measures of enforcement should be all that is necessary.

Election Signs

This is basically a non-starter subject with either commission. The PC was unable to pass a motion supporting 32 or 24 square feet maximum per sign and the EDC did not address the subject.

Temporary Commercial Signs (sandwich boards)

This obviously is the subject that had the most debate. Both commissions took around an hour of time for each conversation. One thing is for sure though; each and every alternative has its plusses and minuses. This is why the conversations went on for so long.

First after exploring many options, the EDC ended up unanimously supporting the original ordinance that banned temporary commercial signs. This may have been a result of being overwhelmed when considering all of the effects of the various alternatives. It really takes a lot of time and effort to examine the benefits and effects of the various alternatives.

Next, it came to the PC. Several options were suggested and the four votes necessary to pass a motion did not materialize. Finally, a motion was passed to allow for the display of a temporary commercial sign (e.g. sandwich board) for up to 14 days out of a ninety day period with a sign permit. Consideration that contributed to the motion included:

Commercial vs. Non-commercial

This is NOT profit vs. non-profit. Many non-profits are involved in commercial activity. These terms refer to the message and a commercial message "directly or indirectly, names, advertises, or calls attention to a business, brand, product, service or other commercial activity" and a non-commercial message does not. I would be hard pressed to not consider the Nut Cracker Fair or the Street Fair non-commercial activities. No allowance for commercial temporary signs means no temporary signs for community events such as these.

Allowing the display for 14 out of ninety days maintains the option of commercial messages. It is still a temporary display that may be used for non-routine sales or commercial events. It is the current option that would be reinforced and explained when businesses obtain the permit now required.

Staff recommendation:

Review changes and consider recommendation of the EDC. If any other changes are made or suggested, they will need to be crafted and reviewed again. Changes in policy will need to be considered for the impacts that they will have and it would be very difficult for me to take it all under consideration without some time for reflection and some back and forth conversations with the body, preferably in a worksession atmosphere.

Attachments

1. Draft Ordinance 11-01(S)(A)
2. Memo EDC 2.3.12
3. Minutes EDC 2.14.12
4. Memo EDC 3.12.12
5. Staff Report 12-09
6. Minutes PC 2.15.12
7. Staff Report 12-10
8. Minutes PC 3.7.12

CITY OF HOMER
HOMER, ALASKA

Planning/City Attorney

ORDINANCE 12-01(S)(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.60.040, DEFINITIONS; HOMER CITY CODE 21.60.060, SIGNS ALLOWED ON PRIVATE PROPERTY WITH AND WITHOUT PERMITS; HOMER CITY CODE 21.60.070, PERMITS REQUIRED; HOMER CITY CODE 21.60.080 DESIGN, CONSTRUCTION, AND MAINTENANCE; HOMER CITY CODE 21.60.090, SIGNS IN THE PUBLIC RIGHT-OF-WAY; HOMER CITY CODE 21.60.095, ELECTORAL SIGNS; HOMER CITY CODE 21.60.100, SIGNS EXEMPT FROM REGULATION UNDER THIS CHAPTER; HOMER CITY CODE 21.60.110 SIGNS PROHIBITED UNDER THIS CHAPTER; HOMER CITY CODE 21.60.130, TEMPORARY SIGNS-PRIVATE PROPERTY; HOMER CITY CODE 21.60.150, TIME OF COMPLIANCE-NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS; AND HOMER CITY CODE 21.60.170, ENFORCEMENT AND REMEDIES; AND REPEALING ~~HOMER CITY CODE 21.60.095, ELECTORAL SIGNS~~; HOMER CITY CODE 21.60.120, GENERAL PERMIT PROCEDURES; HOMER CITY CODE 21.60.140, TEMPORARY SIGNS-PUBLIC RIGHTS-OF-WAY; AND HOMER CITY CODE 21.60.160, VIOLATIONS; REGARDING THE REGULATION OF SIGNS.

THE CITY OF HOMER ORDAINS:

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

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

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

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

"Banner-" means a ~~Any sign of~~ lightweight sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constructed of non-durable fabric or similar materials, including without limitation cardboard, cloth and plastic, ~~that is mounted to a pole or a building by a permanent frame at~~

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

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

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

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

86 "Lot." See HCC § 21.32.030.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

149
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.]

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>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.	

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>EEM</u> <u>U</u>	MC	MI	OSR	PS
<u>Freestanding</u>														
Residential (b)	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	N	N	<u>N</u>	N	N	<u>AP</u>	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.]

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

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

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

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

One business or occupancy in one building – 36 sq ft

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

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

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

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

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

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

Neon (d)	N	N	N	N	PS	PS	N	PS	PS	P	PS	PS
Notes to Table 3												
<p>a. The INS column does not represent a zoning district. It applies to institutional uses permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established organization or corporation of a public, non-profit or public safety/benefit nature, i.e., 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>												

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.]

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.

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 sSigns in the public rights-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.~~

~~c. 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.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

325 a. **Banners;**

326 ba. Beacons;

327 cb. Pennants;

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

330 ed. Inflatable signs and tethered balloons;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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:

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.

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

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

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.]



**Excerpt from March 13, 2012 Economic Development Advisory Commission
Unapproved Meeting Minutes**

PENDING BUSINESS

A. Sign Code: Temporary Commercial Signs

City Planner Abboud related the City Council referred the sign ordinance back to the Planning Commission and asked that the EDC look at the sign code, specifically temporary commercial signs. The Planning Commission reviewed the sign code again and voted that a permit was needed for the temporary commercial signs with a 14-day limitation. The permit could include when they are displaying the sign within a 90-day period. He asked that the EDC weigh in on the temporary commercial signs and make a recommendation to Council.

Commissioner Faulkner asked if there was a 90 day period defined on a quarterly fashion.

City Planner Abboud answered the requestor could prescribe the 90-day period when applying for the permit. The temporary sign would be one sign per lot.

Commissioner Faulkner noted it liberalizes temporary signage a little during the prime tourist season, and makes enforcement easier. There could be a quarterly time, such as taxes are computed.

Commissioner Wagner pointed out the need to select the dates and display them on the permit. He asked if there was any way to enforce the regulation.

City Planner Abboud answered he would dedicate staff time for enforcement.

Commissioner Faulkner had talked with the sandwich board sign people and had his ear chewed off with City Council meddling in sandwich board signs. He determined the sandwich board signs might not be so bad.

Commissioner Wagner prefers to keep it simple to enforce the rule.

Chair Sarnos would like to abide by the quarterly method, keeping it simple. It could be self-enforcing.

Other cities are all over the board with no regulations in Soldotna. A lot of towns are designed better for temporary signs. Here every sign is unique since right-of-way is not standardized any way throughout the town.

Commissioner Neece commented Homer is an artist's community. Some consideration must be given for the temporary signs. In some areas they look really good and work.

It was suggested a prominent sticker be displayed with the permitted dates posted.

Chair Sarnos asked that the policy be a simple one page rule and be self-enforcing. We could

follow how it makes it through the summer.

FAULKNER/NEECE - MOVED THAT THE 90-DAY PERIOD FOR TEMPORARY SIGNS SHALL BE CONSIDERED QUARTERLY AS DEFINED BY KBP TAX QUARTERS SO YOU COULD HAVE 14 DAYS WITHIN ANY QUARTER WHICH LIBERIZES THIS SOMEWHAT DURING THE SUMMER SEASON.

There was no additional discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

MEMORANDUM 12-

TO: Economic Development Committee
FROM: Rick Abboud, City Planner
DATE: February 3, 2012
SUBJ: **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 21.60.100, 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. Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012.

Task of the EDC

The EDC should review proposed policy on temporary sign regulation in consideration of the motions made by the City Council and suggest a direction for additional consideration or not, when so decided by the body.

Introduction

At the January 23 City Council meeting, the council referred the fore mentioned ordinance to the EDC for input. The input requested was provided in motions regarding specific elements of the ordinance. These motions included (some paraphrased):

SEND IT BACK WITH SOMETHING FOR SANDWICH BOARD SIGNS

AMEND THAT THE TEMPORARY SIGN SECTION BE REINSTATED THROUGHOUT THE ENTIRE ORDINANCE AND SOME LIMITATION BE PLACED ON REAL ESTATE SIGNS, AND ELECTORAL SIGNS STAY AT 32 FT.

AMEND THAT THEY COME UP WITH A POLICY FOR SANDWICH SIGNS AND HOW THEY CAN BE USED AS AN ADVERTISING TOOL.

SEND IT BACK WITH AN EMPHASIS BASED ON SAFETY.

Big Picture

While we have heard from several small business owners testifying about how these signs contribute to their bottom line, the Planning Commission did consider the impact to the community as a whole. A point to keep in mind when reviewing a planning ordinance is how it affects the entire community and not just specific individuals.

It has been recognized that there were some problems with sandwich signs (believe it or not, responding to complaints about these signs became one of the most time intensive things with which the office dealt). Basically, current regulations were not being enforced and/or followed. This resulted in an escalation of these types of signs and violations to the requirements for display. The Planning Commission did meet with the City Council and given the 'something must be done' suggestion.

The intent of the sign ordinance relating to temporary signs including sandwich boards currently found in code is that these signs are for special or temporary events and that approximately once a week or the equivalent a temporary sandwich board can be used to advertise the event. It is not meant for permanent display as much of the rest of the sign code provides for permanent display. One sign is allowed per lot for display during 14 days out of a 90 day period, basically once a week. They are not to be off the lot and cannot be blocking a sight triangle, sidewalk, or be placed in a right-of-way. All signs on the lot with a commercial message shall not exceed the total amount allowed in code.

So what exactly are we talking about? The Planning Commission decided that continued escalation of the commercial sandwich board was negatively affecting the community. They do not believe that Homer will be positively served when all businesses start displaying sandwich boards in addition to all the other signage allowed in code. I also believe that consideration was given to fact that these signs and especially their permanent display, leads to either an inequity for those not using them or an escalation to recapture market share. Do people come to see signs? How many signs does it take to see a diminishing return for the signs themselves or for the community as a whole? It might be helpful to call out where the tanning place or hair stylists is located, but do we really want to see "Beer \$8.99 a six" on sandwich boards all over town (just an example)? These messages cannot be distinguished in code so it is either all or none. The Planning Commission chose none but, left an allowance for charitable community events (not nonprofits in general), garage and real estate sales. There was a motion to place some limitation on real estate signs and I am suggesting enforcement of the rules, which do not allow for off-site display.

The City Council sent a less than pointed message, which I will respond to motion by motion.

SEND IT BACK WITH SOMETHING FOR SANDWICH BOARD SIGNS

I take it that they wish for a different policy, 'something'?

AMEND THAT THE TEMPORARY SIGN SECTION BE REINSTATED THROUGHOUT THE ENTIRE ORDINANCE AND SOME LIMITATION BE PLACED ON REAL ESTATE SIGNS, AND ELECTORAL SIGNS STAY AT 32 FT.

Temporary signs – I am interpreting this to mean that they mean to go back to the 14 day out of a 90 day period for display of sandwich boards as suggested by Council member Howard.

Things to consider;

Enforceability – My main issue with this provision is that the prescribed 90 day period is open to interpretation. I would need to know the first day of display and someone might have to keep track of days of display. Everyone could be on different schedules, making it challenging to enforce. Options to consider: Would a set period of display make it easier? Prescribe 4 quarters starting with January 1? Many communities just give a set amount of days for display such as 30 days. '

Real Estate Signs – Limitations

Limitations are already placed on these sign: 1 per lot where sale property is located. I am not sure that it is practical to limit a real estate sign for a time of display less than the time for which the transaction takes place. They are required to be removed after the sale.

We can go about making sure that these are not in violation.

Electoral Signs

Easy fix, remove strike out in proposed ordinance. Unfortunately we are headed further away from the recommendations of the Planning Commission (limited to a maximum size of 16sf like any other temporary sign) and City Attorney (recommended that they be treated like any other temporary sign in that they conform to the rules of district in which they are found in size and allowance).

AMEND THAT THEY COME UP WITH A POLICY FOR SANDWICH SIGNS AND HOW THEY CAN BE USED AS AN ADVERTISING TOOL.

The version of the ordinance under consideration by the City Council did have a policy for how sandwich boards could be used as an advertising tool, specifically for special events, garage sales and real estate. So if we are to review other options they might include:

- 1. For temporary commercial display as discussed above.*
- 2. They could be required to be displayed during hours of operation only.*

I have to remind that we should only be concerned with time and size of display for the various zoning districts. Regulation of content or design (such as color) is questionable for code.

SEND IT BACK WITH AN EMPHASIS BASED ON SAFETY.

The current regulations and proposed regulations do have provisions sufficient to ensure the public's safety. I see this as more of an enforcement issue. The Planning Office will need to dedicate more resources to ensure that these regulations are followed.

Testimony

The people that testified generally had a personal stake in sandwich boards and displayed varying degrees of understanding regarding current and proposed regulations. What I heard most of them saying was that they wanted to be able to display sandwich boards continuously. To me this means that they wish to move from temporary display to permanent display. Although I saw no direct support for this from either the Planning Commission or the City Council, provisions could be made to permit sandwich boards with other permanent signage. They could be allowed within the allowances for the various districts and thought could also be given to whether or not they should be required to be displayed only during business hours.

Task of the EDC

The EDC should review proposed policy on temporary sign regulation in consideration of the motions made by the City Council and suggest a direction for additional consideration or not, when so decided by the body. The actual ordinance is by nature quite complex and I will wait until receiving some specific guidance before crafting any revisions to code.

Attachments

1. Draft Ordinance 11-XX, temporary sign section
2. Memo to City Council.
3. Excerpt of 1-23-12 City Council minutes.

ECONOMIC DEVELOPMENT ADVISORY COMMISSION
REGULAR MEETING
FEBRUARY 14, 2012

Community and Economic Development Coordinator Koester reviewed the memorandum she presented as a laydown. The group discussed the concepts of organizing the event and members discussed previous experiences they have had with events like this. Mrs. Koester asked the Commissioners what areas they suggest focusing for an event and responses included natural resources that can be turned in to small businesses and also marine trades.

C. Invite extended to Marine Trades Association for March meeting.

Community and Economic Development Coordinator Koester advised that Kate Mitchell and other members of the Marine Trades Association will be at the March meeting to give a presentation.

PUBLIC HEARING

PENDING BUSINESS

NEW BUSINESS

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

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

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

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

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

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

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

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

ECONOMIC DEVELOPMENT ADVISORY COMMISSION
REGULAR MEETING
FEBRUARY 14, 2012

Motion failed.

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

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

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

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

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

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

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

There was no discussion.

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

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

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

Question was raised if this is wise. City Planner Abboud commented that the Planning Commission considered all of the same issues and it isn't as simple when you are considering

ECONOMIC DEVELOPMENT ADVISORY COMMISSION
REGULAR MEETING
FEBRUARY 14, 2012

it for the whole community. There are a lot of businesses that didn't and won't show up because sandwich boards aren't their thing.

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

Motion carried.

INFORMATIONAL ITEMS

COMMENTS OF THE AUDIENCE

Franco Venuti stated he is a city resident and a planning commissioner. He also served for six years as a member of the Chamber of Commerce Board of Directors, so he is pro business. He appreciates the EDC supporting the Planning Commission, but they didn't do what City Council asked of them. The Planning Commission worked on it for about year. Last year a city in Brazil made an ordinance that eliminated all signs, imagine the bloodshed over that. He explained the Planning Commission held a public hearing and business people in town argued for sandwich board signs and had good arguments. If he is looking for a hair cut he looks for his barbers sandwich board sign. He said he his talking for himself and not the Commission and many of them may not agree with him on this. He thinks sandwich board signs could be done through a permit and enforceable with a date on the sign. The Council said they wanted the EDC to come up with a solution and they haven't. They shot themselves and the Planning Commission in the foot because now he doesn't think they will have a sign ordinance this year. Things move at a snails pace and change doesn't happen quickly. He doesn't think the EDC did the right thing for the common good. He thinks it would be helpful if the EDC could meet with the PC to have a discussion to hash out the sign ordinance. We can't just say no and have it go in circles.

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

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

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



**CITY OF HOMER
CITY HALL**

MEMORANDUM

To: Mayor and Council
Homer Advisory Planning Commission

From: Economic Development Advisory Commission

Date: March 14, 2012

Subject: Ordinance 12-01(S)(A) - Sign Code

At the March 13th meeting of the Economic Development Commission the four members present discussed Ordinance 12-01(S)(A), the Sign Code, in light of recent amendments made by the Homer Advisory Planning Commission.

The Economic Development Commission made a motion to allow a sign with a commercial message to be displayed for up to 14 days in a 90 day period with a permit and to limit the 90 day period to the same quarterly schedule as Kenai Peninsula Borough sales taxes are collected.

The only change from the planning Commission recommendation to the Council on temporary signs is to make the 90 day period consistent with the Kenai Peninsula Borough sales tax quarterly schedule.



City of Homer
Planning & Zoning
491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 12-09

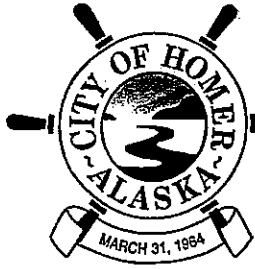
TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: February 15, 2012
SUBJECT: sign ordinance

At the direction of the City Council, the sign ordinance is up for additional consideration. I am including all the material provided the Economic Development Committee as back up material. Their meeting is the night before the Planning Commission's and I will have additional feedback at the meeting. The motion is actually for the EDC to review after the PC. This is quite a dilemma because of the knowledge base necessary to review amendments in relation to the workings of the entire ordinance. If this was easier, I might have been able to offer up amendments that could have worked for the City Council. Unfortunately, there was no way to make a simple amendment that would have addressed the desire of the council.

I am looking to see if the PC has any suggestions for direction in light of the concerns of the City Council and the EDC. Please bring past sign ordinance materials for reference.

Att.
EDC memo
CC minutes
Temporary sign ord. excerpt
Memo to CC





City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

MEMORANDUM 12-

TO: Economic Development Committee
FROM: Rick Abboud, City Planner
DATE: February 3, 2012
SUBJ: **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 21.60.100, 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. Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012.

Task of the EDC

The EDC should review proposed policy on temporary sign regulation in consideration of the motions made by the City Council and suggest a direction for additional consideration or not, when so decided by the body.

Introduction

At the January 23 City Council meeting, the council referred the fore mentioned ordinance to the EDC for input. The input requested was provided in motions regarding specific elements of the ordinance. These motions included (some paraphrased):

SEND IT BACK WITH SOMETHING FOR SANDWICH BOARD SIGNS

AMEND THAT THE TEMPORARY SIGN SECTION BE REINSTATED THROUGHOUT THE ENTIRE ORDINANCE AND SOME LIMITATION BE PLACED ON REAL ESTATE SIGNS, AND ELECTORAL SIGNS STAY AT 32 FT.

AMEND THAT THEY COME UP WITH A POLICY FOR SANDWICH SIGNS AND HOW THEY CAN BE USED AS AN ADVERTISING TOOL.

SEND IT BACK WITH AN EMPHASIS BASED ON SAFETY.

Big Picture

While we have heard from several small business owners testifying about how these signs contribute to their bottom line, the Planning Commission did consider the impact to the community as a whole. A point to keep in mind when reviewing a planning ordinance is how it affects the entire community and not just specific individuals.

It has been recognized that there were some problems with sandwich signs (believe it or not, responding to complaints about these signs became one of the most time intensive things with which the office dealt). Basically, current regulations were not being enforced and/or followed. This resulted in an escalation of these types of signs and violations to the requirements for display. The Planning Commission did meet with the City Council and given the 'something must be done' suggestion.

The intent of the sign ordinance relating to temporary signs including sandwich boards currently found in code is that these signs are for special or temporary events and that approximately once a week or the equivalent a temporary sandwich board can be used to advertise the event. It is not meant for permanent display as much of the rest of the sign code provides for permanent display. One sign is allowed per lot for display during 14 days out of a 90 day period, basically once a week. They are not to be off the lot and cannot be blocking a sight triangle, sidewalk, or be placed in a right-of-way. All signs on the lot with a commercial message shall not exceed the total amount allowed in code.

So what exactly are we talking about? The Planning Commission decided that continued escalation of the commercial sandwich board was negatively affecting the community. They do not believe that Homer will be positively served when all businesses start displaying sandwich boards in addition to all the other signage allowed in code. I also believe that consideration was given to fact that these signs and especially their permanent display, leads to either an inequity for those not using them or an escalation to recapture market share. Do people come to see signs? How many signs does it take to see a diminishing return for the signs themselves or for the community as a whole? It might be helpful to call out where the tanning place or hair stylists is located, but do we really want to see "Beer \$8.99 a six" on sandwich boards all over town (just an example)? These messages cannot be distinguished in code so it is either all or none. The Planning Commission chose none but, left an allowance for charitable community events (not nonprofits in general), garage and real estate sales. There was a motion to place some limitation on real estate signs and I am suggesting enforcement of the rules, which do not allow for off-site display.

The City Council sent a less than pointed message, which I will respond to motion by motion.

SEND IT BACK WITH SOMETHING FOR SANDWICH BOARD SIGNS

I take it that they wish for a different policy, 'something'?

AMEND THAT THE TEMPORARY SIGN SECTION BE REINSTATED THROUGHOUT THE ENTIRE ORDINANCE AND SOME LIMITATION BE PLACED ON REAL ESTATE SIGNS, AND ELECTORAL SIGNS STAY AT 32 FT.

Temporary signs – I am interpreting this to mean that they mean to go back to the 14 day out of a 90 day period for display of sandwich boards as suggested by Council member Howard.

Things to consider;

Enforceability – My main issue with this provision is that the prescribed 90 day period is open to interpretation. I would need to know the first day of display and someone might have to keep track of days of display. Everyone could be on different schedules, making it challenging to enforce. Options to consider: Would a set period of display make it easier? Prescribe 4 quarters starting with January 1? Many communities just give a set amount of days for display such as 30 days.

Real Estate Signs – Limitations

Limitations are already placed on these signs: 1 per lot where sale property is located. I am not sure that it is practical to limit a real estate sign for a time of display less than the time for which the transaction takes place. They are required to be removed after the sale.

We can go about making sure that these are not in violation.

Electoral Signs

Easy fix, remove strike out in proposed ordinance. Unfortunately we are headed further away from the recommendations of the Planning Commission (limited to a maximum size of 16sf like any other temporary sign) and City Attorney (recommended that they be treated like any other temporary sign in that they conform to the rules of district in which they are found in size and allowance).

AMEND THAT THEY COME UP WITH A POLICY FOR SANDWICH SIGNS AND HOW THEY CAN BE USED AS AN ADVERTISING TOOL.

The version of the ordinance under consideration by the City Council did have a policy for how sandwich boards could be used as an advertising tool, specifically for special events, garage sales and real estate. So if we are to review other options they might include:

- 1. For temporary commercial display as discussed above.*
- 2. They could be required to be displayed during hours of operation only.*

I have to remind that we should only be concerned with time and size of display for the various zoning districts. Regulation of content or design (such as color) is questionable for code.

SEND IT BACK WITH AN EMPHASIS BASED ON SAFETY.

The current regulations and proposed regulations do have provisions sufficient to ensure the public's safety. I see this as more of an enforcement issue. The Planning Office will need to dedicate more resources to ensure that these regulations are followed.

Testimony

The people that testified generally had a personal stake in sandwich boards and displayed varying degrees of understanding regarding current and proposed regulations. What I heard most of them saying was that they wanted to be able to display sandwich boards continuously. To me this means that they

wish to move from temporary display to permanent display. Although I saw no direct support for this from either the Planning Commission or the City Council, provisions could be made to permit sandwich boards with other permanent signage. They could be allowed within the allowances for the various districts and thought could also be given to whether or not they should be required to be displayed only during business hours.

Task of the EDC

The EDC should review proposed policy on temporary sign regulation in consideration of the motions made by the City Council and suggest a direction for additional consideration or not, when so decided by the body. The actual ordinance is by nature quite complex and I will wait until receiving some specific guidance before crafting any revisions to code.

Attachments

1. Draft Ordinance 11-XX, temporary sign section
2. Memo to City Council.
3. Excerpt of 1-23-12 City Council minutes.

"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.

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 tTemporary signs that bears a commercial message is not allowed except: 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.

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.





City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

MEMORANDUM 12-

TO: Mayor Hornaday and Homer City Council
THRU: Walt Wrede, City Manager
FROM: Rick Abboud, City Planner
DATE: January 4, 2012
SUBJ: Draft Ordinance 12-XX, Sign Ordinance

Introduction

The Planning Commission is forwarding the Draft Ordinance 12-XX for review. The HAPC has had 17 work sessions, 14 regular meetings, 2 public workshops, a joint session with Council, and a public hearing regarding this issue.

Why

Work on the ordinance started out as a response to some specific items. Staff was looking for a directive to deal with noncompliant signage that had not been comprehensively addressed for many years, mostly dealing with the Spit and sandwich boards. The Planning Office was unable to issue a sign permits for new boardwalk businesses because we found that most all boardwalks were far past the sign allowance found in code and thus we could not condone any sign past the legal limits. Additionally, we were getting a large number of complaints about illegal sandwich board signs that were found off-site, in the rights-of-way, on the sidewalk, being displayed beyond the amount of time allowed in code, and in numbers exceeding limits in code. Complaints and comments were provided by a wide array of people including those on the council and commission along with business owners (especially competing businesses) and the general public

What

Measure signage per building from per lot

To make it less complicated and easier to enforce and permit on the spit, changes were made to table 2 part B, line 216 that allows signage to be measured per Principle Building instead of Per Lot. It is proposed that signage be displayed in proportion to the size of individual structures and not limited to 150 square feet per lot (some spit lots have over 12 buildings).

Temporary Signs

Generally, temporary signs are those that are temporary in physical nature and in display term. They are only allowed on-site within the boundary of the parcel and should not be placed on a sidewalk, ROW, or blocking a sight triangle. Additionally, they need to fit within the total amount of allowed signage per lot. These are universal concepts that are not proposed to be compromised. Now it gets more complicated, as I try to explain what is currently allowed to what is proposed.

Currently, one may use a temporary sign on private property (one per lot) for up to 14 days in a ninety day period for advertising, except real estate signs which are allowed until sale and electoral signage (allowed 60 days prior to election and must be removed in week after), which are allowed in any amount up to 32 square feet each. The Commission does not propose changes in real estate or electoral sign other than paring down the size of electoral sign to a max of 16 square feet, which is the maximum allowable size of any other temporary sign.

The Commission has recommended regulating commercial and non-commercial messages differently. Temporary Signs are divided into General (21.60.130 (a)), conditions that apply to all temporary signs; Commercial (21.60.130 (b)), only allowing garage sales and real estate signs; and Non-commercial (21.60.130 (c)), most non-commercial messages will be displaying information about an event and would be regulated as indicated in the General section. Things get a bit difficult in deciding just which types of signs may be non-commercial considering the vast amount of fund raising events and activities in Homer. This is left to the City Planner to evaluate. I am concerned about where the line is drawn on non-commercial messages and plan to confer with the City Attorney about the implications prior to the worksession.

There is a current provision for permitting temporary signs in the rights-of-way (ROW). This has been struck because most everyone applying would want a sign in the State ROW, which we do not have the authority to grant (we can only be more restrictive than the state, not less).

Banner

The definition of a banner has changed. Basically, banners must be affixed to a rigid surface all around all edges; once this happens it meets the definition of a sign and will be regulated as such. No more banners blowing with or in the wind.

Appeals

The enforcement procedure has been streamlined with the thought of being able to resolve enforcement in a more reasonable time frame. Someone will have 7 days to file an appeal with the Clerk just as we have 7 days to issue a permit. Once appealed to the Planning Commission (if the decision is not reversed) the item would then go directly to Superior Court. As proposed, the process for appeal to the Planning Commission could take up to 6 months and 7 days before going to court. Currently, the time frame for two appeal hearings, one before the Planning Commission and then before the BOA could take up to a year and seven days get to court. In a nutshell, the proposed change cuts the time to submit the appeal request to the Clerks from 30 days to 7 days and eliminates an additional appeal to the BOA.

Other

Other changes are mostly clarifications to definitions recommended by the Planning Staff, Commission, or Attorney and are not intended to be policy changes.

Staff recommendation:

Adopt Ordinance 12-XX

Attachments

1. Draft Ordinance 11-XX
2. Staff Report 11-108 and minutes
3. Staff Report 11-106 and minutes
4. Staff Report 11-99 and minutes
5. Staff Report 11-93 and minutes
6. Staff Report 11-82 and minutes
7. Staff Report 11-78 and minutes
8. Staff Report 11-68 (Work Session)
9. Staff Report 11-61 and minutes
10. Staff Report 11-53 and minutes
11. Staff Report 11-46 and minutes
12. Staff Report 11-42 and minutes
13. Staff Report 11-37 (Work Session)
14. Staff Report 11-31 (Joint Work Session with City Council)
15. Staff Report 11-16 (Work Session)
16. Staff Report 10-105 and minutes
17. Staff Report 10-97 and minutes
18. Staff Report 10-88 (Work Session)
19. Staff Report 10-97 and minutes



- B. **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 21.60.100, 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. Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012.

Memorandum 12-007 from City Planner as backup.

Memorandum 12-008 from City Attorney as backup.

Mayor Hornaday opened the public hearing.

Scott Fraley, city resident, expressed opposition to the changes for sandwich board signs. They are a big benefit to the community, are not a danger, and have not caused any accidents. The Spit and town signage regulations should be separate.

Holly VanPelt, Homer resident, commented signs do more than sell a service or product; they help a business person create business to bring in income. A sign is a source of information and needs to be large enough to inform the public in a safe manner.

Adrienne Sweeney, city resident, commented the ordinance needs updates to ensure fairness. She opposes deleting temporary signs and signboards due to current economic times. To solve the enforcement problem she asked that the 14-day language be stricken. If one sign for a business is allowed 365 days a year with reasonable maintenance and encroachment rules there would be no enforcement problem. It would solve the issue of small businesses versus non profits, real estate, and political signage. The ordinance violates the Alaska Constitution as it unfairly discriminates commercial speech based on the contents.

Nelton Palma, city resident, noted it was hard enough in the winter as a businessman to provide a service and keep people employed. Every owner that puts up a sign cares that it looks well.

Kevin Fraley, Homer resident, commented the Planning Commission is being anti-business with the ordinance. There are no specific incidences cited according to the Police Department that are

reason to make changes. It is the personal choices of planning commissioners, who need to do what is best for the community at large.

Fred Kaatz, Homer resident, spent over \$900 to have a sign made and cannot use it as he expected. The sign now sits so far off the road it is hardly visible. Sign ordinances are anti-business; businesses make this community thrive.

Leonard Wells, city resident, commented the sandwich board advertisements allow people to come through town to make plans for later in the week.

Chip Duggan, city resident, noted the short time for businesses on the Spit and some of them would not be there without the signs. Realtors' signs are everywhere and they leave them up advertising they've sold. He questioned what the safety difference is.

Marilyn Hueper, city resident, believes visuals are a huge important aspect of communicating clearly. Sandwich boards and banners create an energy of something that is happening. She suggested a frame template for all businesses to create uniformity.

Paul Hueper, city resident, agrees with business owners that spoke up. Signage stimulates growth, adds excitement, and increases demand for products offered. Growth stimulates the tax base.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-01(S)(A) by reading of title only for second and final reading.

WYTHE/ROBERTS - SO MOVED.

WYTHE/ROBERTS - MOVED TO AMEND LINE 18-19 AFTER ELECTORAL SIGNS AND MOVE THAT PRIOR TO THE "AND REPEALING" STATEMENT ON LINE 18.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/HOWARD- MOVED TO AMEND LINES 67 AND 68 WHICH APPEAR AS STRICKEN, TO RETAIN THE DEFINITION FOR ELECTORAL SIGNS.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/ZAK – MOVED TO SEND THIS BACK TO THE PLANNING COMMISSION WITH SOMETHING FOR SANDWICH BOARD SIGNS.

Councilmember Zak asked that additional recommendations be made to make the ordinance pro-business.

Councilmember Hogan would like to see it go to the EDC (Economic Development Advisory Commission).

Councilmember Roberts prefers to send it back to the Planning Commission than the EDC as they know the regulations. The Planning Commission deserves to weigh in again.

WYTHE/ROBERTS – MOVED FOR A FRIENDLY AMENDMENT TO DAVE'S (LEWIS) AMENDMENT THAT IT GO BACK TO THE PLANNING COMMISSION FOR THESE CONSIDERATIONS AND THEN GO ON TO THE EDC FOR REVIEW AND CONSIDERATION BEFORE IT COMES BACK TO THE COUNCIL.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

City Manager Wrede asked that Council be clear in what the Planning Commission is to consider.

Councilmember Hogan intended to vote no with the reluctance we will still have the existing sign ordinance that has poorly served the community. He would like the Planning Commission to look at this from a business perspective and get out of people's hair.

HOWARD/WYTHE – MOVED TO AMEND THAT THE TEMPORARY SIGN SECTION BE REINSTITATED THROUGHOUT THE ENTIRE ORDINANCE AND SOME LIMITATION BE PLACED ON REAL ESTATE SIGNS, AND ELECTORAL SIGNS STAY AT 32 FT.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/WYTHE – MOVED TO AMEND THAT THEY COME UP WITH A POLICY FOR SANDWICH SIGNS AND HOW THEY CAN BE USED AS AN ADVERTISING TOOL.

Councilmember Roberts asked for clarification on sandwich signs, whether they could be moved to another physical location.

City Planner Abboud answered the sandwich sign could be moved within the lot of the business, under some circumstances you can have an off premise sign but not a sandwich sign. There are a lot of options. The Planning Commission knows how to make the ordinance; EDC does not. He would be glad to listen to EDC and bring their concepts to the Planning Commission. The sign code could be reverted to allow for temporary signs for businesses. Sandwich signs are not allowed in public right-of-ways.

Councilmember Howard expressed opposition to allowing signs in right-of-ways. City Planner Abboud answered the City cannot allow anything less restrictive than the State would allow in the right-of-way.

City Manager Wrede advised if the ordinance was referred to EDC they can send their comments to the Council, but asked that EDC does not try to rewrite the ordinance as that would bog things down.

Councilmember Hogan asked that if referred to EDC with their comments to the Planning Commission than it can be referred to Council.

Councilmember Wythe called for a point of order, noting the motion on the floor.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ZAK/HOWARD – MOVED THAT THEY CONSIDER PIONEER AVENUE AND THE DOWNTOWN SECTION AS TWO SEPARATE AREAS WHEN IT COMES TO SIGNS.

Councilmember Robert expressed opposition, citing all businesses in the city should be treated equally.

VOTE: YES. ZAK

VOTE: NO. HOGAN, LEWIS, ROBERTS, WYTHE, HOWARD

Motion failed.

ZAK/HOGAN – MOVED TO SEND IT BACK WITH AN EMPHASIS PLACED ON BEING PRO-BUSINESS.

Councilmember Howard asked how it could be incorporated legislatively, as different people may view pro-business from two different perspectives. It is asking for philosophical input.

Councilmember Wythe expressed hope the pro-business aspect would be taken care of by sending it to the EDC who would look at how it impacts local businesses.

VOTE: YES. HOGAN, ZAK

VOTE: NO. HOWARD, LEWIS, ROBERTS, WYTHE

Motion failed.

ZAK/HOGAN – MOVED TO SEND IT BACK WITH AN EMPHASIS BASED ON SAFETY.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ZAK – MOVED TO SEND IT BACK WITH BALANCED PRO-BUSINESS WITH AESTHETIC FRAMEWORK.

Motion failed for lack of a second.

WYTHE/ROBERTS – MOVED TO HAVE THEM LOOK AT TABLE 3, SPECIFICALLY ITEM E UNDER THE NOTES TO TABLE 3 THAT REFERENCES A COLUMN HEADING THAT DOESN'T SEEM TO APPEAR ON TABLE 3.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VOTE: (motion to refer as amended) YES. ZAK, HOWARD, HOGAN, LEWIS, ROBERTS,
WYTHE

Motion carried.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 15, 2012

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

City Planner Abboud reviewed his staff report.

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

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

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

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PLAT CONSIDERATION

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

City Planner Abboud reviewed the staff report.

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

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

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PENDING BUSINESS

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

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

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

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 15, 2012

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

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

There was brief discussion.

VOTE: YES: BOS

NO: HIGHLAND, SONNEBORN, VENUTI, DOLMA, ERICKSON

Motion failed.

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

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

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

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

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

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 15, 2012

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

Motion failed.

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

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

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

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

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

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

INFORMATIONAL MATERIALS

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

COMMENTS OF THE AUDIENCE

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

There were no audience comments.

COMMENTS OF STAFF

There were no staff comments.

COMMENTS OF THE COMMISSION

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

Commissioners Sonneborn and Erickson had no comments.

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



City of Homer
Planning & Zoning
491 East Pioneer Avenue
Homer, Alaska 99603-7645

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

STAFF REPORT PL 12-10

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

Introduction:

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

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

REAL ESTATE SIGNS

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

ELECTORAL SIGNS

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

EMPHASIS ON SAFETY

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

TEMPORARY SIGNS

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

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

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

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

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

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

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

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

Qualities to consider for the regulation of sandwich boards.

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

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

Now the challenging part,
The period of display.

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

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

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

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

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

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

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

Recommendation

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



Shelly Rosencrans

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

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

NEW BUSINESS

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

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

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

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

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

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

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

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

Motion failed.

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

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

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

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

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

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

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

There was no discussion.

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

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

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

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

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

Motion carried.

INFORMATIONAL ITEMS

COMMENTS OF THE AUDIENCE

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

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

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

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

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

COMMENTS OF CITY STAFF

COMMENTS OF THE COUNCIL MEMBER

COMMENTS OF THE COMMISSION MEMBERS

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

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

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

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

Student Representative Davis had no comment.

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

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

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

Session 12-03, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 6:30 p.m. on March 7, 2012 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: COMMISSIONER BOS, DOLMA

STAFF: CITY PLANNER ABOUD
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT

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

There were no public comments.

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

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

A. Approval of the February 15, 2012 minutes

The consent agenda was approved by consensus of the Commission.

PRESENTATIONS

REPORTS

A. Staff Report PL 12-11, City Planner's Report

City Planner Abboud reviewed his staff report and answered Commission questions regarding Fire Marshall information on the city website, bank stabilization, and the FEMA Flood maps.

PUBLIC HEARINGS

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

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report PL 12-10, Sign Ordinance

The Commission reviewed and discussed the sections of the staff report starting with electoral signs.

VENUTI/ERICKSON MOVED TO SEND ELECTORAL SIGNS BACK TO THE COUNCIL AT 32 SQUARE FEET.

There was brief discussion in opposition to the 32 square foot signs and others felt it wasn't worth the fight to keep it at 16 square feet.

VOTE: YES: MINSCH, VENUTI, ERICKSON
NO: HIGHLAND, SONNEBORN

Motion failed.

VENUTI/ERICKSON MOVED SO SEND IT BACK TO COUNCIL WITH 24 SQUARE FOOT ALLOWANCE FOR POLITICAL SIGNS.

There was no discussion.

VOTE: YES: VENUTI, ERICKSON
NO: HIGHLAND, SONNEBORN, MINSCH

Motion failed.

City Planner Abboud reviewed the section "Emphasis on Safety"

MINSCH/HIGHLAND MOVED TO ADD TO HIS SENTENCE "ADDITIONAL ENFORCEMENT IS WHAT IS NEEDED".

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Discussion ensued regarding temporary signs.

ERICKSON/VENUTI MOVED THAT TEMPORARY COMMERCIAL SIGNS, SPEAKING SPECIFICALLY ABOUT SANDWICH BOARDS, ARE ALLOWED FOR 30 DAYS, ONCE A CALENDAR QUARTER BY SPECIAL PERMIT. THOSE NEEDING EXTENDED TIME WILL BE BY PERMIT ONLY FOR 30 DAYS ONCE A QUARTER, RENEWABLE WITH AN ESCALATING FEE. ALL TEMPORARY SIGNS WILL BE ALLOWED FROM THE TIME OF BUSINESS OPERATION WHEN STAFF IS ON SITE AND OPEN TO THE PUBLIC. NON COMPLIANCE SIGNS WILL BE COLLECTED AND RETURNED FOR A FEE TO COVER ADMINISTRATION'S COST.

There were brief statements of opposition.

VOTE: YES: ERICKSON, VENUTI

NO: SONNEBORN, MINSCH, HIGHLAND

Motion failed.

Chair Minsch commented they had discussion during their worksession about sending this back to Council to outline the Commission's perspective. Commissioner Highland agreed noting that it is important to express to Council if they want to change the policy, it will allow everyone to have a sandwich board, and questions if this is that what Council wants.

The other Commissioners brought up points about allowing temporary signs through permitting and enforcement.

- We need to be careful not to tie the hands of staff so they can't work with people in the community.
- There are times people need a temporary sign for things like grand openings, change of location, new personnel, and so forth.
- There will still be issues with enforcement if the temporary signs are allowed.
- We have watched the signs grow over the last few years. If they are allowed they will show up all over town.
- Staff can provide the resources to deal with the signs, but the fallout of enforcement will have to be dealt with.
- This is not a solution to give people with permanent sandwich boards what they want; it is a case for a temporary sign if needed.

ERICKSON/HIGHLAND MOVED ON PAGE 28 LINE 361 TO GO BACK TO THE ORIGINAL LANGUAGE THAT TEMPORARY SIGNS ON PRIVATE PROPERTY SHALL BE, A FOR THE TERM AND B FOR THE NUMBER AND THAT THEY WILL BE ALLOWED BY PERMIT.

There was discussion that the renumbering will be addressed by staff. This goes back to the original language and adds that a permit is needed.

SONNEBORN/ERICKSON MOVED TO AMEND AND ADD DISPLAY SHALL BE DURING TIME OF BUSINESS OPERATION ONLY WHEN STAFF IS ON SITE AND OPEN TO THE PUBLIC.

Comments were made in opposition to the amendment because of temporary nature of the signs, people are not going to bring them in each night as it would be cumbersome to business owners or nonprofit organizations to do so.

VOTE: (Amendment) YES: SONNEBORN
NO: VENUTI, MINSCH, HIGHLAND, ERICKSON

Motion failed.

There was discussion that 14 consecutive days out of 90 isn't necessary as the permit can be drawn up to specify what days a business intends to display their temporary sign.

VOTE (Main Motion): NON OBJECTION: UNANIMOUS CONSENT

City Planner Abboud commented on line 136 they added suspended sign back to definitions but need to add "means" in front of a sign is suspended.

MINSCH/HIGHLAND MOVED TO AMEND LINE 136 TO READ SUSPENDED SIGN MEANS A SIGN...

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

City Planner Abboud explained that Table 3 is missing two categories in the draft ordinance and also on the web, but they are included in the code book. He mentioned that it should come back as technical change through the attorney to be corrected. The Commission asked to see the table when it is corrected.

HIGHLAND/ERICKSON MOVED TO FORWARD THE SIGN CODE AS AMENDED TO CITY COUNCIL FOR ADOPTION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

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

The Commission discussed the land allocation plan and the process for making recommendations.

Commissioner Minsch called for a brief recess to allow Commissioner Highland an opportunity to talk to staff regarding her recommendation.

HIGHLAND/VENUTI MOVED THEY RECOMMEND C7 AND C8 RECOMMENDED FOR FUTURE CONSIDERATION FOR CONSERVATION, C9 THE SOUTH SECTION OF LOT 13 AND 14 RECOMMENDED FOR FUTURE CONSIDERATION FOR CONSERVATION, E24 RECOMMENDED FOR FUTURE CONSIDERATION FOR CONSERVATION, AND E26 RECOMMENDED FOR FUTURE CONSIDERATION FOR CONSERVATION AND E35 BE DESIGNATED AS PARK.

There was discussion that in the mixed use area there is such a small amount of land to develop for business, there is concern that we don't want to tie our hands. There are enough hurdles to jump through to develop the land. Further comments were that the Commission doesn't have enough information to make these decisions.

Commissioner Highland commented that this is where she feels the future of Homer is going, there is a quandary with the lack of adequate land and the wetlands play an important part for the protection of Homer.

VOTE: YES: HIGHLAND

NO: ERICKSON, SONNEBORN, VENUTI, MINSCH

Motion failed.