

AGENDA ITEM SUMMARY

DATE: 12-09-2013      DEPARTMENT: CDD      DEPT. HEAD SIGNATURE: MA

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**SUBJECT:** Consider approving one of four options for addressing Electronic Message Displays.

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**AUTHORITY:**        IAR \_\_\_\_\_       City Ordinance/Code Zoning Ordinance No. 532  
(IFAPPLICABLE)

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**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

**Options for Consideration**

**Option 1: Do nothing.**

- a. Under this option, staff will continue to deny applications for Electronic Message Displays, based on the Animated Sign prohibition in Article 8.2.6.
- b. Under this option, traditional Changeable Copy signs would be allowed.
- c. Approving the Wertheimer Park sign with a Changeable Copy could be included in this option.

**Option 2: Reject both ordinances and amend sign ordinance appropriately**

- a. Similar to Option 1, under this option Staff would continue to deny application for EMDs based on the ordinance addressing Animated Signs
- b. This option would establish a final Council decision, rather than letting the issue die for lack of a motion or discussion.
- c. As in Option 1, this option would allow the Council to approve the Wertheimer Park signs as presented and direct staff to proceed.
- d. Under this option, staff would present an amended sign ordinance at a future date that would clearly state that EMDs are no permitted in the City of Hailey

**Option 3: Adopt both ordinances as presented (both EMD and Information Overlay District)**

- a. Establishes clear criteria for EMDs within the City of Hailey
- b. This option allows EMDs under the ordinance, as long as the sign meets a specific set of criteria regulating size, color, text, hours of operation, content, and other standards.
- c. This would only allow EMDs within the Information Overlay District, which has not been established and the PZ did not recommend any locations. If the Council chose this option, further discussion would be necessary between the Council and PZ Commission regarding the location of the Information Overlay District.

**Option 4: Adopt an amendment that would clearly define Electronic Message Display signs with standards criteria, among other sign ordinance amendments.**

- a. The current code does establish clear criteria and leaves much up to interpretation. This amendment would address these areas.
- b. The amendment, as presented, also includes a Sign Matrix, similar to the District Use Matrix. The amendment also restructures the sign regulations.

### **Planning and Zoning Commission Recommendation from September 9, 2013 Meeting**

On September 9, 2013, the Planning and Zoning Commission considered the City Council's recommendation to reconsider the proposed ordinance to allow for Electronic Message Displays (EMD) only within the Information Overlay District, which has not been created. After lengthy discussion from all members of the Planning and Zoning Commission and consideration of the Council's recommendations, the Commission voted to recommend denial of the ordinance based on the following points:

1. The proposed ordinance is not compliant with Chapter 1, 3, and 5 of the Comprehensive Plan. These chapters address the following:
  - a. Chapter 1: Natural Resources, Energy, and Air Quality
  - b. Chapter 3: Special Area or Sites and Features
  - c. Chapter 5: Land Use, Population and Growth Management
2. The proposed ordinance conflicts with Comp Plan Goals 1.2, 3.3, and 5.5

After this motion was made, the Commission discussed the motion and voted 3-1 to recommend denial of the ordinance to the City Council. The public hearing was closed after the vote was finalized.

### **Procedural History**

The text amendment was considered by the Planning and Zoning Commission on March 11, 2013. At that meeting, the Commission made minor changes and directed staff to bring an updated copy of the ordinance back to the April 8 meeting. At the April 8 meeting, the Commission fielded questions from the public on this ordinance and directed staff to research these questions. At the April 22 meeting of the Planning and Zoning Commission, the Commission continued the public hearing and consideration for this amendment to the May 13 regular meeting. At the May 13 meeting of the Planning and Zoning Commission, a public hearing was held. Following the public hearing, the Planning and Commission voted unanimously to recommend denial of this zoning ordinance amendment to the City Council.

The City Council held a public hearing on June 17, 2013 to consider the Planning and Zoning Commission's recommendation and the zoning text amendment. The matter was continued to July 1, 2013, July 15, 2013 for discussion. To acquire public comment, the matter was continued to August 19, 2013 after an electronic message display was placed at the skatepark for the purpose of generating public comment for the duration of seven days.

After receiving public comment on the sign, the City Council directed staff to revise the ordinance to allow for EMDs within a new overlay district, the Information Overlay District, where such signs would be allowed for public purposes. Staff amended the proposed ordinance and drafted a new ordinance creating the Information Overlay District. After presenting these amendments and the new ordinance, the City Council remanded the EMD ordinance and the new ordinance creating the Information Overlay District back to the Planning and Zoning Commission for reconsideration.

On September 9, 2013, the Planning and Zoning Commission held a public hearing to reconsider the EMD ordinance. At that meeting, the Commission 3-1 to recommend denial of the ordinance to the City Council.

On October 7, 2013, the Hailey City Council held a public hearing to consider the Planning and Zoning Commission's recommendation on the EMD ordinance.

On December 16, 2013, the Hailey City Council held a public hearing to consider the PZ Commission's recommendation and the EMD Ordinance and Information Overlay District Ordinance.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:**

None

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)**

- |                                     |                    |                                     |                  |                                     |                    |
|-------------------------------------|--------------------|-------------------------------------|------------------|-------------------------------------|--------------------|
| <input checked="" type="checkbox"/> | City Administrator | <input type="checkbox"/>            | Library          | <input type="checkbox"/>            | Benefits Committee |
| <input checked="" 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 checked="" type="checkbox"/> | Building           | <input type="checkbox"/>            | Police           | <input checked="" type="checkbox"/> | Sustainability     |
| <input type="checkbox"/>            | Engineer           | <input type="checkbox"/>            | Public Works,    | <input type="checkbox"/>            | _____              |
| <input type="checkbox"/>            | Fire Dept.         | <input type="checkbox"/>            | Parks            | <input type="checkbox"/>            | _____              |
|                                     |                    | <input checked="" type="checkbox"/> | P & Z Commission |                                     |                    |

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Discuss the recommendation from the Planning and Zoning Commission and consider the ordinance for approval, denial, or continuation.

In the event Council rejects the EMD and Information Overlay District Ordinances, staff should be directed to present a new ordinance amending the sign code and clearly prohibiting EMDs.

**ACTION OF THE CITY COUNCIL:**

Date : \_\_\_\_\_  
City Clerk \_\_\_\_\_

**FOLLOW-UP:**

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

Copies (all info.): \_\_\_\_\_  
Instrument # \_\_\_\_\_

Copies (AIS only)

**Option 1:**

**Do nothing, proceed with approved  
Werthheimer Park sign**

Wertheimer Park Sign as approved November 2012





Custom Signcraft & Graphics

208-788-7446

208-788-8490 FAX

sign@windycitysv.com

P O Box 3661  
Hailey, ID 83333

# Estimate

Date	Estimate #
11/14/2012	070111-282

City of Hailey/City Hall  
115 Main St. South Ste. H  
Hailey ID 83333

Project

Item	Description	Qty	Cost	Total
Sign	WELCOME CENTER, 10" x 1/8" satin aluminum text, installed -stud mounted	1	1,326.00	1,326.00
Sign	Entrance sign: 8"x8"x10' timbers, aluminum arched sign back and second layer sign face with raised aluminum lettering, city logo full color printed face with over laminate on aluminum raised plate, lower portion aluminum plate with channel lettering mounts (four rows), acrylic face cover on hinges and lock, metal bands and caps for posts and holding sign plates. Sign based on 96" wide and 48" tall.	1	5,800.00	5,800.00
Sign	Led light strip for illumination. Electrical hook up. Arena sign: Metal arch 28', 22" wide with 16" lettering (aprox) red back plate with 2" floated black patina metal letters, frame work to create pads and mounts to existing posts and bolts, center of arch mounts to existing steel beam. Based on the text WERTHHEMER PARK. installed	1	6,500.00	6,500.00

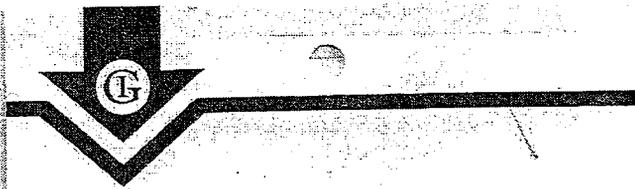
Thank you for the opportunity to quote.  
I look forward to doing business with you. Troy

**Subtotal** \$13,626.00

**Sales Tax (6.0%)** \$0.00

**Total** \$13,626.00

If this is agreed, please sign and fax back to us. If changes need to be made, please indicate. Thank you.



## LETTER VISIBILITY CHART

MAXIMUM READABLE DISTANCE	READABLE DISTANCE FOR MAXIMUM IMPACT	LETTER HEIGHT
100'	30'	3"
150'	40'	4"
200'	60'	6"
350'	80'	8"
400'	90'	9"
450'	100'	10"
525'	120'	12"
630'	150'	15"
750'	180'	18"
1000'	240'	24"
1250'	300'	30"
1500'	360'	36"
1750'	420'	42"
2000'	480'	48"
2250'	540'	54"
2500'	600'	60"

This letter visibility chart has been made for you based on information provided by the California Institute of Technology. The distances will vary approximately 10% with various color combinations. 5,280 feet equals one (1) mile. Maximum distance in color would be RED or BLACK on WHITE background.

**CALL 1-800-LETTERS**

FAX 1-507-263-4887

**GEMINI INCORPORATED**

103 Mensing Way

Cannon Falls, Minnesota 55009

In Canada call 1-800-265-0425; FAX 1-800-421-1256

**Option 2:**  
**Reject both ordinances and**  
**amend sign ordinance**  
**(no documents)**

**Option 3:**

**Adopt both ordinances as presented  
(both EMD and Information Overlay  
District)**

## STAFF REPORT

**TO:** Hailey City Council

**FROM:** Micah Austin, Community Development Director

**RE:** Zoning Ordinance Amendment: Section 8.2 amending the definition of Animated Signs, adding a definition for Electronic Message Display (EMD), and defining standards and regulations for Electronic Message Display and Animated Signs.

**HEARING:** Planning and Zoning: March 11, 2013; April 8, 2013; April 22, 2013 (tabled to May 13); May 13, 2013; September 9, 2013 (Noticed)

City Council: June 17, 2013; July 1, 2013, July 15, 2013; August 19, 2013; October 7, 2013; December 16, 2013

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### Notice

Planning and Zoning: Notice for the initial hearing before the Planning and Zoning Commission was published in the Idaho Mountain Express on Feb 20, 2013 and mailed to public agencies and area media on February 22, 2013. Notice for the initial public hearing before the City Council was published in the Idaho Mountain Express on May 29 and mailed to public agencies and area media on May 28.

Following the Council's decision to remand the ordinance back to the Planning and Zoning Commission for their review and reconsideration, notice for the hearing on September 9, 2013 was published in the Mountain Express on August 21, 2013 and mailed to public agencies on August 21, 2013.

After the Planning and Zoning Commission reconsidered the ordinance, the public hearing on October 7, 2013 before the City Council was published in the Mountain Express on September 18<sup>th</sup> and mailed to public agencies on September 16. All other public hearings were continued on the record.

### Proposal

The amendment is to Section 8.2 of the Hailey Zoning Ordinance, and proposes amending the definition of Animated Signs, adding a definition for Electronic Message Displays (EMD), and defines the standards for these signs. In addition, the revised ordinance prohibits EMDs in all zones and overlay districts except for the Information Overlay District (I).

### Planning and Zoning Commission Recommendation from September 9, 2013 Meeting

On September 9, 2013, the Planning and Zoning Commission considered the City Council's recommendation to reconsider the proposed ordinance to allow for Electronic Message Displays (EMD) only within the Information Overlay District, which has not been created. After lengthy discussion from all members of the Planning and Zoning Commission and consideration of the Council's recommendations, the Commission voted to recommend denial of the ordinance based on the following points:

1. The proposed ordinance is not compliant with Chapter 1, 3, and 5 of the

Comprehensive Plan. These chapters address the following:

- a. Chapter 1: Natural Resources, Energy, and Air Quality.
  - b. Chapter 3: Special Area or Sites and Features
  - c. Chapter 5: Land Use, Population and Growth Management.
2. The proposed ordinance conflicts with Comp Plan Goals 1.2, 3.3, and 5.5

After this motion was made, the Commission discussed the motion and voted 3-1 to recommend denial of the ordinance to the City Council. The public hearing was closed after the vote was finalized.

#### **City Council Decision from August 19, 2013 Meeting**

Following the Planning and Zoning Commission's recommendation to the City Council on May 13, 2013, the City Council considered the ordinance and, on August 19, chose to remand the ordinance back to the Planning and Zoning Commission with some revisions and recommendations. Specifically, the Council is recommending the EMDs are allowed only with the Information Overlay District, which does not currently exist. As a result, the Council has also submitted an ordinance creating the Information Overlay District and is seeking a recommendation from the Commission on this ordinance, along with a location(s) for the overlay district. Both of these ordinances, EMD and Information Overlay, are under consideration and have been noticed for separate public hearings on September 9, 2013.

#### **Planning and Zoning Commission Recommendation to City Council from May 13, 2013**

On May 13, 2013, the Planning and Zoning Commission held the third public hearing since March 11 on this proposed amendment to the zoning ordinance. At that meeting, after deliberation, the Commission voted unanimously to recommend denial of this amendment to the City Council. The Commission cited the following reasons for their recommendation against the amendment:

1. The amendment was not compliant with Section 11 of the Comprehensive Plan, which addresses Community Design. In particular, the Commission was concerned that this amendment would negatively alter the residential character of neighborhoods rather than "enhance the character of different neighborhoods," which is a goal 11.1 of the Comprehensive Plan.
2. The amendment was not compliant with the Outdoor Lighting section of the Zoning Ordinance (Article 8B).
3. The Commission was concerned that the ordinance, as written, would be challenged to allow commercial usage of electronic reader boards by entities other than educational and public institutions.
4. At the May 13 meeting, the Commission asked staff to communicate an "emphatic" recommendation of denial of this amendment to the City Council.

#### **Background**

In late 2012, the Middle School approached the City of Hailey and inquired whether they could install an electronic message display at their location to replace their current sign that uses movable letters that must be changed out manually. According to our current ordinance, EMDs are not allowed within the City of Hailey under §8.2.6(3) of the Zoning Ordinance. As a result of this request, Staff was directed to draft an ordinance that addresses the negative impacts of Electronic Message Displays and to establish a process by which to regulate such signs in a way that will not create aesthetic clutter. In researching this issue, staff has drafted

an ordinance that strictly regulates Electronic Message Displays and Animated Signs and invites a public process via Conditional Use Permit for any entity applying for use of these signs.

### **Procedural History**

The text amendment was considered by the Planning and Zoning Commission on March 11, 2013. At that meeting, the Commission made minor changes and directed staff to bring an updated copy of the ordinance back to the April 8 meeting. At the April 8 meeting, the Commission fielded questions from the public on this ordinance and directed staff to research these questions. At the April 22 meeting of the Planning and Zoning Commission, the Commission continued the public hearing and consideration for this amendment to the May 13 regular meeting. At the May 13 meeting of the Planning and Zoning Commission, a public hearing was held. Following the public hearing, the Planning and Commission voted unanimously to recommend denial of this zoning ordinance amendment to the City Council.

The City Council held a public hearing on June 17, 2013 to consider the Planning and Zoning Commission's recommendation and the zoning text amendment. The matter was continued to July 1, 2013, July 15, 2013 for discussion. To acquire public comment, the matter was continued to August 19, 2013 after an electronic message display was placed at the skatepark for the purpose of generating public comment for the duration of seven days.

After receiving public comment on the sign, the City Council directed staff to revised the ordinance to allow for EMDs within a new overlay district, the Information Overlay District, where such signs would be allowed for public purposes. Staff amended the proposed ordinance and drafted a new ordinance creating the Information Overlay District. After presenting these amendments and the new ordinance, the City Council remanded the EMD ordinance and the new ordinance creating the Information Overlay District back to the Planning and Zoning Commission for reconsideration.

On September 9, 2013, the Planning and Zoning Commission held a public hearing to reconsider the EMD ordinance. At that meeting, the Commission 3-1 to recommend denial of the ordinance to the City Council.

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### **Department Comments**

In many jurisdictions across the country and within the State of Idaho, Electronic Message Displays can be the most abused and can be the most aesthetically discouraging signs in any municipality. Bright lights, distracting animation, lack of architectural appeal, and general sign clutter are all byproducts of unregulated Electronic Message Displays. The ordinance under consideration attempts to address all these unappealing consequences of Electronic Message Displays while still allowing creativity for the entity seeking an EMD.

Such regulations in the proposal include a single color, no animation, minimum text size, minimum display size, and zoning restrictions are all intended to guide the production of an EMD to be tasteful, attractive, and informative. In addition, the proposed ordinance only allows use of an EMD or Animated Sign by local governments (City of Hailey, Blaine County)



*the above goal from the Comprehensive Plan. For this reason, staff has included certain display regulations that address brightness, illumination, colors, and the content of the messages on the display. The following is a summary of how the ordinance meets this Comp Plan goal:*

1. **Human Scale:** EMDs are limited to five feet maximum height to maintain human scale. Monument signs are required.
2. **Retains Interest:** Messages are limited to displaying information of public interest and public benefit and are restricted from any commercial messages.
3. **Aesthetics:** The electronic or reader board portion of the sign is limited to a maximum of 33% of the total sign area so as to allow for a more aesthetic and architecturally appealing sign that frames a reader board, rather than becoming overwhelmed by one.
4. **Encourages Interaction:** First, the messages will be of public interest and second, the public is invited to comment on all EMD applications because they would be required to have a CUP for approval.
5. **Enhances the Character of Different Neighborhoods:** The proposed ordinance does not enhance the character of different neighborhoods and could potentially detract from the character of a neighborhood. Design and a well guided public process will be essential to ensuring this is met.

*The proposed amendment could impact surrounding residential areas if an EMD were approved for a residential neighborhood without significant thought and planning given to minimizing impacts. As part of the CUP process, impacts from lighting, architectural design, and other features of the sign should be scrutinized to ensure that there are no negative consequences to a neighborhood.*

**Section 5: Land Use, Population and Growth Management**

**Goals 5.1 (b): Downtown, the historic commercial center containing the greatest concentration of commercial, cultural and civic activity.**

The proposed ordinance prohibits animated and electronic message display signs in the Business District, which encompasses all of downtown. This restriction was added to preserve the historical and aesthetic qualities of downtown where the primary activity is commercial. According to our proposed ordinance, EMDs shall be used only for non-commercial messages of public interest and not for any commercial purposes. Where our downtown should always maintain a walkable character, signs should be planned for pedestrian accessibility, rather than for vehicles passing nearby. It is staff’s opinion that Animated and EMD signs should not be allowed in the downtown area, thereby meeting this goal of the Comprehensive Plan.

<b>Comp Plan Goals (2010)</b>	
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**

The proposed amendment could most significantly impact surrounding residential areas if an EMD were approved for a residential neighborhood without significant thought and planning given to minimizing impacts. As part of the CUP process, impact from lighting, architectural design, and other features of the sign should be scrutinized to ensure that there are no negative consequences to a neighborhood.

- 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.

**Motion Language**

**Approval:**

Motion to approve the amendments to Section 8.2, adopting Ordinance No. \_\_\_\_\_, 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.

**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 amendments to Section 8.2 to \_\_\_\_\_ [the Council should specify a date].

**Table:**

Motion to table the proposed amendments to Section 8.2

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

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 8.2.2 TO AMEND THE DEFINITION OF ANIMATED SIGN AND TO ADD THE DEFINITION OF ELECTRONIC MESSAGE DISPLAY; BY AMENDING SECTION 8.2.6 OF THE HAILEY MUNICIPAL CODE TO DELETE ANIMATED SIGNS AS A PROHIBITED SIGN; BY AMENDING SECTION 8.2.11(I) OF THE HAILEY MUNICIPAL CODE TO PROVIDE FOR STANDARDS FOR ANIMATED SIGNS AND ELECTRONIC MESSAGE DISPLAYS; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City of Hailey wishes to regulate the display of animated signs and electronic message displays (EMD) for limited use by governmental and educational purposes;

WHEREAS, the current ordinance prohibits all electronic message displays that contain animation or intermittent light sources;

WHEREAS, the public safety and welfare and uniform aesthetic considerations are promoted by providing for regulations as to the use of animated signs and EMD;

WHEREAS, the City of Hailey finds a public benefit in allowing certain governmental and educational institutions the opportunity to implement electronic message displays strictly for public information;

WHEREAS, the proposed amendments are generally in accordance with the Comprehensive Plan;

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

WHEREAS, the proposed amendments will be in accordance with the welfare of the general public.

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

**Section 1.** Section 8.2.2 of the Hailey Municipal Code is amended by the deletion of the stricken language and addition of the underlined language and by the insertion of the definitions in alphabetical order, as follows:

Animated Sign. Any sign or part of a sign that changes physical position in any way, or that uses movement or change of lighting to depict action

~~or create a special effect or scene or the illusion of movement which gives the visual impression of movement or rotation.~~

Electronic Message Display. A sign or portion thereof capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

**Section 2.** Section 8.2.6 of the Hailey Municipal Code is amended by the deletion of the stricken language and addition of the underlined language, as follows:

8.2.6 Prohibited Signs.

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

1. 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.
2. 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.
3. 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.
4. 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.
5. Animated Signs.
6. 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.
7. Any Sign attached to or displayed on outdoor furniture.
8. Any Sign mounted on wheels.
9. Any inflatable object used for promotional or sign purposes, excluding standard size balloons.
10. Signs advertising a business that is located outside of the corporate limits of Hailey.
11. Signs using "day-glo," fluorescent, or brilliant luminescent colored or neon lit backgrounds.
12. Reflective colored material that gives the appearance of changing color.
13. Any Sign covering or obscuring windows, doors, storefronts, building entrances, eaves, cornices, columns, horizontal expression lines, or other architectural elements or details.

**Section 3.** Section 8.2.11 of the Hailey Municipal Code is amended by the addition of a new subsection I, as follows:

I. Any animated sign and electronic message displays (EMD) shall conform to the following requirements:

1. Shall only be allowed for the purpose of informing the public with non-commercial messages of public interest and public education. EMD and animated signs are not allowed for commercial use or by any entities other than local governments or public educational institutions.

2. Shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing/varying of light intensity.

3. No more than one message may be displayed per 24 hour period.

4. Area of EMD or Animated sign shall not occupy more than thirty three (33) percent, or 1/3, of the total sign area. Maximum area for such displays is thirty (30) square feet, which includes front and back sides of the sign.

5. Shall emit a light of constant intensity, not to exceed 5,000 nits on clear days and 500 nits from dusk to dawn. In no event shall such an illuminated sign or device be placed or directed to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises to cause glare or reflection that may constitute a traffic hazard or nuisance. Electronic Message Display portion of the sign shall only operate between 7:00 am and 10:00 pm.

6. Text-only single color message displays with letters no higher than twelve (12) inches.

7. Number: limited to one per location and property.

8. Height: The EMD portion of the sign shall exceed five (5) feet in height from record grade.

9. Such signs, displays, or device may not be installed on a non-conforming sign. A monument sign is required.

- 10. Allowed only in the Information Overlay District (I).
- 11. Allowed only with a conditional use permit.

**Section 4.** 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 5.** Repealer Clause. All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

**Section 6.** 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 \_\_\_\_\_, 2013.**

\_\_\_\_\_  
FRITZ HAEMMERLE, Mayor

ATTEST:

\_\_\_\_\_  
MARY CONE, City Clerk

**Option 4:**

**Adopt an amendment that would clearly define Electronic Message Display signs with standards criteria, among other sign ordinance amendments.**

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

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SUBSECTION 8.2.2 TO AMEND THE DEFINITION OF ANIMATED SIGN AND CHANGEABLE COPY SIGN AND TO ADD THE DEFINITION OF ELECTRONIC MESSAGE DISPLAY; BY REPEALING SUBSECTIONS 8.2.7, 8.2.9, 8.2.10 AND 8.2.11 AND ADDING A NEW SUBSECTION 8.2.7 TO ESTABLISH DESIGN GUIDELINES AND STANDARDS; BY REPEALING SUBSECTION 8.2.8 AND REPLACING IT WITH A NEW SUBSECTION 8.2.8 TO ESTABLISH A SIGN MATRIX; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City of Hailey wishes to regulate the display of electronic message displays (EMD) for limited use by governmental and educational purposes;

WHEREAS, the current ordinance prohibits electronic message displays in certain zoning districts;

WHEREAS, the public safety and welfare and uniform aesthetic considerations are promoted by providing for regulations as to the use of EMD's;

WHEREAS, the City of Hailey finds a public benefit in allowing certain governmental and educational institutions the opportunity to implement electronic message displays strictly for public information;

WHEREAS, the proposed amendments are generally in accordance with the Comprehensive Plan;

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

WHEREAS, the proposed amendments will be in accordance with the welfare of the general public.

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

**Section 1.** Subsection 8.2.2 of the Hailey Municipal Code is amended by the deletion of the stricken language and addition of the underlined language and by the insertion of the definitions in alphabetical order, as follows:

**Animated Sign.** Any sign or part of a sign that changes physical position in any way, or that uses movement or change of lighting to depict action

or create a special effect or scene or the illusion of movement which gives the visual impression of movement or rotation.

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

Electronic Message Display (EMD) Sign. A Changeable Copy Sign or portion thereof using backlighting or internal lighting capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

**Section 2.** Subsections 8.2.7, 8.2.9, 8.2.10 and 8.2.11 of the Hailey Municipal Code are repealed and replaced by a new Subsection 8.2.7, as follows:

8.2.7 Design Guidelines and Standards.

8.2.7.1 General Guidelines. The following are suggested ways to increase the effectiveness of Signs placed within the City

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.



Easy-to-read fonts should be used and hard to read fonts should be avoided.



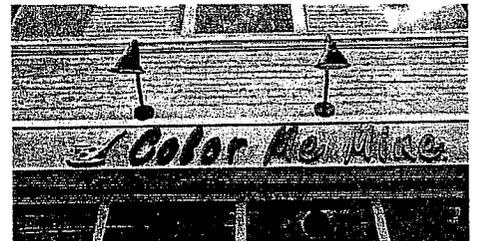
8.2.7.2 Lighting Standards.

A. All internally and externally lighted Signs shall comply with lighting standards as set forth in Article VIII B of the Hailey Zoning Ordinance.

B. A sign lit by an external light source shall specifically illuminate the Sign.

C. Signs using backlighting or internal lighting shall only illuminate the Copy portion of the Signs. All other areas, including background, shall be constructed, treated and colored in a manner which makes those areas opaque.

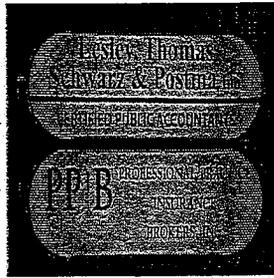
Externally illuminated sign (Allowed)



Internal illumination of symbols and letters but not the sign background (Allowed)



Internally illuminated  
sign where the  
background is  
illuminated  
(Prohibited)



Backlighting behind individually  
mounted letters (Allowed)



D. A maximum of 2 neon Signs per Unit or building shall be allowed, regardless of whether the sign requires a permit.

#### 8.2.7.3 Area Standards.

A. Except as otherwise provided herein, the 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.

1. A building with only one Unit that meets or exceeds 75 feet of linear Building Frontage shall not exceed 150 square feet of total sign area.

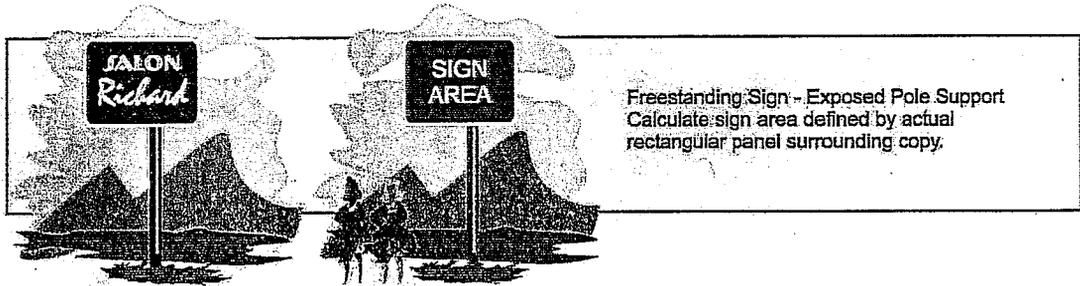
2. The total Sign area permitted for a multi-unit building shall be determined by the Master Sign Plan.

B. Signs on vacant properties are subject to Section 8.2.7.5(C), and are allowed only one Sign per lot.

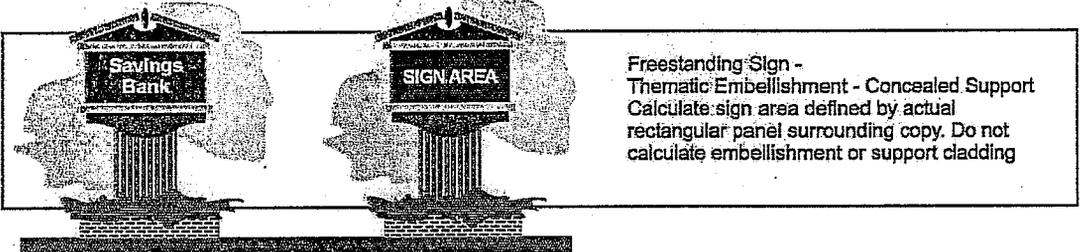
C. The total aggregate area of all Signs for any building shall not exceed the total Sign area permitted. All Sign faces displayed that are over four (4) square feet shall be included in determining the total aggregate Sign area for a building.

D. The area of a Sign shall be computed using all faces of a Sign within one or more perimeters which form the outside shape of the surface upon, against or through which the Copy is displayed or illustrated, excluding structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

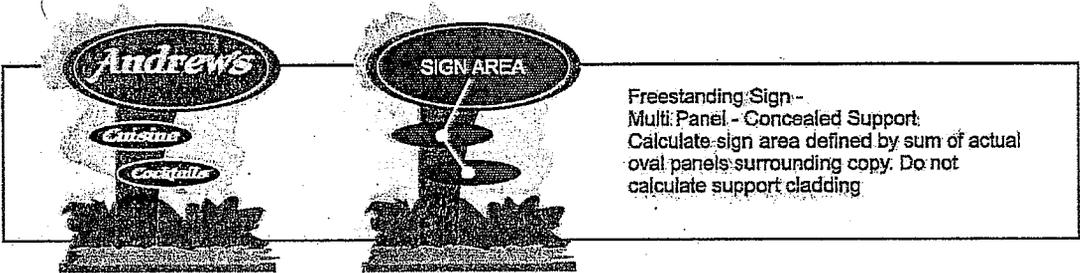
1. Sign Area Computational Methodology examples.



Freestanding Sign - Exposed Pole Support  
Calculate sign area defined by actual rectangular panel surrounding copy.



Freestanding Sign - Thematic Embellishment - Concealed Support  
Calculate sign area defined by actual rectangular panel surrounding copy. Do not calculate embellishment or support cladding



Freestanding Sign - Multi Panel - Concealed Support  
Calculate sign area defined by sum of actual oval panels surrounding copy. Do not calculate support cladding



Freestanding Sign - Monument Thematic Embellishment - Concealed Support  
Calculate sign area defined by imaginary panel drawn around copy. Do not calculate embellishment or monument background



Freestanding Sign - Monument Thematic Embellishment - Concealed Support  
Calculate sign area defined by actual oval panel surrounding copy. Do not calculate embellishment or monument background

- E. Internally lighted Signs shall not exceed a total of 75 square feet for any building.
- F. The size standards in Section 8.2.7.5 shall apply and control the total sign area permitted for each type of sign.

8.2.7.4 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. Each street level interior Units without an individual street level entrance and/or each Units located above the ground floor shall be limited to one Sign.

C. The location and placement of all exterior Signs for all units within a multi-unit Building shall be determined and shall be consistent with the design, scale and proportion of the Building and shall be mounted accordingly.

D. The Sign area available for any business within a multi-tenant or Mixed Use Building shall be limited to the amount allocated to the Unit the Business occupies in the approved Master Sign Plan.

E. The Master Sign Plan shall consider the number of units, the Building Façade area and configuration, existing Sign area-if applicable and should reasonably provide signage for each Unit.

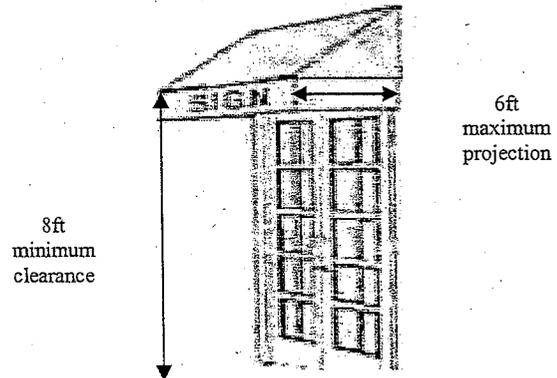
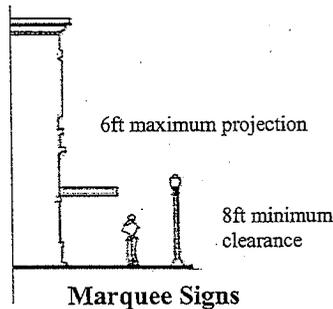
G. The size standards in Section 8.2.7.5 shall apply and control the total Sign area permitted for each type of Sign.

8.2.7.5 Standards for Categories of Signs.

A. Awning and Marquee Signs.

1. The Copy area is limited to the valances of the awnings.

2. 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.



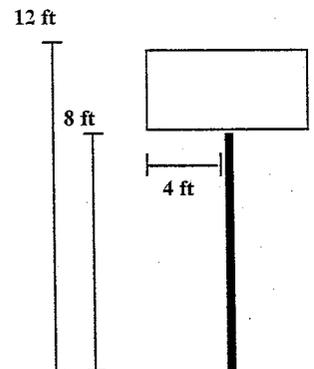
B. Freestanding Signs.

1. The height shall not be greater than twelve feet (12'), measured from natural grade to the top of the Sign.

2. Shall provide eight feet (8') of ground clearance if projecting over the public right-of-way.

3. There shall be only one Freestanding Sign per Building.

4. 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 24



square feet.

5. Shall not extend, at any point, more than four feet (4') into the public right of way.

C. Portable Signs.

1. Any Portable Sign is limited to two (2) sign faces or two (2) sides per Portable Sign.

2. 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.

3. One Portable Sign is permitted per Unit.

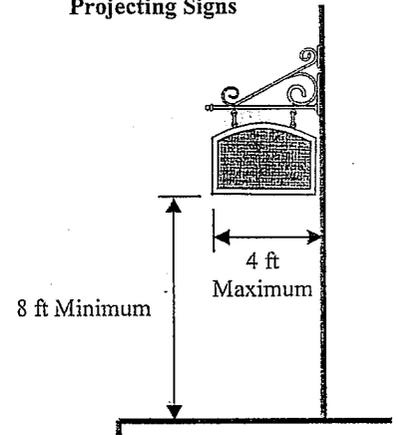
4. Portable Signs shall be weighted or anchored in some manner to prevent them from being moved or blown over by the wind.

5. Portable Signs shall not be located so as to obstruct pedestrian or vehicular traffic, or obstruct sight lines at intersections.

6. No more than two (2) Portable Signs placed in the public right-of-way shall be permitted per corner.

7. Portable Signs must be located in a manner that that maintains thirty-six inches (36") of clear width along all public right-of-ways.

Projecting Signs



D. Projecting Signs.

1. 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.

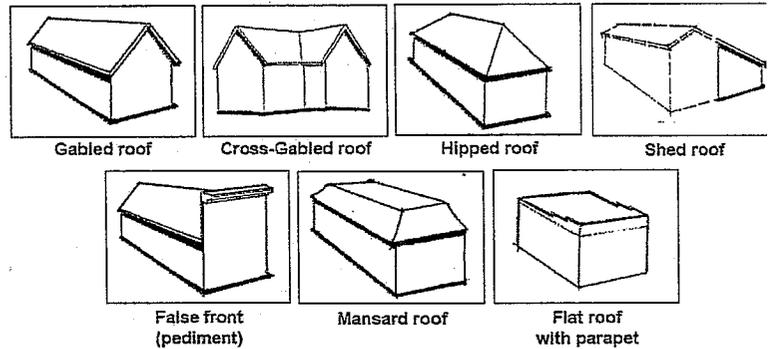
2. Signs must have at least eight feet (8') of vertical clearance when projecting

over a pedestrian access way, measured from natural grade to the bottom of the Sign.

3. No part of the Sign may extend higher than the lowest portion of a flat roof, the top of a parapet wall, the vertical portion of a mansard roof, the eave line or fascia of a gable, gambrel, or hipped roof.

4. Any portion of a Projecting Sign shall be located below the bottom of any second floor window of a multi-unit building.

Typical Roof Types



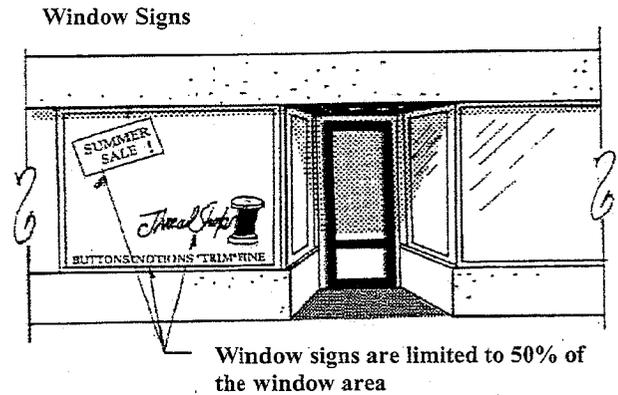
E. Wall Signs.

1. 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.

2. No part of the Sign may extend higher than the lowest portion of a flat roof, the top of a parapet wall, the vertical portion of a mansard roof, the eave line or fascia of a gable, gambrel, or hipped roof.

F. Window Signs.

1. 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.



G. Changeable Copy Signs.

1. 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.

2. The size of any Changeable Copy Sign shall be determined by the applicable size standards specified for an Awning and Marquee, Freestanding, Portable, Projecting, Wall, or Window Sign.

H. Electronic Message Display (EMD) Signs.

1. Shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing/varying of light intensity.

2. No more than one message may be displayed per 24 hour period.

3. Area of an EMD sign shall not occupy more than thirty three (33) percent, or 1/3, of the total sign area. Maximum area for such displays is thirty (30) square feet, which includes front and back sides of the sign.

4. Shall emit a light of constant intensity, not to exceed 5,000 nits on clear days and 500 nits from dusk to dawn. In no event shall such an illuminated sign or device be placed or directed to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises

to cause glare or reflection that may constitute a traffic hazard or nuisance. Electronic Message Display portion of the sign shall only operate between 7:00 am and 10:00 pm.

5. Text-only single color message displays with letters no higher than twelve (12) inches.

6. Number: limited to one per location and property.

7. Height: The top of the EMD portion of the sign shall not exceed five (5) feet in height from record grade.

8. Such signs, displays, or device may not be installed on a non-conforming sign. A monument sign is required.

9. Shall only be allowed for the purpose of informing the public with non-commercial messages of public interest and public education. EMD are not allowed for commercial use or by any entities other than local governments or public educational institutions.

10. Allowed only in the Information Overlay District (I).

11. Allowed only with a conditional use permit.

I. 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 3.** Subsection 8.2.8 of the Hailey Municipal Code is repealed and replaced by a new Subsection 8.2.8, as follows:

8.2.8 Sign Matrix. Signs are permitted or non-permitted in the zoning districts as follows:

Sign Description or Category	Zoning Districts											
	RGB	LR	GR	N B	LB	TN	B	LI	TI	A	SCI- SO	SCI- F
Awning and Marquee	N	N	N	P	P	P	P	P	P	P	P	P
Changeable Copy	N	N	N	P	P	P	P	P	P	P	P	P
Externally Lit Sign	N	N	N	P	P	P	P	P	P	P	P	P
Freestanding	P	P	P	P	P	P	P	P	P	P	P	P
Internally Lit and Neon Signs	N	N	N	N	N	N	P	P	P	P	P	P
Portable	N	P	P	P	P	P	P	P	P	P	P	P
Projecting	N	N	N	P	P	P	P	P	P	P	P	P
Temporary Signs	N	N	N	N	P	P	P	P	P	P	P	P
Wall Signs	P	N	P	P	P	P	P	P	P	P	P	P
Window Signs	N	N	N	P	P	P	P	P	P	P	P	P

A "P" indicates that a sign is permitted in the respective zoning district, provided the sign conforms to the applicable requirements of the Land Use Ordinance. An "N" indicates that a sign is not allowed in the respective zoning district.

**Section 4. 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 5. Repealer Clause.** All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

**Section 6. 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 \_\_\_\_\_, 2013.**

\_\_\_\_\_  
FRITZ HAEMMERLE, Mayor

ATTEST:

\_\_\_\_\_  
MARY CONE, City Clerk



**AGENDA ITEM SUMMARY**

**DATE:** 12-16-2013      **DEPARTMENT:** CDD      **DEPT. HEAD SIGNATURE:** MA

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**SUBJECT:** \*See Agenda Item Summary and packet for public hearing on EMDs. The ordinances and all options will be addressed in one combined discussion.

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**AUTHORITY:**        IAR \_\_\_\_\_       City Ordinance/Code Zoning Ordinance No. 532  
(IF APPLICABLE)

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**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

\*See Agenda Item Summary and packet for public hearing on EMDs. The ordinances and all options will be addressed in one combined discussion.

**Planning and Zoning Recommendation from September 9, 2013 Meeting**

On September, 9, 2013, the Planning and Zoning Commission considered the proposed ordinance creating the Information Overlay District. At that same meeting, the Commission voted 3-1 to deny the EMD Ordinance, citing non-compliance with the Comprehensive Plan. After discussing and deliberation amongst the Commissioners, the Commission voted 4-0 to recommend denial of the ordinance creating the Information Overlay District. According to the motion and based on their decision regarding the EMD ordinance, the Commission found that the ordinance creating the Information Overlay District "was unnecessary and the zoning district would have no purpose."

**Background**

In response to the Planning and Zoning Commission's concerns over the ordinance allowing Electronic Message Displays within the City of Hailey, the City Council proposed prohibiting these signs except within an overlay district specifically designed for this purpose. Instead of taking action on the ordinance allowing electronic message displays, the City Council chose to remand the ordinance back to the Planning and Zoning Commission with recommendations. The Council also suggested the Planning and Zoning Commission reconsider the EMD ordinance in connection with the proposed ordinance creating the Information Overlay District (I). In addition to a recommendation on the ordinance creating the Information Overlay District (I), the Council was seeking a recommendation on the location(s) for the overlay district.

**Procedural History**

- A public hearing on the proposed text amendment was heard on September 9, 2013 before the Hailey Planning and Zoning Commission.
  
- A public hearing was heard on October 7, 2013, before the Hailey City Council.

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**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:**

None

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**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

<input checked="" type="checkbox"/> City Administrator	<input type="checkbox"/> City Clerk	<input type="checkbox"/> Engineer
<input checked="" type="checkbox"/> City Attorney	<input checked="" type="checkbox"/> Building	<input type="checkbox"/> Fire Dept.

- |                                     |                  |                                     |                    |
|-------------------------------------|------------------|-------------------------------------|--------------------|
| <input type="checkbox"/>            | Library          | <input type="checkbox"/>            | Benefits Committee |
| <input type="checkbox"/>            | Mayor            | <input type="checkbox"/>            | Streets            |
| <input checked="" type="checkbox"/> | Planning         | <input type="checkbox"/>            | Treasurer          |
| <input type="checkbox"/>            | Police           | <input checked="" type="checkbox"/> | Sustainability     |
| <input type="checkbox"/>            | Public Works,    | <input type="checkbox"/>            | _____              |
| Parks                               |                  | <input type="checkbox"/>            | _____              |
| <input checked="" type="checkbox"/> | P & Z Commission |                                     |                    |

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Discuss the options presented and take action.

**ACTION OF THE CITY COUNCIL:**

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

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

**FOLLOW-UP:**

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

Copies (all info.):

Instrument # \_\_\_\_\_

Copies (AIS only)

## STAFF REPORT

**TO:** Hailey City Council

**FROM:** Micah Austin, Community Development Director

**RE:** Zoning Ordinance Amendment – Amending Hailey’s Zoning Ordinance No. 532 by adding a new Section 4.15 to create an Information Overlay District (I), and by amending the Official Zoning Map for the City of Hailey to include the Information Overlay District.

**HEARING:** Planning and Zoning: September 9, 2013  
City Council: October 7, 2013; December 16, 2013

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### Notice

- Planning and Zoning: Notice for the public hearing was published in the Idaho Mountain Express on August 21, 2013 and mailed to public agencies and area media on August 21, 2013
- City Council: Notice for the public hearing was published in the Idaho Mountain Express on September 18<sup>th</sup>, 2013 and mailed to public agencies on September 18<sup>th</sup>, 2013.

### Proposal

The proposed ordinance creates Section 4.15, establishing an Information Overlay District (I) to allow for the use of electronic message displays (EMD) in the Information Overlay District, and amends the Official Zoning Map for the City of Hailey to include the Information Overlay District.

### Procedural History

A public hearing on the proposed text amendment was heard on September 9, 2013 before the Hailey Planning and Zoning Commission.

A public hearing will be heard on October 7, 2013, before the Hailey City Council.

### Planning and Zoning Recommendation from September 9, 2013 Meeting

On September, 9, 2013, the Planning and Zoning Commission considered the proposed ordinance creating the Information Overlay District. At that same meeting, the Commission voted 3-1 to deny the EMD Ordinance, citing non-compliance with the Comprehensive Plan. After discussing and deliberation amongst the Commissioners, the Commission voted 4-0 to recommend denial of the ordinance creating the Information Overlay District. According to the motion and based on their decision regarding the EMD ordinance, the Commission found that the ordinance creating the Information Overlay District “was unnecessary and the zoning district would have no purpose.”

### Background

In response to the Planning and Zoning Commission’s concerns over the ordinance allowing Electronic Message Displays within the City of Hailey, the City Council proposed prohibiting these signs except within an overlay district specifically designed for this purpose. Instead of

taking action on the ordinance allowing electronic message displays, the City Council chose to remand the ordinance back to the Planning and Zoning Commission with recommendations. The Council also suggested the Planning and Zoning Commission reconsider the EMD ordinance in connection with the proposed ordinance creating the Information Overlay District (I). In addition to a recommendation on the ordinance creating the Information Overlay District (I), the Council was seeking a recommendation on the location(s) for the overlay district.

### 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 Council should consider how the proposed amendments relate to the various goals of the Comprehensive Plan (listed below for reference). Section 11, Community Design, has been addressed as being most applicable to this application as seen below.*

### **Section 11: COMMUNITY DESIGN**

Goal 11.1: Establish a built environment that maintains human scale, retains interest, aesthetics, encourages various levels of interaction among all members of the community, and enhances the character of different neighborhoods.

*The following is a summary of how the ordinance meets this Comp Plan goal:*

1. **Retains Interest:** *The essence of the Information Overlay District is to disperse public information that is interesting, valuable, and necessary to the public. EMDs within the Information Overlay District are limited to displaying information of public interest, public benefit, and public events and are restricted from any commercial messages.*
2. **Aesthetics:** *Aesthetic concerns will be addressed according to the EMD ordinance and during the Condition Use Permit process. For example, if permitted within the Information Overlay District, the electronic or reader board portion of an EMD sign is limited to a maximum of 33% of the total sign area so as to allow for a more aesthetic and architecturally appealing sign that frames a reader board, rather than becoming overwhelmed by one.*
3. **Encourages Interaction:** *First, the messages will be of public interest and second, the public is invited to comment on all EMD applications because they would be required to have a CUP for approval.*
4. **Enhances the Character of Different Neighborhoods:** *The Information Overlay District must be carefully placed so as not to have negative impacts on the surrounding neighborhood(s). The proposed overlay district could potentially detract from the character of a neighborhood.*

*The Information Overlay District, and specifically the use of EMDs, could most significantly impact surrounding residential areas if an EMD were approved for a residential*

*neighborhood without significant thought and planning given to minimizing impacts. As part of the CUP process, impacts from lighting, architectural design, and other features of the sign should be scrutinized to ensure that there are no negative consequences to a neighborhood.*

**Section 5: Land Use, Population and Growth Management**

**Goals 5.1 (b): Downtown, the historic commercial center containing the greatest concentration of commercial, cultural and civic activity.**

The proposed EMD ordinance prohibits animated and electronic message display signs in the Business District, which encompasses all of downtown. This restriction was added to preserve the historical and aesthetic qualities of downtown where the primary activity is commercial. According to our proposed ordinance, EMDs shall be used only for non-commercial messages of public interest and not for any commercial purposes. Where our downtown should always maintain a walkable character, signs should be planned for pedestrian accessibility, rather than for vehicles passing nearby. It is staff's opinion that EMD signs should not be allowed in the downtown area, thereby meeting this goal of the Comprehensive Plan. When considering locations for the Information Overlay District, the Council should take this into consideration.

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**

If the Information Overlay District is located in residential neighborhoods, there could be a negative impact surrounding on the residential areas as a result of EMD usage. As part of the CUP process, impact from lighting, architectural design, and other features of the sign should be strictly scrutinized to ensure that there are minimal, if not zero, negative consequences to a neighborhood.

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

The Information Overlay District is meant to provide an avenue for the usage of EMDs, which will be used to inform the public of important issues, events, and information that is non-commercial. These messages could include information on special events, road closures, community events, emergency notifications, and other message of public interest. In this way, it is designed to promote the public health, safety and general welfare.

**Motion Language**

**Approval:**

**Council**

Motion to approve the proposed amendments to Hailey's Zoning Ordinance No. 532 by adding a new Section 4.15 to create an Information Overlay District (I), by amending Section 5.4 to add electronic message displays and animated signs as permitted signs in the Information Overlay District, and by amending the Official Zoning Map for the City of Hailey to include the Information Overlay District, 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:**

**Council**

Motion to deny \_\_\_\_\_ the proposed amendments to Hailey's Zoning Ordinance No. 532 by adding a new Section 4.15 to create an Information Overlay District (I), by amending Section 5.4 to add electronic message displays and animated signs as permitted signs in the Information Overlay District, and by amending the Official Zoning Map for the City of Hailey to include the Information Overlay District, 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 amendments to Hailey's Zoning Ordinance No. 532 by adding a new Section 4.15 to create an Information Overlay District (I), by amending Section 5.4 to add electronic message displays and animated signs as permitted signs in the Information Overlay District, and by amending the Official Zoning Map for the City of Hailey to include the Information Overlay District, to \_\_\_\_\_ [the Council should specify a date].

**Table:**

Motion to table the proposed amendment to amendments to Hailey's Zoning Ordinance No. 532 by adding a new Section 4.15 to create an Information Overlay District (I), by amending Section 5.4 to add electronic message displays and animated signs as permitted signs in the Information Overlay District, and by amending the Official Zoning Map for the City of Hailey to include the Information Overlay District,

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

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY ADDING A NEW SECTION 4.15 WHICH CREATES AN INFORMATION OVERLAY DISTRICT, AND BY AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF HAILEY TO INCLUDE THE INFORMATION OVERLAY DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, to promote certainty and clarity, the Mayor and the City Council of the City of Hailey desire amend the Hailey Zoning Ordinance to create an Information Overlay District to permit electronic message displays and animated signs in the information Overlay District;

WHEREAS, the proposed amendments are generally in accordance with the Comprehensive Plan;

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

WHEREAS, the proposed amendments will be in accordance with the 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.** Hailey Zoning Ordinance No. 532 is hereby amended by the addition of a new Chapter 4.16, as follows:

**4.15 INFORMATION OVERLAY DISTRICT (I)**

**4.15.1 Purpose.**

The purposes of the Information Overlay District are to encourage non-commercial messages of public interest and public education and to restrict the use of Animated Signs and Electronic Message Displays to limited areas within the City of Hailey.

**4.15.2 Establishment of the Information Overlay District.**

The Information Overlay District is hereby established for all properties lying within the boundaries of the Information Overlay District as shown on the Official Zoning Map of the City of Hailey. The Information Overlay District applies to these properties regardless of the zoning district designation. Where the regulations specified in this Section differ from the corresponding regulations specified for the underlying zoning district, the requirements of this Section shall apply and control.

4.15.3 Uses. The permitted, conditional and accessory uses shall be the same as those uses in the underlying zoning district.

**Section 2.** The Official Zoning Map for the City of Hailey is hereby amended to include the Information Overlay District (I) as shown on attached **Exhibit "A."**

**Section 3.** 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 4.** All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

**Section 5.** 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 \_\_\_\_\_, 2013.**

\_\_\_\_\_  
Fritz X. Haemmerle, Mayor

Attest:

\_\_\_\_\_  
Mary Cone, City Clerk