



**CITY/BOROUGH OF JUNEAU**  
ALASKA'S CAPITAL CITY

TO: Parks & Recreation Advisory Committee

FROM: Marc Matsil, Director, Parks & Recreation



DATE: October 5, 2010

SUBJECT: Donor Recognition Panel Ordinance

The purpose of the permit variance is to enable sports user groups to raise funds to assist with their costs and assist Parks & Recreation with field related costs. The variance would allow user groups to purchase plastic panels (48" x 36") and sell donation packages to commercial entities according to established guidelines. The panels would be located on CBJ sports fields and would be removed at the end of the season.

The panels would provide a great opportunity for non-profit sports organizations to raise additional funds to support youth sports, and the signs are temporary and will be removed at the end of the season. The use of donor recognition devices is largely prohibited by Title 49. The proposed ordinance would also allow the continued use of bricks, tiles, signs or other media to recognize donors to a facility or program.

I recommend that this ordinance be recommended to the Planning Commission for adoption.



**CITY/BOROUGH OF JUNEAU**  
ALASKA'S CAPITAL CITY

TO: Marc Matsil

FROM: Kevin Brady 

DATE: August 31st, 2010

SUBJECT: Summary of the request for permit variance for donor recognition panels

The purpose of this request is to enable sports user groups to raise funds to assist with their costs and expenses which in turn allows the sports user groups to assist the Park Maintenance division with field related costs.

The plan is to allow user groups to purchase a 48" X 36" "corplast" panel as specified to the groups from a local sign company, sell the donation package to various commercial agencies according to the guidelines established, pay CBJ Park Maintenance a fee of \$50 per panel to install, maintain and then remove the panel at the end of the season.

These panels are to be located in the center of any lower permanent fence section on any and all CBJ sports fields.

It will be imperative that CBJ staff manages the program to ensure that all regulations are being adhered to...

With the added income that can be generated by recognizing donors to the public attending sports event, user groups will be able to assist with field costs, such as Jox boxes, chalk and other improvements and maintenance expenses at our fields and facilities.

CITY/BOROUGH OF JUNEAU  
ALASKA'S CAPITAL CITY

**PLANNING COMMISSION  
NOTICE OF RECOMMENDATION**

Date: August 30, 2010

File No.: AME20100006

City and Borough of Juneau  
Parks & Recreation Advisory Committee  
155 South Seward Street  
Juneau, AK 99801

Application For: Planning Commission Recommendation to the City and Borough Assembly regarding an ordinance amending CBJ 49.45 to allow the installation of Donor Recognition Panels at Recreational Facilities

Legal Description: Boroughwide

Parcel Code No.: 0

Hearing Date: August 24, 2010

The Planning Commission, at its regular public meeting, recommended that the City and Borough Parks & Recreation Advisory Committee consider amending the draft ordinance included in the August 19, 2010 memorandum from Ben Lyman as follows:

(4) Donor Recognition Devices. Donor recognition devices are exempt from the placement and height standards set forth in CBJ 49.25.210 and 49.25.220.

(A) Donor Recognition Panels. Where they are only visible to occupants of a public park used as a ball field for any organized sport, or at public facilities charging an entry fee where athletic activities occur, and where they are installed, maintained, and removed by employees of the CBJ Parks & Recreation Department or employees of Eaglecrest, panels measuring no larger than 3' high by 4' wide may be located on the lower half of any fence permanently installed at the facility, on any interior wall of the facility, or on any ski ~~lift tower or chair~~ area facility.

Donor recognition panels may include any corporate or sponsor logo and/or any text, except that no company earning the majority of its profits from the sale of alcohol or tobacco may be listed in any way on a donor recognition panel.

Donor recognition panels will be managed according to Parks & Recreation Department Regulations adopted under the provisions of CBJ 01.60.

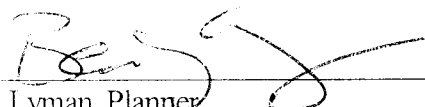

(B) Other Donor Recognition Devices. Donors may be recognized by name on bricks, pavers, fence posts, plaques, ~~and signs,~~ *and similar devices* listing donors at any facility, public or private, and such listing of names *and display of logos* shall not be construed to be off-site advertising. ~~Donor logos are prohibited from being so displayed, and all names listed must be in the same font and of the same size, except:~~

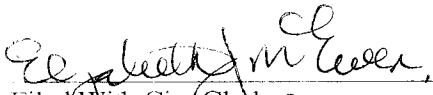
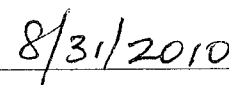
~~(i) where long donor names require the use of a smaller font than is otherwise used; or,~~

~~(ii) when donors of various degrees are to be recognized as such by means of using a larger font for more generous donors.~~

Attachments: August 19, 2010 memorandum from Ben Lyman, Senior Planner, Community Development, to the CBJ Planning Commission regarding AME20100006

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Parks & Recreation Advisory Committee. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ §01.50.020 (b).

Project Planner:    
Ben Lyman, Planner  
Community Development Department  
Maria Gladziszewski, Chair  
Planning Commission

   
Filed With City Clerk Deputy Clerk Date 8/31/2010

**NOTE:** The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

# MEMORANDUM

CITY/BOROUGH OF JUNEAU  
155 South Seward Street, Juneau, Alaska 99801

**DATE:** August 19, 2010

**TO:** Planning Commission

**FROM:** Ben Lyman, Senior Planner  
Community Development Department



**FILE NO.:** AME2010 0006

**PROPOSAL:** An Ordinance amending CBJ 49.45 to establish Donor Recognition Devices as a type of sign that does not require a permit.

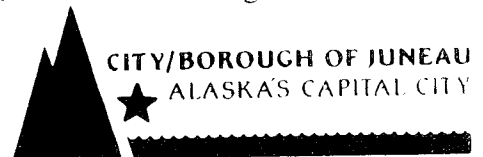
The City and Borough of Juneau Code states in CBJ §49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

## BACKGROUND

The proposed ordinance would create a class of sign not requiring a permit that would be posted, maintained, and removed by CBJ staff, and that would have location and size restrictions. There are a number of signs of this type already installed at ball fields and at Eaglecrest, and the legality of their placement is questionable. Other donor recognition devices, such as tiles or bricks with names of donors in their surface, would also be exempted from sign permit requirements. This ordinance would clarify which of these signs can remain and which need to be removed or moved.

CBJ 49.45.270(c) prohibits off-premise signs that direct “attention to a business, service, product, or entertainment not sold or offered on the premises on which the sign is located...” The definition of the word “sign” at CBJ 49.80.120 specifically excludes “regulatory, identification, informational, or directional signs erected...by governmental bodies.” These two citations create a good deal of confusion when applied to signs recognizing financial support of donor organizations to sports leagues. If the sign is providing information (about a donor) and is erected by a governmental body (Eaglecrest, Parks & Recreation, or the Juneau School District), it is by definition not a sign—except that the majority of such signs have commercial connotation by merit of displaying the name and logo of a commercial enterprise.

The proposed ordinance eliminates this conflict by creating a new class of sign that does not require a sign permit, but that is subject to locational, size, and temporal restrictions that will be enforced by the government agency that posts, maintains, and removes that class of sign.



Other donor recognition devices such as bricks, tiles, fence posts, and other media displaying the names of donors are widespread in Juneau, but these devices violate CBJ 49.45.270(c) as well. These devices would be exempted from sign permit requirements as well as being clearly allowed under the proposed ordinance.

## **COMPLIANCE WITH THE COMPREHENSIVE PLAN**

### Comprehensive Plan Contents

9.1.SOP3 Pursue funding for acquisition and development of parks and recreation facilities through traditional funding mechanisms such as the Capital Improvement Program, the state legislative process, and federal funding opportunities. Maximize the use of federal and state matching funds. Investigate creative and innovative funding mechanisms for the acquisition and development of parks, facilities, trails and programs. Explore cooperative management agreements, joint ventures, private public partnerships or other protocols to facilitate progress.

### Discussion

The proposed amendment would allow for recognition of financial supporters of sporting organizations at sporting facilities. Providing recognition of donors is intended to promote donations as a fund-raising tool for maintaining and developing facilities. Selling advertising at sports venues is, however, a fundraising mechanism that has existed for many years, so it cannot be considered a "creative [or] innovative funding mechanism." Although 9.1.SOP3 is the most relevant citation in the Comprehensive Plan to the proposed ordinance, it does not speak directly to the content of the ordinance, and it does not strongly support or condemn the proposed ordinance.

### Findings

The proposed amendment is neither in nor out of compliance with the Comprehensive Plan.

## **COMPLIANCE WITH CBJ LAND USE CODE**

### Title 49 Contents

The following sections of Title 49 have been examined to determine whether or not the proposed ordinance is in compliance with the Code:

- 49.05 Establishment
- 49.45 Signs
- 49.80 Definitions

Discussion

The proposed amendment was circulated for comment among relevant CBJ agencies, and the majority of those contacted did not have any concerns that donor recognition devices would negatively affect public health or safety, or otherwise be a detriment to the community or be in violation of adopted plans. Comments received that opposed this amendment centered on the use of public property for off-site advertising financially benefiting private groups supported by donors, and indicate that ball field signs were deliberately prohibited as off-site advertising in the current CBJ 49.45.

The existing language in Title 49 creates some sense of ambiguity regarding the regulation of donor recognition panels, as they are on one hand prohibited as off-site advertising, and on the other hand they are exempt from regulation as signs because they are installed by government employees. The proposed ordinance eliminates this ambiguity by creating a distinct type of off-site sign that does not require a permit.

Although they are somewhat ubiquitous, the use of other donor recognition devices is currently prohibited by Title 49. The proposed ordinance would allow the continued use of bricks, tiles, fence posts, signs, and other media to recognize donors to a facility or program, public or private.

Findings

The proposed ordinance amends Title 49 to reduce conflicts that currently exist within the code, and is otherwise consistent with Title 49, although it is contrary to the intent of the existing ordinance at CBJ 49.45 that it would amend.

**49.70.900-49.70.1097 COASTAL DEVELOPMENT, HABITAT, AND WETLANDS**

Not applicable. This project does not affect Coastal Development, Habitat, or Wetlands.

**ALASKA COASTAL MANAGEMENT PROGRAM (ACMP)**

Not applicable. This project does not require a state-coordinated ACMP review.

**RECOMMENDATION**

Staff recommends that the Planning Commission forward the proposed ordinance to the Parks & Recreation Advisory Committee with comments and/or suggested revisions, and make recommendation to the Assembly at a future date.

#### 49.45.300 Signs not requiring a permit.

(a) All signs not requiring a permit must conform to the placement and height standards set forth in sections 49.45.210 and 49.45.220 and the size limitations set forth in subsection (b) of this section *except those signs qualified and approved as donor recognition devices under subsection (4) of this section.*

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

- (1) *Window signs.* Signs displayed behind the windows of a building are allowed except for those windows above the first floor level of buildings within the downtown historic district. Beam, beacon, strobe, or flashing illumination shall be prohibited in windows. Electronic scrolling reader board signs shall be allowed in windows only.
- (2) *Residential signs.* Indirectly illuminated signs up to four square feet shall be allowed for the purpose of premises identification. Each sign shall display addresses and may include the names of the occupants.
- (3) *Temporary signs.* Temporary signs are not to be included as part of the maximum allowable sign area.
  - (A) *Construction signs.* One unlighted sign of up to 32 square feet identifying the parties involved in construction shall be allowed on a construction site. The sign shall be removed within 14 days after issuance of a certificate of occupancy. This does not include signs required by federal, state or local government.
  - (B) *Real estate signs.* Two unlighted signs of up to four square feet each shall be allowed per lot. One unlighted sign of up to 32 square feet may be substituted in all but single-family residential districts, provided such a sign may be substituted in single-family residential districts if the sign advertises lots in a new subdivision with more than four lots for sale. A real estate sign shall consist of information pertinent to the sale, rental, or lease of the premises on which the sign is displayed. Signs shall be removed within 14 days after sale, rental or lease.
  - (C) *Public notice signs.* Property which is the subject of a development permit which requires public notice posting under this title shall be posted with one unlighted sign at least four square feet and no more than 32 square feet, having a red background, and announcing the development permit request in white, 120 point or larger lettering. The sign shall be installed at least seven days prior to the first commission meeting on the permit and removed within 14 days after the last such meeting.



- (D) *Event signs.* One unlighted sign of up to 32 square feet may be displayed on private property for the purpose of announcing a drive or event of a civic, philanthropic, educational, or religious organization. Signs may be installed no sooner than ten days prior to the event announced and shall be removed within five working days after the event. No event sign may be installed for a period exceeding 30 days in any 90-day period. The 90-day period begins on the first day the event sign is displayed.
- (E) *Political signs.* Unlighted political signs of up to 32 square feet each may be displayed on private property. Signs may be installed no sooner than 90 days prior to the election date and shall be removed within five working days after the election date. Political signs not relating to a specific election shall be limited to a display period not to exceed 90 days within one calendar year. Unlighted political signs of up to four square feet may be displayed on private property up to 270 days prior to the election date and shall be removed within five working days after the election date.
- (F) *Banners or pennant signs.* Banners or pennant signs made of cloth, fabric, paper, nonrigid plastic or similar types of material, not exceeding 60 square feet in area and advertising events are allowed. The purpose of the following limitations on banner or pennant signs is to ensure that banner or pennant signs are not used as permanent signs.
  - (i) Noncommercial banners or pennants may be erected no sooner than ten days prior to the event advertised and shall be removed within five working days after the event. No noncommercial banners or pennants may be installed for a period exceeding 30 days in any 90-day period. The 90-day period begins on the first day the non-commercial banners or pennants are displayed.
  - (ii) Commercial banners or pennants may be erected on the site on which the activity is occurring no sooner than ten days prior to the event and shall be removed within five working days after the event. No commercial banners or pennants may be installed for a period exceeding 30 days in any 90-day period. The 90-day period begins on the first day banners or pennants are displayed.
- (4) *Donor Recognition Devices.* Donor recognition devices are exempt from the placement and height standards set forth in CBJ 49.25.210 and 49.25.220.

- (A) *Donor Recognition Panels.* Where they are only visible to occupants of a public park used as a ball field for any organized sport, or at public facilities charging an entry fee where athletic activities occur, and where they are installed, maintained, and removed by employees of the CBJ Parks & Recreation Department or employees of Eaglecrest, panels measuring no larger than 3' high by 4' wide may be located on the lower half of any fence permanently installed at the facility, on any interior wall of the facility, or on any ski lift tower or chair.

*Donor recognition panels may include any corporate or sponsor logo and or any text, except that no company earning the majority of its profits from the sale of alcohol or tobacco may be listed in any way on a donor recognition panel.*

*Donor recognition panels will be managed according to Parks & Recreation Department Regulations adopted under the provisions of CBJ 01.60.*

- (B) *Other Donor Recognition Devices.* Donors may be recognized by name on bricks, pavers, fence posts, plaques, and signs listing donors at any facility, public or private, and such listing of names shall not be construed to be off-site advertising. Donor logos are prohibited from being so displayed, and all names listed must be in the same font and of the same size, Donor logos are prohibited from being so displayed, and all names listed at a facility must be in the same font and of the same size, except: \_\_\_\_\_

- (i) where long donor names require the use of a smaller font than is otherwise used; or,  
(ii) when donors of various degrees are to be recognized as such by means of using a larger font for more generous donors.