

AGENDA ITEM SUMMARY

DATE: 11/5/2012

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Hailey Ordinance No. 1110 (Development Impact Fee Ordinance Amendment)

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing Hailey Ordinance No. 1110 which amends the Development Impact Fee ordinance (Chapter 15.16 of the Hailey Municipal Code) for a third reading. In preparing a summary of this ordinance, I discovered two small mistakes to the ordinance which you previously approved. First, the prior ordinance did not show all of the underlined language in section 1 of the ordinance. Second, the prior ordinance mentioned "day care business" in section 1 and should have stated "child care facility." These mistakes have been corrected in the attached draft. In light of the minor nature of the mistakes, I do not believe there is any need to reopen the public hearing. I would recommend that you proceed with the third reading.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
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: (IF APPLICABLE)

____ City Attorney	____ Clerk / Finance Director	____ Engineer	____ Building
____ Library	____ Planning	____ Fire Dept.	_____
____ Safety Committee	____ P & Z Commission	____ Police	_____
____ Streets	____ Public Works, Parks	____ Mayor	_____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Make a motion to conduct a third reading of Hailey Ordinance No. 1110, to read by title only and to authorize the mayor to sign.

FOLLOW-UP REMARKS:

HAILEY ORDINANCE NO. 1110

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING CHAPTER 15.16 OF THE HAILEY MUNICIPAL CODE, AMENDING SECTION 15.16.020 TO REVISE THE DEFINITION OF DEVELOPMENT IMPACT FEE ADMINISTRATOR AND TO ADD A DEFINITION FOR CHILD CARE FACILITY; AMENDING SECTION 15.16.030.03 TO ADD CHILD CARE FACILITY AS AN EXEMPTION; AMENDING 15.16.060.02 TO EXTEND THE TIME TO COMMENCE SYSTEM IMPROVEMENTS; REPLACING EXHIBIT "A" TO UPDATE THE DEVELOPMENT IMPACT FEE SCHEDULE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Idaho Code § 67-8201 *et seq.* allows Idaho municipal corporations to enact ordinances allowing cities to collect development impact fees;

WHEREAS, in 2007, Hailey adopted a development impact fee ordinance which is codified as Chapter 15.16 of the Hailey Municipal Code;

WHEREAS, as a basis for Hailey's development impact fee ordinance, the City engaged a consultant to develop a Development Impact Fee Study;

WHEREAS, Hailey retained Richard Caplan & Associates to prepare a five year update to the capital improvements plan, which is contained in an update to the Development Impact Fee Study ("Updated Study");

WHEREAS, the Hailey Advisory Impact Fee Advisory Committee has reviewed the Updated Study and submitted written comments to the Hailey City Council;

WHEREAS, Hailey now desires to amend the Hailey development impact fee ordinance to revise definitions, to add an exemption, to extend the time to commence system improvements and to update the development impact fee schedule; and

WHEREAS, Hailey has adopted this amendment to the development impact fee ordinance in accordance with the procedural requirements of Idaho Code § 67-8206.

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

Section 1. Section 15.16.020 of the Hailey Municipal Code is amended to add the definition of "Child Care Facility", and is amended to revise the definition of "Development Impact Fee Administrator" by the addition of the underlined language and by the deletion of the stricken language, as follows:

"Child Care Facility" shall mean any business, home or establishment which provides child care.

“Development Impact Fee Administrator” shall mean the ~~City Clerk/Treasurer~~ Community Development Director of the City of Hailey, Idaho, or his or her designee.

Section 2. Section 15.16.030.03 of the Hailey Municipal Code is amended by the addition of the underlined language, as follows:

15.16.030.03 Exemptions. The provisions of this Chapter 15.12 shall not apply to the following:

A. Rebuilding the same amount of floor space of a structure which is destroyed by fire or other catastrophe, provided the structure is rebuilt and ready for occupancy within two (2) years of its destruction;

B. Remodeling or repairing a structure which does not increase the number of Service Units;

C. Replacing a residential unit, including a Manufactured/Mobile Home, with another residential unit on the same lot; provided that, the number of Service Units does not increase;

D. Placing a temporary construction trailer or office on a lot;

E. Constructing an addition on a residential structure which does not increase the number of Service Units;

F. Adding uses that are typically accessory to residential uses, such as tennis court or a clubhouse, unless it can be clearly demonstrated that the use creates a significant impact on the capacity of System Improvements; or

G. The installation of a Modular Building, Manufactured/Mobile Home or Recreational Vehicle if the Fee Payer can demonstrate by documentation such as utility bills and tax records that either (a) a Modular Building, Manufactured/Mobile Home or Recreational Vehicle was legally in place on the lot or space prior to the effective date of this Ordinance or (b) a Development Impact Fee has been paid previously for the Modular Building, Manufactured/Mobile Home or Recreational Vehicle on that same lot or space.

H. Child Care Facility.

Section 3. Section 15.16.060.02 of the Hailey Municipal Code is amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

15.16.060.02 Failure to Commence Construction or Encumber Trust Funds. Any Development Impact Fees paid shall be refunded if the City has failed to commence

construction of System Improvements in accordance with this Ordinance, or to appropriate funds for such construction, within ~~five (5)~~ eight (8) years after the date on which such fee was paid. Any refund due shall be paid to the owner of record of the parcel for which the Development Impact Fees were paid. The City may hold Development Impact Fees for longer than ~~five (5)~~ eight (8) years if it identifies in writing: (a) a reasonable cause why the fees should be held longer than ~~five (5)~~ eight (8) years; and (b) an anticipated date by which the fees will be expended, but in no event greater than ~~eight (8)~~ eleven (11) years from the date they were collected. If the City complies with the previous sentence, then any Development Impact Fees identified in such writing shall be refunded to the Fee Payer if the City has failed to commence construction of System Improvements in accordance with this Ordinance, or to appropriate funds for such construction on or before the date identified in such writing.

Section 4. As authorized by Section 15.16.040.02 of the Hailey Municipal Code, Exhibit "A" to Chapter 15.16 of the Hailey Municipal Code is substituted and replaced by a new Exhibit "A" entitled Development Impact Fee Schedule, which is attached hereto and incorporated herein by reference.

Section 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 6. REPEALER CLAUSE. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this _____ day of _____, 2012.

Fritz X. Haemmerle, Mayor

ATTEST:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2012

AGENDA ITEM SUMMARY

DATE: 11/5/2012

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Summary of Hailey Ordinance No. 1110 (Development Impact Fee Ordinance Amendment)

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a summary of Hailey Ordinance No. 1110 which amended Chapter 15.16 of the Hailey Municipal Code.

Ned

<u>FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS</u>		Caselle # _____
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: (IF APPLICABLE)

___ City Attorney	___ Clerk / Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	___ _____
___ Safety Committee	___ P & Z Commission	___ Police	___ _____
___ Streets	___ Public Works, Parks	___ Mayor	___ _____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Make a motion to approve the summary of Hailey Ordinance No. 1110.

FOLLOW-UP REMARKS:

SUMMARY OF HAILEY ORDINANCE NO. 1110

The following is a summary of the principal provisions of Ordinance No. 1110 of the City of Hailey, Idaho, duly passed and adopted November 5, 2012, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING CHAPTER 15.16 OF THE HAILEY MUNICIPAL CODE, AMENDING SECTION 15.16.020 TO REVISE THE DEFINITION OF DEVELOPMENT IMPACT FEE ADMINISTRATOR AND TO ADD A DEFINITION FOR CHILD CARE FACILITY; AMENDING SECTION 15.16.030.03 TO ADD CHILD CARE FACILITY AS AN EXEMPTION; AMENDING 15.16.060.02 TO EXTEND THE TIME TO COMMENCE SYSTEM IMPROVEMENTS; REPLACING EXHIBIT "A" TO UPDATE THE DEVELOPMENT IMPACT FEE SCHEDULE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

Hailey Ordinance No. 987 amends Hailey Municipal Code, as follows:

Section 1 amends Section 15.16.020 of the Hailey Municipal Code to add the definition of "Child Care Facility", and is amended to revise the definition of "Development Impact Fee Administrator" to mean the Community Development Director.

Section 2 amends Section 15.16.030.03 of the Hailey Municipal Code to added Child Care Facility as an exemption from the requirements of Chapter 15.12 of the Hailey Municipal Code.

Section 3 amends Section 15.16.060.02 of the Hailey Municipal Code to increase the time from five to eight years to commence construction of System Improvements or appropriate funds for such construction and to increase the time to hold Development Impact Fees five to eight years if the City identifies in writing a) reasonable cause why fees should be held longer than eight years and b) an anticipated date to expend the fees not to exceed eleven years from the date of collection of the fees.

Section 4 amends Exhibit "A" to Chapter 15.16 of the Hailey Municipal Code by substituting a new Exhibit "A" entitled Development Impact Fee Schedule.

Section 5 provides for a repealer clause.

Section 6 provides for a severability clause.

Section 7 provides for an effective date of the ordinance.

The full text of Ordinance No. 1110 is available at Hailey City Hall at 115 South Main Street, Suite H, Hailey, Idaho 83333 and will be provided to any citizen upon request during regular business hours.

CERTIFICATION OF CITY ATTORNEY

I, the undersigned Attorney at Law, as attorney for the City of Hailey, Idaho, hereby certify that I have read the foregoing summary of Ordinance No. 1110 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1110, and that in my opinion, the above summary is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 5th day of November, 2012.

Ned Williamson, Hailey City Attorney

Publish: Idaho Mountain Express _____, 2012

AGENDA ITEM SUMMARY

DATE: October 15, 2012 **DEPARTMENT:** Community Development **DEPT HEAD:** M Austin

SUBJECT: Text amendment to Zoning Ordinance, Article 8.2 addressing temporary signs and standards.

AUTHORITY: (IF APPLICABLE) IAR _____ City Ordinance/Code Title 10.08.040

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Summary of ordinance revisions

- 1) Revises and updates the definition for Temporary Signs
- 2) Proposes standards for Temporary Signs that address placement, size, duration of use, and exemptions.

Background:

Working with local businesses on a solution to our temporary sign problem, Staff was able to draft the proposed in a way that meets the City's objectives while providing a business friendly approach for our local businesses. The intent of the ordinance is to minimize the potential clutter that a proliferation of temporary signs may cause and to ensure that Hailey's commercial corridor remains an inviting, aesthetically pleasing, and business friendly atmosphere for residents and visitors.

The Planning and Zoning Commission was involved in drafting this ordinance from beginning to end and a public hearing was held on October 9 before the Commission. Following the public hearing, the Commission voted unanimously to recommend this amendment to the City Council, citing compliance with the Comprehensive Plan, Sections 11.1 and 6.1.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS Caselle # _____

Budget Line Item # _____ YTD Line Item Balance \$ _____

Estimated Hours Spent to Date: _____ Estimated Completion Date: _____

Staff Contact: Micah Austin, Comm. Dev. Dir. Phone # 208-488-9815 ext 13

Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---|--|---|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Benefits Committee |
| <input type="checkbox"/> City Attorney | <input type="checkbox"/> Mayor | <input type="checkbox"/> Streets |
| <input type="checkbox"/> City Clerk | <input checked="" type="checkbox"/> Planning | <input type="checkbox"/> Treasurer |
| <input type="checkbox"/> Building | <input checked="" 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:

Adopt Ordinance No. _____ amending Section 8.2 of the Zoning Ordinance, addressing Temporary Signs and standards.

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date 10/15 - council approved - Mayor conducted 1st Reading by title only.
11/5 - 2nd Reading

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record *Additional/Exceptional Originals to: _____

STAFF REPORT

TO: Mayor Haemmerle and the Hailey City Council

FROM: Micah Austin, Community Development Director

RE: Zoning Ordinance Amendment – Section 8.2 addressing temporary signs and standards.

HEARING: October 15, 2012

Notice

- Notice for the public hearing was published in the Idaho Mountain Express on September 19 and 26, 2012 and mailed to public agencies and area media on September 20.

Proposal

- This city initiated text amendment addresses the definition of temporary signs and standards for displaying temporary signs. Specifically, the temporary sign definition was updated to define a temporary sign as, "A sign not permanently embedded in the ground or a sign not permanently affixed to a building or sign structure and which cannot be relocated without removing poles from the ground or dismantling the sign from a building or sign structure. A Temporary Sign is intended to display either commercial or noncommercial messages of a transitory or temporary nature. A Temporary Sign is not considered a Portable Sign." Based on staff's outreach to the public during the drafting period of this ordinance revision, the proposed new standards should be acceptable to the public. It is also anticipated that new standards will more enforceable and easier for the business community to interpret.

Procedural History

The text amendment was considered by the Planning and Zoning Commission on October 9, 2012:

- The Planning and Zoning Commission voted unanimously to recommend the amendment to the City Council, citing compliance with the Comprehensive Plan, Section 11.1 and 6.1. The Commission made changes or revisions to the proposed ordinance.

The text amendment will be considered by the City Council on October 15, 2012:

- If the City Council intends to proceed with adoption of this amendment, the following procedural schedule will be observed:
 - 1st Reading: October 15, 2012
 - 2nd Reading: October 29, 2012
 - 3rd Reading: November 5, 2012

Department Comments

The proposed ordinance revision is the result of staff work and several hours of outreach with businesses in our community that will be directly affected by this ordinance. Through working with the business owners, staff was able to draft ordinance that achieved the City's objectives while meeting the needs of the business community.

Standards of Evaluation

Note: Staff analysis is in lighter type,
Italicized words are words or phrases added by staff for clarification purposes.

14.6 When evaluating any proposed amendment under this Article, the Commission and Council shall make findings of fact on the following criteria:

a. The proposed amendment is in accordance with the Comprehensive Plan;
 The Commission should consider how the proposed amendments relates to the various goals of the Comprehensive Plan (listed below for reference).

The proposed amendment is in compliance with the following goals and objectives listed in the Comprehensive Plan:

- 1. Section 11.1 Establish a built environment that maintains a human scale, retains interest, aesthetics, encourages various levels of interaction among all members of the community, and enhances the character of different neighborhoods.**
 - a. The proposed ordinance addresses the recent proliferation of temporary signs in Hailey, particularly along the Main Street corridor, in hopes of *reducing sign clutter, improving aesthetics, and preventing “temporary signs” from becoming permanent through continual use.*
 - b. It is the opinion of staff that *the overabundance and lack of enforcement on temporary signs can be detrimental to the character of the community.*

- 2. Section 6.1 Encourage a diversity of economic development opportunities within Hailey**
 - a. This proposal *does not intend to limit the growth, opportunity, or profitability of any business in Hailey* and Staff has taken great care in making sure this amendment does not limit a business’s opportunity to succeed in Hailey
 - b. Through outreach to local businesses and through the required public process, Staff has provided the business community opportunity to voice their opinion on this amendment.

Comp Plan Goals (2010)	
1.1	Preserve, protect and restore natural resources including waterways, floodplains, wetlands, soil, community forest, native vegetation, green space and wildlife habitat and migration corridors for the benefit of the City and its residents.
1.2	Efficiently use and conserve resources.
1.3	Promote renewable energy production
1.4	Promote energy conservation

1.5	Promote air quality protection
2.1	Reduce the potential threat to loss of life, limb or property and minimize public expenditures due to natural and man-made hazards.
3.1	Assure the protection and preservation of Special Sites, Areas and Features to maintain a strong community identity for future generations
3.2	Protect the residential character of the original Townsite.
4.1	Create and maintain an interconnected system of parks, recreational facilities, trails, green spaces and natural lands in order to provide diverse recreation opportunities for Hailey residents within ¼ mile to ½ mile of the greatest number of residents.
5.1	Retain a compact City comprised a central downtown with surrounding diverse neighborhoods, areas and characteristics as depicted in the Land Use Map:
a.	Main Street Corridor – area of high density commercial, mixed use and residential development.
b.	Downtown - the historic commercial center containing the greatest concentration of commercial, cultural and civic activity. Downtown is the priority area for encouraging higher density commercial and mixed use (commercial and residential) development.
c.	Community Activity Areas – located at the north and south ends of the Main Street Corridor. High density residential is encouraged. Commercial and mixed use (commercial and residential) development is appropriate, but should be subordinate and secondary to the infill of Downtown.
d.	High Density Residential – high density residential infill is encouraged in the area along Main Street and River Street between Downtown and the north and south ends of Main Street.
e.	Residential Buffer – medium density residential, providing a buffer between lower density residential neighborhoods to the east and west and the Main Street District.
f.	Traditional Residential – Density varies depending on the qualities of different neighborhoods, generally density is higher within a ¼ mile of Downtown, Community Activity Areas or Neighborhood Service Centers and connected by transit service.
g.	Neighborhood Service Centers – Small commercial areas serving residents within walking distance (¼ to ½ mile) where commercial use is subordinate to residential uses and to Downtown or Community Activity Areas.
h.	Light Industrial – Areas containing uses important to a variety of business sectors that focus on the production of products and services that are less compatible with, and do not compete with, uses in Downtown and the Community Activity Areas.
i.	Airport Site Redevelopment – a diversity and integration of uses and community assets that complement and support Downtown and are connected within and to existing neighborhoods.
j.	Community Gateways – areas where one has a sense of arrival or sense of being within a part of town distinguished from others providing opportunities for special design considerations.

5.2	Maintain Downtown as the area containing the greatest concentration of commercial, cultural and civic activity and as the priority area for encouraging higher density commercial and mixed use (commercial and residential) development.
5.3	Continue cooperation with the Blaine County and the Friedman Memorial Airport Authority in regional planning efforts to optimally relocate the airport and plan for the long term redevelopment of the site within the city limits to ensure that changes in land use are beneficial to the community of Hailey.
5.4	Protect open space within and surrounding Hailey, including visible ridgelines, undeveloped hillsides and agricultural areas which help define the unique character of Hailey.
5.5	Lessen dependency on the automobile.
5.6	Manage and accommodate population growth by infill development and, when appropriate, minimal expansion by annexation and/or density increases.
5.7	Encourage development at the densities allowed in the Zoning Code.
6.1	Encourage a diversity of economic development opportunities within Hailey
6.2	Encourage abundant, competitive and career-oriented opportunities for young workers.
7.1	Encourage a variety of projects and programs that meet the needs generated by various segments of the population, especially the needs of those who risk suffering effects of discrimination or are socially or economically disadvantaged.
7.2	Encourage projects and programs that seek to provide opportunities for cultural, cross-cultural and educational enrichment.
8.1	Encourage development that provides opportunities for home ownership and rental homes for individuals and families of all socio-economic levels.
9.1	Plan for the long-term utilities, service and facility needs of the City while minimizing impacts to the greatest extent possible.
10.1.	Create and maintain a pedestrian and bicycle-friendly community that provides a safe, convenient and efficient multi-modal transportation system for all Hailey residents.
11.1.	Establish a built environment that maintains a human scale, retains interest, aesthetics, encourages various levels of interaction among all members of the community, and enhances the character of different neighborhoods.
12.1	Evaluate whether proposed regulatory or administrative actions may result in an unconstitutional taking of private property.
13.1	Encourage and facilitate the development of school facilities that are planned consistently with the city's other land use policies.
13.2	Ensure the provision of safe, adequate, convenient multi-modal transportation access to all existing and future school sites.

- b. **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;**
- There are no additional costs or compromise anticipated to public facilities and services.
- c. **The proposed uses are compatible with the surrounding area; and**
- There are no issues with compatibility regarding this amendment.
- d. **The proposed amendment will promote the public health, safety and general welfare.**
- It is not anticipated that the proposed amendment will adversely affect the public health, safety and welfare of citizens.

Summary

The Planning and Zoning Commission is required to hold a public hearing and determine whether the proposed amendment is in accordance with the applicable standards of evaluation and make a recommendation to the Council that the proposed amendment be granted or denied, or that a modified amendment be granted.

OR
If the proposed change is approved, the Council is required to pass an ordinance making said amendment part of Hailey Zoning Ordinance. The draft ordinance is attached.

Motion Language

Approval:

P&Z

Motion to recommend the City Council approve the proposed amendments to Section 8.2 of the Zoning Ordinance 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.

Council

Motion to approve the proposed amendments to Section 8.2 of the Zoning Ordinance, 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 _____ and authorize the mayor to conduct the first reading by title only.

Denial:

P&Z

Motion to recommend the City Council the proposed amendments to Section 8.2 of the Zoning Ordinance, finding that _____ [the Commission should cite which standards are not met and provided the reason why each identified standard is not met].

Council

Motion to deny _____ the proposed amendments to Section 8.2 of the Zoning Ordinance 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 of the Zoning Ordinance to _____ [the Commission should specify a date].

Table:

Motion to table the proposed amendment to Section _____

HAILEY ORDINANCE NO. 1112

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 8.2.2 OF HAILEY ZONING ORDINANCE NO. 532 TO REVISE THE DEFINITION OF TEMPORARY SIGN; AMENDING SECTION 8.2.5 TO DELETE THE SIZE LIMIT ON A TEMPORARY SIGN; ADDING A NEW SUBSECTION 8.2.11(H) TO PROVIDE TEMPORARY SIGN STANDARDS; 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 will generally conform with the Hailey Comprehensive Plan;

WHEREAS, the amendments will not create excessive additional requirements at public cost for public facilities and services; and

WHEREAS, the amendment will be in accordance with the safety and welfare of the general public.

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

Section 1. Section 8.2.2, Definitions, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language to the definition of "Temporary Sign", as follows:

~~Temporary Sign. A sign installed on a property for 72 hours or less and displayed no more than four times a year.~~ A sign not permanently embedded in the ground or a sign not permanently affixed to a building or sign structure and which cannot be relocated without removing poles from the ground or dismantling the sign from a building or sign structure. A Temporary Sign is intended to display either commercial or noncommercial messages of a transitory or temporary nature. A Temporary Sign is not considered a Portable Sign.

Section 2. Section 8.2.5 of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and by the addition of the underlined language, as follows:

A. 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.:

1. 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 (40') from natural grade.
2. Signs posted by a governmental entity.
3. Two Temporary Signs per building or if a multi-unit building, one per Unit, ~~less than 16 square feet each.~~
4. Signs with areas of four square feet or less.

5. Merchandise displayed in windows that does not display Copy.
6. Pennants and wind socks, which in no way identify or advertise a person, product, service or business.
7. Any Sign inside a building not visible from the exterior of the building.
8. Art located on private property which in no way identify or advertise a person, product, service or business.
9. Historic signs designated by the Hailey City Council as having historic significance to the City or replicas of historic signs as approved by the Hailey City Council.
10. 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.
11. Signs on licensed, and registered, vehicles that are used for normal day-to-day operations of a businesses, regardless of whether the business is located within Hailey.

Section 3. Section 8.2.11 of Hailey Zoning Ordinance No. 532, is hereby amended by the addition of a new subsection 8.2.11(H), as follows:

H. Temporary Signs.

1. A Temporary Sign shall be displayed for no more than ninety-six (96) hours and for no more than four (4) times per year with a minimum of a five (5) day interval between displays of the Temporary Sign.
2. No more than two (2) Temporary Signs are allowed for any building or for any Unit in a multi-unit building at any given time.
3. The total square footage of one or more Temporary Signs shall not exceed thirty-six feet (36').
4. The square footage of Temporary Signs is exempted from the total allotted sign square footage allowed for any building or for any Unit in a multi-unit building.
5. Temporary Signs shall not exceed the height of the roof lines of adjacent buildings or structures.
6. Temporary Signs shall not extend into a Street or Alley, unless specifically authorized in a sign permit.

Section 4. 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 5. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 6. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY
THE MAYOR THIS ____ DAY OF _____, 2012.

Fritz X. Haemmerle, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk