

Submitted by: Chair of the Assembly at the  
Request of the Mayor  
Prepared by: Planning Department  
For reading: May 13, 2003

*Postponed indefinitely  
7/8/03*

Anchorage, Alaska  
AO 2003-83

1  
2  
3  
4  
5 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING  
6 ANCHORAGE MUNICIPAL CODE TITLE 21 BY ADDING DEFINITIONS OF  
7 COMMERCIAL MULTI-LOT DEVELOPMENT AND FOR MONUMENT SIGNS,  
8 AMENDING SIGN LOCATION PROVISIONS TO ALLOW SIGNAGE ON AN ADJACENT  
9 OR CONTIGUOUS LOT OR TRACT IN A COMMERCIAL MULTI-LOT DEVELOPMENT,  
10 AND ADDING CONDITIONAL USE STANDARDS FOR SIGNS IN COMMERCIAL MULTI-  
11 LOT DEVELOPMENTS.

12  
13 THE ANCHORAGE ASSEMBLY ORDAINS:

14  
15 **Section 1:** AMC 21.35.020 is amended by the addition of the following definitions:

16  
17 *Commercial multi-lot development* means the development for commercial uses of  
18 any commercially zoned real property which has been or is being subdivided in a  
19 platting or fragment lot process into two or more parcels which are intended to be  
20 used for commercial purposes and which would be allowed to have on-site signage  
21 in compliance with AMC 21.45.160.

22  
23 *Monument sign* means a freestanding sign whose face extends to a base that  
24 reaches the ground, and which includes architectural features relating to the  
25 development. The sign's foundation system can be piling or spread footing, but in  
26 appearance the base shall be within two feet of the ground, ~~depending on the slope.~~

27  
28 **Section 2:** AMC 21.45.160(B)(2) is amended to read:

29  
30 21.45.160 B. *Location.*

31  
32 \* \* \*

\* \* \*

\* \* \*

33 2. Other than political signs, signs may inform or advertise only with respect to  
34 principal permitted uses or accessory uses actually existing on the lot or tract  
35 upon which the sign is located, except that signage on an adjacent or  
36 contiguous lot or tract in a commercial multi-lot development may be  
37 permitted by conditional use.

38  
39 a. If a sign on an adjacent or contiguous lot or tract in a commercial multi-lot  
40 development is approved by conditional use, no pole mounted signs will  
41 be allowed.  
42

**Section 3:** AMC 21.50 is amended by adding the following:

21.50.330 Conditional use standards – signs in commercial multi-lot developments

1. *Size and dimension of the proposed sign(s).* Any sign(s) approved under this section shall not exceed 25 feet in height nor have a sign area that exceeds 200 square feet.

~~2. *Location of the proposed sign(s) on an adjacent or contiguous lot in a commercial multi-lot development.*~~

~~3.2.~~ *Elevation of the proposed sign(s).* Signs approved under this section shall be monument signs.

~~4.3.~~ *Design and aesthetic characteristics of the proposed sign(s).* Signs approved under this section shall not include flashing or reader board signs.

~~5.4.~~ *Number of signs if more than one is to be located at the development site.* The number of signs shall be limited to one sign on any one road frontage of arterial or greater status.

~~6.5.~~ *Requirement that other types of signage be regulated by platting restriction, or deed restriction, or covenants, conditions and restrictions, or by landowner or homeowners.* All property owners submitting an application for any signs pursuant to this Subsection shall record, as a deed restriction, with the State District Recorder's Office the sign rights or limitations that have been approved for each property. Such restrictions shall be recorded prior to a sign permit being issued.

**Section 4:** This ordinance shall sunset upon adoption of the new municipal sign ordinance or December 2004, whichever comes first.

**Section 5:** This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_ 2003.

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Municipal Clerk

**MUNICIPALITY OF ANCHORAGE**

**Summary of Economic Effects -- General Government**

AO Number: 2003- 83 Title: An Ordinance of the Anchorage Municipal Assembly Amending Anchorage Municipal Code Title 21 by Adding Definitions of Commercial Multi-Lot Development and for Monument Signs, Amending Sign Location Provisions to Allow Signage on an Adjacent or Contiguous Lot or Tract in a Commercial Multi-Lot Development, and Adding Conditional Use Standards for Signs in Commercial Multi-Lot Developments (Planning & Zoning Case No. 2002-230)

Sponsor:  
 Preparing Agency Planning Department  
 Others Impacted

**CHANGES IN EXPENDITURES AND REVENUES: (In Thousands of Dollars)**

|                               | <u>FY03</u> | <u>FY04</u> | <u>FY05</u> | <u>FY06</u> | <u>FY07</u> |
|-------------------------------|-------------|-------------|-------------|-------------|-------------|
| <b>Operating Expenditures</b> |             |             |             |             |             |
| 1000 Personal Services        |             |             |             |             |             |
| 2000 Non-Labor                |             |             |             |             |             |
| 3900 Contributions            |             |             |             |             |             |
| 4000 Debt Services            |             |             |             |             |             |
| <b>TOTAL DIRECT COSTS:</b>    | <b>\$ -</b> | <b>\$ -</b> | <b>\$ -</b> | <b>\$ -</b> | <b>\$ -</b> |
| Add: 6000 Charge from Others  |             |             |             |             |             |
| Less: 7000 Charge to Others   |             |             |             |             |             |
| <b>FUNCTION COST:</b>         | <b>\$ -</b> | <b>\$ -</b> | <b>\$ -</b> | <b>\$ -</b> | <b>\$ -</b> |

**REVENUES:**

**CAPITAL:**

**POSITIONS: FT/PT and Temp**

**PUBLIC SECTOR ECONOMIC EFFECTS:**

Approval of this ordinance should have no significant economic impact on the public sector.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

Approval of this ordinance should have no significant economic impact on the private sector.

Prepared by: David Tremont, Comprehensive Planning Division

Telephone: 343-7915/343-7921

Validated by OMB: 

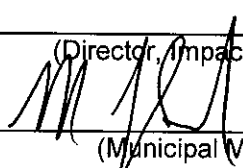
Date: 4/23/03

Approved by:   
 (Director, Preparing Agency)

Date: 3/24/03

Concurred by: \_\_\_\_\_  
 (Director, Impacted Agency)

Date: \_\_\_\_\_

Approved by:   
 (Municipal Manager)

Date: 5/1/03



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

AM No. 439 -2003

Meeting Date: May 13, 2003

**From:** Mayor

**Subject:** AO 2003- 83     A Proposed Ordinance to Amend Title 21 Regarding Signage within a Multi-Lot Commercial Development

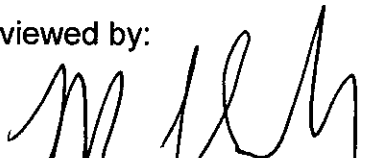
1 This ordinance would amend provisions of Title 21 to allow, through a conditional use  
2 process, commercial signage to occur on an adjacent or contiguous lot or tract within a  
3 commercial multi-lot development. The intent of the ordinance is to allow one (or more)  
4 freestanding signs to represent all of the properties within a multi and contiguous  
5 commercial lot development as opposed to each lot having its own freestanding sign. A  
6 benefit to the commercial multi-lot development is that it allows lots which do not front  
7 on a major street to have commercial signage on the street in accordance with a  
8 signage plan. The benefit to the community is a reduction in the potential number of  
9 freestanding signs and sign clutter that could otherwise occur if each lot were to have its  
10 own freestanding sign.

11  
12 This proposed ordinance was heard by the Planning & Zoning Commission on  
13 December 9, 2002. The Commission approved the ordinance subject to the addition of  
14 standards to be used in the conditional use process and a proposed sunset date for the  
15 ordinance upon adoption of the new municipal sign ordinance or December 2004,  
16 whichever occurs first.

17  
18 The Legal Department reviewed the Planning & Zoning Commission's recommended  
19 draft ordinance and sent it back to the Planning Department for three revisions. These  
20 revisions include: (1) Section 1: deletion of the phrase "depending on the slope" from  
21 the end of the last sentence in the definition for "monument sign"; (2) Section 3:  
22 deletion of item #2 of the Conditional Use Standards since this item is a fragment  
23 sentence with no legal effect; and, (3) deletion of item #6 of the Conditional Use  
24 Standards since this item is also a fragment sentence with no legal effect. However, for  
25 this item, the Planning Department recommends that language from the January 10,  
26 2003, draft sign regulations be considered since it specifically addresses signage of  
27 individual properties within a commercial multi-lot development. This proposed  
28 language is shown as underlined text.

1 The Administration concurs with the recommendations of the Planning and Zoning  
2 Commission, with revisions as directed by the Municipal Attorney's Office, and  
3 recommends adoption of this ordinance by the Municipal Assembly.  
4

5 Reviewed by:

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7  
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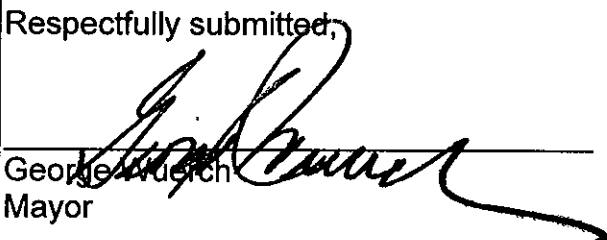
9 Harry J. Kieling, Jr.  
10 Municipal Manager

Reviewed by:

11   
12

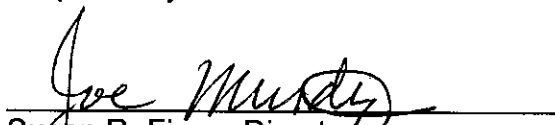
13 Michael J. Scott, Executive Director  
14 Office of Planning, Development, and  
15 Public Works

16 Respectfully submitted,

17   
18

19 George Wuerch  
20 Mayor

Prepared by:

21   
22 Susan R. Fison, Director  
23 Planning Department

- 24 Attachments:
- 25 A. Planning and Zoning Commission Resolution 2002-092
  - 26 B. Planning and Zoning Commission December 9, 2002, Minutes
  - C. Planning and Zoning Commission Staff Packet dated November 21, 2002
  - D. Excerpts from January 10, 2003 Draft, *Proposed Sign Standards for the Municipality of Anchorage*, prepared by D.B. Hartt, Inc., and Professor Alan C. Weinstein

**ATTACHMENT A**  
**Assembly Memorandum**

**Planning & Zoning Commission**  
**Resolution No. 2002-092**

**MUNICIPALITY OF ANCHORAGE**  
**PLANNING AND ZONING COMMISSION RESOLUTION NO. 2002-092**

A RESOLUTION RECOMMENDING TO THE MUNICIPAL ASSEMBLY THE APPROVAL OF AN ORDINANCE WHICH WOULD AMEND TITLE 21 TO ALLOW, THROUGH A CONDITIONAL USE PROCESS, COMMERCIAL SIGNAGE TO OCCUR ON AN ADJACENT OR CONTIGUOUS LOT OR TRACT WITHIN A COMMERCIAL MULTI-LOT DEVELOPMENT.

(Case No. 2002-230)

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WHEREAS, Anchorage Municipal Code 21.45.160.B.2 currently states that other than political signs, signs may inform or advertise only with respect to principal permitted uses or accessory uses actually existing on the lot or tract upon which the sign is located; and,


WHEREAS, due to this provision in Title 21, some commercial properties located within a commercial multi-lot development may not be allowed to have signage that fronts on a major street abutting the commercial multi-lot development.

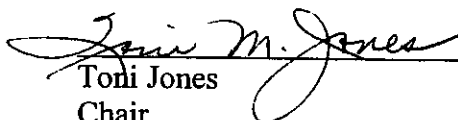
NOW, THEREFORE, BE IT RESOLVED by the Anchorage Planning and Zoning Commission that:

- A. The Commission makes the following findings of fact:
1. This ordinance amends Title 21 to allow, through a conditional use process, commercial signage to occur on an adjacent or contiguous lot or tract within a commercial multi-lot development.
  2. The conditional use process will allow lots within a multi-lot commercial development which do not front on a major street to have commercial signage on the street in accordance with a signage plan as approved by the conditional use.
  3. This ordinance will benefit the community by reducing the total number of freestanding signs and sign clutter that would otherwise be possible if each lot in a commercial multi-lot development were allowed to have its own freestanding sign.
  4. Signage approved for commercial multi-lot developments through a conditional use process would be required to meet, at a minimum, the following standards:
    - a) signs cannot exceed twenty-five feet in height nor two hundred square feet in area;
    - b) the number of freestanding signs within commercial multi-lot developments shall be limited to one sign on any road frontage of arterial or greater status;
    - c) no pole-mounted signs will be allowed on individual properties within the multi-lot development;

- d) approved freestanding signs will only include monument signs; and,
  - e) no flashing or reader board signs will be allowed.
5. This ordinance shall sunset upon adoption of the new municipal sign ordinance or December 2004, whichever comes first.
- B. The Commission directs Planning Department staff to develop a definition for monument signs to go forward to the Assembly and provides the following temporary definition to apply to any monument sign on the property:
- Monument sign: A sign that is architecturally related to the development, and which appears to have a base that reaches the ground. The foundation system could be piling or spread footing but in appearance the base is within two feet of the ground, depending on the slope.*
- C. The Commission recommends to the Municipal Assembly approval of this ordinance which amends Title 21 to allow, through a conditional use process, commercial signage to occur on an adjacent or contiguous lot or tract within a commercial multi-lot development, directing codification thereof, and providing an effective date, subject to the ordinance as presented.

PASSED AND APPROVED by the Anchorage Planning and Zoning Commission this 9<sup>th</sup> day of December 2002.

  
\_\_\_\_\_  
Susan R. Fison  
Secretary

  
\_\_\_\_\_  
Toni Jones  
Chair

(2002-230)



**ATTACHMENT B**  
**Assembly Memorandum**

**Planning & Zoning Commission**  
**12-9-02 Meeting Minutes**

2.      **2002-230**                    Dan Coffey. An ordinance amendment to Title 21 regarding Multi-Lot Commercial Signage by Conditional Use.

Staff member TOM DAVIS explained the intent behind this proposed ordinance is to allow one or more freestanding signs to represent all of the commercial properties within a commercial multi-lot development, rather than each lot having its own independent signage. This is to help accommodate sites in which some of the individual lots have poor visibility to the public traveling on adjacent street(s). The potential benefit to the community would be a reduction in the number of freestanding signs. The current provisions of Title 21 state that the freestanding signage for a commercial use is to be on the same lot as that establishment. This ordinance would amend that by allowing signage on an adjacent lot where the lots are together in a multi-lot development. The State objects to the change on the basis that it violates state law by allowing for off-premise advertising along State-owned roads. The conditional use standards by which this signage would be approved provide the types of standards that would be applied to these types of developments, but not the criteria by which a reviewing body would judge signage. The Municipality is working with consultants D.B Hartt and Alan Weinstein, who are developing the sign code to develop standards for freestanding signs. In the draft they have provided, they indicate they will address this type of development through a unified site plan for signage. This would provide criteria and a process by which multiple contiguous properties may be considered as a single site for the purpose of determining the size, number, and placement of freestanding size. The proposed ordinance would establish a separate set of conditional use standards for signs in commercial multi-lot developments. The unified site plan would be providing the specific standards as part of the draft sign ordinance. While the Department supports the general concept of a unified sign plan and appreciates the potential benefit of fewer freestanding signs that might occur through this ordinance, it recommends that this proposal be tabled until it can be incorporated within the framework of the overall sign code rewrite.

COMMISSIONER BROWN asked what is the status of the sign code rewrite. MR. DAVIS replied that Staff anticipates that the draft sign ordinance would be made available at the January 10, 2003 joint worksession with the Assembly. COMMISSIONER BROWN asked when the ordinance is scheduled for public hearing before the Commission. MS. FISON replied that it is not scheduled at this time.

The Administration wanted to have the joint worksession before scheduling the public hearing. COMMISSIONER BROWN asked whether, if the ordinance was approved tonight, it could be approved with a sunset clause with the anticipation that it would be incorporated into the sign code when it is rewritten. MR. DAVIS replied in the affirmative, but noted Staff would still have reservations, particularly regarding the lack of specific criteria for unified signage plans.

The public hearing was opened.

SHERMAN ERNOUF, representing the petitioner, introduced STEVE HALL. MR. HALL stated he is doing a 12-acre development at the southeast corner of C Street and Tudor Road in which properties are being sectioned off for development. The process to get a permit for a sign began 15 months ago and they were told could not get the permit because they had platted a lot. He explained that this development is similar to a fragment lot situation. This is a community with several uses and the desire is to advertise them together on C Street and Tudor. This is a planned community under the Alaska Common Ownership Act. Because the first lot was platted, which was a condition of a banking institution in order to provide financing, the approval for the signage could not be gotten. He believed that for people traveling past the development, this signage would not look different than a mall. He felt that a minor technicality causes this situation to not conform to the sign law. He explained that approving this ordinance is important because the developer is attempting to bring in businesses from outside of the state and advertising and marketing are important to those businesses. A use that is further back on the lot would not have exposure to the public traveling past the site via signage on that lot. He indicated that graphics had been supplied depicting the proposed location of the signage in question. He added that approval of this ordinance is needed now, as the inability to get a sign permit has impacted negotiations with businesses over the 15-month period that has already transpired. Furthermore, the carrying cost of over \$20,000 a month directly affects him. He mentioned that he is an aggressive, but also a progressive and responsible, developer. His primary market is franchise restaurants and hotels, which he felt would beautify this area more than other uses that could be placed on I-1 property. Property values would be increased with these developments and approximately 600 to 800 jobs would be created with this overall development. He felt the area would be enhanced with the developments and the proposed signage, the city's tax base would be increased, and jobs would be created. MR. ERNOUF stated his office has been working with the Department on this proposed ordinance amendment for approximately three months. As early as this weekend he heard that the

Administration was recommending that the sign ordinance being rewritten by the consultants be tabled. He stated that the need for the ordinance before the Commission is imminent. He thought the sunset clause suggested by Ms. Brown would be one way to address the Department's concerns. He disagreed with the Staff indication that this ordinance conflicts with State Law. State law says that the ordinance cannot be less restrictive than State law and this ordinance is more restrictive by the fact that it disallows certain signs and limits the number of signs. There was also a concern that the electronic reader board initially proposed by the petitioner would conflict with State law, but there will be no reader board. A fourth concern was that there are no standards in place to provide criteria for judging a signage plan, but the petitioner is not seeking to change the existing standards, only to apply the standards that are in place until modifications are made in the future. The final concern from Staff is that they will have a hard time tracking properties that have multi-lot sign approvals. He noted that, at this point in time, this is one plan so that is not a legitimate problem at this time.

COMMISSIONER BROWN stated regarding design standards that she would be looking for 20-foot maximum height, 15 foot maximum width, monument type of elevation, no flashing/reader board type signs, up to two signs per site, and that there be no additional pole signs on the properties. MR. ERNOUF stated that signage on individual lots within this development is being controlled through CCRs. COMMISSIONER BROWN explained that this would be a conditional use standard applicable throughout the municipality and, as such, there would need to be such a control within the ordinance. COMMISSIONER ADAMS asked what size is recommended as a maximum height in the sign ordinance rewrite. MR. DAVIS replied that the maximum sign area for freestanding signs in the B-3, I-1 and I-2, and I-3 zones is 200 square feet and maximum height is 25 feet. COMMISSIONER ADAMS stated that, while he believed that is a good dimension for the height, he would be careful about using it, recognizing that there is a tremendous gain in allowing one sign to advertise many businesses, rather than having separate signs. He thought there was sense to perhaps allowing a greater height, recognizing that there are trade-offs involved in order to have fewer signs. He stated he believed there was general consensus on the Sign Committee that this was true. COMMISSIONER BROWN remarked that 25 feet is high.

COMMISSIONER PENNEY clarified that what is before the Commission is an ordinance amendment and the petitioner will have to come back through a conditional use process with their sign. MR. ERNOUF understood this was the case. COMMISSIONER PENNEY stated, in the absence of specific

standards, would not the existing standards in the sign code apply. MR. ERNOUF believed this was the case.

COMMISSIONER KLEIN asked if the petitioner would object to adding plat notes or modifying the plats to reference the signage allowed so that the city has some form of enforcement. He noted that CCRs are a private matter and the city has no way to enforce those. MR. HALL did not object to including a plat note restricting pole signs from the property. He did not want to go beyond that because signage is a key criterion for restaurants. He felt it would be inappropriate for him to limit everything the tenants did with regard to signage.

TIM POTTER stated that the proposal before the Commission has been discussed for some time and that is largely why some properties have been developed as fragment lot developments over the years. He stated that he and Don Alspach have discussed the need for a development approach so there could be coordinated signage on a property that does not lend itself to being a fragment lot subdivision. He thought it would be beneficial, until the new sign ordinance becomes effective, to have something in place. He felt a sunset clause in the ordinance might be appropriate. He remarked that Title 21 parking lot standards allow that a project in a commercial district that is being developed in a coordinated fashion comes under a rule called "common development." Separate platted lots are required to have perimeter landscaping of 8 feet on each side of the property line. If the common development has parking across the lot line, the petitioner can go to the Planning Director and have it deemed a "common development" for parking and the landscaping requirement is reduced to 4 feet on each side of the property line. A conditional use, such as is proposed in the ordinance before the Commission, gives assurances of review and what is done can be controlled and tracked by a notice of zoning action. He understood that the entirety of the property would need to be subject to conditional use. If the elimination of pole signs is part of that, it would be part of the conditional use. This could be done through filing a notice of zoning action or a deed restriction or some other mechanism.

COMMISSIONER KLEIN asked that the petitioner respond to the issue of height. He believed the petitioner was requesting a height of 33 feet. He remarked that it was his experience that, once the height of signs begins to drop, that will become the more common practice. MR. HALL stated the height was originally proposed at 45 feet. He noted that 7 businesses would be advertised on one sign, whereas on other lots where the 25-foot height would apply only one business is being advertised.

The public hearing was closed.

COMMISSIONER BROWN moved for approval of the "Draft Municipal Ordinance," subject to inserting after the second paragraph "(a) If a sign on an adjacent or contiguous lot or tract in a commercial multi-tract development is approved by conditional use, no individual pole mounted signs will be allowed."; amending conditional use standard 1 to add "...25-foot height with 200 square foot maximum area"; amending conditional use item 2 to add "...on an adjacent or contiguous lot or tract in a commercial multi-lot development"; amending conditional use 3 to add "... to be monument sign."; amending conditional use 4 to add "No flashing or reader board sign(s)"; amending conditional use 5 to state "Number of signs shall be two maximum."; and adding a clause to state "This ordinance shall sunset in December 2004."

COMMISSIONER ADAMS seconded.

COMMISSIONER BROWN stated the intent of her proposed changes is that, if a monument sign is used for a commercial multi-lot development, no individual pole signs would be allowed to individual businesses and the height of the monument sign would be 25 feet. She believed that 7 businesses and a base would fit within a 25-foot height. She stated that the restriction on flashing and reader board signage is standard. She noted that the intent of the sunset clause is that this ordinance should sunset, and if there is a desire is to continue it, it would come back to the Commission in 2004. She noted regarding sign heights that there are communities Outside that strictly control their signs. She felt that the larger the sign, the more confusing. She believed if the sign is well done and simple, the message can be relayed.

COMMISSIONER ADAMS felt it was appropriate to recognize that a good public process occurred in the development of the sign ordinance rewrite, which involved the sign community and design professionals. He stated that a 25-foot height was agreed to as reasonable by that group. He noted that the proposed sign is 33 feet in height of which nearly 10 feet is the marquee for the development itself. With respect to the 200 square foot limit on area, the petitioner is showing 160 feet on the drawing he had submitted. He indicated that the use of message boards caught the interest of the public and the consensus in the development of the sign ordinance was to limit that. He noted there is an opportunity for further consideration of this ordinance per the sunset clause and the sign ordinance might address this issue, in any case.

COMMISSIONER PENNEY asked whether the marquee would be included in calculating the sign area. If so, he feared that 200 square feet might be overly restrictive. Further, he suggested changing the sunset clause to state "This ordinance shall sunset upon adoption of the new sign ordinance or December 2004, whichever comes first." This was accepted as a friendly amendment. COMMISSIONER PENNEY was also concerned that the motion limits the number of signs to two on one site. If a site is bordered by three arterials, a sign would not be allowed on one. He suggested the possibility of limiting the number of signs to one sign per major arterial.

COMMISSIONER BROWN asked what was recommended in the discussions of the sign ordinance. COMMISSIONER ADAMS indicated this did not reach resolution in the Sign Committee. MR. DAVIS was not familiar enough with the draft ordinance to respond specifically. He noted there is a minimum separation of 200 feet in terms of the number of signs on a particular frontage. COMMISSIONER ADAMS stated there were three subcommittees and each approached this differently.

COMMISSIONER PENNEY suggested amending conditional use standard 5 to state, "The number of signs shall be limited to one sign on any one road frontage of arterial status or greater." This was accepted as a friendly amendment.

COMMISSIONER PENNEY remained concerned with the square footage limitation of 200 feet. COMMISSIONER BROWN felt that 200 square feet was an appropriate area that is workable.

CHAIR JONES noted she was concerned how someone driving down the road would be able to read the sign, given the setback requirements from an arterial. COMMISSIONER ADAMS noted this was also stated as a concern of the sign industry. He noted that there are relationships to setback and speed of travel vis-à-vis sign size. He stated he would probably support, from a professional design standpoint, a sign size of 2'x10' for each vendor.

COMMISSIONER KLEIN remarked that it was indicated in the Sign Committee that a 25-foot height limitation would be, on average, an approximately one-third reduction from the average sign height in Anchorage today.

AYE: Penney, Adams, Jones, Brown, Knepper, Klein

NAY: None

ABSTAIN: Coffey

PASSED

COMMISSIONER BROWN requested that the Commission be supplied with the ordinance that goes forward to the Assembly.

COMMISSIONER BROWN moved for immediate reconsideration.

COMMISSIONER KNEPPER seconded.

COMMISSIONER BROWN explained that she wished to add a condition that to allow Staff and the petitioner to resolve a definition of monument signs for inclusion in the ordinance.

AYE: Penney, Adams, Jones, Brown, Knepper, Klein

NAY: None

ABSTAIN: Coffey

PASSED

COMMISSIONER BROWN moved to amend to add a condition to state "Staff to resolve with the petitioner the definition of monument signs to then be included within the ordinance that goes forward to the Assembly."

COMMISSIONER ADAMS seconded.

COMMISSIONER ADAMS was not sure this petitioner should be working to resolving a definition for a conditional use that affects the entire municipality. COMMISSIONER BROWN amended the language of her amendment to state, "Staff develop a definition of monument signs to go forward with this ordinance to the Assembly." The second to the motion concurred with this language change. X

COMMISSIONER PENNEY indicated he wants to see this language before it goes to the Assembly.

COMMISSIONER BROWN suggested that a temporary definition could be proposed this evening, to be reviewed at a later time. COMMISSIONER ADAMS suggested that, "The definition of a monument sign be that it be architecturally related to the development, which appears to have a base that



reaches the ground. The foundation system could be piling or spread footing, but in appearance the base is within two feet of the ground, depending on the slope."

COMMISSIONER BROWN seconded.

COMMISSIONER ADAMS asked if this definition relates to the primary sign on the property or individual signs associated with each building.

COMMISSIONER BROWN stated that the definition would relate to any monument sign on the property. COMMISSIONER ADAMS stated that this amendment attempts to maintain architectural integrity to the development as a whole.

COMMISSIONER BROWN stated that her intent would be that the resolution come back to the Commission.

Amendment

AYE: Penney, Adams, Jones, Brown, Knepper, Klein

NAY: None

ABSTAIN: Coffey

PASSED

Main Motion

AYE: Penney, Adams, Jones, Brown, Knepper, Klein

NAY: None

ABSTAIN: Coffey

PASSED

3.     **2002-235**                   Municipality of Anchorage Transportation  
  Planning. Land Use Allocation  
  Documentation Report.

Staff member JON SPRING noted he gave a presentation on this at a worksession with the Commission approximately one month ago. This report is attempting to document the land use information that is put into the transportation model that is used to project future transportation demand. Before the Comprehensive Plan was adopted, there was a fairly easy process to estimate what would happen in that zoning more or less drove land use. Since the adoption of the Comprehensive Plan was adopted, the assumptions about existing zoning no longer apply, at least in some cases. A new land use

**ATTACHMENT C**  
**Assembly Memorandum**

**Planning & Zoning Commission**  
**Staff Packet dated 11-21-02**


# Municipality of Anchorage


# G.2.


## MEMORANDUM

**DATE:** November 21, 2002

**TO:** Planning and Zoning Commission

**THRU:**  Susan R. Fison, Director  
Planning Department

**THRU:**  Tom Nelson, Planning Supervisor  
Physical Planning Division

**FROM:**  David J. Tremont, Senior Planner  
Physical Planning Division

**SUBJECT:** Case 2002-230 - An Ordinance Amending Title 21 Pertaining to Multi-lot Commercial Signage

This is a proposed ordinance that would amend provisions of Title 21 to allow, through a conditional use process, commercial signage to occur on an adjacent or contiguous lot or tract within a commercial multi-lot development (refer to Attachment #1). According to information provided with the proposed ordinance (refer to Attachment #2), the intent of the ordinance is to allow one (or more) freestanding signs to represent all of the properties within a multi and contiguous commercial lot development as opposed to each lot having its own freestanding sign. The benefit to the community would be a reduction in the potential number of freestanding signs and sign clutter that could otherwise occur if each lot were to have its own freestanding sign. Building signs (wall signs) are not specifically addressed in the ordinance.

Current provisions of Title 21 (AMC 21.45.160.B.2) state that other than political signs, signs may inform or advertise only with respect to principal permitted uses or accessory uses actually existing on the lot or tract upon which the sign is located. The proposed ordinance amends that provision by adding the language "except that signage may be permitted on an adjacent or contiguous lot or tract in a commercial multi-lot development may be permitted by conditional use". The State of Alaska has provided comments (refer to Attachment #3) that it objects to the ordinance change on the basis that it violates state law by allowing for off-premise advertising. In a follow-up meeting with municipal staff, state officials clarified that these regulations apply to areas along state-owned roads (refer to Attachment #4). Although the petitioner's proposed amendment to current municipal sign regulations is not tied to a specific site, correspondence from the petitioner (Attachment #2) references a proposed site bordered by two state-owned roads, Tudor Road and "C" Street, which would potentially conflict with state law. The state's comments also refer to regulations which say that a municipality may enact ordinances that regulate outdoor advertising in a way that is more restrictive than state regulations. The State's comments indicate that the proposed ordinance, as currently written, would be less

restrictive than the state statute. In addition to the above issues, the potential use of an electronic reader board sign at the multi-lot commercial site could also conflict with state regulations regarding signs which interfere with the vision of a driver (refer to 13AAC 02.030 in Attachment #4).

The proposed ordinance provides categories of standards that would be addressed in the conditional use process for multi- and contiguous commercial lot developments. According to comments received from the Code Compliance Section, Zoning Division of the Planning Department, the proposed standards appear to be nothing more than submittal requirements, and do not provide criteria by which the Commission may judge a signage plan. Their comments further state that without criteria for evaluating a proposal, the Commission's actions are open to challenge as arbitrary and capricious.

As additional issues, the proposed ordinance does not limit wall signs when allowing multi-lot signage, and there may be administrative difficulties for zoning review staff in tracking which properties have multi-lot signage approvals when a subsequent property owner comes in for a sign permit for his own property.

The consultants currently rewriting the municipal sign code, D.B. Hartt and Alan Weinstein, are in the process of developing new standards for freestanding signs for commercial and non-commercial zoning districts. The consultant's recommended draft ordinance will also include provisions regarding a unified sign plan and a process by which multiple contiguous properties may be considered as a single site for the purpose of determining the size, number, and placement of freestanding signs. However, the sign standards, unified sign plan and other provisions of the consultant's recommended draft ordinance have not been reviewed through a public hearing process and are therefore subject to change.

The petitioner's correspondence (Attachment #2) indicates that this ordinance amendment is being brought forward prior to the overall sign ordinance rewrite because the latter effort may become delayed during the public hearing processes of the Planning & Zoning Commission and the Municipal Assembly. The correspondence further states that the owner of the property at Tudor Road and "C" Street would like to prevent pole signs on his development but needs to give his buyers something to replace this type of signage. The proposal would also address the signage needs of businesses located on the interior portions of the site. Although approval of the proposed sign ordinance amendment could serve to reduce the potential number of freestanding signs at the Tudor Road and "C" Street site, and also serve as a prototype to test the unified sign plan concept, there doesn't appear to be an overriding public purpose in pushing this ordinance ahead of the overall sign code that is set for public hearing by the Planning & Zoning Commission in the near future (January 13, 2003). Further, the Municipal Assembly has indicated during sign ordinance work sessions that it would like to have a new sign ordinance adopted prior to the 2003 construction season.

### **Planning Department Recommendation**

Although the Planning Department generally supports the unified sign plan concept, and the potential benefit of fewer freestanding signs, the Department recommends that this proposal should be tabled until it can be incorporated within the framework of the overall sign code rewrite. The issues regarding the lack of sign standards to be used in the proposed conditional use process and the potential conflicts with state regulations warrant additional time to evaluate this proposal. These issues will be addressed during the public hearing process for the overall sign code rewrite.

### **Attachments**

1. Proposed Ordinance Language
2. Additional Information Regarding the Proposed Ordinance
3. Comments Received
4. State Of Alaska Regulations Regarding: Outdoor Advertising Signs (AS 19.25.075 – 19.25.250) and Signs Affecting Driver Visibility (13AAC 02.030)

ATTACHMENT 1  
Case #2002-230  
Proposed Ordinance Language

**DRAFT MUNICIPAL ORDINANCE**

***MULTI-LOT COMMERCIAL SIGNAGE BY CONDITIONAL USE***

AMC 21.35 is hereby amended to include the following definition:

*Commercial multi-lot development* is defined as the development for commercial uses of any commercially zoned real property which has been or is being subdivided in a platting or a fragment lot process into two or more parcels which are intended to be used for commercial purposes and which would allowed to have on site signage in compliance with AMC, Title 21.45.160.

AMC 21.45.160(B)(2) is amended as follows:

Other than political signs, signs may inform or advertise only with respect to principal permitted uses or accessory uses actually existing on the lot or tract upon which the sign is located, except that signage may be permitted on an adjacent or contiguous lot or tract in a commercial multi-lot development may be permitted by conditional use.

AMC 21.50 is amended by the addition of a new subsection:

**CONDITIONAL USE STANDARDS — SIGNS IN COMMERCIAL MULTI-LOT DEVELOPMENTS**

1. Size and dimension of the proposed sign(s);
2. Location of the proposed sign(s);
3. Elevation of the proposed sign(s);
4. Design and aesthetic characteristics of the proposed sign(s);
5. Number of signs if more than one is to be located at the development site;
6. Requirement that other types of signage be regulated by platting restriction, or deed restriction, or covenants conditions, and restrictions, or by land owner or homeowners

7.

8. m G:\zon\_plat\Ordinances\2002\Coffey sign.doc

ATTACHMENT 2  
Case #2002-230  
Additional Information Regarding  
the Proposed Ordinance



**Cartier, Richard D.**

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**From:** Weaver, Jerry T.  
**Sent:** Friday, September 27, 2002 11:02 AM  
**To:** Chambers, Angela C.; Autor, Mary P.  
**Cc:** Cartier, Richard D.  
**Subject:** FW: Coffey's Sign Ord. Amendment



DRAFT MUNICIPAL DRAFT MUNICIPAL  
ORDINANCE3.doc...ORDINANCE3.wpd...

FYI This will go on the Jan 6, 2003 Agenda

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

**From:** Dan Coffey [mailto:dcoffey@coffey-law.net]  
**Sent:** Friday, September 27, 2002 10:05 AM  
**To:** Weaver, Jerry T.  
**Cc:** Traini, Dick; Autor, Mary P.; Fison, Susan R  
**Subject:** RE: Coffey's Sign Ord. Amendment

Jerry: Attached in Word and Word Perfect is the proposed ordinance which we gave to Greg yesterday as per our earlier discussions with staff.

Answering your question about addressing staff issues, yes we did. We did the things that staff told us they wanted in the ordinance. First, we modified the existing language in title 21 which prohibits off property advertising to allow for it when there is a contiguous commercial development subject to getting a conditional use. Second, we added all of the standards for the conditional use for this type of signage.

The only reason we are asking that this ordinance be addressed now is because the property owner wants to prevent pole signs on his development, but needs to give his buyers something to replace this type of signage. As you know pole signs are currently permitted and off property single signage is not. The owner wants to be able to provide a main sign at the corner of Tudor and C Streets for the entire multi and contiguous commercial lot development. This will substantially reduce sign clutter and eliminate pole signs.

The MOA gains by having something done in advance of the total re-write of the sign ordinance which could get bogged down at P&Z or at the Assembly. The property owner gains by having both a nicer development and meeting the needs of his interior property owners. Finally, what we are proposing will be incorporated in the new sign ordinance. I have already mentioned this issue to the experts in the context of the proposed ordinance. They will be modifying 21.47.060 E. Unified Sign Plan. I will follow up with the sign experts.

Please do what you can to expedite this process.

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

**From:** Weaver, Jerry T. [mailto:WeaverJT@ci.anchorage.ak.us]  
**Sent:** Friday, September 27, 2002 9:47 AM  
**To:** Dan Coffey  
**Cc:** Traini, Dick; Autor, Mary P.; Fison, Susan R  
**Subject:** RE: Coffey's Sign Ord. Amendment

Dan, sorry for the confusion. Submit it to the department and we will schedule your proposed ordinance for the next available PNZ meeting. Staff has not evaluated your ordinance as far as I know since your original draft. There were issues brought up when we met with you. Did you address those issues in the final draft ordinance?

Thanks

Jerry

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

From: Dan Coffey [mailto:dcoffey@coffey-law.net]  
Sent: Friday, September 27, 2002 7:37 AM  
To: Weaver, Jerry T.  
Cc: Dick Traini (E-mail)  
Subject: RE: Coffey's Sign Ord. Amendment

Jerry: I am doing precisely what was recommended by the department last week. I drafted the ordinance which was substantially similar to what staff has had before it since a couple of days after our meeting in July. When nothing happened, I called and was advised to proceed in this fashion. Now what? Please advise.

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

From: Weaver, Jerry T. [mailto:WeaverJT@ci.anchorage.ak.us]  
Sent: Thursday, September 26, 2002 4:04 PM  
To: 'dcoffey@gci.net'  
Cc: Fison, Susan R  
Subject: FW: Coffey's Sign Ord. Amendment

Dan, the Department would prefer you process any proposed ordinance using the normal process: Submit your proposed ordinance to the Department and we will process it to the Planning Commission and on to the Municipal Assembly. The Assembly Chair has indicated he would generally agree to that process rather than introducing ordinances at the Assembly first and then referring to PNZ.

Jerry

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

From: Autor, Mary P.  
Sent: Thursday, September 26, 2002 12:07 PM  
To: Weaver, Jerry T.  
Subject: Coffey's Sign Ord. Amendment

Just a heads up. I had a call from Dan Coffey regarding his draft sign ordinance amendment. He said he talked to the consultants (Weinstein, Hart), Tim Potter and Tom Nelson whether his draft sign ordinance was consistent with the draft. According to Dan, they felt what he was proposing was generally consistent with the approach they were taking in their draft ordinance and would work it in the next draft go-around. Based on this, he is going to have one of the Assembly members introduce his draft sign ordinance since the consultant sign ordinance will take too long to go through public hearings with the Assembly for his clients needs.

ATTACHMENT 3  
Case #2002-230  
Comments Received

# STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

TONY KNOWLES, GOVERNOR

4111 AVIATION AVENUE  
P.O. BOX 196900  
ANCHORAGE, ALASKA 99519-6900  
(TDD 269-0473)  
(907) 269-0520 (FAX 269-0521)

2002-230

October 23, 2002

RE: MOA Zoning Comments  
Ordinance: amending Title 21 multi-lot  
commercial signage by C.U.P.

Mr. Jerry Weaver, Platting Officer  
Department of Development & Planning  
Municipality of Anchorage  
P.O. Box 196650  
Anchorage, Alaska 99519-6650

Dear Mr. Weaver:

The Department of Transportation and Public Facilities (ADOT&PF) reviewed Zoning Case 2002-230 and objects this ordinance change on the basis that it violates State Law. As stated in Alaska Statute (AS) Sec. 19.25.105 Limitations of outdoor advertising signs, displays, and devices. "(2) signs, displays, and devices advertising the sale or lease of property upon which they are located or advertising activities conducted on the property." Off premise advertising is prohibited. This ordinance change allows for off premise advertising.

AS Sec. 19.25.180. Applicability of municipal enactments, states: "Notwithstanding AS 19.25.080-19.25.180, a municipality may enact ordinances that regulate outdoor advertising in a way that is more restrictive than the provisions of AS 19.25.080-19.25.180." The ordinance as currently written would be less restrictive than the State statute.

Thank you for the opportunity to comment on these zoning cases. If you have any questions, please contact me at 269-0522.

Sincerely,



Sandra L. Cook  
Area Planner

/eh

cc: David Heier, Supervisor, Right-of -Way

**Municipality of Anchorage  
MEMORANDUM**

**RECEIVED**

**OCT 29 2002**

**MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DIVISION**

**DATE:** October 28, 2002  
**TO:** Jerry Weaver, Manager, Zoning and Platting Division, Planning Department  
**FROM:** Brian Dean, Acting Code Enforcement Manager  
**SUBJECT:** Land Use Enforcement Review Comments, Planning and Zoning Commission case for the meeting of November 18, 2002

Land Use Enforcement has reviewed the following case and has comments as noted.

  
**Type:** Ordinance amendment (multi-lot commercial signage)

Land Use Enforcement cannot support this case as proposed, for the following reasons:

1. This issue is being addressed by the pending comprehensive amendment of the sign code.
2. The ordinance as submitted is ungrammatical and incomplete.
3. The proposed "standards" appear to be nothing more than submittal requirements, and do not provide criteria by which the Commission may judge a signage plan. Without criteria for evaluating a proposal, the Commission's actions are open to challenge as arbitrary and capricious.

If approval of this case is granted based on amended language, Land Use Enforcement requests the opportunity to review and comment on the amended proposal.

(Reviewer: Don Dolenc)



# MUNICIPALITY OF ANCHORAGE

Office of Planning, Development, and Public Works  
Development Services Department



## MEMORANDUM

**DATE:** October 24, 2002  
**TO:** Community Planning and Development  
**THROUGH:** Jack L. Frost, Jr., Right of Way Supervisor  
**FROM:** Lynn M. McGee, Senior Plan Reviewer  
**SUBJECT:** Request for Comments on Planning and Zoning Commission case(s) for the Meeting of November 18, 2002.

**RECEIVED**

OCT 25 2002

MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DIVISION

Right of Way has reviewed the following case(s) due 10/21/2002.

**02-230 Ordinance amendment, (conditional use permit, signage)**  
Right of Way has no comments at this time.  
Review time 15 minutes.

**Case No. 2002-208**

**Department Recommendations:**

Project management and Engineering has no comment regarding this case.



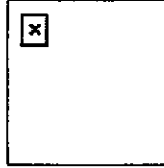
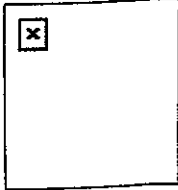
**Department Recommendations:**

Project management and Engineering has no comment regarding this case.

**Pierce, Eileen A**

**RECEIVED**  
OCT 22 2002  
MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DIVISION

**From:** Cross, Jim E. (Dev Svs)  
**Sent:** Monday, October 21, 2002 4:03 PM  
**To:** Eileen Pierce; Gloria Bartels; Margaret O'Brien; Patty Ayres  
**Subject:** Comments on Cases due October 21.



**Municipality of Anchorage**

Development Services Department  
Building Safety Division

**MEMORANDUM**

**DATE:** October 21, 2002  
**TO:** Jerry T. Weaver, Jr., Platting Officer, CPD  
**FROM:** James Cross, PE, Program Manager, On-Site Water & Wastewater  
**SUBJECT:** Comments on Cases due October 21, 2002

The On-Site Water & Wastewater Program has reviewed the following cases and has these comments:

- 2002 - 207 A site plan review for a subdivision and an amendment to the HWWMP.
- 2002 - 208


This property is required by the Hillside Wastewater Management Plan to be served by public water and sewer. No data or studies have been submitted to support this change in designation and all of the existing information points to difficulties in serving this property with on-site water and wastewater disposal systems.

These difficulties include areas of steep slopes and shallow bedrock, which make development with on-site wastewater disposal systems difficult. Also, due to the bedrock underlying the area, water supplies may be very limited.

Prior to consideration of this request, detailed studies must be conducted to show the property can support on-site water and wastewater disposal systems. These studies would include soils logs of test holes located on each proposed lot, including depth to bedrock, and accurate topographical information. A minimum of two, and possibly more test holes must be located on each proposed lot.

In order to determine if there is adequate water to support the proposed subdivision without unduly affecting the surrounding properties, a detailed aquifer test must be conducted. This stepped aquifer test would start with a minimum of three test wells and could expand to include as many as twelve test wells. And there is the possibility that after installing as many as twelve test wells on the property, the determination could be made that the property must be served by public water and sewer, which would require that all of the test wells be properly decommissioned.



 An ordinance amending Title 21 multi-lot commercial signage by C.U.P.

No objections.

**Pierce, Eileen A**

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**From:** Staff, Alton R.  
**Sent:** Friday, October 18, 2002 9:47 AM  
**To:** Ayres, Patty R.; Pierce, Eileen A  
**Cc:** Taylor, Gary A.  
**Subject:** Zoning Case Reviews

**RECEIVED**

OCT 21 2002

MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DIVISION

Case No. 2002-231 Public Transportation serves each of the three sites under consideration with fixed route service on the main road adjacent to the properties. Please include accessible paths to the property from the closest bus stop.

Case No. 2003-004 Public Transportation has bus stops on Providence Drive at Seawolf Drive. Please include an accessible path to the development from Providence Drive bus stops.

Public Transportation has no comment on the following cases:

2002-217  
2002-218  
2002-221  
2002-225  
2002-228  
[REDACTED]  
2003-002  
2002-003

Thank you for the opportunity to review.

Alton Staff, Operations Supervisor  
People Mover 343-8230

**Pierce, Eileen A**

**RECEIVED**

**From:** Cartier, Richard D.  
**Sent:** Tuesday, October 15, 2002 3:09 PM  
**To:** Pierce, Eileen A  
**Subject:** FW: Case # 2002-217, 2002-2218, 2002-221, 2002-225, 2002-228, 2002-230

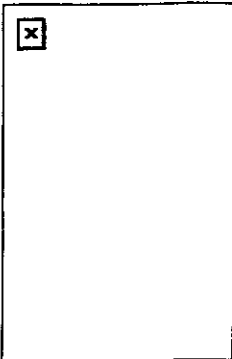
**OCT 15 2002**  
**MUNICIPALITY OF ANCHORAGE**  
**PLANNING & ZONING DIVISION**

FYI comments

*Rich Cartier*  
**Municipality of Anchorage**  
**Planning Department**  
Zoning-Platting Division  
PO Box 196650  
Anchorage AK 99519-6650  
907-343-4259 Fax: 907-343-4220

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


**From:** Irwin, Kim J.  
**Sent:** Tuesday, October 15, 2002 3:08 PM  
**To:** Cartier, Richard D.  
**Subject:** Case # 2002-217, 2002-2218, 2002-221, 2002-225, 2002-228, 2002-230



**MUNICIPAL LIGHT & POWER**  
**ENGINEERING**  
**MEMORANDUM**

**DATE:** October 15, 2002  
**TO:** Rich Cartier, Planning Dept.  
**FROM:** Kim Irwin, Acting Assistant to the Chief Engineer  
**SUBJECT:** Cases, 2002-217, 2002-218, 2002-221, 2002-225, 2002-228, 2002-230,

| Case #   | Description                               | Comment    |
|----------|---|------------|
| 2002-217 | Ordinance amending Title 21 impound yards | No Comment |

|   |  |            |
|---|--|------------|
| 2002-218  | Site plan review for natural resource extraction | No Comment |
| 2002-221  | Ordinance amending Title 21 accessory structures | No Comment |
| 2002-225  | Site plan review for public school addition      | No Comment |
| 2002-228  | Airport field maintenance building               | No Comment |
|  | Ordinance amending Title 21 commercial signage   | No Comment |

Municipality Of Anchorage  
ANCHORAGE WATER & WASTEWATER UTILITY

MEMORANDUM

RECEIVED

OCT 19 2002

MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DIV.

DATE: October 9, 2002

TO: Department of Community Planning and Development  
Zoning and Platting Division

FROM: Hallie Stewart, Engineering Technician *H Stewart*

RE: PLANNING & ZONING COMMISSION PUBLIC HEARING of November 18, 2002  
AGENCY COMMENTS DUE October 21, 2002

AWWU has reviewed the material and has the following comments.

**[REDACTED] Title 21, an ordinance amending Title 21 multi-lot commercial signage by C.U.P.**

1. AWWU has no objection to the proposed amendments.

If you have any questions, please contact me at 343-8009.



# MUNICIPALITY OF ANCHORAGE

Department of Health and Human Services



**Date:** November 5, 2002  
**To:** Rich Cartier, Planning Technician  
**Thru:** Steve Morris P.E., Program Manager  
**From:** Jeffrey Urbanus, Environmental Specialist  
**Subject:** Environmental Services Division Comments Due 11/04/02

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**RECEIVED**

NOV 05 2002

MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DIVISION

CASE NO. 2002-217: No Comment

CASE NO. 2002-221: No Comment-

CASE NO. 2002-225: No Comment

**[REDACTED]** Comment

CASE NO. 2002-237: No Comment

ATTACHMENT 4  
Case 2002-230  
State of Alaska Regulations Regarding:

Outdoor Advertising Signs  
(AS 19.25.075 - 19.25.250)

Signs Affecting Driver Visibility  
(13AAC 02.030)



Sec. 19.25.075. Findings and intent of the people of the State of Alaska.

(a) The people of the State of Alaska find that the presence of billboards visible from Alaska's highways endanger Alaska's uniqueness and its scenic beauty.

(b) It is the intent of the people of the State of Alaska that Alaska shall forever remain free of billboards.

Sec. 19.25.080. Purpose.

The purposes of AS 19.25.080 - 19.25.180 are

(1) to protect the public safety and the welfare of persons using the highways of the state by having outdoor advertising signs, displays, and devices along the highways controlled;

(2) to prevent unreasonable distraction of operators of motor vehicles; to prevent confusion with regard to traffic lights, signs, or signals or other interference with the effectiveness of traffic regulations, and to promote the safety, convenience, and enjoyment of travel on, and protection of the public investment in, highways in this state; to preserve and enhance the natural scenic beauty or aesthetic features of the highways and adjacent areas; and to attract tourists;

(3) to regulate outdoor advertising signs, displays, and devices in areas adjacent to the rights-of-way of the interstate, primary, and secondary systems within this state in accordance with this chapter and the regulations adopted under this chapter;

(4) to provide that outdoor advertising signs, displays, and devices that are not in conformity with the requirements of this chapter are a public nuisance;

(5) to provide a statutory basis for regulation of outdoor advertising signs, displays, and devices consistent with the public policy declared by the Congress relating to areas within and adjacent to the right-of-way of a highway of the interstate, primary, or secondary systems.

Sec. 19.25.090. Outdoor advertising prohibited.

Except as provided in AS 19.25.105 , all outdoor advertising is prohibited.



Sec. 19.25.100. Rural signs. [Repealed, Sec. 14 ch 155 SLA 1970].

Repealed or Renumbered

Sec. 19.25.105. Limitations of outdoor advertising signs, displays, and devices.

(a) Outdoor advertising may not be erected or maintained within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate, primary, or secondary highways in this state except the following:

(1) directional and other official signs and notices which include, but are not limited to, signs and notices pertaining to natural wonders, scenic and historic attractions, which are required or authorized by law, and which shall conform to federal standards for interstate and primary systems;

(2) signs, displays, and devices advertising the sale or lease of property upon which they are located or advertising activities conducted on the property;

(3) signs determined by the state, subject to concurrence of the United States Department of Transportation, to be landmark signs, including signs on farm structures, or natural surfaces, of historic or artistic significance, the preservation of which would be consistent with the provisions of this chapter;

(4) directional signs and notices pertaining to schools;

(5) advertising on bus benches or bus shelters, and adjacent trash receptacles, if the state determines that the advertising conforms to local, state, and federal standards for interstate and primary highways.

(6) [Repealed, Sec. 4 1998 Ballot Measure No. 5].

(b) [Repealed, Sec. 21 ch 94 SLA 1980].

(c) Outdoor advertising may not be erected or maintained beyond 660 feet of the nearest edge of the right-of-way of the main traveled way of the interstate, primary, or secondary highways in this state with the purpose of their message being read from that travel way except those outdoor advertising signs, displays, or devices allowed under (a) of this section.

(d) Outdoor advertising may not be erected or maintained within the right-of-way of an interstate, primary, or secondary highway except that outdoor advertising is allowed on

(1) bus benches and bus shelters, and adjacent trash receptacles, located

within the right-of-way under the authority of a permit issued under AS 19.25.200 , if the bus benches or bus shelters are located within a borough or unified municipality and the buses that stop at that location operate during the entire year.

(2) [Repealed, Sec. 4 1998 Ballot Measure No. 5].

(e) [Repealed, Sec. 4 1998 Ballot Measure No. 5].

Sec. 19.25.110. - 19.25.120 Removal of nonconforming advertising; neglect or refusal to obey removal order. [Repealed, Sec. 43 ch 85 SLA 1988].

Repealed or Renumbered

Sec. 19.25.123. [Renumbered as AS 19.05.123].

Repealed or Renumbered

Sec. 19.25.130. Penalty for violation.

A person who violates AS 19.25.080 - 19.25.180, or a regulation adopted under AS 19.25.080 - 19.25.180, is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$50 nor more than \$5,000.

Sec. 19.25.140. Compensation for removal of advertising.

(a) The department is authorized to acquire by purchase, gift, or condemnation, all advertising devices and any property rights pertaining to them, when the advertising devices are required to be removed under AS 19.25.150 .

(b) Damages resulting from a taking in eminent domain shall be ascertained in the manner provided by law.

Sec. 19.25.150. Unlawful advertising.

An advertising sign, display, or device that violates the provisions of AS 19.25.080 - 19.25.180 is a public nuisance. The department shall give 30 days' notice, by certified mail, to the owner of the land on which the advertising sign, display, or device is located, ordering its removal if it is prohibited by AS 19.25.080 - 19.25.180 or ordering the owner to cause it to conform to regulations if it is authorized by AS 19.25.080 - 19.25.180. If the owner of the property fails to comply within 30 days as required in the notice, the department shall remove the outdoor advertising sign, display, or device at the expense of the owner of the land or the person who erected it.

## Sec. 19.25.160. Definitions..

In AS 19.25.080 - 19.25.180

(1) "billboards" means any signboards, signs, displays, notices or forms of outdoor advertising that do not strictly comply with the provisions of AS 19.25.075 - 19.25.180, or with any permit or permits issued pursuant to AS 19.25.075 - 19.25.180;

(2) "interstate system" means that portion of the National System of Interstate and Defense Highways located in this state, as officially designated, or as may hereafter be so designated, by the commissioner, and approved by the secretary of transportation (or by the secretary of commerce before the effective date of the transfer of functions under Public Law 89-670 (80 Stat. 931)), under the provisions of 23 U.S.C.;

(3) "outdoor advertising" includes any outdoor sign, display, or device used to advertise, attract attention or inform and which is visible to a person on the main-traveled way of a highway of the interstate, primary, or secondary systems in this state, whether by printing, writing, painting, picture, light, drawing, or whether by the use of figures or objects, or a combination of these, or any other thing designed, intended, or used to advertise, inform, or attract attention;

(4) "primary system" or "secondary system" means that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the commissioner, and approved by the secretary of transportation (or by the secretary of commerce before the effective date of the transfer of functions under Public Law 89-670 (80 Stat. 931)), under the provisions of 23 U.S.C.

## Sec. 19.25.170. Agreements with the United States; regulations.

The department is authorized to enter into agreements in conformity with the provisions of this title with the United States Secretary of Transportation as provided by 23 U.S.C., relating to the control of outdoor advertising signs, displays, and devices in areas adjacent to interstate and primary systems and to take action in the name of the state to comply with the terms of the agreements, and to adopt required regulations.

## Sec. 19.25.180. Applicability of municipal enactments.

Notwithstanding AS 19.25.080 - 19.25.180, a municipality may enact ordinances that regulate outdoor advertising in a way that is more restrictive than the provisions of AS 19.25.080 - 19.25.180.

### Sec. 19.25.200. Encroachment permits.

(a) An encroachment may be constructed, placed, changed, or maintained across or along a highway, but only in accordance with regulations adopted by the department. An encroachment may not be constructed, placed, maintained, or changed until it is authorized by a written permit issued by the department, unless the department provides otherwise by regulation. The department may charge a fee for a permit issued under this section.

(b) The provisions under (a) of this section do not apply to a mailbox or a newspaper box attached to a mailbox.

### Sec. 19.25.210. Relocation or removal of encroachment.

If, incidental to the construction or maintenance of a state highway, the department determines and orders that an encroachment previously authorized by written permit must be changed, relocated, or removed, the owner of the encroachment shall change, relocate, or remove it at no expense to the state, except as provided in AS 19.25.020, within a reasonable time set by the department. If the owner does not change, relocate, or remove an encroachment within the time set by the department, the encroachment shall be considered an unauthorized encroachment and subject to the provisions of AS 19.25.220 - 19.25.250.

### Sec. 19.25.220. Unauthorized encroachments.

If an unauthorized encroachment exists in, on, under, or over a state highway, the department may require the removal of the encroachment in the manner provided in AS 19.25.230 - 19.25.250.

### Sec. 19.25.230. Notice of removal.

Except as otherwise provided in AS 19.25.200, 19.25.210 and 19.25.240, notice shall be given the owner, occupant, or person in possession of the encroachment, or to any other person causing or permitting the encroachment to exist, by serving upon any of them a notice demanding the removal of the encroachment. The notice must describe the encroachment complained of with reasonable certainty as to its character and location. Service of the notice may be made by certified mail.

### Sec. 19.25.240. Summary removal.

The department may at any time remove from a state highway or road an encroachment that obstructs or prevents the use of the highway or road by the

public.

**Sec. 19.25.250. Removal after noncompliance; removal expense.**

After a failure of the owner of an encroachment to comply with a notice or demand of the department under the provisions of AS 19.25.200 , 19.25.210 and 19.25.230, the department may remove, or cause to be removed, the encroachment, and the owner of the encroachment shall pay to the department

(1) the expenses of the removal of the encroachment;

(2) all costs and expenses paid by the state as a result of a claim or claims filed against the state by third parties for damages due to delays because the encroachment was not changed, removed, or relocated according to the order of the department; and

(3) costs and expenses of suit.

**Chapter 19.27. JUNK YARDS**

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## ✚ 13 AAC 02.030. DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS, OR MARKINGS

### ✚ Statute text

(a) No person may place, maintain, or display upon or in view of a highway a sign, signal, marking, light, or other device which purports to be or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, conceals or interferes with the effectiveness of an official traffic-control device or a railroad sign or signal, or dazzles, blinds or otherwise interferes with the vision of a driver.

(b) Repealed 6/28/79.

(c) Repealed 6/28/79.

(d) A sign, display, or device placed, maintained, or displayed upon or in view of a highway must conform to the requirements of AS 19.25.080 - 19.25.180.

### ✚ History

History: In effect before 7/28/59; am 12/15/61, Register 3; am 8/10/66, Register 22; am 12/31/69, Register 31; am 6/28/79, Register 70

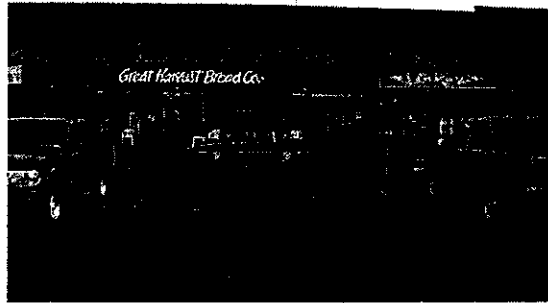
### ✚ Annotations

Authority: AS 28.05.011



**ATTACHMENT D**  
**Assembly Memorandum**

**Excerpt from 1-10-03 Draft**  
***"Proposed Sign Standards for the***  
***Municipality of Anchorage"***  
**prepared by D.B. Hartt, Inc.,**  
**and Professor Alan C. Weinstein**



*Figure 8. Building Signs-General  
Illustration: 1.77 sq ft per lineal ft frontage  
Maximum Permitted: 2.00 sq ft per lineal ft frontage*

**B. Basic Regulations for Permanent Freestanding Signs:**

1. Maximum Number, Area and Height, Minimum Setback of Permanent Freestanding Signs. Permanent freestanding signs shall comply with the maximum number, area and height limitations and minimum setback from the street right-of-way set forth in Schedule 21.47.060 B.
2. Adjustment of the Sign Area: The permitted areas for freestanding signs in Schedule 21.47.060 B may be adjusted as follows:
  - a. For every five feet that a sign is reduced in height below the permitted maximum height, the area of the sign may be increased by ten (10%) percent up to a maximum increase of twenty (20%) percent.
  - b. For every one (1) square foot that the area of the freestanding sign is reduced below the maximum permitted area the maximum area of the permitted building signs may be increased by two (2) square feet.
  - c. If both of the above provisions are applied to a property the calculations of Subsection "a" shall be made prior to the calculations in "b".
3. Sign Area Proportions: For any freestanding sign greater than twelve (12) feet in height, the horizontal portion (width) of the face of the sign shall not exceed two (2) times the height of the face.
4. Site Eligibility for Freestanding Signs: A parcel with a public street frontage less than 150 feet shall comply with the freestanding sign requirements for the B-1A and B-1B Districts.



| Schedule 21.47.060 B<br>Freestanding Sign Regulations <sup>(a)</sup>   |                          |   |                  |                                 |            |
|--|--------------------------|---|------------------|---------------------------------|------------|
|  | B-1A, B-1B,              | R-11<br>(Commercial and Industrial parcels) | B-2A, B-2B, B-2C | B-3, B-4, I-1, I-2, I-3, MC, MI | T-Com      |
| (A) Maximum Height   | 12 ft                    | 12 ft                                       | 8 ft             | 25 ft                           | 12 ft.     |
| (B) Maximum Area   | 80 sq ft                 | 80 sq ft                                    | 64 sq ft         | 200                             | 80 sq. ft. |
| (C) Number/Frontage  | See subsection "c" below |   |                  |                                 |            |
| (D) Separation   | 200 ft                   |   |                  |                                 |            |
| (E) Minimum Setback from R.O.W.  | 10 ft                    | 10 ft                                       | 5 ft             | 10 ft                           | 10 ft.     |
| (F) Entrance and Exit Signs <sup>(b)</sup>   |                          |   |                  |                                 |            |
| Maximum Area   | 6 sq ft                  |   |                  |                                 |            |
| Maximum Height   | 3 ft                     |   |                  |                                 |            |
| <sup>(a)</sup> See also Subsection 4 below   |                          |   |                  |                                 |            |
| <sup>(b)</sup> Entrance and Exit signs, which are permitted in addition to the above freestanding signs, shall be limited to two for each entrance/exit driveway |                          |   |                  |                                 |            |



Figure 9. Freestanding sign  
 Illustration: 21 ft height, area unknown  
 Maximum Permitted: 25 ft height

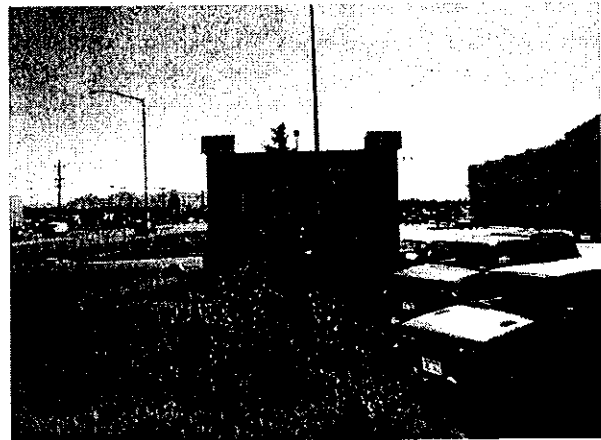


Figure 10. Freestanding sign  
 Illustration: 14 ft height, 85 sq ft area  
 Maximum Permitted: 25 ft height, 200 sq ft area

C. Supplemental Standards for Freestanding Signs

1. Freestanding Sign Bonuses for Large Sites: The maximum permitted area for freestanding signs may be increased by five (5) square feet in area for each ten (10) lineal feet of lot frontage greater than 300 lineal feet. This bonus area may be allocated to additional signs provided that:
  - a. Freestanding signs are separated a minimum of 200 feet; on corner lots with more than one freestanding sign, the property frontage on both streets shall be considered when measuring the separation; and
  - b. The maximum area of any single freestanding sign shall not exceed the otherwise allowable area by more than 25% percent.
2. Minimum Sign Setback from Side Lot Lines. Freestanding signs shall be located a minimum of 15 feet from any side lot line, except that when a side lot line coincides with a Residential District boundary line or a lot used for residential purposes, the minimum setback shall be 30 feet.
3. Changeable Copy. Freestanding signs may have up to 30% of the permitted sign area set forth in Schedule 21.47.060 B devoted to changeable copy.
  - a. The changeable copy shall not change more than one time per 5-second period.
  - b. Changeable copy may be changed electronically, mechanically or manually.
4. Multi-Occupant Facilities. When a freestanding sign is constructed on a site that has more than one occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor occupant, all occupants, or some combination thereof.

D. Instructional Signs. Signs that comply with the definition of "instructional sign" shall be permitted as needed provided such signs comply with the following:

1. The signs are not larger than necessary to serve the intended instructional purpose;
2. The number of instructional signs located on the site are the minimum needed to serve the intended instructional purpose; and
3. The signs are not located or designed to be legible or serve to attract attention beyond the perimeter of the site.
4. The signs may be placed on the base of a permitted freestanding sign without the area of such instructional sign, or the background, being considered as part of or added to the area of the freestanding sign.

- E. Unified Sign Plan: To recognize and accommodate irregular site shapes (which are typically characterized by narrow lot frontages resulting in some buildings with extraordinarily large setbacks and limited visibility to a public street) multiple contiguous properties may be considered as a single site for the purposes of determining the size, number, and placement of freestanding signs permitted pursuant to this Section. Solely for the purposes of this Section:
1. The number and area of the freestanding signs permitted, pursuant to Schedule 21.47.060 B, shall be determined based on size and frontage of the multiple properties being considered as a single parcel.
  2. All property owners submitting an application for any signs pursuant to this Subsection shall record, as a deed restriction, with the State District Recorder's Office the sign rights or limitations that have been approved for each property. Such restrictions shall be recorded prior to a sign permit being issued.
  3. This Subsection shall not be interpreted as authorizing the erection or maintenance of any sign or display within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of an interstate, primary or secondary highway, or the erection or maintenance of any sign or display beyond 660 feet of the nearest edge of the right-of-way of the main traveled way of an interstate, primary or secondary highway with the purpose of the message displayed being read from that travel way, in a manner that would conflict with the provisions of Alaska Statutes Secs. 19.25.075 – 19.25.180.
- F. Display of Flags. In a "B" or "T" District a maximum of three (3) flagpoles may be erected on any parcel provided that:
1. A maximum of three (3) commercial flags may be displayed simultaneously;
  2. The maximum height of the flag pole shall be twenty-five (25) feet; and
  3. The total maximum size of all flags displayed shall not exceed one hundred twenty (120) square feet.
  4. The corporate or commercial flag may only display the name, trademark, or logo of the business on the parcel and such flag may not be used for other business or advertising purposes.
- G. Temporary Signs.
1. Developed Parcels. Temporary signs in nonresidential districts are permitted pursuant to Schedule 21.47.060 G, in addition to the maximum sign areas set forth in Schedules 21.47.060 A and 21.47.060 B and regulated as detailed in Schedule 21.47.060 F, provided that temporary signs shall be no higher than thirty-five (35) feet or not extend above the roof line of the building, whichever is less.

Municipality of Anchorage  
**MUNICIPAL CLERKS OFFICE**  
**Agenda Document Control Sheet**

*AO 2003-83*

|          |  |  |  |
|----------|--|--|--|
| <b>1</b> | <b>SUBJECT OF AGENDA DOCUMENT</b><br>An Ordinance of the Anchorage Municipal Assembly Amending Anchorage Municipal Code Title 21 by Adding Definitions of Commercial Multi-Lot Development and for Monument Signs, Amending Sign Location Provisions to Allow Signage on an Adjacent or Contiguous Lot or Tract in a Commercial Multi-Lot Development, and Adding Conditional Use Standards for Signs in Commercial Multi-Lot Developments (Planning & Zoning Case No. 2002-230) | <b>DATE PREPARED</b><br>April 3, 2003    | <b>INDICATE DOCUMENTS ATTACHED</b><br><input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM |
|          | <b>DEPARTMENT NAME</b><br>Planning   | <b>DIRECTOR'S NAME</b><br>Susan R. Fison |  |
| <b>3</b> | <b>THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY</b><br>Dave Tremont  | <b>HIS/HER PHONE NUMBER</b><br>343-7921  |  |
| <b>4</b> | <b>COORDINATED WITH AND REVIEWED BY</b>  | <b>INITIALS</b>                          | <b>DATE</b>  |
| <b>6</b> | <b>Mayor</b>   |  |  |
|          | Heritage Land Bank   |  |  |
|          | Merrill Field Airport  |  |  |
|          | Municipal Light & Power  |  |  |
|          | Port of Anchorage  |  |  |
|          | Solid Waste Services   |  |  |
|          | Water & Wastewater Utility   |  |  |
| <b>5</b> | <b>Municipal Manager</b>   | <i>M</i>                                 | 4/24   |
|          | Cultural & Recreational Services   |  |  |
|          | Employee Relations   |  |  |
|          | Finance, Chief Fiscal Officer  |  |  |
|          | Fire   |  |  |
|          | Health and Human Services  |  |  |
| <b>4</b> | Office of Management and Budget  | <i>DC</i>                                | 4/28/03  |
|          | Management Information Services  |  |  |
|          | Police   |  |  |
| <b>2</b> | Planning, Development, & Public Works  | <i>HGA</i>                               | 4/4/03   |
|          | Development Services   |  |  |
|          | Facility Management  |  |  |
| <b>1</b> | Planning   | <i>JWR</i>                               | 4-4-03   |
|          | Project Management & Engineering   |  |  |
|          | Traffic  |  |  |
|          | Street Maintenance   |  |  |
|          | Public Transportation  |  |  |
|          | Purchasing   |  |  |
| <b>3</b> | <b>Municipal Attorney</b> 1663A  | <i>JW</i>                                | 4-14-03  |
|          | <b>Municipal Clerk</b>   |  |  |
|          | <b>Other</b>   |  |  |
| <b>5</b> | <b>Special Instruction/Comments</b>  |  |  |
| <b>6</b> | <b>ASSEMBLY MEETING DATE REQUESTED</b><br>For Intro - April 22, 2003 <i>5/13/03</i>  | <b>7</b>                                 | <b>PUBLIC HEARING DATE REQUESTED</b><br>May 13, 2003 or ASAP   |

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