



AGENDA ITEM REPORT

Ordinance 22-70, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code, Section 21.60.100 Signs Exempt from Regulation to Exempt Signs Not Visible from Public Rights of Way. Lord.

Item Type: Ordinance
Prepared For: Mayor and City Council
Meeting Date: 09 Jan 2023
Sponsor: Rachel Lord, Council Member
Department: City Council
Attachments: [Ordinance 22-70](#)
[Planning Commission Backup](#)
[Memo 22-208 Pl 22-13 Exempt Sign](#)
[Memo 22-179 Amending 21.60.100](#)

Summary Statement:

See attached information regarding Ordinance 22-70.

The Planning Commission recommends amending the title to strike the word visible and replace it with legible.

Staff Recommendation:

Ordinance 22-70 Introduction October 24, 2022, Public Hearing and Second Reading Postponed to November 28 and Referred to Planning Commission. Public Hearing and Second Reading Postponed to January 9, 2023.

Attachments:

[Ordinance 22-70](#)
[Planning Commission Backup](#)
[Memo 22-208 Pl 22-13 Exempt Sign](#)
[Memo 22-179 Amending 21.60.100](#)

**CITY OF HOMER
HOMER, ALASKA**

Lord

ORDINANCE 22-70

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE SECTION 21.60.100, SIGNS EXEMPT
FROM REGULATION TO EXEMPT SIGNS NOT VISIBLE FROM
PUBLIC RIGHTS OF WAY.

WHEREAS, The purposes of the City of Homer’s sign regulation are outlined in Homer City Code (HCC) 21.60.020 which states, “The purposes of this sign code are: to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetic environment and the City’s ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions.”; and

WHEREAS, If a sign is not visible from the public right-of-way, its regulation is not justified under these stated purposes; and

WHEREAS, Numerous other communities in Alaska with sign codes explicitly exempt signs which are not visible from the public right-of-way; and

WHEREAS, The City of Homer should also clearly exempt signs that are not visible from the public right-of-way to reduce regulatory burden and confusion and to focus City resources where there is a public nexus.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.60.100, Signs exempt from regulation under this chapter, is amended to read as follows:

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

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

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

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

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

45 ~~located.~~ **Any sign that is not legible from the public right-of-way.**

46

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

48

49 e. Holiday lights between October 15th and April 15th.

50

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

54

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

57

58 Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

59

60 Section 3. This ordinance is of a permanent and general character and shall be included
61 in the City code.

62

63 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this ____ day of
64 _____ 2022.

65

66 CITY OF HOMER

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69 _____
KEN CASTNER, MAYOR

70

71 ATTEST:

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73

74

75 _____
MELISSA JACOBSEN, MMC, CITY CLERK

76

77 YES:

78 NO:

79 ABSTAIN:

80 ABSENT:

81

82 First Reading:

83 Public Reading:

84 Second Reading:

85 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Planning
Page 4 of 22

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MEMORANDUM PL 23-01

TO: MAYOR CASTNER AND THE HOMER CITY COUNCIL
FROM: RICK ABOUD, AICP, CITY PLANNER
DATE: DECEMBER 21, 2022
SUBJECT: SIGNS NOT LEGIBLE FROM THE RIGHT-OF-WAY

After concern of the legality of signs that are not legible from the right-of-way due to distance or size, an amendment was proposed to make signs exempt from the sign code.

Staff report 22-66 replies to the concern presented. The Commission found it acceptable to exclude these signs from the sign code and made a motion to change the wording of the title to reference 'legible' as opposed to 'visible' to avoid confusion as to the intent of the ordinance.

The Commission held a public hearing on September 21st. With six Commissioners present, the Commission voted in unanimously support of the ordinance and recommends that the Homer City Council adopt the draft ordinance with the amended title.

Attachments:

Amended Draft Ordinance

Staff Reports 22-66, attachments, meeting minutes, and public comment

From: [Rick Abboud](#)
To: [Renee Krause](#)
Subject: FW: PC public comment Ord 22-70
Date: Tuesday, December 6, 2022 3:06:34 PM

From: mary griswold <mgrt@xyz.net>
Sent: Friday, December 2, 2022 7:17 PM
To: Department Planning <Planning@ci.homer.ak.us>
Cc: Rachel Lord <RachelLord@ci.homer.ak.us>
Subject: Fwd: PC public comment Ord 22-70

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

(I am forwarding this message to planning, as requested, because Clerks and Planner are out of office)

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

Subject: PC public comment Ord 22-70
Date: Fri, 02 Dec 2022 23:12:24 -0500
From: "mary griswold" <mgrt@xyz.net>
To: melissa jacobsen <mjacobsen@ci.homer.ak.us>
Cc: rabboud@ci.homer.ak.us

To Planning Commission
Re Ordinance 22-70 exempting certain signs

Please amend Ord 22-70 to provide consistent wording whether signs are visible or legible.

The title and whereas clauses refer to signs not visible while the therefore clause refers to signs not legible.

Lord

ORDINANCE 22-70

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE SECTION 21.60.100, SIGNS EXEMPT
FROM REGULATION TO EXEMPT SIGNS NOT ~~VISIBLE~~ **LEGIBLE**
FROM PUBLIC RIGHTS OF WAY.

WHEREAS, The purposes of the City of Homer's sign regulation are outlined in Homer City Code (HCC) 21.60.020 which states, "The purposes of this sign code are: to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions."; and

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- 52 d. Works of art that do not contain a commercial message.
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- 54 e. Holiday lights between October 15th and April 15th.
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- 56 f. Traffic control signs on private property, such as a stop sign, a yield sign, and similar signs,
57 the face of which meets Department of Transportation standards and that contain no
58 commercial message of any sort.
- 59
- 60 g. Signs in existence before February 11, 1985, but such signs shall not be replaced, moved,
61 enlarged, altered, or reconstructed except in compliance with this chapter.
- 62

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64 Section 3. This ordinance is of a permanent and general character and shall be included
65 in the City code.

66

67

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69 _____ 2022.

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71 CITY OF HOMER

72

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74 KEN CASTNER, MAYOR

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76 ATTEST:

77

78

79 _____

80 MELISSA JACOBSEN, MMC, CITY CLERK

81

82 YES:

83 NO:

84 ABSTAIN:

85 ABSENT:

86

87 First Reading:

88 Public Reading:

89 Second Reading: Effective

90 Date:

Agenda Item Report PC 22-65

Chair Smith introduced the topic and deferred to City Planner Abboud.

City Planner Abboud provided a summary of Staff Report 22-65 and provided highlights on the following:

- Managed to fit in a brief vacation over the recent Thanksgiving holiday
- Reviewed the adopted ordinances by Council
 - o FEMA grant application for adoption of Building Code
- Transportation Planning Public Event
- Review of RFQ's for the Comprehensive Plan and Title 21 Update
- Corps of Engineer as a Visitor scheduled for the January 18th Meeting,
- Hiring of new staff for the Planning Department, Associate Planner Bella Vaz and
 - o Assistant Planner Courtney Dodge
 - One of the first tasks assigned was coordinating the Asbuilts and sending out notices
 - Back log of filing
 - Records Managements for the Department
 - o Associate Planner Vaz
 - Attending FEMA Training for Flood Plain Manager certification
- Update to the Comprehensive Plan
 - o Attendance was encouraged by the Commissioners at the proposed outreach meetings that will be scheduled for the public
- Commission Calendar
- Progress on the new Software

There were no immediate volunteers for the January 9, 2023 Council meeting. It was noted that they did have a Commission meeting prior to each of the Council meetings.

8. PUBLIC HEARING(S)

8. A. Exempt signs Not Visible from Public Rights of Way Agenda Item Report PC 22-66

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud provided a summary of Staff Report 22-66 to the Commission. He noted the public comment received regarding verbiage used in the draft ordinance and staff can make that amendment to the words legible and visible. He commented on the following:

- Use of the word visible
- the placement of proposed signage that is not legible from the road should not be subject to the sign code

Chair Smith opened the Public Hearing. He closed the Public Hearing after confirming with the Clerk that no hands were raised from members of the Public attending via Zoom and noting that there were no members of the public present in Chambers.

Chair Smith opened the floor to questions from the Commission.

City Planner Abboud facilitated questions on the following:

- this ordinance will not open the placement of permanent, large, gaudy signage
- this addresses mostly what is known as building marker signage
- additional regulations regarding sign code would still apply
- it applies to signage that was once attached to the building
- clarification on the motions requested from the Commission

HIGHLAND/BARNWELL MOVED TO AMEND LINE 9 TO DELETE THE VISIBLE AND REPLACE WITH THE WORD LEGIBLE

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith asked if there was any additional discussion. Hearing none he requested a motion and second.

HIGHLAND/BARNWELL MOVED TO ADOPT STAFF REPORT 22-66 AND RECOMMEND APPROVAL OF ORDINANCE 22-70 AMENDING HOMER CITY CODE 21.60.100 AS AMENDED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

9. PLAT CONSIDERATION(S)

10. PENDING BUSINESS

11. NEW BUSINESS

12. INFORMATIONAL MATERIALS

12. A. City Manager's Reports
City Manager's Report for the November 14, 2022 City Council Meeting
City Manager's Report for the November 28, 2022 City Council Meeting

Chair Smith commented briefly on the sulfur shipment project.

12. B. PC Meeting & City Council Report Calendars
2023 Meeting Dates and Submittal Deadlines
2023 PC Calendar

13. COMMENTS OF THE AUDIENCE



AGENDA ITEM REPORT

Signs Legible from the Rights of Way

Item Type:	Action Memorandum
Prepared For:	Planning Commission
Meeting Date:	07 Dec 2022
Staff Contact:	Rick Abboud, City Planner
Department:	Planning
Attachments:	Memorandum 22-179 Amending 21.60.100 Ordinance 22-70 Amend 21.60.100 Signs Visible from ROW Google Maps example Memorandum PL 22-12 Exempt Sign

Summary Statement:

Introduction

After having a conversation about about replacing a sign that was located nearly 400ft for a right-of-way, an ordinance has been proposed by Councilmember Lord to exclude signs that are not legible from the right-of-way from the sign ordinance.

Policy Implications:

Analysis

This subject has brought up two different answers to the question of replacing a legacy sign that is not legible from a right-of-way. A strict compliance with the sign code might make a sign unacceptable, such as the case where the sign constitutes a second free-standing sign that is prohibited by code. A pragmatic answer might be that a sign not visible/legible from the right-of-way would not be regulated, as it does not convey information to the general public, only those on-site.

As this subject is not spelled out in code, except for reference to signs located inside a building, this amendment was proposed to further clarify the issue. The language, as proposed, would continue to apply to a sign located inside a building, except the standard would move from “not legible from three feet beyond the lot line” to “not legible from the public right-of-way.”

It is reasonable to consider the ability of a sign to convey a message to the general public. My research from the American Planning Association, found in the November 2019 issue of Zoning Practice,

Practice Sign Regulation, states that; “generally, a sign is defined as an object that attracts attention and is visible from a right-of-way.” The proposed ordinance reinforces this concept.

Staff Recommendation:

Review the proposed amendment, hold public hearing, and make recommendation to the City Council for adoption.

Attachments:

[Memorandum 22-179 Amending 21.60.100](#)

[Ordinance 22-70 Amend 21.60.100 Signs Visible from ROW](#)

[Google Maps example](#)

[Memorandum PL 22-12 Exempt Sign](#)



Memorandum 22-179

TO: Mayor Castner and Homer City Council

FROM: Rachel Lord, Councilmember

DATE: October 24, 2022

SUBJECT: Ordinance 22-70 Amending Homer City Code 21.60.100 Regarding Signs Legible from Public Rights of Ways

Background

Thank you for your consideration of Ordinance 22-70. This action was inspired by the sign in front of Paul Banks Elementary, which is almost 400 feet downhill from the public right-of-way (ROW), and impossible to see from the road. It is falling apart and the school staff and Parent Teacher Association would like to replace it. My understanding is that last year they were told by the City that they've already maxed out their sign allotment and so if they took that one down they would not be permitted to replace it. That made no sense to me at all.

I asked City Planner Abboud about this situation and he said that as a matter of practicality, if it's not visible from the right-of-way to the public, it would not be considered a sign subject to regulation under the code. But he noted that he hadn't looked at that specific sign. I went to look at the code to see where that exemption might be explicitly stated, and I found the verbiage about the interior signs only. Nothing about signs not visible from the public ROW.

In this amendment, I am suggesting that we fully replace subsection HCC 21.60.100(c) to limit the City's regulation to signs clearly visible from the public ROW and intended to be viewed by the public. Below I have provided some examples from other Alaskan municipalities sign codes.

While I believe this is a fairly straightforward and simple amendment to code, I look forward to feedback from the Planning Commission. I would like to see the City limit resources to regulating what is in the interest of the public. Signs that cannot be seen by the public from the public right-of-way should be clearly exempt from regulation under Homer City Code.

Wasilla: 16.32.020 Scope.

This chapter shall not regulate: building design; official traffic or government signs; the copy and message of signs; ***signs not intended to be viewed from a public right-of-way***; window displays, product dispensers, and point of purchase displays; scoreboards on athletic fields; flags of any nation, government, or noncommercial organization, unless part of a sign; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined in this chapter as a sign. (Ord. 17-09 § 3, 2017; prior code § 16.43.902)

Seward: 15.20.015 - Definitions.

Sign. Any device fixed to, painted on, or incorporated into the building surface; displayed from or within a building or structure; or free-standing upon the site, and **which is (a) visible from a public right-of-way and (b) designed to convey or direct a message to the public concerning the identification of the premises or to advertise or promote the interests of any private or public firm, person or organization.**

Soldotna:

15.08.010 - Administration. C. Scope .1.

General. **The scope of this chapter shall be to regulate signs of a commercial nature intended to be viewed from public rights-of-way.** This code does not regulate government signs; the copy and message of signs; window signs; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government, or non-commercial organization; gravestones; commemorative plaques; display of addresses; or any display or construction not defined herein as a sign.

**CITY OF HOMER
HOMER, ALASKA**

Lord

ORDINANCE 22-70

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66 CITY OF HOMER

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KEN CASTNER, MAYOR

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71 ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

76

77 YES:

78 NO:

79 ABSTAIN:

80 ABSENT:

81

82 First Reading:

83 Public Reading:

84 Second Reading:

85 Effective Date:

Google Earth Street View at maximum zoom. On-site sign is found within red box.

Homer, Alaska
Google
Street View - Aug 2009





City of Homer

www.cityofhomer-ak.gov

Planning
Page 33 of 46
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MEMORANDUM PL 22-12

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: December 7, 2022
SUBJECT: Planning Staff review of draft ordinance exempting signs not legible from the right-of-way.

Planning Staff review per 21.95.040

21.95.040 Planning Department review of code amendment

The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Analysis: The proposed amendment aligns with Goal 3, Objective A, create a clear, coordinated regulatory framework that guides development, specifically, the implementation strategy to “review rules and regulation options with consideration of operational constraints and community acceptance.

Finding 1: The proposed amendment is consistent with the Comprehensive Plan.

b. Will be reasonable to implement and enforce.

Analysis: The proposed ordinance expands upon an existing premise that applies well to working code.

Finding 2: The proposed ordinance will be reasonable to implement and enforce.

c. Will promote the present and future public health, safety and welfare.

Analysis: The proposed ordinance allows for messaging and markers that address those found on a site located well away and not viewable from a public right-of-way.

Finding 3: The proposed ordinance will promote the present and future public health, safety, and welfare.

d. Is consistent with the intent and wording of the other provisions of this title.

Analysis: The ordinance has been reviewed for consistency for its use in title 21 and has not been found to be in conflict with other regulations.

Finding 4: The proposed ordinance is consistent with the intent and wording of other provision in Title 21.

STAFF COMMENTS/RECOMMENDATIONS:

Planning staff has reviewed the ordinance per HCC 21.95.040 and recommends the Planning Commission conduct a public hearing, and recommend approval to the City Council.



City of Homer

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Page 20 of 22
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MEMORANDUM 22-208 (PL 22-13)

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: November 18, 2022
SUBJECT: Planning Staff review of draft ordinance exempting signs not legible from the right-of-way.

Due to a problem scheduling a public hearing for the item with the Planning Commission, I am unable to present a recommendation to the City Council until their first meeting in January.

At the October 24th meeting of the City Council, I suggested that I would be able to get Planning Commission input on the item and have it back for a second reading at the November 28th meeting of the Council. The Planning Commissions next meeting was scheduled for November 2nd. HCC 21.95.060(a) requires that the Planning Commission review all amendments to Title 21 and HCC 21.95.060(c) requires that they hold a public hearing. Unfortunately the deadline for submittal had already passed as item would have had to been to have been submitted to the newspaper the prior Thursday/Friday to meet noticing requirements.

This item is on the next scheduled Planning Commission meeting held on December 7th, the next opportunity for the Council get the recommendation is January 9th.

STAFF COMMENTS/RECOMMENDATIONS:

Reschedule for second reading January 9th.



Memorandum 22-179

TO: Mayor Castner and Homer City Council

FROM: Rachel Lord, Councilmember

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In this amendment, I am suggesting that we fully replace subsection HCC 21.60.100(c) to limit the City's regulation to signs clearly visible from the public ROW and intended to be viewed by the public. Below I have provided some examples from other Alaskan municipalities sign codes.

While I believe this is a fairly straightforward and simple amendment to code, I look forward to feedback from the Planning Commission. I would like to see the City limit resources to regulating what is in the interest of the public. Signs that cannot be seen by the public from the public right-of-way should be clearly exempt from regulation under Homer City Code.

Wasilla: 16.32.020 Scope.

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