

HAILEY ORDINANCE NO. 1056

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

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

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

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

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

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

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 Section 8.2 of the Hailey Zoning Ordinance No. 532, is hereby repealed in its entirety and replaced with the addition of a new Section 8.2, as follows:

8.2. Signs.

8.2.1 Purpose:

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

1. Protect the public health, safety, and welfare of persons within the community.
2. Aid in the development and promotion of business and industry.
3. Encourage aesthetic creativity, effectiveness and flexibility in the design of such devices without creating detriment to the general public.
4. Reduce hazardous situations, confusion and visual clutter caused by proliferation, improper placement or illumination, and/or bulk of Signs which compete for the



Sign clutter is prohibited

attention of pedestrian and vehicular traffic.

8.2.2 Definitions:

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

Animated Sign. Any sign or part of a sign that changes physical position in any way, or which gives the visual impression of movement or rotation.

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

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

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

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

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

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

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

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

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

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

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

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

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

Portable Sign. Any sign not permanently attached to the ground or to a building, and designed to be easily relocated. Also referred to as a sandwich board sign.

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

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

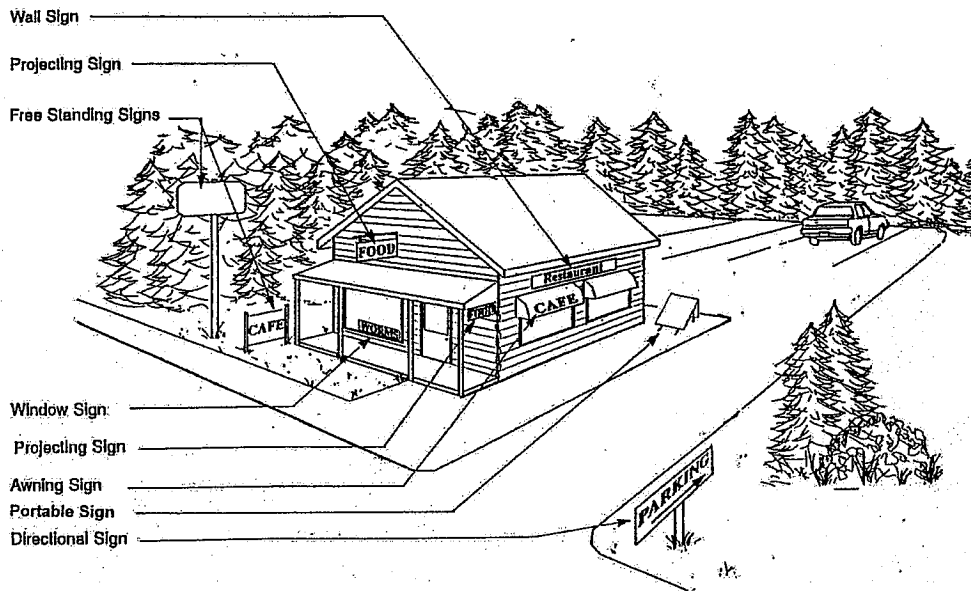
Sign. Every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interest of any person, entity, product, or service. The definition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

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

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

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

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



SIGN DEFINITIONS

8.2.3 Applicability

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

8.2.4 Sign Permits

- A. Applications for permits for Signs shall include the following:
1. A site plan which specifies the linear footage of Building Frontage, if applicable, the location of the sign structure, and if the sign is to be mounted on the building, drawings which show the scale of the sign in context with the scale of the building.
 2. A colored rendering and scaled drawing including:
 - a. color samples,
 - b. dimensions of all sign faces,
 - c. descriptions of materials to be used,
 - d. manner of construction,
 - e. method of attachment, and
 - f. if a Master Sign Plan is required, the Unit designation of each sign or the maximum square footage available to each Unit.
 3. A copy of a State of Idaho Electrical Installation Permit for any internally lighted or Neon Sign.
 4. A sign permit application on the form provided by the City.
 5. Appropriate fees as established by separate ordinance of the Hailey City Council.
 6. Multiple Signs may be permitted on one (1) sign permit application, subject to one (1) sign permit fee, provided the application includes all information relevant to all Signs being permitted at that time.

7. Any sign permit application for a Portable Sign to be placed within the public right-of-way shall include an additional inspection fee as set forth by separate ordinance.
 8. Sign permits for Portable Signs in the public right-of-way shall also be subject to an annual application renewal and inspection permit, for which a fee shall be charged as set forth by separate ordinance.
- B. A complete Master Sign Plan must be submitted at the time of design review application for any a multi-unit or mixed use building.
1. The Master Sign Plan must conform to all applicable sections of 8.2 and is subject to the same application, permitting and fee requirements.
 2. For a new Sign, the tenant(s) or owner(s) of an individual Unit, who occupy a space that has an approved Master Sign Plan, must submit a separate sign permit application, which conforms to the Master Sign Plan. If no Master Sign Plan exists, the owner of a multi-unit building shall submit a Master Sign Plan along with the separate sign permit application and shall be subject to one (1) sign permit fee.
 3. The maximum aggregate area of all Signs available to each Unit shall be determined by dividing the total sign area permitted for the building by the number of Units, occupied or unoccupied, unless otherwise proposed in the Master Sign Plan while still complying with the maximum aggregate area of signage available to the building.
 4. Approval of a Master Sign Plan is required to be in the form of an agreement between the city and the owner of the building specifying that lease agreements will include compliance with the agreed upon sign size and location. In the case of Condominium Units, the condominium declaration shall include provisions to ensure compliance with the master plan.
 5. Signage for any business within a multi-tenant or mixed use building shall be limited to the approved Master Sign Plan.
- C. Complete sign permit applications will be reviewed by the Planning Staff, subject to the approval of the Administrator, and either approved, denied, or returned with requested modifications. Any aggrieved applicant has the right to appeal a decision in accordance with Section 3.6 of the Hailey Zoning Ordinance.

8.2.5 Exempt Signs.

- 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 from natural grade.
 2. Signs posted by a government 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 involve 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 Hailey City Council as having historical significance to the City or replicas of historic Signs as approved by the 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, registered, vehicles that are used for normal day-to-day operations of businesses, regardless of whether the business is located within Hailey.

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.

8.2.7 Design Guidelines.

- A. The following are suggested ways to increase the effectiveness of Signs placed within the City

1. Projecting Signs are preferred over Portable or sandwich board Signs. Projecting Signs generally are more effective for increasing visibility to both pedestrians and motorist.
2. Sign materials and colors should compliment the building façade. Basic and simple color applications are encouraged.
3. The color of letters and symbols should contrast with the base or background color of the sign to maximize readability.
4. 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.



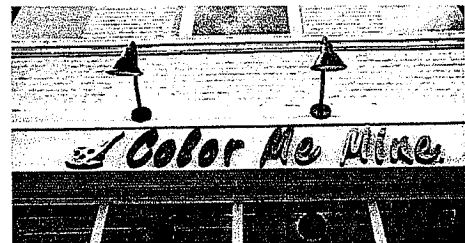
Easy-to-read fonts should be used and hard to read fonts should be avoided.



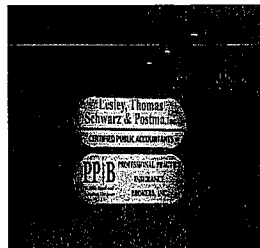
8.2.8 Sign Lighting Standards.

- 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)



Internally illuminated sign where the background is illuminated (Prohibited)



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



- D. Any lit Sign is prohibited in the RGB, LR and GR zoning districts.
- E. Internally lit and neon Signs are prohibited in the LB, TN, and NB districts.
- F. A maximum of 2 neon Signs per Unit or building shall be allowed, regardless of whether the sign requires a permit.

Backlighting behind individually mounted letters (Allowed)



8.2.9 Sign Area Standards.

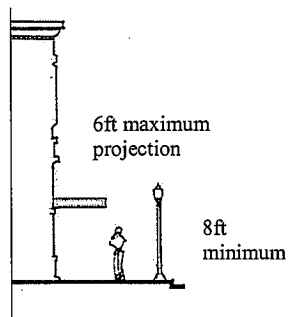
- A. Total Sign area permitted for any building shall not exceed a total of two square feet of Sign area per lineal foot of Building Frontage, except in the following cases:
 - 1. A building with only one Unit that meets or exceeds 75 feet of linear Building Frontage shall not exceed 150 square feet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

8.2.10 Sign Standards for Multi-unit buildings

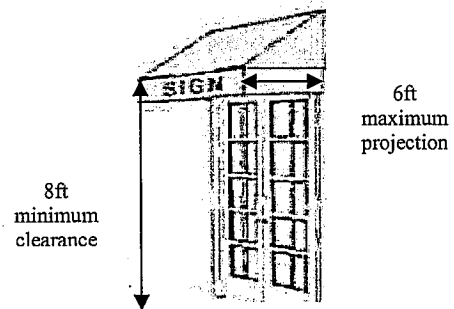
- A. All Units with an individual street level entrance are allowed up to two Signs, with no more than one Sign on any one building facade.
- B. All street level interior Units without an individual street level entrance and Units located on a second story or above shall be limited to one Sign. The location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

8.2.11 Specific Sign Standards:

- A. Awning and Marquee Signs.
 - 1. The Copy area is limited to the valances of the awnings.
 - 2. Only permitted in the following zoning districts: RGB, LR and GR
 - 3. 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.



Marquee Signs



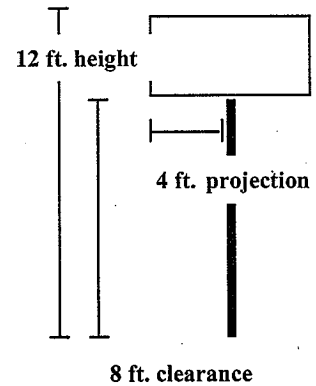
Awning Signs

B. 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. Permitted in all zoning districts except the RGB, LR and GR districts.
3. 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.

C. Freestanding Signs.

1. The height shall not be greater than twelve feet (12'), measured from natural grade to the top of the Sign.
2. Permitted in all zoning districts.
3. Shall provide eight feet (8') of ground clearance if projecting over the public right-of-way.
4. There shall be only one Freestanding Sign per Building.
5. 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.
6. Shall not extend, at any point, more than four feet (4') into the public right of way.



Freestanding Signs
projecting over the public
right-of-way

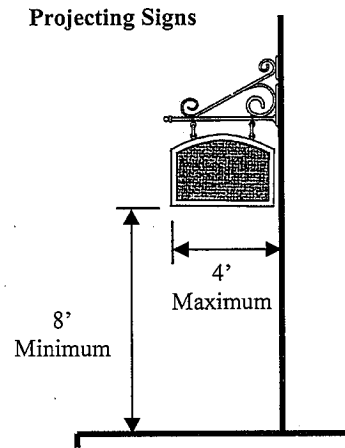
D. Portable Signs.

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. Permitted in all zoning districts, except the RGB district.
4. One Portable Sign is permitted per Unit.
5. Portable Signs shall be weighted or anchored in some manner to prevent them from being moved or blown over by the wind.
6. Portable Signs shall not be located so as to obstruct pedestrian or vehicular traffic, or obstruct sight lines at intersections.
7. No more than two (2) Portable Signs placed in the public right-of-way shall be permitted per corner.
8. Portable Signs must be located in a manner that that maintains thirty-six inches (36") of clear width along all public right-of-ways.

E. 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.

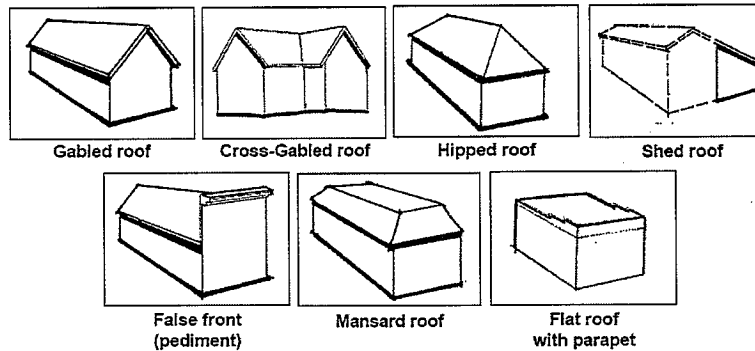
2. Signs must have at least eight feet (8') of vertical clearance when projecting over a pedestrian access way, measured from natural grade to the bottom of the Sign.
3. Permitted in all zoning districts, except in the RGB, LR, and GR districts.
4. No part of the Sign may extend higher than the lowest 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.
5. Any portion of a Projecting Sign shall be located below the bottom of any second floor window of a multi-unit building.



F. Wall Signs.

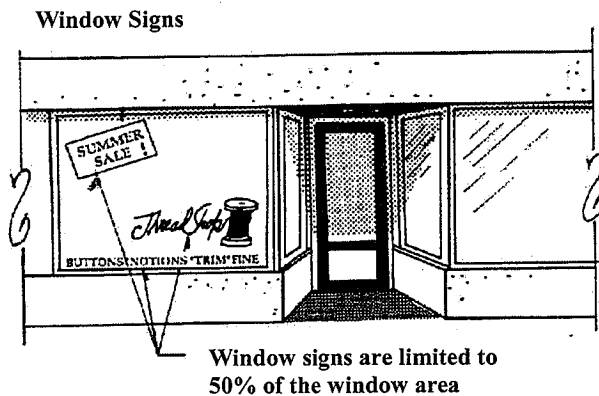
1. Wall Signs may be placed on a structure provided they do not exceed a total of ten percent (10%) of the facade to which they are attached.
2. Permitted in all zoning districts, except in the LR district.
3. No part of the Sign may extend higher than the lowest portion of a flat roof, the top of a parapet wall, the vertical portion of a mansard roof, the eave line or fascia of a gable, gambrel, or hipped roof.

Typical Roof Types



G. 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.
2. Permitted in all zoning districts, except in the RGB, LR, and GR districts.



8.2.12 Unsafe and Illegal Signs.

- A. Any Sign which has been determined to be unsafe by the Building Official, Planning and Zoning Administrator, Public Works Director, or other designated City employee, or which has been constructed, erected or maintained in violation of Section 8.2 or any approved sign permit, must be repaired, made safe, or made in conformance with Section 8.2 or any approved sign permit or the owner of any such sign will be considered in violation of Section 8.2.
- B. The City reserves the right to remove any sign placed in, projecting into, or otherwise impacting the public right-of-way, without notice and at anytime, if the sign is not permitted or is determined to be violating Section 8.2 or an approved sign permit in any way.

8.2.13 Non-Conforming Signs.

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

8.2.14 Maintenance.

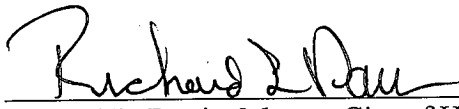
- A. It is the affirmative obligation of the owner of every Sign within the City to maintain the Sign in a good state of repair at all times.
- B. Non-Conforming Signs may be repaired and maintained provided the repairs are for the purpose of maintaining the Sign in its original condition, do not increase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

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

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

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

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 0th DAY OF May, 2010.


Richard L. Davis, Mayor, City of Hailey

Attest:


Mary Cone, City Clerk, City of Hailey

