

Agenda

Planning Commission - Title 49 Committee City and Borough of Juneau

September 8, 2021
Virtual Meeting Only
12:00 PM

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I. ROLL CALL

II. APPROVAL OF AGENDA

III. AGENDA TOPICS

A. Signs

IV. COMMITTEE MEMBER COMMENTS AND QUESTIONS

V. ADJOURNMENT



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DATE: August 23, 2021

TO: Nathaniel Dye, Chair
Title 49 Committee

FROM: Allison Eddins, Planner

CASE NO.: AME2020 0005

PROPOSAL: Proposed amendments to CBJ 49.45 Sign Regulations

CDD is drafting sign regulations that address national legal requirements and clean up some of the inconsistencies in our existing code.

The draft amendments includes some big changes from the existing sign code. Those changes are listed below.

- The purpose statement has been expanded to lay the foundation for substantial government interests.
- Sign permit approval timeline has been expanded from two business days to 10 business days to be more consistent with other permits. Average sign permit turnaround time in 2019 was 7.75 business days.
- Signs will be regulated based on sign type and zoning district.
- Window signs mounted on or within 3 feet of a window in commercial, mixed use and industrial zoning districts will require a permit and will count toward allowed sign area.
- Painted signs and murals will not require a permit. Some restrictions do apply.

Background

The US Supreme Court ruled in 2015 that municipal and state ordinances could not regulate signs based on content. This violates free speech. Signs can be regulated based on time, place and manner. This allows us to use zoning-related tools, size limitations, and technology limitations to regulate signs. A simple rule to follow is: If you have to read the sign to know which regulation to apply, you have an unconstitutional code.

More recently, courts have made rulings requiring sign regulations to be narrowly tailored to further a substantial government interest. Safety and aesthetics qualify as a substantial government interest and those are laid out in the expanded purpose statement.

Chapter 49.45 - SIGNS¹¹

Footnotes:

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Administrative Code of Regulations cross references— Design review standards, signage, Part IV, § 04 CBJAC 065.010 et seq.

Cross reference— Building regulations, CBJ Code tit. 19.

ARTICLE I. - IN GENERAL

49.45.100 – Intent.

The intent of this chapter is to regulate signs in a manner that balances the right of free speech by sign display against the competing public and government interests in protecting community aesthetics, minimizing driver distractions and other negative effects associated with excessive and/or inappropriate signage.

49.45.110 - Purpose.

The purpose of this chapter is to provide standards for the erection and maintenance of signs. All signs shall be erected and maintained in accordance with this chapter, as applicable. The general purpose of these standards is to promote, preserve and protect the health, safety, general welfare, and enjoyment of the public, to preserve and protect the aesthetic quality of the borough, and to achieve the following:

- (a) Safety. To promote the safety of persons and property by providing that signs:
 - (1) Do not create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations;
 - (2) Do not obstruct firefighting, police, and private security surveillance;
 - (3) Do not create traffic hazards by confusing or distracting motorists;
 - (4) Do not impair the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs and signals;
 - (5) Do not cause hazardous or unsafe driving conditions for motorists due to their lighting or movement; and,
 - (6) Do not otherwise interfere with or detract from the safety of persons or property.
- (b) Visual landscape quality and preservation. To protect the public welfare and to enhance the appearance and economy of the borough, by providing that signs:
 - (1) Do not create a nuisance to persons using the public rights-of-way;
 - (2) Do not constitute a nuisance to occupancy of adjacent property by their brightness, light glare and reflection, size, height, or movement;
 - (3) Are not detrimental to land or property values;
 - (4) Do not overwhelm people by the number of messages presented;

- (5) Do not create or worsen visual clutter or visual blight;
- (6) Do contribute to the special character of particular areas or districts within the city and borough, helping the observer to understand the city and be oriented within it;
- (7) Do not cover or blanket any prominent view of a structure or façade of historical or architectural significance;
- (8) Do not obstruct views of users of adjacent buildings to side yards, front yards or to open space;
- (9) Are compatible with building heights of the existing neighborhood and do not impose a foreign or inharmonious element to an existing skyline;
- (10) Do otherwise protect and preserve a quality landscape in the city and borough; and
- (11) Do otherwise enhance the appearance and economy of the city and borough.

(Serial No. 92-39, § 3, 1992)

49.45.120 - Compliance with requirements.

All signs erected, constructed, altered, or changed in the City and Borough must comply with the requirements of this chapter.

(Serial No. 92-39, § 3, 1992)

49.45.130 - Permits, plan submittal and review.

- (a) With the exception of those signs for which a permit is not required, all signs require a permit issued by the community development department.
- (b) Sign permit applications shall include plans for all signs to be placed, including directional signs. The plans shall illustrate sign elevations, dimensions, placement, materials and lighting. Cross sections may be required if the sign requires a building permit.
- (c) A sign permit application will be reviewed and decided by the department within 10 business days after receipt of a complete application.

Commented [AE1]: I looked at the AVG turnaround time in 2019 with a sample of 12 permits. AVG was 7.75 business days.

(Serial No. 92-39, § 3, 1992)

ARTICLE II. - STANDARDS

49.45.200 - Generally.

- (a) Signs shall be located so as to achieve their purpose without constituting a hazard to vehicles or pedestrians.
- (b) All signs proposed for placement in the historic district must comply with the historic district sign standards set forth in section 49.45.260. .
- (c) All permanent signs shall be constructed of permanent, weatherable materials.

(Serial No. 92-39, § 3, 1992)

49.45.205 – Dimensional Standards; maximum area of signs

Commented [AE2]: No change from existing code.

The maximum allowed area of signs in the mixed use, commercial and industrial zoning districts for any single building façade is calculated as follows:

The length of one side of the building x 1.5 feet = the maximum sign area in square feet for that one side of the building.

No one side of a building shall have more sign area than one and one-half square feet per lineal foot of that side of the building.

49.45.210 – Signs allowed with a sign permit

The following signs may be installed, mounted or placed on public display upon the issuance of a sign permit and subject to the dimensional, area and location regulations specified in the table below.

Sign Type	Zoning District			Use and/or Location	Number Allowed	Maximum Height	Maximum Area	Illumination
	Residential	Commercial and Mixed Use	Industrial					
Freestanding	•			Subdivision and Multifamily	2 per street entrance	6 feet	32 square feet per sign face	External
		•	•	Single tenant	1 per street frontage	30 feet or extend to the roofline of the subject building, whichever is less	64 square feet per sign face	External or internal
		•	•	Multiple tenant			100 square feet per sign face	
Façade mounted	•			Home Occupation	1 per dwelling		4 square feet total sign area	Not allowed
	•			Commercial	1 per tenant per street frontage	Sign shall not project above the roofline of the subject building	8 square feet total sign area	External or internal
		•	•	Commercial	1 per tenant per street frontage	Sign shall not project above the roofline of the subject building	No maximum *Sign area shall count toward allowed sign area per building side	
Façade mounted projecting	•			Commercial	1 per tenant per street frontage	Sign shall not project above the roofline; must be 14.5 feet above a vehicular	16 square feet per sign face	External or internal
		•	•	Commercial			No maximum *Sign area shall	

Commented [AE3]: From CBJ existing code

Commented [AE4]: Consistent with what other communities do.

Commented [AE5]: Home occupations are only allowed to have a façade mounted sign. That is why it's singled out here.

						travel way and 8.5 feet above a pedestrian travel way.	count toward allowed sign area per building side	
Sign Type	Zoning District			Use and/or Location	Number Allowed	Maximum Height	Maximum Area	Illumination
	Residential	Commercial and Mixed Use	Industrial					
Under canopy	•			Commercial	1 per tenant per street frontage	The lowest portion of the sign shall not be less than 7 feet above a developed right of way.	10 square feet per sign face	External only
		•	•				No maximum *Sign area shall count toward allowed sign area per building side	
Canopy face	•			Commercial	1 per tenant per street frontage	The sign shall not project more than 12" above or below the canopy face	10 square feet	External only
		•	•				No maximum *Sign area shall count toward allowed sign area per building side	
Window Signs larger than 1 square foot attached to a window or displayed within 3 feet of the window and legible from the travel way	•	•	•	Commercial	1 per window		Sign areas shall not occupy more than 25% of each window (Excluding marijuana businesses) *Sign area shall count toward allowed sign area per building side	No illumination
Drive-thru signs	•	•	•	Commercial; must be located within on-site parking and vehicle circulation areas	5 per drive-thru lane	12 feet	65 square feet per drive-thru lane	

Commented [AE6]: Standard 8.5"by11" poster would not meet size requirement for needing permit

Commented [AE7]: Percentage restriction is necessary to preserve line of sight

Commented [AE8]: Add definition to 49.80

Commented [AE9]: McDonald's

(Serial No. 92-39, § 3, 1992)

49.45.210 - Signs not requiring a permit.

(a) All signs not requiring a permit must conform to the placement and height standards set forth in subsection (b) of this section.

(b) The following signs are allowed without a permit with the following restrictions:

(1) A-Frame Signs. One (1) non-illuminated A-Frame, or similar self-supporting sign, up to 8 square feet shall be allowed without a sign permit and shall not be included as part of the maximum allowable sign area. A maximum of one A-Frame sign per tenant is allowed. The signs shall not be placed within a CBJ or AKDOT right-of-way and shall not be left out after business hours.

(2) Hand painted signs and murals. One (1) hand painted sign or mural shall be allowed per building façade without a sign permit and shall not be included as part of the maximum allowable sign area. The building façade shall not have frontage on a developed right-of-way and the hand painted sign or mural shall not cover door or window openings.

(3) Temporary signs. Up to three (3) non-illuminated temporary signs are allowed without a sign permit in the commercial, mixed use and industrial zoning districts. Each sign shall not exceed 32 square feet in the commercial, mixed use and industrial zoning districts. Up to two (2) non-illuminated temporary signs are allowed without a sign permit in the residential zoning districts. Each sign shall not exceed 16 square feet in the residential zoning district. Temporary sign area shall not be included as part of the maximum allowable sign area. Temporary signs shall not be displayed more than 30 consecutive days and more than 90 days total within a twelve month period.

(4) Residential use signs. Non-illuminated signs up to four square feet are allowed without a permit for residential use only and shall not be included as part of the maximum allowable sign area.

(5) Identification signs. Every building shall be entitle to one sign up to 36 square feet. The sign shall not be included as part of the maximum allowable sign area. The sign may be placed in any of the following locations:

- a. On the front of the building, residence or structure; or
- b. On each side of an authorized United State Postal Service mailbox; or
- c. On one building post.

(5) Parking and vehicle circulation signs. Signs that are located within an approved parking area and are used by the public to locate entrances, exits, parking spaces and parking lanes will not require a sign permit and shall not be included as part of the maximum allowable sign area.

(6) Government required signs. All government required signs shall be allowed without a sign permit and shall not be included as part of the maximum allowable sign area.

49.45.240 - Illumination standards.

(b) Illuminated signs in all districts shall be arranged so that no light or glare is directed or reflected to adjoining lots and streets or into residential windows. Dark backgrounds shall be used where feasible to reduce glare.

Commented [AE10]: All of these signs will require an amendment to 49.80

Commented [AE11]: Event signs, political signs, real estate signs, etc.

Commented [AE12]: Ideological and political, etc.

Commented [AE13]: Address signs. This is a distinct sign category based on how the reader uses the sign, not based on content. Definition needs to make this really clear.

Commented [AE14]: Same as address sign comment.

(Serial No. 92-39, § 3, 1992)

49.45.250 - Sign maintenance.

Every sign shall be maintained in a safe and good structural condition at all times, including the repair or replacement of defective parts and other acts required for the maintenance of the sign. If the sign is not made to comply with adequate safety and maintenance standards, the department may require its removal in accordance with this chapter.

(Serial No. 92-39, § 3, 1992)

49.45.260 - Historic district sign standards.

The purpose of the historic district sign standards are to enhance, protect, and preserve the distinctive historical character of the historic district. All signs within the historic district shall comply with the requirements of this chapter. In addition, the following standards shall apply:

- (a) Lettering style and symbols on signs shall be appropriate to the building's style and compatible with the lettering and style of other signs on the building.
- (b) The only sign appearing above the canopy or first floor level of a building shall relate to the name of the building or principal use within the building. This may be externally illuminated only and be in the plane of the storefront. Signs that are hung underneath the canopy and perpendicular to the building shall be no less than seven feet above the finished sidewalk. The preferred material for these signs is wood, with natural stain or painted finish and external illumination only. Signs within or fixed to canopy edges shall not be lighted and shall not extend past the bottom or one foot above the top of the canopy fascia, and shall not exceed 12 inches in overall height.
- (c) All sign proposals for buildings in the historic district require a permit from the community development department. The department will review plans for dimensions, placement, lettering styles, color, materials, legibility and appropriateness of style to the character of the historic district.

(Serial No. 92-39, § 3, 1992; Serial No. 99-22, § 8, 1999)

49.45.270 - Prohibited signs and sign materials.

In addition to any sign or sign materials not specifically in accordance with the provisions of this chapter, the following are prohibited:

- (a) Any sign which simulates or imitates any traffic sign or signal, or which makes use of words, symbols, or characters in such a manner as to interfere with, mislead or confuse pedestrian or vehicular traffic;
- (b) Signs attached or placed adjacent to any utility pole, parking meter, traffic sign post, traffic signal or any other official traffic control device;
- (c) Any off-premise sign that directs attention to a business, service, product, or entertainment not sold or offered on the premises on which the sign is located, except as provided in sections 49.45.300—49.45.310. This prohibition does not include off-premise signs in public transportation terminals, nor does it include signs on public vehicles regulated pursuant to chapter 20.40 provided that the primary use of the vehicle is not the display of signs and that such vehicle is not used as a static display for advertising;
- (d) Signs consisting of any moving, rotating, flashing, or otherwise animated light or component within 250 feet of a vehicular travel way, except for time and temperature displays and barber poles;

Commented [AE15]: This is "content-based" unless it applied to both commercial and non-commercial messages. Strict scrutiny is applied. Question for Law.

Commented [AE16]: Will this pass the safety test? Why are these less distracting?? Question for Law.

- (e) Spinners, twirlers or propellers, flares, and similar devices, or containing elements creating sound within 250 feet of a vehicular travel way.
- (h) Any sign placed within the public rights-of-way that is not owned and maintained by a government entity.

(Serial No. 92-39, § 3, 1992; Serial No. 94-35am, § 12, 1995)

49.45.310 - Exceptions from sign standards.

The commission shall hear all applications for exceptions from the sign standards of this chapter using the procedure and criteria established for variances other than de minimis in chapter 49.20, article II, variances.

(Serial No. 92-39, § 3, 1992; Serial No. 95-33, § 9, 1995)

ARTICLE IV. - NONCONFORMING SIGNS AND ENFORCEMENT

49.45.400 - Nonconforming signs.

Nonconforming signs shall be required to come into conformity with this chapter at the time of a major development or major addition to the subject property except signs which violate section 49.45.270, prohibited signs and sign materials, shall come into compliance within 90 days of the effective date of the ordinance codified in this chapter. The owner of a nonconforming sign may apply to the commission for an exception from the sign standards as provided in section 49.45.310.

(Serial No. 92-39, § 3, 1992)

49.45.410 - Enforcement.

- (a) A violation of this chapter is a violation subject to a civil fine. Each and every day during which a violation of this chapter is committed, permitted, or continued shall be treated as a separate offense and subject to the offender to separate charges and fines, in accordance with CBJ 03.30.075.
- (b) A person charged with violating this chapter may produce proof to the enforcement officer that the violation has been remedied. If proof is provided within 15 days after the issuance of a citation, the citation shall be dismissed unless the person has been convicted previously for violating this chapter or has provided proof under this subsection on a prior occasion.

(Serial No. 92-39, § 3, 1992; [Serial No. 2015-29\(c\), § 2, 6-29-2015, eff. 7-30-2015](#))