City of Donnelly

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CITY OF DONNELLY
PLANNING & ZONING COMMISSION’S
PUBLIC HEARING
Monday, June 5, 2017 at 6:00 pm
at the Donnelly Community Center

Agenda

ROLL CALL

PUBLIC HEARING
To receive comments for the amendment of the Donnelly City Sign Code 18.95

PUBLIC HEARING
To receive comments for the amendment of the Donnelly Design Review Code 18.135.

PREVIOUS MINUTES
- April 3, 2017
- May 1, 2017

GENERAL BUSINESS:
- Election of P&Z Commission Chairman
- Donnelly Sign Code 18.95 – Recommendation
- Donnelly Design Review Code 18.135 -- Recommendation

STAFF UPDATES
- City Clerk Treasurer
- Administrator
- Commissioners

ADJOURN:

Next Meeting July 10, 2017 at 6:00 p.m.
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.

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.

18.95.050 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 foot for each linear foot of property frontage, whichever results in the larger sign area. The maximum aggregate area of all signs shall not 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 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 lesor or tenant of the
business or buildings to which the sign pertains, a structural change to the sign, or sign base,
upon any increase to the square footage of the sign, 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 city council 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.

E. If a nonconforming sign and/or sign structure is damaged due to natural or accidental events
to an extent where repair would cost less 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 matter 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 title.

D. Electronic or Digital Message Sign. A permanent sign which changes copy electronically more than once-twice per day using switches, digital displays, and/or 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 once per day. Changeable copy signs shall be maintained in a legible and serviceable manner and shall consist of individual letters that are changed manually.

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. In calculating the size of a two (2) sided sign, only one sign 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 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 shall 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 within 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 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.
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.

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. Unlit. 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.
The proposed changes to Donnelly City Code regulations for signage (DCC 18.95):

- Makes the sign application process easier by removing the requirement that sign applicants provide a drawing that shows the scale of the proposed sign in proportion to the building.

- Permits more square footage of allowable signage by:
  
  o Calculating the total amount of allowable signage by one (1) square foot of signage for each linear foot of property frontage or two (2) square feet of signage for each foot of building frontage, whichever is greater.
  
  o Allowing corner lots with more than one street or public right of way frontage to calculate signage for the building or property frontage facing each street or public right of way.
  
  o Counting the square footage of only one side of a two-sided free-standing signs toward the total sign allowance.
  
  o Removing the 48 square footage limitation for free-standing signs.
  
  o Removing the limitation that signs on awnings are limited to no more than 25 percent of the face of the awning.
  
  o Removing the requirement that all window, wall or other surface mounted signs be limited to 10 percent of the building façade area.

- Allows more existing signs that do not meet current code (nonconforming signs) to remain by:

  o Allowing the face of a nonconforming sign to be changed without the rest of the sign being required to meet current code.
  
  o Removing the requirement that a nonconforming sign be brought into conformance with current code when a business changes ownership.
  
  o Allows signs damaged by natural or accidental events to be rebuilt as-is if damaged less than 50% of its replacement cost.

- Allows electronic or digital message signs to be changed twice each day rather than only once per day as currently permitted.

- Removes the limitation on how many times each day manual changeable signs with individual letters can be changed.

- Clarifies that the placement of portable signs placed within the public right of way must maintain 48 inches of unobstructed access for ADA compliance.
Proposed topics for Commission discussion:

1. Should projects that only include remodel of the interior of a building with no changes to the building exterior and no addition of square footage be required to obtain Design Review approval?

2. Should a public hearing be required for projects requiring Design Review? Is there a threshold at which public hearing should be required (i.e. projects that include 500 sq. ft. or more of new construction)?

Possible code changes to address the above:

1. If the Commission determines that interior remodel projects should be exempt from Design Review, the following modification to DCC 18.135.020 could accomplish this:

   18.135.020 Applicability.
   All new construction, exterior remodels, and additions in the central business district and general commercial district, and where specified in this title, are subject to the design review process. All duplex, triplex, and other multifamily buildings within the city, regardless of the zone in which they are proposed, and all buildings proposed for the light industrial zone are subject to design review.

2. If the Commission determines that a public hearing should be required for Design Review for projects that include 500 sq. ft. or more of new construction, the following modifications to DCC 18.135.030 could accomplish this:

   18.135.030 Procedures.
   A. The city clerk shall transmit applications and supporting documentation to the commission for design review.
   B. The commission shall review the application without a public hearing and will approve, approve with conditions or modifications, or deny the application within 15 days of the review. Review of applications for projects that include less than 500 square feet of new construction shall not require a public hearing. Applications for projects that include 500 square feet or more of new construction shall require a public hearing in accordance with DCC 18.125.
   C. The city clerk shall provide written notice to the applicant of the commission’s decision within 10 days following the action.
Additionally, to allow adequate time for noticing of public hearings, the following modifications to DCC 18.135.040. B may be necessary:

B. Applications for projects that include less than 500 square feet of new construction shall be submitted a minimum of 15 working days prior to the commission meeting for which the design review will occur. Applications for projects that include 500 square feet or more of new construction shall be submitted a minimum of 25 working days prior to the commission meet for which the design review and associated public hearing will occur.

Respectfully submitted by:
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Planning & Zoning Commission Meeting
Monday, April 3, 2017 at 6:00 pm
AT
Donnelly Community Center
MINUTES

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

PREVIOUS MINUTES:

Motion by Gilbert, 2nd by Tyler to approve the Planning & Zoning Minutes from March 6, 2017 as corrected. Motion carried.

PUBLIC COMMENT: None

GENERAL BUSINESS:

Election of P&Z Commission Chairman
Nominations were made by Tyler for Mangum, Bryant nominated Gilbert. Split vote.

Motion by Tyler, 2nd by Gilbert to table Election of P&Z Commission Chairman until next meeting. Motion Carried.

Signage Ordinance Review Workshop:
Administrator presented the changes to the sign code as what was discussed at previous meeting. Interpretation was that the language was revised. Non-Conforming will only go away if there is a structural change, increase in square footage of sign, or building foot-print.

Secondly the electronic or digital messaging was requested to add clarity on the sign and frequency of how many times it may change per day.

Tyler requested a vote by the Commission on who wanted this change and who didn’t. Keep the change — Gilbert (yes) Tyler (no) Bryant (yes) Mangum (yes) Tyler wanted to express that the City allows this by having a speed check sign which changes many times throughout the day, however Administrator indicated that she felt this was more of an information sign not a animated sign for personal business.
Manual reader signs were also changed to 2 times per day, instead of 1 time. Tyler again wanted a vote as he explained that this is already self-regulated by being changed manually. Commission voted to remove this restriction on the manual changing signs.

There were no additional changes moving forward.

Commission asked for Clerk to send out a summary of what is changing on the code and talk about the substance to all businesses within the City. June 5th Public Hearing.

Staff Updates:

Clerk will be out of the office, requested to email any questions. Apartments are moving forward and inspections have been completed on many various aspects of the project. Water/Sewer will be later in the development. Thrift Store & Daycare are opening in the Roseberry Plaza. Letters have been sent on some property clean-up. Owner of property on state street of the shed that has collapsed has been notified. Still seeking library director. New bus kiosk. Old Free Store is being cleaned out but haven’t heard of the status of the removal. The White house will be burnt down in the next few weeks.

Tyler – ABC awards will be announced on April 19th. McCall and Cascade locations for the awards. Wildlife coming in closer to residences please be careful.

ADJOURN

Motion by Gilbert, 2nd by Bryant to adjourn until the next regular scheduled meeting at 6:00 p.m. May 1, 2017. Motion carried.

Adjourned: 6:47 p.m.
Roll Call: 6:00 p.m. Chairman Larry Mangum, Sally Gilbert, Maggie Bryant and Gene Tyler were present. George Dorris was absent. Quorum exists. Clerk Cami Hedges and Administrator Delta James were present.

PREVIOUS MINUTES:

Motion by Tyler, 2nd by Bryant to table the April 3, 2017 minutes until the next regular meeting. Motion carried.

GENERAL BUSINESS:

Election of P&Z Commission Chairman – votes remained the same and will need to wait until there is a tie breaker vote or request Mayor to appoint the Chairman. Commissioner Tyler showed the frustration of what the agenda was to change the Chairman as the current Chair was doing a fine job. Administrator advised that if it went another month that it should be given to the Mayor to appoint. There are no legal issues with this, it is just in the scope of work as the P&Z Commission to elect a new chair each year.

Motion by Gilbert, 2nd by Bryant to table until the next meeting. Mangum, Gilbert and Bryant for, Tyler against. Motion carried.

Design Review updates:
Some questions have arisen in regards to the Design Review process. Current code states that all construction done in the Central Commercial District requires a design review. Administration believes that it was an error to state all when it should be exterior only. However, no changes to the building permit requirements. It would be best to clarify this in the code to indicate exterior only. Commission agreed.

There does not seem to be a threshold on size. This needs to be determined if needed. Suggests that anything lower than 500 sq ft should not require a design review. Commission agreed.

With recent happenings of new development in town, Administrator believes it would be advantageous for the commission to require a public hearing on design review applications. The threshold would also be 500 sq ft to not require a public hearing.
Motion by Tyler, 2nd by Bryant to approve proposed code language for design review, and to be heard by public hearing at the next meeting. Motion carried.

Staff Updates:
Clerk – City Council did not approve the extension of Coach Crossing and is asking the Developer to present the project to both bodies. City has hired a new Library Director – Cherlene Kangas. City was awarded the Department of Commerce Block Grant for the water system. We may be able to have a new well as early as October 2017.

Administrator – May not be able to attend the public hearing in June due to schedule conflict, however will do her best to attend.

Gilbert – attended the Valley County public hearing on the Valley County Pathways plan that incorporates all area pathway plans. The Commissioners felt they needed more information prior to adoption therefore has been tabled until the information is obtained. It was a good public hearing and the Commissioners received a lot of valuable feedback. The consensus was to respect the property owners.

Tyler stated that much of the problems with the pathways was the accessibilities act and that not enough space was proposed.

ADJOURN
Motion by Gilbert, 2nd by Bryant to adjourn until the next regular scheduled meeting at 6:00 p.m. June 5, 2017. Motion carried.

Adjourned: 6:40 p.m.