

## STAFF REPORT

**TO:** Hailey City Council  
**FROM:** Mariel Platt, Planner  
**RE:** Zoning Ordinance Amendment – Section 8.2, Sign Ordinance  
**HEARING:** March 8, 2010

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**Note:** Staff analysis is in lighter type

### Notice

Notice for the February 22, 2010 public hearing was published in the Idaho Mountain Express and mailed to public agencies and area media on February 3, 2010. The public hearing was continued at the February 22, 2010 meeting to the March 8, 2010.

### Proposal

Attached are amendments to Section 8.2 of the Zoning Code proposed by the City. These amendments would revise the Sign Ordinance.

### Procedural History

The Council's comments and discussion from the February 22, 2010 meeting prompted the following changes to the proposed amendments: 1) clarify that the use of "day-glo" and fluorescent colors and neon lit backgrounds are prohibited (copy portion of sign would be allowed), and 2) clarify what types of vehicles signs are exempt. Both changes are found on page 5 under Section 8.2.6 and 8.2.5, respectively.

The method of limiting the number of portable signs per corner, portable signs advertising businesses off of Main Street, and balloons tied to portable signs were also identified as concerns by the Council. No changes to the proposed ordinance have been made to address these concerns since the last meeting; however, based on information provided by the City Engineer and the Public Works Department regarding line-of-sight requirements and the City's Highway Maintenance Agreement with the Idaho Transportation Department (attached) changes related to portable signs on Main Street may be warranted. In addition, other alternatives, which need further discussion from the Council, prior to making changes, have been considered since the public hearing and are mentioned below.

Nineteen of the 29 portable signs that are permitted in the public right-of-way, are located on a Main Street corner. The majority, if not all, of these signs that use balloons are located on a Main Street corner. Eliminating the use of balloons on signs placed only on the corner may be difficult and may cause controversy as to what constitutes a corner. As a result, many signs may be moved to locations just outside of the corner or vision triangle area to accommodate the use of balloons. The area outside of the vision triangle is narrower (the Main Street corners bulb out and provide a larger area than do the sidewalks located closer to the interior of Main Street blocks) and is therefore more likely to cause conflict with pedestrian traffic, especially if many of the portable

signs permitted on Main Street corners move to this location so they can use balloons.

It is suggested that instead of eliminating balloons only in certain locations, the Council consider,

- 1) eliminating balloons altogether,
- 2) allowing balloons throughout the city, or
- 3) eliminating portable signs that are not located directly outside of a business.

To address the concerns of businesses who rely on the portable signs on Main Street corners, possible solution is developing a comprehensive wayfinding signage program (attached are some examples). These signs could be used in the following ways:

- 1) to locate businesses off of Main Street and allow portable signs to be placed only in front of the applicable business, similar to Ketchum's portable sign ordinance, which requires all portable signs in the right-of-way to be within a certain number of feet from the front entrance of the business; or
- 2) eliminate portable signs completely, using only wayfinding signs to locate businesses.

If the Council decides to allow portable signs to remain in all locations, as currently stated in the proposed amendment, a possible solution to the issues regarding the proposed method of limiting the number of portable signs per corner may be a waiting list that allows portable signs to be displayed for one (1) year at a time. After one (1) year, the first business listed on a waiting list would then be eligible to display their portable signs for one (1) year. This most likely wouldn't pose much more of an administrative burden since we already contact each portable sign owner to inform them that they need to renew their portable sign each year. It may however be unpopular with existing portable sign permittees who have spent money on their signs and would now only be able to display their sign a year at a time. There would be some corners where continuous display, beyond one (1) year would be permissible (if no other businesses were on the waiting list).

If portable signs on the corners are to remain, two other options would be to 1) rotate the days of display of each business's portable sign and 2) provide a single changeable copy portable sign at each corner that remained in place and allowed different businesses to display their message on certain days. The first option would require businesses to cooperate with the rotation system and to remember to remove their sign on their "off" days. This option would likely cause significant enforcement issues considering the current ordinance, which requests businesses to remove their signs in the evening has proved unsuccessful. The second option would eliminate the likelihood of businesses forgetting to remove their signs on their off days; however, it would require new portable signs to be purchased and maintained.

### **Department Comments**

Please see the Public Works Department's comments attached.

### **Standards of Evaluation**

**14.6 Criteria for Review. When evaluating any proposed amendment under this Article, the Hearing Examiner or Commission and Council shall make findings of fact on the following criteria:**

- 1. The proposed amendment is in accordance with the Comprehensive Plan;**

The Council should consider how the proposed amendments relate to the various policies and implementation items of the Comprehensive Plan, particularly the following:

*Section 3.0 – Special Sites, Areas, and Features*

*1. Goal: The goal of this section is to retain and protect features of special interest to the community, and to protect the scenic value of the Wood River Valley.*

*2. Policy: Preserve the architectural and ambient quality of the Hailey Business district.*

*13.0 - Community Design*

*2. Policy: Encourage and require a Central Business District that adds to community character by maintaining general architectural standards and by retaining a human scale and pedestrian friendly atmosphere with decreased dependency on automobiles.*

*5. Policy: To enhance visual aesthetics and beautification of the community with specific efforts directed to the central core.*

*10.0 – Transportation*

*1. Goal: Create and maintain a pedestrian and bicycle friendly community that provide safe, convenient and efficient multi –modal transportation for all Hailey residents, that moves people and not just cars, and that preserves and enhances our quality of life.*

- 2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;**

It is not anticipated that the proposed ordinance would create additional requirements at public cost for public facilities and services.

- 3. The proposed uses are compatible with the surrounding area; and**  
The proposed amendments do not affect the uses in the surrounding areas.

- 4. The proposed amendment will promote the public health, safety and general welfare.**

The proposed amendment would improve the portable sign standards to allow for the continuation of portable signs in the public right-of-way while strengthening the requirements to mitigate their potential impacts and allow for the removal of signs by any city official that cause potential safety hazards.

**Summary**

The Council shall hold a public hearing and determine whether the proposed amendments are in accordance with the applicable standards of evaluation.

The Council shall make a decision, with **findings on the four standards of evaluation** noted above. If the proposed change is approved, the Council shall pass an ordinance making said amendment part of Hailey Zoning Ordinance #532. The draft ordinance is attached.

**Motion Language**

Approval:

Motion to approve the proposed amendments to Section 8.2, finding that the amendments are in accordance with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare; and adopt Ordinance No. \_\_\_\_\_ and authorize the mayor to conduct the first reading.

Denial:

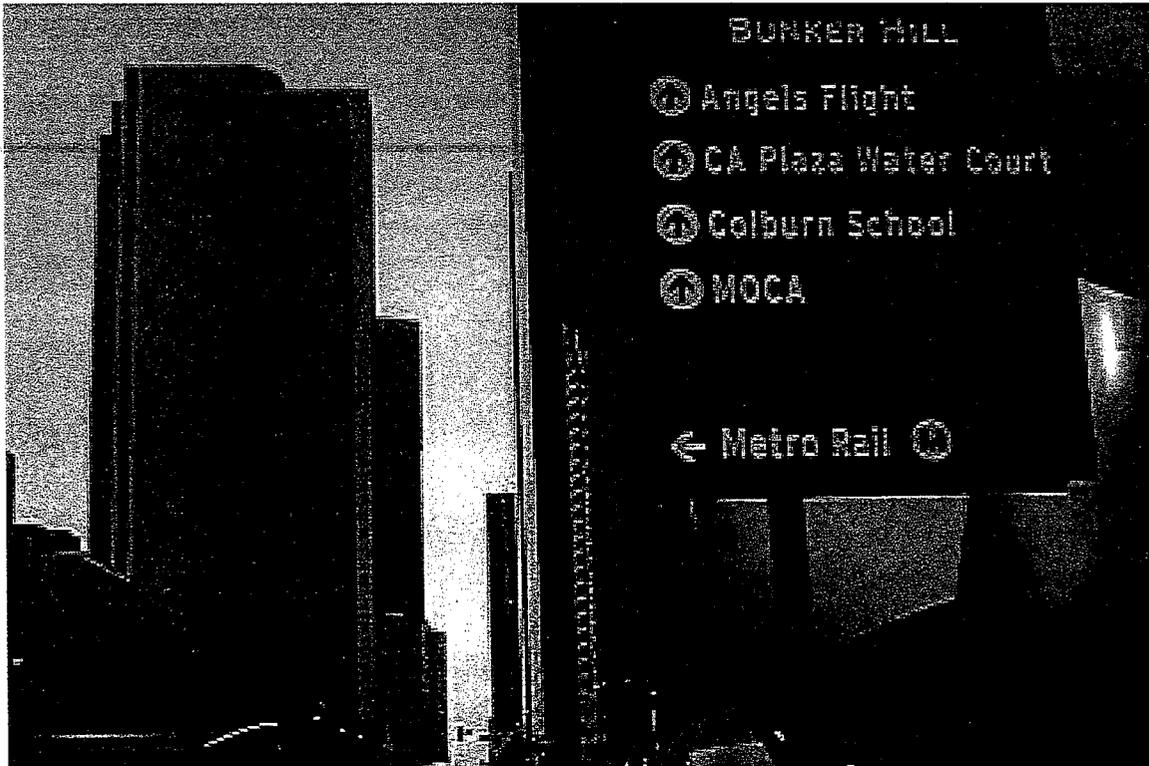
Motion to deny the proposed amendments to Section 8.2, finding that \_\_\_\_\_ [the Council should cite which standards are not met and provided the reason why each identified standard is not met].

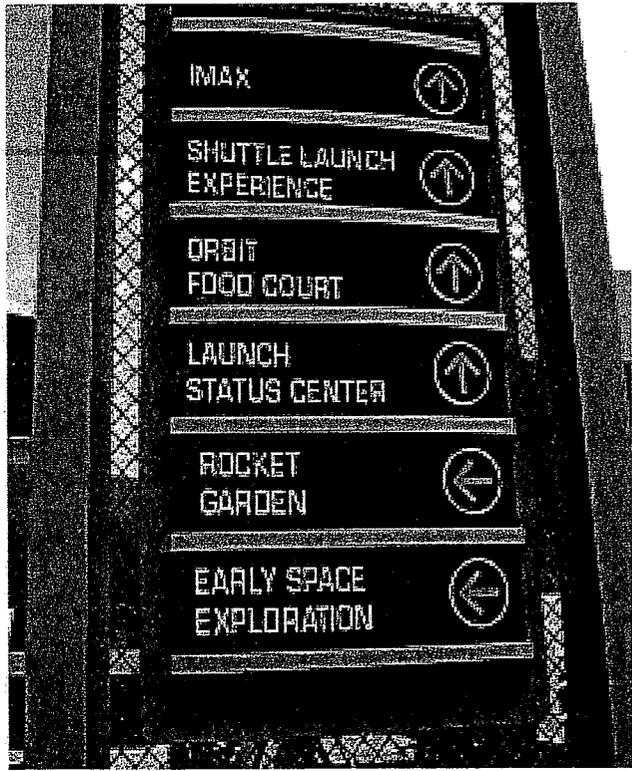
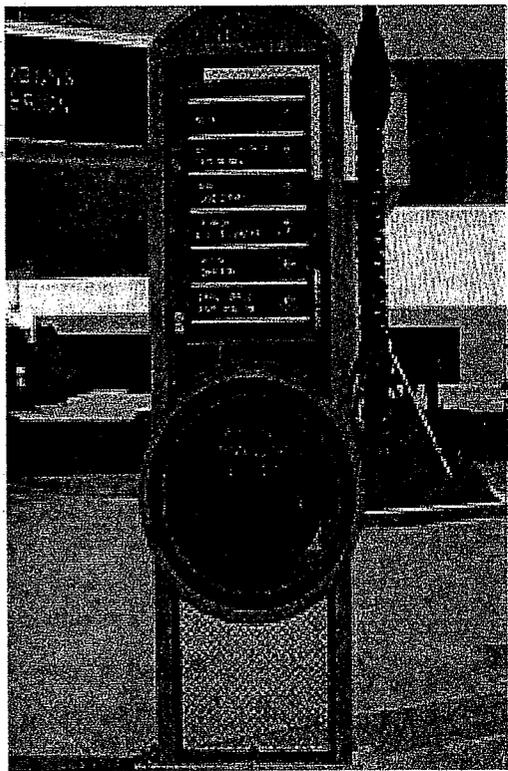
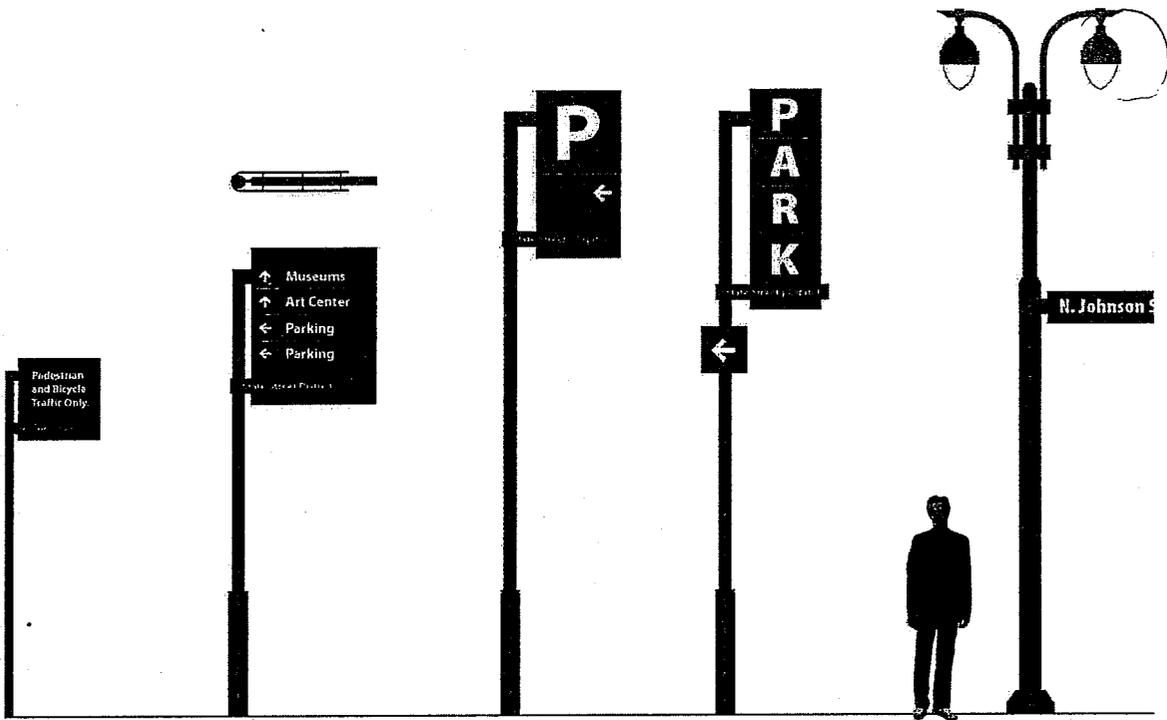
Continuation:

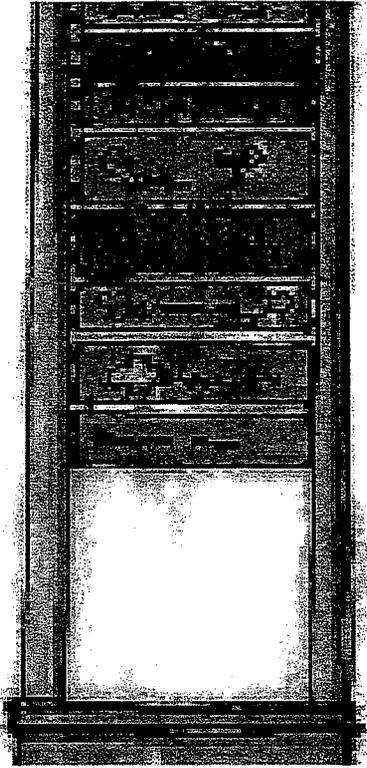
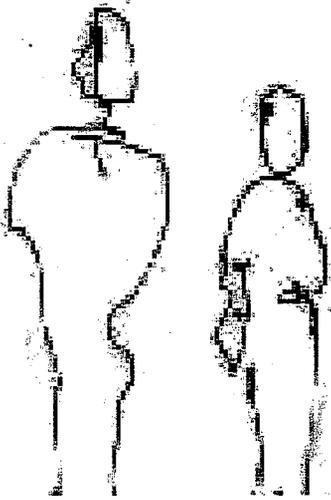
Motion to continue the public hearing upon the proposed amendment to Section 8.2 to \_\_\_\_\_ [the Council should specify a date].

Table:

Motion to table the public hearing upon the proposed amendment to Section 8.2.







# City Engineer Memo

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**To:** Mayor Rick Davis

City Council Members

**CC:** Mariel Platt, City Planner

Police Chief Jeff Gunter

City Administrator Heather Dawson

**From:** Tom Hellen, City Engineer

**Date:** 3/2/2010

**Re:** Discussion of Portable Signs at Intersections and the Impact on Traffic and Pedestrian Safety

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"The driver of a vehicle approaching or departing from an intersection should have an unobstructed view of the intersection" (Maze and Plazak, 2000, Center for Transportation Research and Education, Iowa State University). These unobstructed views form triangular areas known as sight triangles.

The concern related to portable signs on Main Street intersection corners expressed by Chief Gunter is the obstruction of a driver's view of pedestrians on the side streets. Vehicle/pedestrian accidents have usually not been while pedestrians are crossing Main Street but rather while a driver is performing a turn, usually coming onto the highway.

The attached sketch illustrates how an obstruction, or two obstructions, can impact a driver's visibility, both exiting and entering the highway. This problem is exacerbated by the location of parked cars on the highway. What also needs to be considered is the impact of a "busy" distraction, i.e. balloons waving in the wind, can affect a driver's concentration on the maneuver he is about to perform.

City staff has also conducted research on what Idaho State statutes are in place affecting advertising signs. The applicable statutes and information are attached to this memo. It is my opinion that under Title 49 the use of any signs above 3' in height at intersections on Main Street would not be allowed which would include any balloons above the sign. Title 40 would suggest, in the extreme, that no advertising would be allowed along Main Street within the highway right-of-way. However, the City of Hailey and ITD have a Cooperative Agreement for Maintenance of State Highway 75 that in Section 14 – Encroachment Permits, also attached, details what signs or marquees are allowed (page 6).

The City or State shall comply with its usual policy with respect to collecting costs from permittees in such cases as fees or charges are made by the City or State for encroachment work on streets or highways.

No signs, billboards or structures other than those authorized and installed by the State or the City as necessary for the regulating, warning, and guiding of traffic shall be permitted within or to overhang the right of way of any State Highway, except in accordance with these provisions:

- A. Signs or marquees extending over the sidewalk and right of way may be installed on a certain basis in business districts only, subject to the following restrictions:
- No sign or marquee shall be permitted to project over the roadway nor to extend beyond a vertical line located 18 inches outside the inside face of the curb.
  - Signs extending over the sidewalk area shall have no part thereof less than 12 feet above sidewalk or ground level. Marquees extending over the sidewalk area shall have no part thereof less than eight feet above sidewalk or ground level.
- B. Displays or signs overhanging the right of way may be authorized on a permit basis only outside of business districts when the display is placed flat against and supported by the building and providing it does not extend more than 12 inches into the right of way.
- C. All signs and marquees shall conform to the City Building and/or Sign Code excepting that minimum clearance requirements as herein specified must be complied with.

They shall at all times be maintained in a good appearing and structurally safe condition. Any existing sign or marquee suspended or projected over any portion of State Highway right of way which constitutes a hazard shall be immediately repaired or removed.

- D. Signs or displays will not be permitted which resemble, hide, or because of their color, interfere with the effectiveness of traffic signals and other traffic control devices. Illuminated signs or displays containing red, yellow, or green lights will not be permitted to overhang the right of way.
- E. Temporary municipal decorations may be installed and suspended over the State Highway on a permit basis only. They shall not be permitted in locations that interfere with the visibility and effectiveness of traffic control devices.

It is understood that none of the provisions above listed, A to E inclusive, will be in conflict the the Beautification of Highways Act of 1966, Idaho Code Section 40, Chapter 28.

#### 15. TRANSPORTATION PERMITS

Transportation permits will be required on State Highways for all vehicles and their loads which exceed legal limitations. If authority to issue transportation permits is delegated to the City, such authority shall pertain only to travel that originates and terminates within the City corporate limits.

TITLE 49  
MOTOR VEHICLES  
CHAPTER 2  
GENERAL

49-221.REMOVAL OF TRAFFIC HAZARDS. (1) It shall be the responsibility of the owner of real property to remove from his property any hedge, shrubbery, fence, wall or other sight obstructions of any nature, except public traffic or highway signs, buildings and trees, where these sight obstructions constitute a potential traffic hazard. The above sight obstructions shall not extend more than three (3) feet, or less than ten (10) feet, in height above the existing center line highway elevation within the vision triangle of vehicle operators. The boundaries of the vision triangle are defined by measuring from the intersection of the edges of two (2) adjacent highways forty (40) feet along each highway and connecting the two (2) points with a straight line. The sight distance obstruction restriction is also applicable to railroad-highway grade crossings with vision triangle defined by measuring forty (40) feet along the railroad property line when intersecting with a highway.

(2) When the department or any local authority determines that a traffic hazard exists, it may notify the owner and order that the hazard be removed within an appropriate time as determined by the department or local authority, considering the circumstances and conditions involved. The appropriate time may be specified in the notice. Such notice shall not obligate the department or local authorities to pursue removal or abatement until all legal remedies are exhausted.

(3) The failure of the owner to remove the traffic hazard within the appropriate specified time shall constitute a misdemeanor and every day the owner shall fail to remove the obstruction may be considered a separate and distinct offense. Civil action may also be initiated by state or local officials to enforce vision triangle restrictions.

(4) Local officials may, by resolution or ordinance, establish standards and procedures for protecting vision triangles at the intersections of local streets and roads. Such locally adopted standards or procedures, which may be more or less restrictive than the provisions hereof, shall not modify the standards established by this section concerning intersections with state maintained highways and intersections with railroads.

**The Idaho Code is made available on the Internet by the Idaho Legislature as a public service. This Internet version of the Idaho Code may not be used for commercial purposes, nor may this database be published or repackaged for commercial sale without express written permission.**

TITLE 40  
HIGHWAYS AND BRIDGES  
CHAPTER 19  
BEAUTIFICATION OF HIGHWAYS

40-1910.LOCATION OF DISPLAYS. No advertising display shall be placed or maintained in any of the following locations or positions or under any of the following conditions or if the advertising structure or sign is of the following nature:

- (1) Within the right-of-way of any highway;
- (2) Visible from any interstate or primary highway and simulating or imitating any directional, warning, danger or information sign permitted under the provisions of this chapter, or if intended or likely to be construed as giving warnings of traffic;
- (3) Within any stream or drainage canal or below the flood water level of any stream or drainage canal where the advertising display might be deluged by flood waters and swept under any highway structure crossing the stream or drainage canal or against the supports of the highway structure;
- (4) Not maintained in a safe condition;
- (5) Visible from any interstate or primary highway and displaying any red, blue or blinking intermittent light likely to be mistaken for a warning or danger signal;
- (6) Illuminated with such brilliance and so positioned as to blind or dazzle the vision of travelers on adjacent interstate or primary highways;
- (7) Purported to direct the movement of traffic;
- (8) Painted, affixed or attached to any natural feature as more particularly prohibited by section 18-7017, Idaho Code;
- (9) Hinder the clear, unobstructed view of approaching or merging traffic, nor obscure from view any traffic sign or other official sign;
- (10) Located as to obscure the view of any connecting highway or intersection; and
- (11) Not clear or in good repair.

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[http://itd.idaho.gov/row/new/workfiles/outdoorad/outdoor\\_advertising.html#restrictions](http://itd.idaho.gov/row/new/workfiles/outdoorad/outdoor_advertising.html#restrictions)

## Where are outdoor advertising signs prohibited?

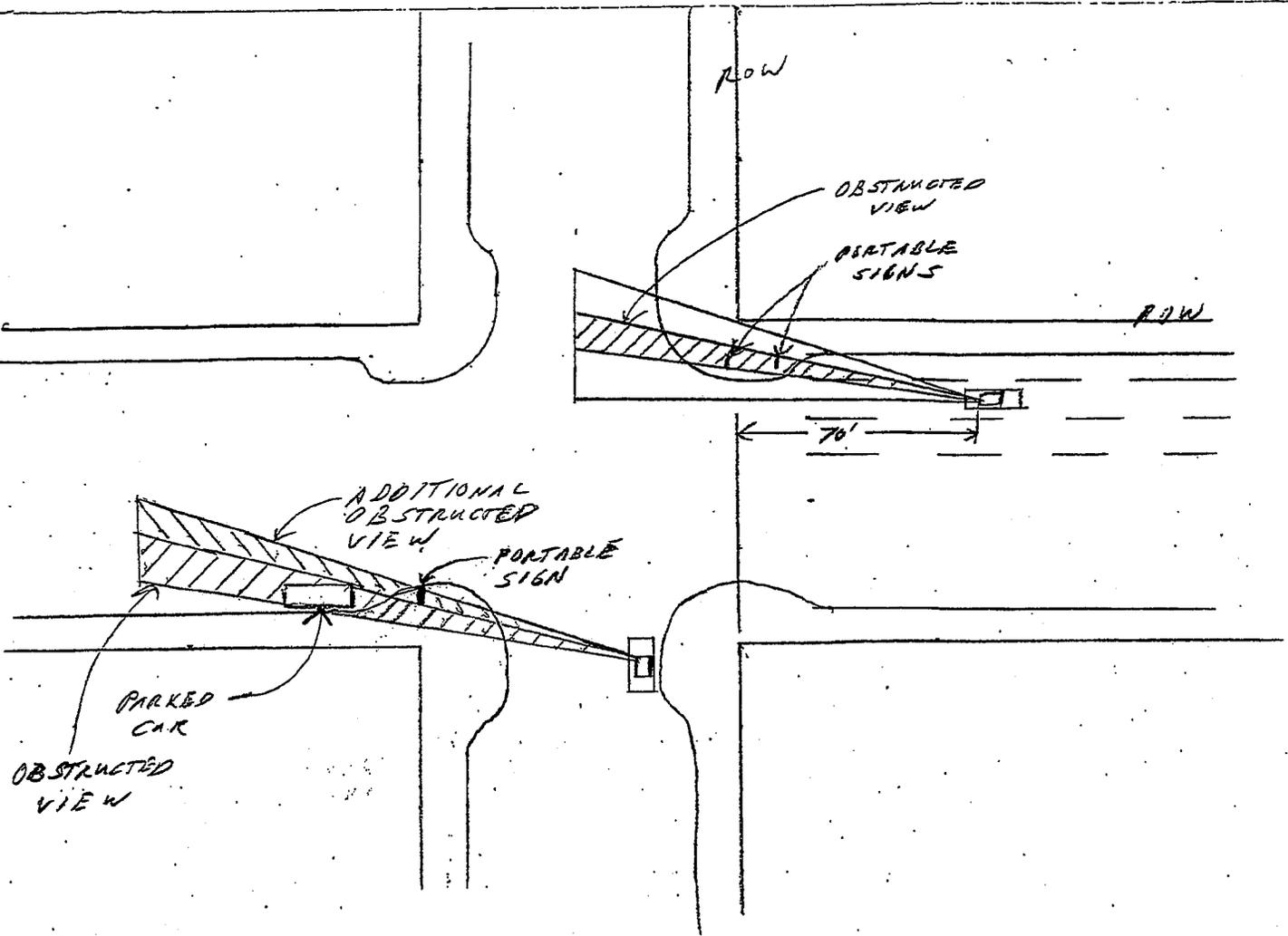
There are certain areas where signs are prohibited by law. The following is a partial listing of some of the areas signs are not allowed, such as:

- Along scenic byways, which are specially designated highways protected for their scenic or historic value. Existing signs are allowed to remain along scenic byways, but new signs may not be erected.

- In the right-of-way of any highway.
- Within a stream or drainage canal.
- In any location that hinders the clear, unobstructed view of approaching or merging traffic, or obscures from view any traffic sign or other official sign.
- In any location that obscures the view of any connecting highway or intersection.

Signs may also be prohibited if they are visible from interstate or primary highways and are:

- Not maintained in safe condition.
- Not clear or in good repair.
- Painted, affixed, or attached to any natural feature (rock, tree, etc.)
- Simulating or imitating any directional, warning, danger, or information sign.
- Intended or likely to be construed as giving traffic warnings.
- Illuminated or positioned in a way that interferes or obscures an official traffic sign, signal, or device.
- Displaying any red, blue, or blinking light likely to be mistaken for a warning or danger signal, or any light that may blind or distract drivers.







LAND  
OFFICE

POST  
OFFICE  
788-4908

15  
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## **Mariei Platt**

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**From:** Beth Robrahn  
**Sent:** Monday, March 01, 2010 9:37 AM  
**To:** Mariel Platt  
**Subject:** FW: Helium Balloons

Please include this public comment in the Council packet for March 8.

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**From:** Heather Dawson  
**Sent:** Monday, March 01, 2010 9:18 AM  
**To:** Rick Davis1  
**Cc:** Beth Robrahn; Tom Hellen; Jeff Gunter  
**Subject:** FW: Helium Balloons

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**From:** Carol Comtaruk [mailto:comtaruk@cox.net]  
**Sent:** Monday, March 01, 2010 9:02 AM  
**To:** Heather Dawson; Fritz Haemmerle; Don Keirn; burkefamily203@cox.net; Carol Brown  
**Subject:** Helium Balloons

(The Hailey City website does not provide an email address for Mayor Davis, so please forward to him.)

Dear Mayor and Council:

With regard to the clapboard signs strewn up and down Main Street, I understand the Council feels the balloons are rather "festive." While I personally feel clapboard signs are very tacky, the balloons are particularly offensive. We've already had fatalities/serious accidents at Main St. intersections. The visual distraction should prohibit their use and the balloons waving hither & yon are over the top. I always thought sidewalks were for pedestrian use - not display foundations for signs of businesses who choose to purchase property off the beaten path.

Additionally, there have been several articles written in the last couple of years regarding the finite source of helium.

Carol Comtaruk  
Hailey, ID

HAILEY ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, REPEALING SECTION 8.2 OF HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, AND REPLACING SECTION 8.2 WITH A NEW SECTION 8.2, WHICH PROVIDES A PURPOSE SECTION, CREATES DEFINITIONS, ESTABLISHES APPLICABILITY, ESTABLISHES PROCEDURES FOR A SIGN PERMIT, IDENTIFIES EXEMPT AND PROHIBITED SIGNS, CREATES DESIGN GUIDELINES, ESTABLISHES SIGN LIGHTING AND AREA STANDARDS, ESTABLISHES STANDARDS FOR SIGNS FOR MULTI-UNIT BUILDINGS, PROVIDES SPECIFIC SIGN STANDARDS, PROVIDES FOR PROCEDURES FOR UNSAFE AND ILLEGAL SIGNS AND NON-CONFORMING SIGNS, AND CREATES STANDARDS FOR MAINTENANCE OF SIGNS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Zoning Ordinance conform to the Hailey Comprehensive Plan;

WHEREAS, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

WHEREAS, the uses are compatible with the surrounding area; and

WHEREAS, the amendment will promote the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 8.2 of the Hailey Zoning Ordinance No. 532, is hereby repealed in its entirety and replaced with the addition of a new Section 8.2, as follows:

8.2. Signs.

8.2.1 Purpose: The purpose of Section 8.2 is to establish standards for the fabrication, erection, and use of Signs, symbols, markings, and advertising devices within the City. These standards are enacted to:

- a. Protect the public health, safety, and welfare of persons within the community.
- b. Aid in the development and promotion of business and industry.
- c. Encourage aesthetic creativity, effectiveness and flexibility in the design of such devices without creating detriment to the general public.
- d. Reduce hazardous situations, confusion and visual clutter caused by proliferation, improper placement or illumination, and/or bulk of Signs which compete for the attention of pedestrian and vehicular traffic.

8.2.2 Definitions: Words and phrases used in Section 8.2 shall have the meanings set forth in this Section 8.2.2 and in Article II of this Ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Animated Sign. Any sign or part of a sign that changes physical position in any way, or which

gives the visual impression of movement or rotation.

Art. All visual forms conceived of any medium, material, or combinations thereof, including but not limited to, a drawing, painting, sculpture, mosaic, or photograph, subject to individual aesthetic interpretation.

Alter. The change or alteration of a sign structure or design, whether by extension, enlargement, or in moving from one location or position to another.

Awning Sign. Any sign attached to or made part of a roof-like structure constructed of canvas, vinyl, or similar material placed over a frame and projecting outward from a building providing a protective or decorative covering for doors, windows and other openings.

Building Frontage. The width of a building facing the street to which the front door of the Unit is oriented. In the case of Units with multiple frontages, frontage shall be determined by taking an average of each frontage.

Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face of the sign.

Copy. Any graphic, letter, numeral, symbol, insignia, text, sample, model, device, or combination thereof which is intended to advertise, identify, or notify.

Directory Sign. A sign that is attached flat against the façade and is oriented towards pedestrians and used for buildings with multiple-units that do not each have a street level entrance and are accessed through a shared entrance or lobby.

Flag. Any fabric banner or bunting containing distinctive colors, patterns or symbols used as a symbol of a government or political subdivision.

Freestanding Sign. Any sign erected on a freestanding frame, platform, base, mast, or pole(s) and not structurally attached to any building.

Marquee Sign. Any sign attached to or made part of any permanent roof-like structure projecting beyond a building, generally designed and constructed to provide protection from the weather.

Master Sign Plan. A plan which establishes the size, design, location, and tenant designation for all exterior Signs associated with a multi-unit or multi-building development.

Non-conforming Sign. Any sign which was lawfully erected and maintained prior to the effective date of Section 8.2, and which fails to comply to any applicable regulations and restrictions herein.

Pennant. Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended and designed to move in the wind.

Portable Sign. Any sign not permanently attached to the ground or to a building, and designed

to be easily relocated. Also referred to as a sandwich board sign.

Projecting Sign. Any sign affixed to a building, wall, colonnade, or awning in such a manner that it extends more than nine inches beyond the surface of the same.

Roof Sign. A sign affixed on, above or over the roof of a building so that any portion of the sign projects above the roofline.

Sign. Every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interest of any person, entity, product, or service. The definition of sign shall also include the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of others.

Temporary Sign. A sign installed on a property for 72 hours or less and displayed no more than four times a year.

Unit. A space that is leased, sold, or rented within a building.

Wall Sign. Any sign attached parallel to, but within nine inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any Building or structure, which is supported by such wall, and which displays only one sign surface.

Window Sign. Any sign installed upon or within three feet of a window for the purpose of viewing from outside the premises. This term does not include merchandise displayed.

### 8.2.3 Applicability

No person shall erect, alter, or relocate any Sign within the City without first obtaining a sign permit from the City, unless the Sign is exempt under Section 8.2.5. Any person who fails to obtain a permit before hanging, posting, or installing a Sign which requires a permit under Section 8.2 shall be in violation of this Ordinance.

### 8.2.4 Sign Permits

Applications for permits for Signs shall include the following:

- a. A site plan which specifies the linear footage of Building Frontage, if applicable, the location of the sign structure, and if the sign is to be mounted on the building, drawings which show the scale of the sign in context with the scale of the building.
- b. A colored rendering and scaled drawing including:
  - color samples,
  - dimensions of all sign faces,
  - descriptions of materials to be used,
  - manner of construction,
  - method of attachment, and
  - if a Master Sign Plan is required, the Unit designation of each sign or the maximum square footage available to each Unit.
- c. A copy of a State of Idaho Electrical Installation Permit for any internally lighted or Neon Sign.
- d. A sign permit application on the form provided by the City.

- e. Appropriate fees as established by separate ordinance of the Hailey City Council.
- f. Multiple Signs may be permitted on one (1) sign permit application, subject to one (1) sign permit fee, provided the application includes all information relevant to all Signs being permitted at that time.
- g. Any sign permit application for a Portable Sign to be placed within the public right-of-way shall include an additional inspection fee as set forth by separate ordinance.
- h. Sign permits for Portable Signs in the public right-of-way shall also be subject to an annual application renewal and inspection permit, for which a fee shall be charged as set forth by separate ordinance.

8.2.4.1 A complete Master Sign Plan must be submitted at the time of design review application for any new construction for multi-unit or mixed use buildings. The Master Sign Plan must conform to all applicable sections of 8.2 and is subject to the same application, permitting and fee requirements. For a new Sign, the tenant(s) or owner(s) of an individual Unit, who occupy a space that has an approved Master Sign Plan, must submit a separate sign permit application, which conforms to the Master Sign Plan. If no Master Sign Plan exists, the owner of a multi-unit building shall submit a Master Sign Plan along with the separate sign permit application and shall be subject to one (1) sign permit fee. The maximum aggregate area of all Signs available to each Unit shall be determined by dividing the total sign area permitted for the building by the number of Units, occupied or unoccupied, unless the building owner or owner's agent submits a Master Sign Plan which allocates signage otherwise while still complying with the maximum aggregate area of signage available to the building.

8.2.4.2 Complete sign permit applications will be reviewed by the Planning Staff, subject to the approval of the Administrator, and either approved, denied, or returned with requested modifications. Any aggrieved applicant has the right to appeal in accordance with Section 3.6 of the Hailey Zoning Ordinance.

- 8.2.5 Exempt Signs. The following Signs shall not be subject to the permit process as defined by Section 8.2.4 and are not included in the total aggregate sign area as defined in Section 8.2.9.
- a. Flags, symbols, or insignias either historic or official of any state or nation, providing the Flag is no larger than sixty square feet and is flown from a pole the top of which is no higher than forty (40) feet from natural grade.
  - b. Signs posted by a government entity.
  - c. Two Temporary Signs per building or if a multi-unit building one per Unit, less than 16 square feet each.
  - d. Signs with areas of four square feet or less.
  - e. Merchandise displayed in windows that does not involve Copy.
  - f. Pennants and wind socks, which in no way identify or advertise a person, product, service, or business.
  - g. Any sign inside a building not visible from the exterior of the building.
  - h. Art located on private property which in no way identify or advertise a person, product, service, or business.
  - i. Historic Signs designated by Hailey City Council as having historical significance to the City or replicas of historic Signs as approved by the Council.
  - j. Building identification Signs which identify the name of the building only. These Signs are separate from Signs which identify, advertise, or promote any person, entity, product, or service.

- k. Signs on licensed, registered, vehicles that are used for normal day-to-day operations of businesses, such as food delivery services, student driver, and auto transportation services, regardless of whether the business is located within Hailey.

8.2.6 Prohibited Signs. No person shall erect, maintain, or relocate any of the following Signs within the City:

- a. Signs creating traffic hazards. A sign at or near any public street, or at the intersection of any public streets, situated in such a manner as to create a traffic hazard by obstructing vision. Additionally, any sign at any location which would interfere with, obstruct the view of, or be confused with any authorized traffic sign.
- b. Any sign which, due to structural weakness, design defect, or other reason, constitutes a threat to the health, safety, and welfare of any person or property.
- c. Any sign which contains an intermittent light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.
- d. Changeable Copy Signs.
- e. Roof Signs, except mansard roof Signs provided that the highest portion of any sign attached to a mansard roof is no more than 2/3 the height of the mansard roof to which it is attached.
- f. Animated Signs.
- g. Any Pennant, propeller, or similar device which is designed to display movement under the influence of the wind and which contains a message, announcement, declaration, demonstration, display, illustration, or insignia used for promotion or advertisement of a person, product, service, or business.
- h. Any Sign attached to or displayed on outdoor furniture.
- i. Any Sign mounted on wheels.
- j. Any inflatable object used for promotional or sign purposes, including balloons.
- k. Signs advertising a business that is located outside of the corporate limits of Hailey.
- l. Signs using "day-glo," fluorescent, or brilliant luminescent colored or neon lit backgrounds.
- m. Reflective colored material that gives the appearance of changing color.
- n. Any Sign covering or obscuring windows, doors, storefronts, building entrances, eaves, cornices, columns, horizontal expression lines, or other architectural elements or details.

8.2.7 Design Guidelines.

- a. Projecting Signs are preferred over Portable or sandwich board Signs. Projecting Signs generally are more effective for increasing visibility to both pedestrians and motorist.
- b. Sign materials and colors should compliment the building façade. Basic and simple color applications are encouraged.
- c. The color of letters and symbols should contrast with the base or background color of the sign to maximize readability.
- d. In multi-unit buildings, a Directory Sign with the names and suite numbers of all Units without individual street level entrances are encouraged to be provided at the shared entrance to those Units.

8.2.8 Sign Lighting Standards.

- a. All internally and externally lighted Signs shall comply with lighting standards as set forth in Article VIIIB of the Hailey Zoning Ordinance.

- b. A sign lit by an external light source shall specifically illuminate the Sign.
- c. Only the Copy portion of internally lit Signs. All other areas, including background, shall be constructed, treated and colored in a manner which makes those areas opaque.
- d. Any lit Sign is prohibited in the RGB, LR and GR zoning districts.
- e. Internally lit and neon Signs are prohibited in the LB, TN, and NB districts.
- f. A maximum of 2 neon Signs per Unit or building shall be allowed, regardless of whether the sign requires a permit.

#### 8.2.9 Sign Area Standards.

- a. Total Sign area permitted for any building shall not exceed a total of two square feet of Sign area per lineal foot of Building Frontage, except in the following cases:
  - i. A building with only one Unit that meets or exceeds 75 feet or linear Building Frontage shall not exceed 150 square feet of total sign area.
  - ii. The size standards in Section 8.2.11, Specific Sign Standards, shall apply and control the total sign area permitted to each Unit or building.
- b. Signs on vacant properties are subject to Section 8.2.11.3.e, and are allowed only one Sign per lot.
- c. The maximum aggregate area of all Signs for any building shall not exceed the total Sign area permitted. All Sign faces displayed that are over four (4) square feet shall be included in determining the maximum aggregate area for a building.
- d. The area of a Sign shall be computed using all faces of a Sign within a perimeter which forms the outside shape, excluding any necessary supports upon which the Sign may be placed. Where a Sign consists of more than one face, section, or module, all areas shall be totaled.
- e. Internally lighted Signs shall not exceed a total of 75 square feet for any building.

#### 8.2.10 Sign Standards for Multi-unit buildings

- a. All Units with an individual street level entrance are allowed up to two Signs, with no more than one Sign on any one building facade.
- b. All street level interior Units without an individual street level entrance and Units located on a second story or above shall be limited to one Sign. The location of which must be approved in a Master Sign Plan for the building.

#### 8.2.11 Specific Sign Standards:

##### 8.2.11.1 Awning and Marquee Signs.

- a. The Copy area is limited to the valances of the awnings.
- b. Only permitted in the following zoning districts: RGB, LR and GR
- c. Shall not project more than six feet (6') from the building wall and shall provide at least eight feet (8') of vertical clearance when projecting over a pedestrian access way, measured from the ground to the lowest part of the supports for the Awning or Marquee Sign.

##### 8.2.11.2 Changeable Copy Signs.

- a. The Copy on any Changeable Copy Sign shall not be changed more than three times per day. Changeable Copy Signs shall be maintained in a legible and serviceable manner.
- b. Permitted in all zoning districts except the RGB, LR and GR districts.

#### 8.2.11.3 Freestanding Signs.

- a. The height shall not be greater than ten feet (10'), measured from natural grade to the top of the Sign.
- b. Permitted in all zoning districts.
- c. Shall provide eight feet (8') of ground clearance if projecting over the public right-of-way.
- d. There shall be only one Freestanding Sign per Building.
- e. Freestanding Signs aligned perpendicular to the adjacent public right-of-way are allowed a maximum sign area of 48 square feet, or 24 square feet per side. Those aligned parallel to the adjacent public right-of-way are allowed a maximum sign area of 32 square feet.

#### 8.2.11.4 Portable Signs.

- a. Any Portable Sign is limited to two (2) sign faces or two (2) sides per Portable Sign.
- b. Maximum area allowed is six (6) square feet per side, and limited to three feet (3') in height. If there are supporting legs on a Portable Sign frame, they may be up to six inches (6") in height.
- c. Permitted in all zoning districts, except the RGB district.
- d. One Portable Sign is permitted per Unit.
- e. Portable Signs shall be weighted or anchored in some manner to prevent them from being moved or blown over by the wind.
- f. Portable Signs shall not be located so as to obstruct pedestrian or vehicular traffic, or obstruct sight lines at intersections.
- g. No more than two (2) Portable Signs placed in the public right-of-way shall be permitted per corner.
- h. Portable Signs must be located in a manner that that maintains thirty-six inches (36") of clear width along all public right-of-ways.

#### 8.2.11.5 Projecting Signs.

- a. Projecting Signs may be placed on a building or underneath an approved canopy, awning or colonnade, but may not extend, at any point, more than four feet (4') from the surface to which it is attached.
- b. Signs must have at least eight feet (8') of vertical clearance when projecting over a pedestrian access way, measured from natural grade to the bottom of the Sign.
- c. Permitted in all zoning districts, except in the RGB, LR, and GR districts.

#### 8.2.11.6 Wall Signs.

- a. Wall Signs may be placed on a structure provided they do not exceed a total of ten percent (10%) of the facade to which they are attached.
- b. Permitted in all zoning districts, except in the LR district.

#### 8.2.11.7 Window Signs.

- a. Permanent Window Signs may be placed in or on any window provided that no more than 50% of the total transparent area of the window is obscured.
- b. Permitted in all zoning districts, except in the RGB, LR, and GR districts.

8.2.12 Unsafe and Illegal Signs. Any Sign which has been determined to be unsafe by the Building Official, Planning and Zoning Administrator, Public Works Director, or other designated City employee, or which has

been constructed, erected or maintained in violation of Section 8.2 or any approved sign permit, must be repaired, made safe, or made in conformance with Section 8.2 or any approved sign permit or the owner of any such sign will be considered in violation of Section 8.2. The City reserves the right to remove any sign placed in, projecting into, or otherwise impacting the public right-of-way, without notice and at anytime, if the sign is not permitted or is determined to be violating Section 8.2 or an approved sign permit in any way.

8.2.13 Non-Conforming Signs.

- a. A Non-Conforming Sign shall not be transferred to a new tenant or occupant of the premises on which the Sign is erected and shall be removed at the termination of the tenancy to which it applies.
  - i. Signs existing prior to 1940 shall not be required to comply with the above.
- b. Any Non-Conforming Sign may not be enlarged, extended, reconstructed, moved, or structurally altered so as to increase the degree of non-conformity.
- c. Minor repairs may be done to any portion of a Non-Conforming Sign, provided the repair(s) does not increase the degree of non-conformity.
- d. Any Non-Conforming Sign which has been damaged or destroyed, either by calamity or natural causes may be repaired, provided the repaired and replaced sign does not increase the degree of non-conformity.
- e. Any Non-Conforming Sign removed or not displayed for a period longer than six (6) months, shall thereafter not be replaced or redisplayed.

8.2.14 Maintenance. It is the affirmative obligation of the owner of every Sign within the City to maintain the Sign in a good state of repair at all times. Non-Conforming Signs may be repaired and maintained provided the repairs are for the purpose of maintaining the Sign in its original condition, do not increase the degree of nonconformity in the Sign, and are otherwise in accordance with Section 8.2.

Section 2. Severability Clause. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. Repealer Clause. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. Effective Date. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.

\_\_\_\_\_  
Richard L. Davis, Mayor, City of Hailey

Attest:

\_\_\_\_\_  
Mary Cone, City Clerk, City of Hailey

Ordinance \_\_\_\_\_ - Zoning Code, Section 8.2, Signs  
Page 8 of 8



AGENDA ITEM SUMMARY

DATE: March 08, 2010 DEPARTMENT: Planning

DEPT. HEAD SIGNATURE: BR

SUBJECT: Extension of Preliminary Plat approval – Tanglewood Condominiums.

AUTHORITY:  City Ordinance/Code Ordinance 821, Subdivision, Section 3.2.5  
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The Preliminary Plat of the Tanglewood Condominium Subdivision was approved by the Hearing Examiner on April 8, 2009, with a condition that final plat be recorded within one year. The applicant has submitted a written request for a 2 year extension of the approval (see attached request). A two year extension would extend the approval date to April 8, 2012.

Typically extensions are for one year; however nothing precludes the Council from granting a longer extension. Two of the last four plat extension requests have been multi year extensions. In October 2008 the Council approved a 1 year extension for the Cedar Street Church Subdivision and then approved a 2 year extension for the same plat in November 2009 (total extension 3 years). In April 2009 the Council approved a second 1 year extension for the West Maple Subdivision (total extension 2 years). The other two extensions were Pearson (June 2008, 6 months) and Woodyard Place (November 2009, 1 year).

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case# # \_\_\_\_\_  
Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_  
Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
Staff Contact: \_\_\_\_\_ Phone # \_\_\_\_\_  
Comments: \_\_\_\_\_

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library             | <input type="checkbox"/> Safety Committee |
| <input type="checkbox"/> City Attorney      | <input type="checkbox"/> Mayor               | <input type="checkbox"/> Streets          |
| <input type="checkbox"/> City Clerk         | <input type="checkbox"/> Planning            | <input type="checkbox"/> Treasurer        |
| <input type="checkbox"/> Building           | <input type="checkbox"/> Police              | _____                                     |
| <input type="checkbox"/> Engineer           | <input type="checkbox"/> Public Works, Parks | _____                                     |
| <input type="checkbox"/> Fire Dept.         | <input type="checkbox"/> P & Z Commission    | _____                                     |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Consider approval of a two (2) year extension of preliminary plat approval.

ADMINISTRATIVE COMMENTS/APPROVAL:

City Administrator \_\_\_\_\_ Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date \_\_\_\_\_

City Clerk \_\_\_\_\_

FOLLOW-UP:

\*Ord./Res./Agmt./Order Originals: Record  
Copies (all info.): \_\_\_\_\_  
Instrument # \_\_\_\_\_

\*Additional/Exceptional Originals to: \_\_\_\_\_  
Copies (AIS only)

February 25, 2010

Members of Council  
City of Hailey  
Hailey, ID 83333

Hand delivered

Re: Final Plat Application for Tanglewood Condominiums

Dear Members of Council,

I have received a signed 'findings of fact' on a preliminary plat for the Tanglewood Condominiums on April 8, 2009 and the deadline for filing of the final plat is near. I would like to hereby ask for your understanding and approval to grant me a 2 year extension to file the final plat. The current economic situation has thrown me for a loop, I am at a 50% occupancy level despite having reduced the rents by 40% and the outlook is grim at best. I have been assured by local Real Estate Brokers that there is currently no market for residential units and can only hope that conditions will improve over the next two years. I could not afford to pay the property taxes on the individual units if I were to file the final plat now and am looking to you for leniency and understanding. I can only hope that in two years' time the Real Estate Market will rebound and I am able to move forward with the Tanglewood Condominium Project.

Gratefully,



Mogli Cooper  
P.O.Box 310  
Hotchkiss, Co.81419  
970-433-5838