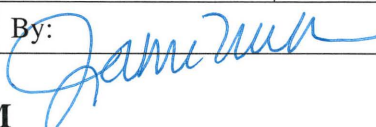







Date of Action: 11/28/16	
Approved <input checked="" type="checkbox"/>	Denied <input type="checkbox"/>
By: 	

CITY COUNCIL ACTION MEMORANDUM

AM No. 16-32: Directing The Planning Commission To Consider Amendments To WMC 16.32, Signs, Through The Adoption Of A Resolution Recommending Changes No Later Than February 7, 2017.

Originator: City Clerk on behalf of Council Member Graham
 Date: 10/26/2016 Agenda of: 11/28/2016

Route to:	Department Head	Signature	Date
X	Public Works Director		11/2/16
X	Finance Director		11-2-16
X	Deputy Administrator		11/2/16
X	City Clerk		11/2/16

Reviewed by Mayor Bert L. Cottle:  11/04/2016

Fiscal Impact: yes or no
Attachments: WMC 16.32, Signs (11 pages)

Summary Statement: Currently, WMC 16.32, Signs, contains verbiage that may be unclear to persons using the code to plan the success of their business. Wasilla is a business-friendly city that relies on the success of businesses within city limits to generate sales tax revenue needed to operate and improve the City.

There is no definition of "Sight Triangle" in WMC 16.32.030, Definitions and "Height" is defined as measured from two different reference points depending on the topography of the lot bearing the sign. Additionally, WMC 16.32.050(G), prohibits signs exceeding a maximum height of thirty (30) feet; however, WMC 16.32.130(B), limits sign height in the commercial zone to twenty-five (25) feet.

Staff Recommendation: The Planning Commission is directed to review WMC 16.32, Signs, with respect to the issues raised above. Further, the resolution from the Planning Commission recommending changes is due no later than February 7, 2017. Based on the decision of the Commission, Planning staff will prepare the necessary legislation to the City Council on the next available regular meeting agenda.

Chapter 16.32

SIGNS

16.32.010 Purpose.

The purpose of this chapter is to coordinate the type, placement and physical dimensions of signs within the different landuse zones; to recognize the commercial communication requirements of all sectors of the community; to encourage the innovative use of design; to promote both renovation and property maintenance; to allow for special circumstances; to recognize traffic safety considerations; enhance the aesthetics of the community; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs. The use of signs is regulated according to zone. The placement and physical dimensions of signs are regulated primarily by type and length of street frontage. No sign shall be permitted except in accordance with the provisions of this chapter. (Prior code § 16.43.900)

16.32.020 Scope.

A. This chapter shall not relate to building design; nor shall the chapter regulate 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 non-commercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

B. The primary intent of this chapter is to regulate signs of a commercial nature intended to be viewed from any vehicular public right-of-way. (Prior code § 16.43.902)

16.32.030 Definitions.

The following definitions pertain only to this chapter.

“Abandoned sign” means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.

“Animated sign” means any sign which uses movement or change of lighting to depict action or to create a special effect or scene.

Area. See “Sign, area of.”

“Awning” means a shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework.

“Awning sign” means a sign painted on, printed on, or attached flat against the surface of an awning.

“Banner sign” means a sign made of fabric or any nonrigid material with no enclosing framework.

Billboard. See “Off-premises sign.”

“Building” means any roofed structure intended or used for the support, shelter or enclosure of persons, animals or property of any kind.

“Cabinet, sign” means a complete, fully enclosed, unit or module of a sign.

“Changeable copy sign (automatic)” means a sign on which the copy changes automatically on a lampbank or through mechanical means (i.e., electrical or electronic time and temperature units. This does not include electronic animation; see definition of “Copy.”).

“Changeable copy sign (manual)” means a sign on which copy is changed manually in the field (i.e., readerboards with changeable letters).

City. Unless the context clearly discloses a contrary intent, the word “city” shall mean the city of Wasilla.

“Clearance (of a sign)” means the smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

“Construction sign” means a temporary sign identifying an architect, contractor, subcontractor and/or material supplier participating in construction the property on which the sign is located.

“Copy” means the wording on a sign surface in either permanent or removable letter form.

“Directional/information sign” means an on-premises sign giving directions, instruction or facility information and which may contain the name or logo of an establishment but no advertising copy (i.e., parking or exit and entrance signs).

“Double-/multiple-faced sign” means a sign with more than one message face.

“Electrical sign” means a sign or sign structure in which electrical wiring, connections, or fixtures are used.

Electronic Message Center. See “Changeable copy sign, automatic.”

“Facade” means the entire building front including the parapet.

“Face of sign” means the area of a sign on which the copy is placed.

“Festoons” means a string of ribbons, tinsel, small flags, or pinwheels.

“Flashing sign” means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light.

“Freestanding sign” means a sign supported above the ground by poles or braces and not attached to any building.

“Frontage” means the length of the property line of any one premises along a public right-of-way on which it borders.

“Frontage, building” means the length of an outside building wall on a public right-of-way.

“Government sign” means any temporary or permanent sign erected and maintained by the city, borough, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property or facility.

“Ground sign” means a sign other than a pole sign, in which the entire bottom is in contact with or is close to the ground; it is independent of any other structure and does not exceed five feet in height. Signs of five feet in height and over are defined as freestanding signs.

“Height (of a sign)” means the vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

“Icon” means an image, symbol or emblem.

“Identification sign” means a sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

“Illegal sign” means a sign which does not meet the requirements of this title and which has not received legal nonconforming status.

“Illuminated sign” means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

“Incidental sign” means a small sign, emblem or decal informing the public of goods, facilities, or services available on the premises (i.e., a credit card sign or a sign indicating hours of business).

“Lot” means a distinct parcel of land for ownership and tax purposes which is delineated and fixed on a plat filed for record.

“Maintenance,” for the purposes of this chapter, means the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

“Mansard” means a sloped roof or roofline facade architecturally comparable to a building wall.

“Marquee” means a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

“Marquee sign” means any sign attached to or supported by a marquee structure.

“Name plate” means a non-electric on-premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

“Nonconforming sign” means:

1. A sign which was erected legally but which does not comply with subsequently enacted sign restriction and regulations;
2. A sign which does not conform to the sign code requirements but for which a special permit has been issued.

“Occupancy” means the portion of a building or premises owned, leased, rented or otherwise occupied for a given use.

“Off-premises sign” means a sign structure advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured or furnished at the property on which said sign is located (i.e., billboards or outdoor advertising).

“On-premises sign” means a sign which pertains to the use of the premises on which it is located.

“Owner” means a person recorded as such on official records. For the purposes of this chapter, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the city planner or designee (i.e., a sign leased from a sign company).

“Painted wall sign” means any sign which is applied with paint or similar substance on the face of a wall.

“Parapet” means the extension of a false front or wall above a roofline.

“Person” means a partnership, firm, joint venture, public agency, government, company, corporation or other association, as well as a natural person.

“Planner” means the city planner or designee.

“Point of purchase display” means advertising of a retail item accompanying its display (i.e., an advertisement on a product dispenser).

“Pole cover” means covers enclosing or decorating poles or other structural supports of a sign.

“Political sign” means a temporary sign used in connection with a local, state or national election or referendum.

“Portable sign” means any sign designed to be moved easily and not permanently affixed to the ground, a structure or a building. For the purposes of setbacks, a portable sign is a freestanding sign.

“Premises” means a parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

“Projecting sign” means a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

“Real estate sign” means a temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

“Roof-line” means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

“Rotating sign” means a sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

“Sign” means any device, structure, fixture, flashing light, strobe or placard regardless of whether it is standalone or fixed using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods or services.

“Sign, area of” means:

1. Projecting and Freestanding. The area of a freestanding sign or projecting sign shall have only one face (the largest one) of any double- or multifaced sign counted in calculating its area. The area of a sign shall be measured as follows if the sign is composed of one or two individual cabinets:

- a. The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole cover, framing, decorative roofing, etc.; provided, that there is not written advertising copy on such embellishments.

b. If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.

2. Wall Signs. The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

“Snipe sign” means a temporary sign or poster affixed to a tree, fence, etc. (erected for three days or less).

“Subdivision identification sign” means a freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

“Temporary sign” means a sign not constructed or intended for long-term use (erected for less than thirty (30) days).

“Under-canopy sign” means a sign suspended beneath a canopy, ceiling, roof or marquee.

“Use” means the purpose for which a building, lot, sign or structure is intended, designed, occupied or maintained.

“Wall sign” means a sign attached parallel to and extending not more than eighteen (18) inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

“Window sign” means a sign installed inside a window for the intended purpose of being viewed from the outside. (Ord. 11-08 § 2, 2011; prior code § 16.43.902.2)

16.32.040 Compliance required.

No person shall erect, place or maintain a sign in the city except in accordance with the provisions of this chapter. (Prior code § 16.43.904)

16.32.050 Signs prohibited.

The following types of signs are prohibited in all districts:

- A. Abandoned signs;
- B. Signs imitating or resembling official traffic or government signs or signals of response vehicles;
- C. Snipe signs or signs attached to telephone or utility poles, public benches, or street-lights;
- D. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying the sign (this does not apply to allowed portable signs or to signs or letters on buses, taxis

or vehicles operating during the normal course of business);

E. Signs with flashing, intermittent, revolving or blinking illumination, or an alternating light pattern or which are animated, other than electronic message centers, as permitted in this chapter. No sign regulated by this chapter may utilize:

1. An exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion,

2. Any revolving beacon or flashing light,

3. Signs using exposed incandescent light sources exceeding sixty (60) watts per source;

F. Signs using reflectors, mirrors or other devices intended to focus or direct illumination from the sign to any other place;

G. Signs exceeding a maximum height of thirty (30) feet or the height of the roofline whichever is less;

H. Off-premises signs. (Ord. 11-08 § 3, 2011; prior code § 16.43.904.2)

16.32.060 Permits required.

Unless otherwise provided by this title, all signs shall require permits and payment of fees as described in the section covering administration and enforcement. No permit is required for the maintenance of a sign or for a change of copy on painted, printed or changeable copy signs. (Prior code § 16.43.904.4)

16.32.070 Signs not requiring permits.

The following types of signs are exempted from permit applications but must be in conformance with all other requirements of this chapter:

- A. Construction signs of thirty-two (32) square feet or less;
- B. Directional/information signs of eight square feet or less;
- C. Holiday or special events decorations;
- D. Nameplates of twelve (12) square feet or less;
- E. Political signs;
- F. Public signs or notices, or any sign relating to an emergency;
- G. Real estate signs;
- H. Window signs;
- I. Incidental signs;
- J. Point of purchase display signs;
- K. Religious icons; and

L. Wall signs. (IM 07-24; prior code § 16.43.904.6)

16.32.080 Maintenance.

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The city planner or designee shall have the right to order the repair or removal of any sign which is defective, damaged or substantially deteriorated. (Prior code § 16.43.904.8)

16.32.090 Changeable copy.

Unless otherwise specified by this title, any sign herein allowed may use manual or automatic changeable copy. (Prior code § 16.43.904.10)

16.32.100 Sign setback requirements.

A. The base of structural members supporting signs mounted on the ground shall be set back at least three feet from any public right-of-way except that of the George Parks Highway.

B. The base of structural members supporting signs mounted on the ground shall be set back at least five feet from the right-of-way of the George Parks Highway.

C. No part of any sign shall encroach into a public right-of-way or the air space above such a right-of-way, nor shall any part of a sign obscure a sight triangle. (Prior code § 16.43.904.12)

16.32.110 Signs permitted in all zones.

The following signs are allowed in all zones:

- A. All signs not requiring permits;
- B. One construction sign for each street frontage of a construction project, not to exceed thirty-two (32) square feet in sign area. Such signs may be erected fourteen (14) days prior to beginning of construction and shall be removed seven days following completion of construction;
- C. One nonilluminated real estate sign per lot or premises, not to exceed thirty-two (32) square feet in sign area. Such signs must be removed one week following sale, rental or lease;
- D. One attached nameplate per occupancy, not to exceed two square feet in sign area;
- E. *Repealed by IM 07-24;*
- F. One directional/information sign per lot, not to exceed eight square feet in sign area or six feet in height;
- G. Two temporary special event signs and decoration per premises for special events, grand openings, or holidays. Such signs and decorations may be erected seven days prior to a special event or holiday and shall be removed seven days following the event or holiday. For grand

openings such signs may be used for no more than fourteen (14) days;

H. Snipe signs for three days or less. Signs must be dated. (IM 07-24; prior code § 16.43.906)

16.32.120 Signs permitted in residential zones.

A. Signs are allowed as follows in residential zones:

1. All signs as permitted in Sections 16.32.070 and 16.32.110;
2. Two subdivision signs per neighborhood, subdivision or development not to exceed thirty-two (32) square feet in sign area;
3. One identification sign per apartment or condominium complex, not to exceed six square feet in sign area;
4. For allowed nonresidential uses, including churches and synagogues, one freestanding sign, not to exceed thirty-two (32) square feet in sign area, and one wall sign not to exceed six square feet in sign area.

B. Special regulations for residential districts are as follows: All allowed freestanding signs shall have a maximum height limit of six feet. (Prior code § 16.43.906.2)

16.32.130 Signs in the commercial and industrial zone.

A. All signs as permitted in Section 16.32.070 and 16.32.110;

B. One freestanding sign per premises, not to exceed one square foot in sign area for each linear foot of main street frontage up to a maximum of one hundred fifty (150) square feet. Such signs may not exceed a height of twenty-five (25) feet;

C. One under-canopy sign per occupancy, not to exceed fifty (50) square feet in sign area;

D. Incidental signs, not to exceed six square feet in aggregate sign area per occupancy;

E. Where an occupancy is on a corner or has more than one street frontage, one additional freestanding sign will be allowed on the additional frontage, not to exceed the size of the other freestanding sign;

F. One awning sign, with text, per occupancy not to exceed thirty (30) percent of the surface area of an awning, or one marquee sign, not to exceed one square foot in sign area for each linear foot of marquee front and side;

G. One portable sign per lot, not to exceed thirty-two (32) square feet in sign area or five feet in height. Such signs may be displayed eight times per year for periods not to exceed two weeks;

H. Where a lot has in excess of four hundred (400) feet of street frontage, one additional freestanding sign will be allowed for each additional one hundred (100) feet of street frontage. Such signs shall be subject to the size and height limitations of the first allowed freestanding sign and may be placed no closer than two hundred fifty (250) feet to any other freestanding sign on the same premises;

I. A projecting sign may be used instead of any freestanding sign, not to exceed a sign area of one square foot for each linear foot of an occupancy's building frontage up to a maximum of fifty (50) square feet;

J. Two ground signs may be used instead of any one free standing sign, not to exceed fifty (50) square feet each;

K. Any size and amount of wall signs. (Prior code § 16.43.906.4)

16.32.140 Nonconforming signs - Determination of legal nonconformity.

Existing signs which do not conform to the specific provisions of the chapter may be eligible for the designation "legal non-conforming," provided that:

A. Such signs are properly maintained and do not in any way endanger the public;

B. The sign was covered by a valid permit or variance or complied with all applicable laws on the date of adoption of this chapter. (Prior code § 16.43.908)

16.32.150 Loss of legal nonconforming status.

A legal nonconforming sign may lose this designation if:

A. The sign is relocated or replaced;

B. The structure or size of the sign is altered in any way except towards compliance with this chapter. This does not refer to change of copy or normal maintenance. (Prior code § 16.43.908.2)

16.32.160 Maintenance and repair of nonconforming signs.

The legal nonconforming sign is subject to all requirements of this chapter regarding safety, maintenance and repair. However, if the sign suffers more than fifty (50) percent-appraised damage or deterioration, it must be brought into conformance with this chapter or removed. (Prior code § 16.43.908.4)

16.32.170 Construction information.

All electrical signs shall be constructed and located in such a way as to meet required federal, state, and city laws statutes and ordinances and meet the requirements of the National Electrical Code. (Prior code § 16.43.910)

16.32.180 Anchoring.

A. No sign shall be suspended by non-rigid attachments that will allow the sign to swing in a wind.

B. All freestanding signs shall have self-supporting structures erected on or permanently

attached to concrete foundations or steel pilings.

C. All portable signs on display shall be braced or secured to prevent motion. (Prior code § 16.43.910.2)

16.32.190 Additional safety information.

A. No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.

B. No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of building or mechanical codes.

C. Signs shall be located in such a way as required to meet state and/or city safety standards. (Prior code § 16.43.910.4)

16.32.200 Administration and enforcement - City planner.

A. The city planner or designee is authorized to process applications for permits and variances, hold public hearings as required, and enforce and carry out all provisions of this chapter, both in letter and in intent. The city planner or designee is authorized to promulgate regulations and procedures consistent with this function.

B. The city planner or designee is empowered, upon presentation of proper credentials, to inspect any structure, or premises in the city for the purpose of inspection of a sign to ensure compliance with this chapter. Such inspections shall be carried out during business hours unless an emergency exists. (Prior code § 16.43.912)

16.32.210 Application for permits.

Application for a permit for the erection, alteration, or relocation of a sign shall be made to the city planner or designee on a form provided by the city planner or designee and shall include the following information:

A. Name and address of the owner of the sign;

B. Street address or location of the property on which the sign is to be located, along with the name and address of the property owner;

C. The type of sign or sign structure as defined in this chapter;

D. A site plan showing the proposed location of the sign along with the locations and square footage areas of all existing signs on the same premises; and

E. Specifications and scale drawings showing plans, elevation, materials, design, dimensions and structural supports. (Prior code § 16.43.912.2)

16.32.220 Permit fees.

All applications for permits filed with the city planner or designee shall be issued free of charge. (Prior code § 16.43.912.4)

16.32.230 Issuance and denial.

A. The city planner or designee shall issue a permit for the erection, alteration or relocation of a sign within five working days of receipt of a valid application, provided that the sign complies with all applicable laws and regulations of the city. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

B. When a permit is denied, a written notice shall be provided to the applicant along with a brief statement of the reasons for denial. The city planner or designee may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application. (Prior code § 16.43.912.6)

16.32.240 Permit conditions.

A. Permit fees are nonrefundable.

B. A permit becomes null and void if work is not completed within one year of the date of issuance. (Prior code § 16.43.912.8)

16.32.250 Removal of sign by planner.

In cases of emergency, the city planner or designee may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety. (Prior code § 16.43.912.10)

16.32.260 Variance provisions.

Variations to the setbacks, sign area, number of signs per parcel, and height of signs may be requested by a property owner, or authorized agent. The application process, notice requirements, and variance standards shall be the same as those for variances in Section 16.28.110. In granting a sign variance, the planning commission may prescribe conditions and safeguards to assure conformity with the purpose and intent of this chapter and consistency with the city comprehensive plan and any other applicable adopted city plans. (Ord. 11-30 § 3, 2011)