



City of Donnelly

169 Halferty Street
P.O. Box 725
Donnelly, ID 83615

Telephone (208) 325-8859 Fax (208) 325-4091

Planning & Zoning Commission Meeting

Monday, November 7, 2016 at 6:00 pm

AT

Donnelly Community Center
MINUTES

Roll Call: 6:00 p.m. Chairman Larry Mangum, Maggie Bryant, and Gene Tyler were present. Sally Gilbert and George Dorris were absent. Quorum exists. Clerk Cami Hedges and Administrator Delta James were present.

PREVIOUS MINUTES:

Motion by Tyler, 2nd by Bryant to approve the Planning & Zoning Minutes from October 3, 2016 as corrected. Motion carried.

GENERAL BUSINESS:

FY 2017 Meeting Dates

Clerk presented calendar to commission to reschedule the meeting dates due to Holiday conflicts. January, July and September have been rescheduled to the 2nd Monday of the month.

Motion by Mangum, 2nd by Tyler to adopt the proposed P&Z 2017, motion carried.

Parking – Donnelly Food Bank David Tillson

No one was in attendance from the Food Bank to explain the issue. Commissioner Gilbert provided a letter stating that she was in approval for changing the parking plan. Administrator James recommended that a proposed site plan be submitted for the commission to review prior to making any decisions. Nothing has been received by the City.

Signage Ordinance Review Workshop:

Administrator was asked to draft the sign code chapter with deletions and additions, to include changes to the requirement of providing drawings that show the scale of the sign with the building, define the maximum sign area allowed as a total sign area and change add a provision of corner business locations. Remove requirements that deal with the change of the face of the non-conforming sign and gives a better explanation of non-conforming signage. Change the number of times a sign can be changed per day, remove limitation of double sided free standing sign area. To only calculate the free-standing sign as a one-sided sign. Remove general sign area and calculation information and keep information unique to multi-business developments.

ADJOURN

Motion by Tyler, 2nd by Bryant to adjourn until the next regular scheduled meeting at 6:00 p.m.
December 5, 2016. Motion carried.

Adjourned: 7:13 p.m.



CITY OF DONNELLY
P.O. Box 725
Donnelly, Idaho 83615
P: 208-325-8859 F: 208-325-4091

EXTENSION OF TIME APPLICATION

FILE NO.: _____

CROSS REF. FILES: _____

Applicant Name: Coach Crossing Development Co., LLC

Applicant Address: 17735 NE 65th St. Suite 120, Redmond, WA 98052

Applicant Telephone: 425-943-5597 Fax: 425-979-4467

Representative Name: Brad Klahr

Representative Address: 37430 SE Fish Hatchery Rd, Fall City, WA 98024

Representative Telephone: 208-850-0509 Fax: 425-979-4467

Subdivision: Coach Crossing Approved Zoning: Mixed

General Location: 1272 Roseberry Rd, Donnelly, ID

All applicants are required to submit the following:

Applicant (✓)	Description	Staff (✓)
✓	Completed and signed Extension of Time Application.	
✓	Fee	
✓	Narrative fully describing the proposed request, including but not limited to the following: <ul style="list-style-type: none">• Date of original approval;• Date the approval will expire;• Reason for requesting extension of time;• Time period requested for an extension (<i>not to exceed one year</i>).	
✓	11" X 17" vicinity map showing the location of the subject property	
✓	Copy of Vesting Deed	
N/A	If the signature on this application is not the owner of the property, an original notarized statement (affidavit of legal interest) from the owner stating the applicant is authorized to submit this application.	

Brad Klahr
Applicant/Representative Signature

Date: 11/14/2016

(For office use only)

Date Application Received: 11-21-16 Accepted as Complete: yes 11-21-16
Fee Due: \$110.00 (extension of CUP request \$83.00) Fee Paid: 193.00
Processing Clerk Initials: AK Extension Approved To: _____

Coach Crossing Development Co., LLC
17735 NE 65th Street, Suite 120
Redmond, Washington 98052

November 14, 2016

City of Donnelly
PO Box 725
Donnelly, Idaho 83615-0725

RE: Annexation, Preliminary Plat, and Conditional Use Permit for Coach Crossing at
Lake Cascade Subdivision

Dear Mayor, Council, and City Clerk,

With regard to the approvals originally granted by City Council on November 27, 2006, and currently set to expire on November 27, 2016, we hereby formally request an extension to the original approvals in accordance with section 16.4.3.b. to the Donnelly City Code. We are asking for a time extension of one year in this application to continue to evaluate market conditions.

Please find enclosed a check for the extension application fee.

Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Klahr", written in a cursive style.

Brad Klahr
Manager

AFTER RECORDING MAIL TO:

Coach Crossing Development Co., LLC
4324 W. Overland Road
Boise, ID 83705

**Accommodation
Recording**

Repayment of \$ 200000
with interest, including, taxes
and fees
payable to the lender
on the 1st day of September
2007 at the rate of 10%
per annum

[Signature]

WARRANTY DEED

File No.: MCS-317929-BOI (rmv)

Date: September 20, 2007

For Value Received, Roseberry Partners, LLC, an Idaho limited liability company, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto Coach Crossing Development Co., LLC, an Idaho limited liability company, hereinafter referred to as Grantee, whose current address is 4324 W. Overland Road, Boise, ID 83705, the following described premises, situated in Valley County, Idaho, to wit:

See Attached Exhibit A

APN: RP16M03E099600A, RP16M03E097205A

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

AM:

Warranty Deed
- continued

Fee No.: MCS-317929-801 (nm)
Date: 09/26/2007

Roseberry Partners, LLC, an Idaho limited
liability company

By: Steven E. Gregory, Manager

By: Michael Hornan, Manager

By: Mitch Dahner, Manager

By: Keith B. Klahr, Manager

STATE OF Idaho)

COUNTY OF Ada)

SS.

On this 20th day of September, 2007, before me, a Notary Public in and for said State, personally appeared Mitch Dahner, Keith B. Klahr, Michael Hornan, Steven E. Gregory, known or identified to me to be the person whose name is subscribed to the within instrument as Managers of the Roseberry Partners, LLC, limited liability company, and acknowledged to me that such limited company executed same.

In witness whereof, I have heretunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Idaho

Residing at: Boise, ID

My Commission Expires: 3-17-2012



City of Donnelly Planning and Zoning Commission Administrator Staff Report

Sign Code Revisions Draft #1 December 5, 2016

Attached for Commission review and discussion find a draft of the Sign Code chapter of Donnelly City Code with edits and revisions as recommended by the Commission at its November 8, 2016 meeting. Words within the draft document that are indicated with a strike through (i.e. ~~strike-through~~) are proposed for removal, and words that are underlined (i.e. underlined) are proposed to be added.

The proposed changes to the sign regulations are intended to meet the following goals:

1. Make the code more easily understandable.
2. Relax certain aspects of the regulations to allow more flexibility for business owners.
3. Preserve an aesthetic for Donnelly that supports the community's efforts to attract visitors and business patrons.

Assumptions

The following assumptions were made during development of the attached proposed code amendments:

1. The height limit of 15 feet for free-standing signs (a.k.a. monument signs) is appropriate.
2. The maximum signage calculation of 2 sq. ft. for each 1 linear foot of building frontage is appropriate, although an alternate calculation by property frontage is proposed.
3. Internally illuminated and neon signs should continue to be permitted.
4. Nonconforming signs should still be removed upon change of business, structural change to the sign, or change to the associated building footprint.
5. Portable signs (a.k.a. sandwich boards) should still be permitted within the public right of way.

Summary of proposed changes

The substantive changes proposed in the attached draft document are summarized as follows:

DCC 18.95.040: Removes requirement that sign applicants provide drawings that show the scale of the sign with the building.

DCC 18.95.50: Defines the maximum sign area allowed as a total sign area of two (2) square feet for each linear foot of building frontage or one (1) square feet for each linear foot of property frontage, whichever results in the larger sign area.

Provides a provision for corner lots and allocates sign area to each frontage.

DCC 18.95.070 Removes the requirement that nonconforming signs be brought into compliance when there is a change to the face of the sign.

Defines circumstances for nonconforming sign and/or sign structure is damaged due to accidental or natural events.

DCC 18.95.090 Removes the limitation for signs on awnings that the sign may be no more than 25% of the face of an awning.

Increases how often changeable signs can be changed from once per day to twice per day.

Removes the limitation that double sided free-standing signs shall not exceed 48 sq. ft. in sign area (24 feet per side).

Allows just one side of a double sided sign to be counted toward the total allowable sign area for the property.

Retains the existing 48 sq. ft. limitation for residential subdivision free-standing signs.

Stipulates that the placement of portable signs must provide for an unobstructed pedestrian access width of 48 inches.

DCC 18.95.100 Removes general sign area and calculation information (see additions to DCC 18.95.50) and retains information unique to multiple-business developments.

Removes the limitation that any single sign cannot exceed 50 sq. ft.

Chapter 18.95 FENCES AND SIGNS

Sections:

Article I. Fences

18.95.010 General provisions
18.95.020 Specific standards

Article II. Signs

18.95.030 Purpose
18.95.040 Applications – Permits
18.95.050 Computations of dimensions for sign area
18.95.060 Violations – Penalty
18.95.070 Removal of illegal, unsafe, or abandoned signs
18.95.080 Prohibited signs
18.95.090 Types of signs allowed
18.95.100 Multiple-business developments
18.95.110 Lighting
18.95.120 Exempt signs

Article I. Fences

18.95.010 General provisions

The following requirements shall apply in all districts:

- A. No fence may be located, constructed, or maintained in such a way as to obstruct the view of intersections by motorists and pedestrians.
- B. No barbed wire or other sharp-pointed metal fence and no electrically charged fence shall be permitted in the City limits, unless, after consideration, the Planning and Zoning Commission makes a determination that such materials are necessary for security purposes.

18.95.020 Specific standards

The following provisions shall apply in addition to those specified in DCC 18.95.010.

- A. For all residential districts, fences shall not exceed four feet in height when located within the required front yard setback and six feet when located within the required side and rear yard setbacks.
- B. Entryway gates in the City limits shall be permitted only as part of an approved fence. They shall contain material sized no larger than twice the size of the material utilized in the fence, and shall be located no less than 10 feet from any existing or proposed structure, and shall be no more than eight feet in height.
- C. For all uses in commercial and industrial districts, fences shall not exceed eight feet in height.

Article II. Signs

18.95.030 Purpose

The purpose of this article 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 protect the public health, safety, and welfare of persons within the community. They are intended to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness and flexibility in the design of such devices without creating detriment to the general public.

18.95.040 Applications – Permits

No person shall erect, alter, or relocate any permanent or temporary sign greater than four square feet in sign area within the City without first obtaining a sign permit from the City, unless the sign is exempt under DCC 18.95.120. Any person who hangs, posts, or installs a sign which requires a permit under this article, and who fails to obtain a permit before installing the sign, shall be in violation of this article.

Applications for permits for signs must include the following:

- A. A developer or landlord who retains control over one or more structures or buildings as per DCC 18.95.100(C) shall include in the application a master sign plan. Individual business owners shall include a site plan drawn to scale which specifies the building frontage, and the location of the sign or sign structure, ~~or drawings which show the scale of the sign in context with the scale of the building if the sign is to be mounted on the building.~~
- B. Colored rendering or scaled drawing including dimensions of all sign faces, descriptions of materials to be used, manner of construction and method of attachment, and color samples.
- C. A copy of a State of Idaho electrical installation permit for any internally lighted or neon sign.
- D. A sign permit application on the form provided by the City.
- E. Appropriate fees as established by City Council resolution.
- F. Complete sign permit applications will be reviewed by the Administrator within 10 days of the receipt of the complete application. The application shall be approved, denied, or returned with requested modifications. Any applicant who feels a denial is not justified has the right to appeal the decision to the Commission, and to appear on the next regularly scheduled meeting for which proper notice can be given and for which agenda space is available. Intention to appeal to the Commission shall be filed with the Donnelly City Clerk in writing within 10 days following the date of the denial of the permit.

18.95.50 Computations of dimensions for sign area

- A. Maximum sign area: The total permitted square footage of all signs on a property shall be a total sign area of two (2) square feet for each linear foot of building frontage or one (1) square feet for each linear foot of property frontage, whichever results in the larger sign area. The maximum aggregate area of all signs shall not

exceed the total allowable sign area established by this article. All signs displayed, except permitted portable signs, shall be included in determining the sign area.

B. Corner lots: Where property frontage is on more than one street or public right of way, the allowable sign area facing one of those streets or public rights of way shall be based on the frontage of the building or property facing that street or public right of way.

C. The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the sign display, together with any color or material forming an integral part of the sign.

18.95.060 Violation – Penalty

Any person violating this article shall be guilty of a misdemeanor and may be punished by fine or incarceration. The maximum penalty for any offense shall be by fine of not more than \$300.00, or by imprisonment not exceed six months, or by both such fine and imprisonment. Each day the violation continues shall be considered a separate offense.

18.95.070 Removal of illegal, unsafe, or abandoned signs

A. Any sign which has been determined to be unsafe by the building inspector, or which has been constructed, erected or maintained in violation of this article, must be repaired, made safe, made in conformance with this article, or removed within 10 working days after receipt of certified notice from the City. Abandoned signs shall be dismantled and removed within 30 calendar days after the day that the business advertised by the sign ceases doing business. Failure to respond to remedy the violation is unlawful, and the person having charge or control over the sign will be guilty of a misdemeanor.

B. A nonconforming sign shall not be transferred to a new tenant or occupant of the premises on which the sign is erected, but shall be removed at the termination of the tenancy to which it applies. All signs in the City on the effective date of the ordinance codified in this title shall conform to this article upon any change, including a change to the tenant ~~tenant~~ lessee or tenant of the business or buildings to which the sign pertains, a structural change to the sign, or sign base, or upon a change of the building footprint to which it applies, ~~or upon any change in the face of the sign.~~

C. Existing signs deemed by the Administrator to have historic significance shall not be required to comply with this subsection (B).

D. It is the obligation of the owner of every sign within the City to maintain the sign in a good state of repair at all times. Nonconforming 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 in accordance with this article.

E. If a nonconforming sign and/or sign structure is damaged due to natural or accidental events to an extent where repair would cost more than fifty percent (50%) of the current cost of replacement, then the sign and/or sign structure may be rebuilt in a manner identical to the original or in a manner more in accordance with this article.

18.95.080 Prohibited signs

No person shall erect, maintain, or relocate any sign as specified in this section in any district:

- A. Signs creating traffic hazards: A sign at or near any public street, or at the intersection of any public streets, situated in such a manner as to create a traffic hazard by obstructing vision. Additionally, any sign at any location which would interfere with, obstruct the view of, or be confused with any authorized traffic sign.
- B. Hazardous signs: A sign which, due to structural weakness, design defect, or other reason, constitutes a threat to the health, safety, and welfare of any person or property.
- C. Flashing signs or lights: 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. A sign on which the only intermittent lights display an indication of time or temperature shall not be considered a flashing or electronic message sign for the purpose of this article.
- D. Electronic message sign: A permanent sign which changes copy electronically more than once per day using switches and electric lamps.
- E. Signs on vacant property. No sign over four square feet per face, except freestanding signs advertising the property "for sale" or "for lease" on properties or subdivisions of greater than five acres in the aggregate, shall be erected or maintained on a property on which either no structure is erected or on which the primary structure is vacant. This provision shall not include those properties for which a valid building permit exists.
- F. Roof signs. Any sign erected in a manner so that it projects either partially or wholly over any roof or is mounted to any roof.
- G. Animated signs. A rotating or revolving sign, or signs, where all or any portion of the sign moves in some manner.
- H. Bench Signs. Any outdoor furniture with commercial signage
- I. Mobile Signs. A sign mounted on wheels.
- J. Vehicle Signs. Signs mounted on the roof or antenna of automobiles, with the exception of student driver and auto transportation services, or those painted on the vehicles parked and visible from the public right-of-way, unless said vehicle is licensed, registered, and used as a vehicle in the normal day-to-day operations of the business.
- K. Inflatable signs or displays. Any inflatable object used for promotional or sign purposes.
- L. Off-premises signs.

18.95.090 Types of Signs Allowed by Permit Only

- A. Awnings: The copy area of awnings shall be included in the sign area permitted; ~~provided that no more than 25 percent of any one face of an awning may be used for signage.~~
- B. Changeable Copy Signs: The copy on any changeable copy sign shall not be changed more than eee twice per day. Changeable copy signs shall be maintained in a legible and serviceable manner.

- C. Freestanding Sign: The highest point on any freestanding sign shall not exceed 15 feet, measured from ground level to the highest point of the sign.
1. Multiple-business developments are limited to one freestanding sign.
 2. ~~Double-sided freestanding signs are permitted and shall not exceed 48 square feet in sign face (24 feet per side). All placards displayed shall be totaled in the sign area. In calculating the size of a two (2) sided sign, only one side is counted.~~
 3. Freestanding signs shall not project over a public right-of-way.
 4. Residential subdivisions of more than 20 lots or subdivisions of greater than five acres in the aggregate, shall be allowed one freestanding identification sign at each major entrance to the subdivision. Said sign shall not be permitted on any public right-of-way, shall be no higher than eight feet above natural grade, and shall not exceed the a maximum sign area-set forth in subsection (C)(2) of this section of 48 square feet.
- D. Hanging Signs: Hanging signs may be placed on a building or underneath an approved canopy, awning or colonnade, but may not project beyond same. Signs hanging over a public right-of-way must have at least eight feet of ground clearance, and may not hang over any roadway.
- E. Portable Signs:
1. Portable signs are limited to eight square feet per side, and limited to two sides; not to exceed 30" inches in width.
 2. Portable signs shall be weighted or anchored in some manner so as to prevent them from being moved or blown over by the wind.
 3. Portable signs may not be located so as to obstruct pedestrian or vehicular traffic, or visibility for vehicles at intersections. An unobstructed pedestrian access width of 48 inches minimum must be provided.
 4. Portable signs may be permitted in the City sidewalk within the business frontage.
 5. Portable signs must be separately permitted, but do not affect total allowable square footage.
 6. Portable signs must be removed from the permitted display location at the end of the business day and after removal placed in a location not visible from any public right of way.
 7. Only one portable sign shall be permitted per business location.
- F. Projecting Signs: Projecting signs may be placed on any structure. No projecting sign may extend, at any point, more than three feet from the surface to which it is attached. Signs projecting over a public right-of-way must have at least eight feet of ground clearance, and may not project over any roadway.
- G. Temporary Signs: Temporary signs are those signs installed on a property with the intent of being displayed for more than 72 hours, and may not be displayed for more than six weeks. All signs intended for display for a period longer than six weeks shall be considered to be permanent signs and will be required to meet the provisions of this article. All temporary signs greater than 20 square feet per face in size are required to obtain a sign permit. Required permit for temporary sign less than 20 square feet per face will be issued without a fee.

- H. Wind signs: Any temporary pennant, propeller, or similar device which is designed to flutter, rotate, whirl, or display other movement under the influence of the wind. May be approved by the Commission and are not to be included in allowable square footage for building.
- I. Wall Signs: Wall signs may be placed on a structure; provided, that they meet the standards and requirements of DCC 18.95.100.
- J. Window Signs. Permanent window signs may be placed in or on any window; provided, that no more than 50 percent of the total transparent area of the window is obscured. Merchandise displayed in windows that does not involve copy is not regulated by this article.
- K. Standardized directional signage relating to the central business district, general commercial and light industrial zones shall be allowed. The standardized directional signage shall be attached to street signs in the general commercial, light industrial and central business district zones, and is intended to temporarily assist in the incubation of new commercial zones within the City. One standardized directional sign will be allowed per applicant. Square footage of standardized directional signs shall be deducted from the total allowed signage limitations for the applicant. Fees shall be set by resolution of the City Council, and shall be subject to change with increased production costs. The owner/operator of the commercial business making application shall bear the fee for said sign. Standardized directional signs shall not exceed three hanging signs per street sign. A waiting list generated from any additional applications for a particular location shall be maintained by the City of Donnelly. Those commercial applicants placed on the waiting list shall be notified within 10 business days of abandonment of a standardized directional sign for replacement. The City of Donnelly is required by resolution to determine areas qualified for this signage. This signage shall conform to standards set forth by design review, and shall be uniform in design throughout the City. A standardized directional sign master plan for street and directional signage shall be available upon request from the City of Donnelly for a fee to cover printing costs. Standardized directional signage shall be reviewed for continued use after three years. The review date shall be clearly stated in the resolution and provided on the master plan.

18.95.100 Multiple-business developments

- A. Each occupant in multiple-business developments shall comply with the aggregate area allowed for all signs under this article. The developer or owner shall be responsible to assign the distribution of the sign area to the occupants in their development or developments. Should the development install or have an existing freestanding sign, as per DCC 18.95.090(C), the area of signage included for the individual occupancies on the freestanding sign shall be included toward the compliance with this section of the individual occupancy.
 - 4. ~~The maximum aggregate area of all signs shall not exceed the total allowable sign area established by this article. All sign faces displayed, except permitted portable signs, shall be included in determining the sign area for a building.~~

- ~~2. Total sign area permitted for any use shall not exceed a total of two square feet of sign area per lineal foot of building frontage for the principal building.~~
- ~~3. Total sign area permitted for all wall, window, or other surface-mounted signs shall not exceed a total of 10 percent of the facade to which they are attached.~~
- ~~B. In no case shall any single sign exceed 50 square feet.~~
- G. A developer or landlord who retains control over one or more structures or buildings intended for business occupancy in a shopping center site, mini-mall, multitenant commercial or industrial facility, or similar project shall submit a master sign plan to the design review board for approval. The master sign plan shall show sign colors, styles, and location on buildings, and maximum size, illumination and materials to be used. All signs in a master sign plan shall be in harmony with the adjacent and nearby building architecture and colors, as determined by the design review board. The master sign plan shall comply with all sections of this article.

18.95.110 Lighting

Allowed methods of illumination are divided into several types as described in this section; all other forms of sign lighting are prohibited. All lighted signs shall comply with lighting standards as set forth in DCC 18.30.070.

- A. Unlighted. A sign with neither an internal light nor an external source intended specifically for the purpose of lighting the sign.
- B. Internally Lighted. A sign with an internal light intended to illuminate translucent portions of the sign.
- C. Externally Lighted. A sign with an external light source intended specifically to illuminate the sign. External light fixtures which produce glare shall not be permitted.
- D. Neon. A sign with exposed neon tubes.

18.95.120 Exempt signs

The following signs shall not be subject to the permit process as defined by this article.

- A. Flags, symbols, or insignias. The flag of Idaho, the United States, or any other flag adopted or sanctioned by the legislative body of Idaho or the United States, may be displayed, providing that the flag is no larger than 60 square feet and is flown from a pole the top of which is no higher than 40 feet.
- B. Hours of operation or other such information signs.
- C. Private recreation signs. Signs located on the property of recreational facilities, not oriented to the general public, and intended to provide information or direction to those using the facility.
- D. Signs posted by a government entity.
- E. Temporary special events and temporary political signs not in excess of 32 square feet.

Cami Hedges

From: Gene & Cec Tyler <tylercg@frontier.com>
Sent: Monday, November 7, 2016 12:35 AM
To: Cami Hedges
Subject: Gene Tyler's Comments and Analysis of the City's Sign Ordinance
Attachments: Donnelly City Sign and Fence Ordinance (22 Feb 2016) Analysis 6 Nov 2016.docx

Cami,

I am attaching my analysis of the sign ordinance. I was hoping to send this to all the businesses for their comments. Would like for them to give their concurrence or objection to help resolve and move this issue forward. I have a couple of general important points:

- First, the Mayor and City Council asked us to relook the sign ordinance. I sense significant resistance from some members of the P&Z commission.
 - Obtrusive, overly bearing, or restrictive ordinances have a cost and when costs increase then someone has to pay. This is a form of a restrictive or overly burdensome business environment.
 - Every time we make a requirement we should ask why – what will the ordinance server and what is the impact on business.
 - Finally, I sense an overly regulated and ultra-liberal bias in many of our ordinances. I also sense that we are trying to be like other communities and we are not. Everyone talks about a planning for the future while and I lifted words from our Donnelly Comprehensive Plan:
 - Assuring economic vitality into the future
 - Historic character of Donnelly
 - Encourage service businesses, cottage industries, light industries and multi-use projects close to the Central Business District.
 - I assure all if we do not lessen the burden to business we will not achieve any of the goals of the Donnelly Comprehensive Plan because businesses will bypass Donnelly.
- Anyway my thoughts as we move forward.

gene

Chapter 18.95 FENCES AND SIGNS

Sections:

Article I. Fences

18.95.010 General provisions.

18.95.020 Specific standards.

Article II. Signs

18.95.030 Purpose.

18.95.040 Applications – Permits.

18.95.050 Computations of dimensions for sign area.

18.95.060 Violation – Penalty.

18.95.070 Removal of illegal, unsafe, or abandoned signs.

18.95.080 Prohibited signs.

18.95.090 Types of signs allowed by permit only.

18.95.100 Multiple-business developments.

18.95.110 Lighting.

18.95.120 Exempt signs.

Article I. Fences

18.95.010 General provisions.

The following requirements shall apply in all districts:

- A. No fence may be located, constructed, or maintained in such a way as to obstruct the view of intersections by motorists and pedestrians.
- B. No barbed wire or other sharp-pointed metal fence and no electrically charged fence shall be permitted in the city limits, unless, after consideration, the planning and zoning commission makes a determination that such materials are necessary for security purposes. [Ord. 230, 2016.]

18.95.020 Specific standards.

The following provisions shall apply in addition to those specified in DCC 18.95.010:

- A. For all residential districts, fences shall not exceed four feet in height when located within the required front yard setback and six feet when located within the required side and rear yard setbacks.

Commented [GT1]: There is a general feeling that this ordinance is not business friendly. The author of this analysis(Gene Tyler) talked to every business owner or representative of businesses with the exception of Flight of Fancy and G&S Aviation over the a couple of day period the week of 17 October. Every owner with the exception of one stated that the city's sign (and lighting) ordinance are not business friendly. In this analysis I will highlight findings from my discussion. The discussions with the businesses centered on the sign ordinance and limited talk on lighting. It is my belief that this paper with my comments should be emailed to each business and allow them to comment specifically. When I talked to each business I informed them I would forward my analysis when the city sent their query to the businesses asking them to highlight the points they liked and the points they disliked about the city's sign ordinance.

Commented [GT2]: why?

- B. Entryway gates in the city limits shall be permitted only as part of an approved fence. They shall contain material sized no larger than twice the size of the material utilized in the fence, and shall be located no less than 10 feet from any existing or proposed structure, and shall be no more than eight feet in height.
- C. For all uses in commercial and industrial districts, fences shall not exceed eight feet in height. [Ord. 230, 2016.]

Article II. Signs

18.95.030 Purpose.

The purpose of this article 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 protect the public health, safety, and welfare of persons within the community. They are intended to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness and flexibility in the design of such devices without creating detriment to the general public. [Ord. 230, 2016.]

18.95.040 Applications – Permits.

No person shall erect, alter, or relocate any permanent or temporary sign greater than four square feet in sign area within the city without first obtaining a sign permit from the city, unless the sign is exempt under DCC 18.95.120. Any person who hangs, posts, or installs a sign which requires a permit under this article, and who fails to obtain a permit before installing the sign, shall be in violation of this article.

Applications for permits for signs must include the following:

- A. A developer or landlord who retains control over one or more structures or buildings as per DCC 18.95.100(C) shall include in the application a master sign plan. Individual business owners shall include a site plan drawn to scale which specifies the building frontage, the location of the sign structure, or drawings which show the scale of the sign in context with the scale of the building if the sign is to be mounted on the building.
- B. Colored rendering or scaled drawing including dimensions of all sign faces, descriptions of materials to be used, manner of construction and method of attachment, and color samples.
- C. A copy of a state of Idaho electrical installation permit for any internally lighted or neon sign.
- D. A sign permit application on the form provided by the city.
- E. Appropriate fees as established by city council resolution.
- F. Complete sign permit applications will be reviewed by the administrator within 10 days of the receipt of the complete application. The application shall be approved, denied, or returned with requested modifications. Any applicant who feels a denial is not justified has the right to appeal the decision to the commission, and to

Commented [GT3]: This topic was discussed at the October 3d PG2 and one commissioner appeared to object to the comment that this ordinance is not business friendly since "business friendly" is not quantifiable or measurable. Yet, throughout this paragraph the terms like "development and promotion of business and industry" or "protect the public health", "aid in the development", "encourage aesthetic creativity" and "flexibility in the design without creating detriment to the general public" are also not quantifiable or measurable. We cannot let these obfuscation limit us from doing the right thing for the community, businesses and the instruction from the city council to relook this ordinance..

Commented [GT4]: This is an obtrusive requirement that could cause the owners considerable expense. A more general language that could cover this and not require an architect or draftsman should fit this requirement. I ask if the current commissioners that own a business..did they have to do this and if so we should look at their detailed plans too?

Commented [GT5]: Again.. added expense did the current commissioners have to do this. When requirements like this are developed who do we think pays the expense?

Commented [GT6]: They should also be notified they can appeal to the city council.

appear on the next regularly scheduled meeting for which proper notice can be given and for which agenda space is available. Intention to appeal to the commission shall be filed with the Donnelly city clerk in writing within 10 days following the date of the denial of the permit. [Ord. 230, 2016.]

18.95.050 Computations of dimensions for sign area.

The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the sign display, together with any color or material forming an integral part of the sign. [Ord. 230, 2016.]

18.95.060 Violation – Penalty.

Any person violating this article shall be guilty of a misdemeanor and may be punished by fine or incarceration. The maximum penalty for any offense shall be by fine of not more than \$300.00, or by imprisonment not exceed six months, or by both such fine and imprisonment. Each day the violation continues shall be considered a separate offense. [Ord. 230, 2016.]

18.95.070 Removal of illegal, unsafe, or abandoned signs.

A. Any sign which has been determined to be unsafe by the building inspector, or which has been constructed, erected or maintained in violation of this article, must be repaired, made safe, made in conformance with this article, or removed within 10 working days after receipt of certified notice from the city. Abandoned signs shall be dismantled and removed within 30 calendar days after the day that the business advertised by the sign ceases doing business. Failure to respond to remedy the violation is unlawful, and the person having charge or control over the sign will be guilty of a misdemeanor.

B. A nonconforming sign shall not be transferred to a new tenant or occupant of the premises on which the sign is erected, but shall be removed at the termination of the tenancy to which it applies. All signs in the city on the effective date of the ordinance codified in this title shall conform to this article upon any change, including a change to the lessor or tenant of the business or buildings to which the sign pertains, a structural change to the sign, or sign base, a change of the building footprint to which it applies, or upon any change in the face of the sign.

C. Existing signs deemed by the administrator to have historic significance shall not be required to comply with subsection (B) of this section.

D. It is the obligation of the owner of every sign within the city to maintain the sign in a good state of repair at all times. Nonconforming 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 in accordance with this article. [Ord. 230, 2016.]

Commented [G717]: 6 month imprisonment – who are we kidding?

Commented [G718]: Who is our building inspector?

Commented [G719]: We are not even enforcing ordinances we have yet our threats to good business owners impede their business development. Are we going to put the former (or current) owner of the Buffalo Gal in prison (or fine them)?

Commented [G710]: So how do we think this will perpetuate businesses? Just another expense that will impede business

Commented [G711]: Again we are restricting business development.

Commented [G712]: Who is the administrator?

Commented [G713]: Not even the city council but the administrator and what administrator is that? And, quantify historic significance...not measurable.

Commented [G714]: Not quantifiable...how do you measure this?

18.95.080 Prohibited signs.

No person shall erect, maintain, or relocate any sign as specified in this section in any district.

- A. Signs Creating Traffic Hazards. A sign at or near any public street, or at the intersection of any public streets, situated in such a manner as to create a traffic hazard by obstructing vision. Additionally, any sign at any location which would interfere with, obstruct the view of, or be confused with any authorized traffic sign.
- B. Hazardous Signs. A sign which, due to structural weakness, design defect, or other reason, constitutes a threat to the health, safety, and welfare of any person or property.
- C. Flashing Signs or Lights. 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. A sign on which the only intermittent lights display an indication of time or temperature shall not be considered a flashing or electronic message sign for the purpose of this title.
- D. Electronic Message Sign. A permanent sign which changes copy electronically more than once per day using switches and electric lamps.
- E. Signs on Vacant Property. No sign over four square feet per face, except freestanding signs advertising the property "for sale" or "for lease" on properties or subdivisions of greater than five acres in the aggregate, shall be erected or maintained on a property on which either no structure is erected or on which the primary structure is vacant. This provision shall not include those properties for which a valid building permit exists.
- F. Roof Signs. Any sign erected in a manner so that it projects either partially or wholly over any roof or is mounted to any roof.
- G. Animated Signs. A rotating or revolving sign, or signs, where all or any portion of the sign moves in some manner.
- H. Bench Signs. Any outdoor furniture with commercial signage.
- I. Mobile Signs. A sign mounted on wheels.
- J. Vehicle Signs. Signs mounted on the roof or antenna of automobiles, with the exception of student driver and auto transportation services, or those painted on the vehicles parked and visible from the public right-of-way, unless said vehicle is licensed, registered, and used as a vehicle in the normal day-to-day operations of the business.
- K. Inflatable Signs or Displays. Any inflatable object used for promotional or sign purposes.
- L. Off-premises signs. [Ord. 230, 2016.]

18.95.090 Types of signs allowed by permit only.

- A. Awnings. The copy area of awnings shall be included in the sign area permitted, provided, that no more than 25 percent of any one face of an awning may be used for signage.

Commented [GT15]: How many districts do we have?

Commented [GT16]: Not quantifiable...define near.

Commented [GT17]: Too vague.

Commented [GT18]: Not quantifiable...not measurable.

Commented [GT19]: Why, what does a flashing sign hurt...not business friendly and, the city is violating its own ordinance with the speed information sign. This is not a sign to announce a requirement but an informational sign.

Commented [GT20]: Why, what does changing copy more than once a day hurt. Here is an example: A VACANCY - NO VACANCY SIGN. So the owner of a motel wakes up one day has a vacancy then a few hours later receives enough reservations that day to cause a NO VACANCY so the owner makes a change. Then two hours later but on the same day has 10 cancellations...are we saying they are in violation if they change back the sign? What is the purpose of only changing once a day. Why can't a business owner get a low light digital message board and have more than one message that changes. What is that harming?

Commented [GT21]: Why what is the harm?

Commented [GT22]: Why prohibited?

Commented [GT23]: Why...what is the harm?

Commented [GT24]: Why what is the harm?

Commented [GT25]: Why, what is the harm and if I had a small A type sign that wheels are put on it to easily move the sign...this would be a violation....WHY???

Commented [GT26]: Why. What if someone else wanted to advertise a business. We are saying they cannot? So school flags are not authorized?

Commented [GT27]: Why

Commented [GT28]: Why

Commented [GT29]: Why...so if the business name is in large letters but exceeding 25% then the owner is in violation...WHY

B. Changeable Copy Signs. The copy on any changeable copy sign shall not be changed more than once per day. Changeable copy signs shall be maintained in a legible and serviceable manner.

C. Freestanding Signs. The highest point on any freestanding sign shall not exceed 15 feet, measured from ground level to the highest point of the sign.

1. Multiple-business developments are limited to one freestanding sign.
2. Double-sided freestanding signs are permitted and shall not exceed 48 square feet in sign face (24 feet per side). All placards displayed shall be totaled in the sign area.
3. Freestanding signs shall not project over a public right-of-way.
4. Residential subdivisions of more than 20 lots or subdivisions of greater than five acres in the aggregate shall be allowed one freestanding identification sign at each major entrance to the subdivision. Said sign shall not be permitted on any public right-of-way, shall be no higher than eight feet above natural grade, and shall not exceed the maximum sign area set forth in subsection (C)(2) of this section.

D. Hanging Signs. Hanging signs may be placed on a building or underneath an approved canopy, awning or colonnade, but may not project beyond same. Signs hanging over a public right-of-way must have at least eight feet of ground clearance and may not hang over any roadway.

E. Portable Signs.

1. Portable signs are limited to eight square feet per side, and limited to two sides, not to exceed 30 inches in width.
2. Portable signs shall be weighted or anchored in some manner so as to prevent them from being moved or blown over by the wind.
3. Portable signs may not be located so as to obstruct pedestrian or vehicular traffic, or visibility for vehicles at intersections.
4. Portable signs may be permitted in the city sidewalk within the business frontage.
5. Portable signs must be separately permitted, but do not affect total allowable square footage.
6. Portable signs must be removed from the permitted display location at the end of the business day and after removal placed in a location not visible from any public right-of-way.
7. Only one portable sign shall be permitted per business location.

F. Projecting Signs. No projecting sign may extend, at any point, more than three feet from the surface to which it is attached. Signs projecting over a public right-of-way must have at least eight feet of ground clearance, and may not project over any roadway.

G. Temporary Signs. Temporary signs are those signs installed on a property with the intent of being displayed for more than 72 hours, and may not be displayed for more than six weeks. All signs intended for display for a

Commented [GT30]: Why.

Commented [GT31]: Not quantifiable.

Commented [GT32]: I wonder if other P&Z commissioners owning businesses have signs that adhere to this or have they been grandfathered

Commented [GT33]: Why is this limited to 8 feet yet we say other free standing signs can be up to 15 feet?

Commented [GT34]: Does not make sense.

Commented [GT35]: Why are we things so difficult for businesses?

Commented [GT36]: This does not make sense. The description states over a public right of way but then may not project over a roadway. This should be made clearer.

period longer than six weeks shall be considered to be permanent signs and will be required to meet the provisions of this article. All temporary signs greater than 20 square feet per face in size are required to obtain a sign permit. Required permit for temporary sign less than 20 square feet per face will be issued without a fee.

H. Wind Signs. Any temporary pennant, propeller, or similar device which is designed to flutter, rotate, whirl, or display other movement under the influence of the wind. May be approved by the commission and are not to be included in allowable square footage for building.

I. Wall Signs. Wall signs may be placed on a structure; provided, that they meet the standards and requirements of DCC 18.95.100.

J. Window Signs. Permanent window signs may be placed in or on any window; provided, that no more than 50 percent of the total transparent area of the window is obscured. Merchandise displayed in windows that does not involve copy is not regulated by this article.

K. Standardized directional signage relating to the central business district, general commercial and light industrial zones shall be allowed. The standardized directional signage shall be attached to street signs in the general commercial, light industrial and central business district zones, and is intended to temporarily assist in the incubation of new commercial zones within the city. One standardized directional sign will be allowed per applicant. Square footage of standardized directional signs shall be deducted from the total allowed signage limitations for the applicant. Fees shall be set by resolution of the city council, and shall be subject to change with increased production costs. The owner/operator of the commercial business making application shall bear the fee for said sign. Standardized directional signs shall not exceed three hanging signs per street sign. A waiting list generated from any additional applications for a particular location shall be maintained by the city of Donnelly. Those commercial applicants placed on the waiting list shall be notified within 10 business days of abandonment of a standardized directional sign for replacement. The city of Donnelly is required by resolution to determine areas qualified for this signage. This signage shall conform to standards set forth by design review, and shall be uniform in design throughout the city. A standardized directional sign master plan for street and directional signage shall be available upon request from the city of Donnelly for a fee to cover printing costs. Standardized directional signage shall be reviewed for continued use after three years. The review date shall be clearly stated in the resolution and provided on the master plan. [Ord. 230, 2016.]

18.95.100 Multiple-business developments.

A. Each occupant in multiple-business developments shall comply with the aggregate area allowed for all signs under this article. The developer or owner shall be responsible to assign the distribution of the sign area to the occupants in their development or developments. Should the development install or have an existing freestanding sign, as per DCC 18.95.090(C), the area of signage included for the individual occupancies on the freestanding sign shall be included toward the compliance with this section of the individual occupancy.

Commented [GT37]: Why, I can board up the window but I can't put a sign in the window that is more than 50% of the total window? Why?

Commented [GT38]: Why this is the ultimate in nit picking?

1. The maximum aggregate area of all signs shall not exceed the total allowable sign area established by this article. All sign faces displayed, except permitted portable signs, shall be included in determining the sign area for a building.
 2. Total sign area permitted for any use shall not exceed a total of two square feet of sign area per lineal foot of building frontage for the principal building.
 3. Total sign area permitted for all wall, window, or other surface-mounted signs shall not exceed a total of 10 percent of the facade to which they are attached.
- B. In no case shall any single sign exceed 50 square feet.
- C. A developer or landlord who retains control over one or more structures or buildings intended for business occupancy in a shopping center site, mini-mall, multitenant commercial or industrial facility, or similar project shall submit a master sign plan to the design review board for approval. The master sign plan shall show sign colors, styles, and location on buildings, and maximum size, illumination and materials to be used. All signs in a master sign plan shall be in harmony with the adjacent and nearby building architecture and colors, as determined by the design review board. The master sign plan shall comply with all sections of this article. [Ord. 230, 2016.]

18.95.110 Lighting.

- Allowed methods of illumination are divided into several types as described in this section; all other forms of sign lighting are prohibited. All lighted signs shall comply with lighting standards as set forth in DCC 18.30.070.
- A. Unlighted. A sign with neither an internal light nor an external source intended specifically for the purpose of lighting the sign.
- B. Internally Lighted. A sign with an internal light intended to illuminate translucent portions of the sign.
- C. Externally Lighted. A sign with an external light source intended specifically to illuminate the sign. External light fixtures which produce glare shall not be permitted.
- D. Neon. A sign with exposed neon tubes. [Ord. 230, 2016.]

18.95.120 Exempt signs.

- The following signs shall not be subject to the permit process as defined by this article:
- A. Flags, Symbols, or Insignias. The flag of Idaho, the United States, or any other flag adopted or sanctioned by the legislative body of Idaho or the United States, may be displayed, providing that the flag is no larger than 60 square feet and is flown from a pole the top of which is no higher than 40 feet.
- B. Hours of operation or other such information signs.
- C. Private Recreation Signs. Signs located on the property of recreational facilities, not oriented to the general public, and intended to provide information or direction to those using the facility.

Commented [G739]: Why again another burden for the business?

Commented [G740]: Why?

Commented [G741]: Are certain colors or styles not authorized?

Commented [G742]: Very vague, not quantifiable or measurable.

Commented [G743]: Prohibitively restrictive.

Commented [G744]: This should be looked at too to ensure we are not overly restrictive.

Commented [G745]: So when we get a car dealership in town they cannot fly the

D. Signs posted by a government entity.

E. Temporary special events and temporary political signs not in excess of 32 square feet. [Ord. 230, 2016.]

The Donnelly City Code is current through Ordinance 230, passed February 22, 2016.

Disclaimer: The City Clerk's Office has the official version of the Donnelly City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.cityofdonnelly.org/>

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