

STAFF REPORT

TO: Hailey Planning and Zoning Commission
FROM: Mariel Platt, Planner
RE: Zoning Ordinance Amendment – Article 8.2
HEARING: November 03, 2008

Note: Staff analysis is in lighter type

Notice

Notice for the public hearing was published in the Wood River Journal and mailed to public agencies and area media on October 15, 2008.

Proposal

Attached are amendments to Section 8.2 of the Zoning Ordinance proposed by the City. These amendments would establish times for the display of portable signs and would allow the City the right to remove signs that are determined to be unsafe or hazardous.

Procedural History

Portable signs are a valuable advertising tool; however, they can become a safety hazard, impeding pedestrian access and blocking vehicular line of sight. Accumulation of portable signs, especially along Main Street, contributes to sidewalk clutter and has an aesthetic impact on Hailey. In addition, portable signs interfere with snow removal and pedestrian access. Signs located in the public right-of-way frequently get knocked over or buried in plowed snow. This creates pedestrian hazards and sidewalk access issues. In addition, signs that are covered by snow or have fallen down are not an affective means of advertising business and encumber pedestrians' access to businesses.

Standards of Evaluation

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

1. The proposed amendment is in accordance with the Comprehensive Plan;
The Commission should consider how the proposed amendments relate to the various policies and implementation items of the Comprehensive Plan, particularly the following:

Section 3.0 – Special Sites, Areas, and Features

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

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

By requiring the removal of portable signs after business hours the City will reduce sidewalk

clutter and the number of fallen signs that are left unattended for long periods of time. This would likely enhance the ambient quality of the Business District and promote foot traffic to downtown businesses.

13.0 - Community Design

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

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

By de-cluttering the sidewalks and enhancing pedestrian safety, the amendments would help maintain a pedestrian friendly atmosphere and enhance aesthetics.

10.0 – Transportation

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

The amendments would allow for the immediate removal of signs that pose a threat to pedestrian safety. The amendments would also help ensure safety, convenience, and efficiency for pedestrians by requiring business owners to remove signs in the evening and possibly during weekends, depending on the business' hours of operation. This will de-clutter the sidewalks and promote a more pedestrian friendly city, in hopes of enhancing the quality of life for the residents of Hailey.

9.0 – Public Facilities, Utilities, and Services

I. Goal: Maintain or improve service levels of all City utilities and facilities to adequately and efficiently provide for the health, safety, welfare, and conveniences of the City.

The amendments would require portable signs to be removed nightly, after a business closes. This would help the Street Department's ability to effectively and efficiently remove snow, particularly along Main Street. In addition, it would eliminate the problem of fallen and buried portable signs due to snow removal activities, thereby providing for the "safety, welfare, and conveniences of the City." The amendments would also allow for the City to remove any signs that have fallen down or threaten public safety (currently, the City cannot remove signs and the owner of such signs are given 10 days to make the subject sign safe).

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

It is not anticipated that public facilities and services will be impacted and the proposed amendments will not create excessive additional requirements.

3. The proposed uses are compatible with the surrounding area; and

The proposed amendments would not affect uses. This criterion is not applicable to Sign Ordinance amendments.

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

The proposed amendment will help enhance and ensure public safety and general welfare by allowing for the City to remove hazardous signs affecting public right-of-ways and by requiring business owners to tend to signs on a regular basis, removing them when businesses are not operating to reduce clutter and improve pedestrian access.

Summary

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

The Commission shall recommend, with reasons therefore, to the Council that the proposed amendment be granted or denied, or that a modified amendment be granted.

Motion Language

Motion to recommend the City Council approve the proposed amendments to Section 8.2, finding that the amendments are in accordance with the Comprehensive Plan, 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; the proposed uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare.

HAILEY ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 8.2.6.1, REMOVAL OF ILLEGAL OR UNSAFE SIGNS, TO ALLOW FOR THE IMMEDIATE REMOVAL OF UNSAFE SIGNS BY THE CITY AND SECTION 8.2.8.5., PORTABLE SIGNS, TO ESTABLISH HOURS, WHICH PORTABLE SIGNS CAN BE DISPLAYED; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

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

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

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

WHEREAS, the amendments 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 8.2.6.1., Removal of Illegal or Unsafe Signs, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

- 8.2.6.1 Any sign which has been determined to be unsafe by the Building Official, Planning and Zoning Administrator, Public Works Director, or their designee, or which has been constructed, erected or maintained in violation of this Section or any permit, must be repaired, made safe, made in conformance with this Ordinance or permit. ~~or removed within ten working days after receipt of certified notice from the City. Failure to respond to remedy the violation after notification by the City is unlawful, and the person having charge or control over the sign will be guilty of a misdemeanor. 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 determined to be unsafe or hazardous to the public.~~

Section 2. Section 8.2.8.5, Portable Signs, of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

8.2.8.5 Portable Signs.

- a. Portable signs are limited to eight (8) square feet per side, and limited to two sides.
- b. Portable signs shall be weighted or anchored in some manner so as to prevent them from being moved or blown over by the wind.
- c. Portable signs may not be located so as to obstruct pedestrian or vehicular traffic, or visibility for vehicles at intersections.
- d. Portable signs in the public right-of-way shall be displayed only during the associated business' hours of operation (they shall be removed after hours).
- d.e. 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. Sign permits for portable signs in the public right-of-way shall also be subject to an annual application renewal and inspection, for which a fee shall be charged as set forth by separate ordinance.

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

Section 5. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS
____ DAY OF _____, 2008.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk