F6

Memorandum

To: Hiawatha City Council

CC: Kim Downs, City Administrator

From: Patrick Parsley, Community Development Director

Date: 4/28/2016

Re: Trailblazer Right of Way Advertising Sign

Background:
We have received a request for a directional sign to be placed in the Right of Way (ROW) of Boyson Road at the intersection of Boyson and NCPR. Mr. Kinch Donithan; the owner of Dairy Queen, would like to purchase signage along I-380. Because his business is not located on Boyson, the DOT program requires him to purchase additional directional signs.

Since the inception of the Hiawatha ROW sign policy there has been one other request for Trail blazer signage. The previous business was notified of the non-profit requirement in the policy and did not pursue approval. That business would have needed a Trailblazer sign at the corner of Boyson and North 18th Ave.

Because of the sensitive nature of the sign code staff recommended the Council request the Planning and Zoning Commission consider the issue and make a recommendation regarding a proposed code change and policy change allowing IDOT I-380 "Trailblazer" advertising sign(s) in the ROW. Council passed a resolution making this request.

The Planning and Zoning Commission addressed the issue at their April 25th meeting and made the recommendation to approve Option #2 as attached. This recommendation is for the installation of a single Trailblazer sign at the intersection of Boyson Road and NCPR. We have included the staff research and recommendations in this memo and attached the applicable code and policy changes for the recommended option.

Research:
The extra directional signs are referenced as "Trailblazer" signs and are to be placed in the ROW. These signs can vary in size based on the number of businesses named. Single logo signs are 36" X 18" and the signs can be as large as 36" X 66" to accept up to 4 business logos.

According to Vicki Elscott of the DOT the Trailblazer sign is a requirement for some businesses to participate in the DOT advertizing program. However Trailblazer signs are not a part of the DOT annual fee or maintenance program. She stated the sign structure would be the responsibility of the jurisdiction to maintain. If the sign panel itself becomes damaged or faded the DOT would replace it. The logos would be the responsibility of the business owner and would remain on the sign even if the business terminates participation in the DOT advertizing program. Our sign policy makes it clear the applicant for the sign permit will remain responsible for maintaining the sign in the right of way. We interpret this to include the sign structure.

Ms. Elscott also submitted a list of jurisdictions that do not allow the Trailblazer signs in the ROW. The list includes Iowa City, Cedar Rapids, Waterloo, and Cedar Falls in the I-380 corridor. We also contacted Ankeny, Altoona and North Liberty to verify their policies. Ankeny and North Liberty do not allow these advertising signs in the right of way. Altoona City Council allows Trailblazer signs in the ROW with no restrictions. (Ordinance No. 07-20-2015 #1 (411))

Findings:
Trailblazer signs do not comply with our current policy for signs in the ROW or our current sign code. However the Comprehensive plan envisioning a downtown district on North Center Point Road may recognize a Trailblazer sign as an economic advantage available to our local businesses.

The ROW sign policy allows signs no larger than three (3) square feet with no dimension greater than 24 inches and the application must be for a non-profit organization. Trailblazer signs are larger than this allowance and can be as large as 36" by 66". The intent for these signs is to advertise for businesses which are for-profit.

Hiawatha Sign Code Section 166.10 (3) J. does not allow advertising signs. (Advertising signs are defined as: *signs which direct attention to an establishment, business profession, commodity, service, premises, person or thing which may be located, produced, conducted, sold, or offered elsewhere than the lot upon which the sign is located.* Section 166.54 (21)). By definition the Trailblazer signs would be considered advertising signs. Allowing them would be counter to a major prohibition of sign proliferation in Hiawatha. One of the aesthetic values held by the community is a limit on signage as it detracts from the cityscape envisioned in our UDC.

Conversely, the Hiawatha Comprehensive plan includes provisions for the development of a downtown district. It is defined in the companion Unified Development Code (UDC) as the CPR 1-3 zoning districts. This area relaxes setbacks, building densities, and encourages mixed uses in an effort to create an urban commercial center with residential options. To promote this concept and development, a Trailblazer sign at the intersection of Boyson and NCPR may have a community wide benefit because it would allow more Hiawatha businesses in the CPR districts to advertise on I-380.

The Trailblazer program has special significance which makes it unique and beneficial to all of the citizens and businesses in Hiawatha even though it is not available to all businesses? The special significance is advertising on I-380 for "Hiawatha Downtown" which cannot otherwise occur. Currently the only businesses allowed to advertise on I-380 are those which are located on Boyson Road and do not need a Trailblazer sign and properties which abut the freeway. Those businesses which abut the freeway have a special allowance for signage 50 feet tall and 450 square feet in area. This includes a portion of the CPR district along with other commercial areas along the freeway.

Options:
Staff has determined four options for this request: Options #2, #3 and #4 will require public hearings since they include a code change proposal.

1) Deny the application of the Trailblazer sign in the ROW
2) Amend the Hiawatha Sign Code to allow Trailblazer signs for CPR businesses
3) Amend the Hiawatha Sign Code to allow Trailblazer signs.
4) Amend the Hiawatha Sign Code to allow advertising directional signs in the ROW for all businesses.

Option (1) to deny the application is most consistent with the present codes and policies for the City of Hiawatha. The present ROW sign policy is very explicit in the prohibition of signs in the ROW except for nonprofit organizations and the Sign Code clearly prohibits advertising signs in general. Conversely option (4); the option to allow advertising sign in the ROW, would be the biggest change to our present codes and policies. This change may encourage a change to further allow advertising signs in general. However these two options could be considered the easiest to justify as they do not specify a selective program or specific zoning district.

If the City deems the Trailblazer program as being unique and beneficial to the City options (2) and (3) would be considered valid resolutions. The difference between these options is the number of signs allowed and the number of businesses able to take advantage of the program. Option (2) limits this program to CPR districts and will limit Trailblazer signs to the intersections of Boyson/NCPR and Tower Terrace/NCPR (when the I-380 interchange is completed). This option is justified by the Comprehensive Plan vision for CPR district development which may be promoted through advertising on I-380.

However option (2) will not allow businesses in other zones to take advantage of the program. In the past we have received a request for Trailblazer signage from AirFX which is located west of the interstate. The request was denied upon application and the business did not pursue an exception. Allowing the less restrictive option (3) would allow any business to participate in the Trailblazer program if qualified by IDOT. This would mean approving ROW sign requests along Boyson and possibly Tower Terrace. Though the Trailblazer program will serve to promote Hiawatha as a whole on I-380, the signs may not be aesthetically pleasing along our street right of way.
Given the conflicting values for an uncluttered streetscape versus the promotion of our City businesses, staff would recommend option (1) or (2) at this time. Option (1) will require no changes in our present code or policy. Option (2) will require the least amount of changes of the remaining three options. Option (2) also retains the most Council control. The attached changes would allow one trailblazer sign on Boyson which could accommodate four business logos. If the Council agrees to these changes they can clarify the business owner's responsibility to maintain the sign and to maintain participation in the I-380 advertising program to retain their logo on the trailblazer sign.

Options (3) and (4) will require further changes to the ROW sign policy and the Sign code. If the P&Z commission would like either of these options, staff would prepare the appropriate code and policy changes for the public hearing. These changes would be slightly different than for option (2) but are not included in this packet for clarity.

Option (1) Resolution:
CONSIDER RESOLUTION TO DENY THE TRAILBLAZER SIGN REQUEST SUBMITTED BY KINCH DONITHAN.

Option (2) Resolution: **(Recommended by Planning & Zoning Commission)**
CONSIDER RESOLUTION TO APPROVE THE CODE CHANGE TO EXEMPT ONE TRAILBLAZER SIGN ON BOYSON FROM THE ADVERTISING SIGN PROHIBITION IN CITY CODE SECTION 166.10 AND CHANGE THE RIGHT OF WAY SIGN POLICY TO ALLOW A TRAILBLAZER SIGN AT THE INTERSECTION OF BOYSON ROAD AND NORTH CENTER POINT ROAD.

Options (3) Resolution
CONSIDER RESOLUTION TO APPROVE CODE CHANGES TO EXEMPT TRAILBLAZER SIGNS ON BOYSON FROM THE ADVERTISING SIGN PROHIBITION IN CITY CODE SECTION 166.10 AND CHANGE THE RIGHT OF WAY SIGN POLICY TO ALLOW TRAILBLAZER SIGNS ON BOYSON ROAD.

Option (4) Resolution
CONSIDER RESOLUTION TO APPROVE THE CODE CHANGES TO EXEMPT DIRECTIONAL RIGHT OF WAY SIGNS FROM THE ADVERTISING SIGN PROHIBITION IN CITY CODE SECTION 166.10 AND CHANGE THE RIGHT OF WAY SIGN POLICY TO ALLOW DIRECTIONAL SIGNS IN THE RIGHT OF WAY FOR ALL BUSINESSES.

Option (2) Attachments: ROW Sign Policy
Sign Code Chapter 166

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DIRECTIONAL SIGNS IN THE RIGHT-OF-WAY

Purpose

The city of Hiawatha allows the placement of directional signs in the right-of-way. The Council retains the sole authority for all such signs in accordance with City Ordinance Section 166.10 § 3 A. This policy describes the regulations for allowing these signs and provides procedures for submitting, processing and approving the request.

Terms and Conditions

Requests for directional signs in the right-of-way may be approved if complying with the following:

1. The sign request shall be submitted by a nonprofit business or agency for the purpose of giving direction to the location of that business or agency.
   - ~~1.~~ EXCEPTION: The logos on the DOT Trailblazer sign at the intersection of Boyson and NCPR shall be reserved for businesses participating in the DOT I-380 advertising program.
2. The sign design and installation shall comply with the applicable sections of MUTCD and these standards:
   a. Sign shall be a white print on green background.
   b. Sign shall contain only the name of the nonprofit business and applicable directions.
   c. Sign pole shall be 2" x 2" galvanized square tubing mounted in 2-1/2" square base.
   d. Sign location and height shall be as specified in MUTCD Section 2A.16, Figure 2A-2c.
   e. Sign shall be a maximum area of 3 square feet and shall not exceed 24" in height or width.
      - ~~e.~~ EXCEPTION: The DOT Trailblazer sign shall be no larger than 36" X 66" as designed for four (4) business logos. The posts and sign shall be as per DOT program specifications.
3. The sign maintenance shall be the responsibility of the permit applicant.
4. The City Council retains the authority to give variances to these standards where specific compliance to these standards cannot be achieved due to location constraints.
5. The City Council retains the authority to have the right-of-way sign removed at any time for any reason.

Existing Directional Signs in the Right-of-Way

Existing directional signs in the right-of-way may remain unless destroyed or damaged and require replacement. The replacement sign shall require a permit and shall comply with the sign specifications herein.

EXCEPTION: Existing signs permitted in the form of a license under a previous policy may maintain and replace the existing signs as allowed in their installation agreement.

City Approval Procedures:

The Community Development Department will receive right-of-way directional sign requests on standard sign permit forms. The fee will be equivalent to the fee for a single ground sign as designated by resolution of the City Council.

Approval of the City Council by resolution is required for the issuance of any permit for a directional sign in the right-of-way. Permit applications will be reviewed by Community Development, City Engineer, and the Streets Superintendant for compliance to the design standards who will make a recommendation to City Council for approval/disapproval of the request.

If the right-of-way directional sign is approved by the City Council the applicant shall apply for a permit to work in the right-of-way for the installation of the sign. The fee and permit requirements shall be as for a commercial right-of-way installations. 03/2016

166.10 REGULATIONS FOR ALL SIGNS.

1. Scope of Regulations. The regulations contained in this section shall apply to and regulate signs in all zoning districts. No sign shall be located, erected, or maintained except in compliance with the regulations contained herein. Any sign already established on the effective date of this Sign Code which is rendered nonconforming by these regulations, and any sign which, as a result of subsequent amendments to this Sign Code, is rendered nonconforming, shall be subject to the applicable provisions of this section and Section 166.34 (Nonconforming Signs).

2. Exemptions. The following signs are exempted from the permit regulations of this chapter:

A. Miscellaneous Signs. Miscellaneous traffic or other signs of a public agency, such as railroad crossing signs and signs that warn of danger, hazards, or unsafe conditions.

B. Official Flags and Emblems. Display of any official flag or emblem of a nation, state or city.

C. City Entrance. City identification and entrance signs installed by the City.

D. Memorials. Grave markers, statues, or remembrances of persons or events which are noncommercial in nature.

E. Works of Fine Art. Works of fine art which are not displayed in conjunction with a commercial enterprise for the principal purpose of commercial advertisement.

F. Temporary. Temporary decorations or displays for less than 90 days which celebrate the occasion of traditionally accepted patriotic or religious holidays.

G. Vehicle Signs. Signs applied directly or attached directly to the body of a car, bus, trailer, or other vehicle if such vehicle has a valid registration, is utilized in the normal course of a business or in the operator's usual routine activities, and such vehicle is not used primarily for the display of such sign or signs.

H. Legally Required Signs. Signs and notices required to be displayed, maintained, or posted by law or by any court or governmental order, rule, or regulation.

I. Drive Thru Menu Boards. Drive through menu boards which comply with the following:

(1) Shall be readable from the drive through lane only.

(2) Shall be set back from property lines as required for signs.

J. Temporary Signs. Temporary signs that are subject to the following conditions:

(1) No such signs shall be placed on public property, including any street right-of-way. Such signs may be located in a required yard in any such district, except none shall be within 30 feet of a corner street lot line intersection.

(2) No such signs shall exceed 16 square feet for lots of one and two family dwellings and 32 square feet for all other uses. The total allowable surface area or the maximum amount of aggregate square feet of all signs in one lot shall not exceed 32 square feet per street frontage.

EXCEPTION: Temporary signs exceeding this size shall require a permit as attention drawing devices as allowed by Section 166.10(3)E.

(3) Such signs shall not exceed four (4) feet in height for lots of one and two family dwellings and 10 feet in height for all other uses.

(4) Such signs shall not be illuminated.

(5) Such signs shall not be displayed for more than 75 days in any one calendar year. Such signs shall be removed or caused to be removed by the person or organization responsible for the erection or distribution of such signs, or by the owner of the property upon which they are located, or by such owner's agent after 75 days, and no later than 5 days after the event for which such signs pertain, if applicable.

K. Information Signs. Information, directional and premises identification signs not exceeding four square feet in surface area, displayed strictly for the direction, safety, or convenience of the public, including signs which identify restrooms, telephones, danger areas, parking area entrances or exits, freight entrances, nameplates, address signs, or the like.

3. Signs Prohibited.

A. Public Rights-of-Way. No sign or sign structure other than an official traffic, street, or related sign approved for placement by the controlling public agency shall be placed on any street or highway right-of-way.

B. Interference with Utilities. Signs and their supporting structures shall not interfere with any equipment or lines for utilities, including water, sewage, gas, electricity, or communications. No permanent sign of any size shall be located in or overhang a utility easement.

C. Consent of Owner Required. No sign or sign structure shall be placed on private or public property without the consent of the owner or authorized agent thereof.

D. Imitation or Resemblance to Traffic Control and Safety Signs. No sign or sign structure shall be erected at any location where it may, by reason of its size, shape, design, location, content, coloring, or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by obscuring or otherwise physically interfering with any official traffic control device, or which may be confused with an official traffic control device. No rotating beacon, beam, or flashing illumination resembling an emergency light shall be used in connection with any sign display or be visible from an adjacent street. No lights resembling an emergency light and no such words as "Stop," "Look," "Danger," or any other lights, words, phrases, symbols, or characters which in any manner may interfere with, mislead, or confuse vehicle operators shall be used in a location which is visible to vehicular traffic. No sign shall be located in such a manner as to impede the corner visual clearance.

E. Attention Drawing Devices and Portable signs. No festoons, spot lights, suspended balloons, other attention drawing devices or portable signs shall be allowed.

EXCEPTION: Attention-Drawing Devices. Temporary attention-drawing devices shall be submitted to the City for approval. A permit is required pursuant to the provisions of Section 166.12. The maximum time period for any such sign or attention-drawing device shall be two (2) weeks.

F. Roof Signs. No roof signs shall be allowed.

G. Fence and Free-Standing Wall Signs. Painting or affixing a sign to a fence or free-standing wall is prohibited.

H. Flashing Lights. Flashing, chasing and/or moving light is not allowed on any sign. See electronic message center signs in this Section 166.11 §10.

I. Vehicle Signs. Vehicle signs greater than one square foot which are applied directly or attached directly to the body of a car, bus, trailer, or other vehicle when such vehicle does not have a valid registration and is not utilized in the normal course of a business or in the operator's usual routine activities.

J. Advertising signs as defined in Section 166.54.

~~J.~~ EXCEPTION: Business logos of businesses participating in the I-380 advertising program may be placed on I-380 Trailblazer signs located as approved by Council as ROW directional signs.

K. All signs not expressly permitted by this chapter.

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ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 1996, BY AMENDING CHAPTER 166 SIGN CODE §166.10 REGULATIONS FOR ALL SIGNS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA:

SECTION 1. Chapter 166 Sign Code, Section 166.10 Regulations For All Signs, of the Code of Ordinances of the City of Hiawatha, Iowa, 1996, is hereby amended as follows:

166.10 REGULATIONS FOR ALL SIGNS.

3. Signs Prohibited.

A. Public Rights-of-Way. No sign or sign structure other than an official traffic, street, or related sign approved for placement by the controlling public agency shall be placed on any street or highway right-of-way.

B. Interference with Utilities. Signs and their supporting structures shall not interfere with any equipment or lines for utilities, including water, sewage, gas, electricity, or communications. No permanent sign of any size shall be located in or overhang a utility easement.

C. Consent of Owner Required. No sign or sign structure shall be placed on private or public property without the consent of the owner or authorized agent thereof.

D. Imitation or Resemblance to Traffic Control and Safety Signs. No sign or sign structure shall be erected at any location where it may, by reason of its size, shape, design, location, content, coloring, or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by obscuring or otherwise physically interfering with any official traffic control device, or which may be confused with an official traffic control device. No rotating beacon, beam, or flashing illumination resembling an emergency light shall be used in connection with any sign display or be visible from an adjacent street. No lights resembling an emergency light and no such words as "Stop," "Look," "Danger," or any other lights, words, phrases, symbols, or characters which in any manner may interfere with, mislead, or confuse vehicle operators shall be used in a location which is visible to vehicular traffic. No sign shall be located in such a manner as to impede the corner visual clearance.

E. Attention Drawing Devices and Portable signs. No festoons, spot lights, suspended balloons, other attention drawing devices or portable signs shall be allowed.

EXCEPTION: Attention-Drawing Devices. Temporary attention-drawing devices shall be submitted to the City for approval. A permit is required pursuant to the provisions of Section 166.12. The maximum time period for any such sign or attention-drawing device shall be two (2) weeks.

F. Roof Signs. No roof signs shall be allowed.

G. Fence and Free-Standing Wall Signs. Painting or affixing a sign to a fence or free-standing wall is prohibited.

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H. Flashing Lights. Flashing, chasing and/or moving light is not allowed on any sign. See electronic message center signs in this Section 166.11 §10.

I. Vehicle Signs. Vehicle signs greater than one square foot which are applied directly or attached directly to the body of a car, bus, trailer, or other vehicle when such vehicle does not have a valid registration and is not utilized in the normal course of a business or in the operator's usual routine activities.

J. Advertising signs as defined in Section 166.54.

EXCEPTION: Business logos of businesses participating in the I-380 advertising program may be placed on I-380 Trailblazer signs located as approved by City Council as Right-Of-Way directional signs.

K. All signs not expressly permitted by this chapter.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 4th day of May, 2016.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

I, Kelly Kornegor, City Clerk of the City of Hiawatha, Iowa, do hereby certify that the foregoing ORDINANCE was PASSED and APPROVED by the City Council of the City of Hiawatha, Iowa, on the 4th day of May, 2016, and was posted as Ordinance No. _____ on the _____ day of May, 2016.

_____
Kelly Kornegor, City Clerk

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RESOLUTION NO. 16-
City Council

RESOLUTION AMENDING
DIRECTIONAL SIGNS IN THE RIGHT-OF-WAY POLICY

WHEREAS, the City Council has determined the need in amending the City's Directional Signs in the Right-Of-Way Policy in order to allow an exception for Department of Transportation (DOT) Trailblazer signs to be placed at the intersection of Boyson Road and North Center Point Road for businesses participating in the DOT I-380 advertising program and set the maximum sign dimensions as shown in the attached Exhibit "A".

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hiawatha, Iowa, that said Directional Signs in the Right-Of-Way Policy is hereby amended, approved, and adopted.

PASSED AND APPROVED this 4th day of May, 2016.

AYES:
NAYS:
ABSENT:

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

DRAFT

RESOLUTION NO. 16-
City Council

RESOLUTION SETTING A PUBLIC HEARING DATE TO AMEND HIAWATHA CODE OF ORDINANCES CHAPTER 166 SIGN CODE §166.10 REGULATIONS FOR ALL SIGNS BY ALLOWING AN EXCEPTION FOR PLACEMENT OF I-380 RIGHT-OF-WAY DIRECTIONAL TRAILBLAZER SIGNS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA to direct staff to proceed with notification of a public hearing that will be held in the Hiawatha Council Chambers, 101 Emmons Street, before the Hiawatha City Council on Wednesday, May 18, 2016 @ 5:30 P.M. to consider amending Hiawatha Code of Ordinances Chapter 166 Sign Code §166.10 Regulations For All Signs by allowing an exception for placement of I-380 right-of-way directional trailblazer signs with approval by City Council.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 4th day of May, 2016.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk