



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce Walden, Chief Administrative Officer

FROM: Elizabeth Tyler, AICP, CD Director/City Planner

DATE: January 31, 2002

SUBJECT: Plan Case No. 1812-T-02: Request by the Zoning Administrator to amend Section IX-6 and IX-7 of the Zoning Ordinance to allow Electronic Display Signs as Community Event Signs Requiring a Permit.

Introduction

The Zoning Administrator is requesting an amendment to the Zoning Ordinance to amend portions of Article IX, Comprehensive Sign Regulations, of the Zoning Ordinance to allow Electronic Display Signs as Community Event Signs Requiring a Permit. The amendment is being proposed in response to a desire by Lincoln Square Mall to install an electronic message board to display both community event messages and commercial messages related to the mall. The proposed amendment would apply to any petitioner wishing to construct such a sign in the B-4 and B-4E zones.

Background

Lincoln Square Mall has expressed an interest to the City in displaying an electronic message board within the freestanding sign that currently exists at the northwest corner of the intersection of Illinois and Vine Streets. The current sign contains a message display panel but it is not functional. The proposed sign would not be allowed under the existing ordinance, as Section IX-7 of the Zoning Ordinance prohibits any sign which contains blinking, flashing lights, unless such lights are permitted in Section IX-5 as an official sign such as traffic, danger, and safety signs. In reviewing the Lincoln Square sign proposal, City staff has discussed the effect of technology on changeable message signs, and recognizes that electronic message boards are a more common and desired method of displaying changeable messages. At the same time, the proposed amendment will allow electronic message boards only under limited conditions to control the impacts of sign proliferation.

Legislative Intent and Findings

The Urbana Zoning Ordinance lists the following reasons for regulating the size, number and spacing of signs:

- aid in traffic safety by avoiding uncontrolled proliferation of signs which distract and endanger safety and traffic flow
- reduce congestion of land, air and space
- preserve and protect property values
- establish reasonable standards for the use of signs in order to maintain and encourage business activity and development
- protect and enhance the physical appearance of the community and the scenic value of the surrounding area
- regulate signs located near or visible from public property such as streets, highways, parks and schools where such signs could jeopardize the public's investment in these facilities.

The proposed amendment appears to conform to the purpose of the Comprehensive Sign Regulations. City Engineer Bill Gray indicates that the proposed amendment should not jeopardize public safety. The public's investment in the property where the proposed sign is to be located will not be negatively impacted by the proposed amendment, as a display panel currently exists and the proposed amendment would allow Lincoln Square Mall to replace the existing display panel with an electronic message board. The intent of the proposed amendment is to allow messages of a commercial nature in combination with community service messages and time/temperature displays, and the limited allowance for electronic message boards should not negatively impact property values, the physical appearance of the community, or add to congestion of land, air, and space.

On January 24, 2002 the Urbana Plan Commission held a hearing in regard to the proposed amendment. For additional background information regarding this case, please refer to the January 17, 2002 memorandum to the Plan Commission and draft minutes from the Plan Commission meeting. Under the proposed language, the Zoning Administrator will approve or not approve a sign permit request based on whether the petitioner can show that the sign will conform to the regulations under subsections IX-5 and IX-7. This includes criteria added in response to Plan Commission concerns regarding nuisance to residential districts and uses, intensity of illumination, and nuisance and safety concerns related to the frequency of the changing messages. Electronic message boards are subject to the sign standards established in Tables IX-1 through IX-4 and IX-6, including a maximum area of 50 square feet and a minimum separation distance of 50 feet from any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.

Downtown Strategic Plan

The final draft of the Downtown Strategic Plan was presented to the Plan Commission on January 24, 2002 and was forwarded to City Council as an amendment to the Comprehensive Plan with a recommendation for approval with certain conditions. One of the key conclusions identified in the Downtown Plan is the importance of the continued strengthening of Lincoln Square Mall. The Plan emphasizes that residents view the mall as a community center more than strictly a retail center. The unique disposition of Lincoln Square given its location and history helps create this feeling of a community center.

The proposed Downtown Strategic Plan calls for a list of action steps to be taken regarding internal and external physical improvements that would “update” the mall and would better establish a linkage with the rest of downtown. One of the recommendations of the Lincoln Square Initiative within the proposed Plan is that the mall owners’ plans address how to better take advantage of the placement of directory signage. While the proposed electronic message board is not a directory sign, it would allow the mall to advertise community events, including City-sponsored events such as the Farmer’s Market and Sweet Corn Festival, events sponsored by the School District, the Park District, and the Urbana Business Alliance, as well as commercial messages related to the mall with the intent of attracting visitors. The plan also calls for the City and the mall ownership to continue to work together to identify what can best be done to make the mall an asset for its ownership and for downtown. Other goals identified in the Downtown Plan could be achieved with an electronic message board as well, such as promoting a community performance venue in downtown.

Proposed Amendments

Amend Section IX-6 and IX-7, Use of Noncommercial Signs in Business and Industrial Zoning Districts, by adding the following provision:

C. Community Event Signs Requiring a Permit

5. Electronic Display Sign

Permanent signs providing notice of community events on a continuous basis by means of electronic display may be permitted with Zoning Administrator approval, subject to the placement and size limitations contained within this subsection. Community events information and/or time/temperature announcements must constitute more than 50% of the sign content in order to be considered a noncommercial sign. Commercial related information may otherwise be displayed, but shall not exceed 49% of the sign content. The Zoning Administrator shall consider the following criteria in reviewing a permit application for electronic display signs:

- a) The sign must display a preponderance of community event messages in volume, number, and frequency.
- b) Illumination from the sign will not cause a nuisance to any nearby residential district or use.

- c) The sign will not blink, flash, or otherwise display electronic messages in a manner that will cause a traffic or safety hazard.

Amend Section IX-7, Prohibited Signs, with new text indicated by underlining:

- A. The following signs are specifically prohibited by this Ordinance:
 - 4. Any sign which contains blinking, flashing lights, unless such lights are permitted in Section IX-5 or IX-6.

Issues and Discussion

The Zoning Administrator currently interprets electronic message board signs as being prohibited under Section IX-7 as mentioned above. The proposed amendments will assist in the administration and enforcement of the Zoning Ordinance by clarifying that electronic message boards are generally prohibited as a sign which contains blinking, flashing lights. At the same, the public interest would be served in allowing signs under certain conditions, since the proposed amendment requires that electronic message boards display community events information the majority of the time. Such provisions will discourage a disproportionate number of sign permit requests for this type of sign.

Summary of Findings

1. The proposed amendment would assist in administration and enforcement of the Zoning Ordinance by clarifying that electronic message boards are generally prohibited as a sign which contains blinking, flashing lights while allowing electronic message boards that display community events information and/or time/temperature announcements more than 50% of the time in volume, number, and frequency.
2. The proposed amendments are pursuant to the intent of the Comprehensive Sign Regulations, as defined in Section IX-1, Legislative Intent and Findings, of the Urbana Zoning Ordinance.
3. The proposed amendment establishes a reasonable standard for the use of signs in order to maintain and encourage business activity and development by providing an opportunity to display both commercial and community event messages.
4. The proposed amendment would not create an additional traffic hazard or otherwise diminish the public's investment in nearby public facilities.
5. The proposed amendment is consistent with the action step called for in the proposed Downtown Strategic Plan to better take advantage of the placement of directory signage.

Options

The City Council has the following options for action in Plan Case No. 1812-T-02:

- a. approve the proposed text amendment to the Zoning Ordinance, as presented herein.
- b. approve the proposed text amendment to the Zoning Ordinance, as modified by specific suggested changes.
- c. deny approval of the proposed text amendment to the Zoning Ordinance.

Recommendation

The Plan Commission voted 5 to 0 to recommend **approval** of the proposed text amendment as presented herein based on the findings and discussion summarized above, and to recommend that City Council consider an increase in the minimum linear distance between any one of these signs and any residential zoning district, as well as additional limitations for lumens and flash rates. In response to these concerns, Staff has included additional text in the proposed amendment. Staff recommends **approval** of the proposed amendment as presented.

Prepared by:

Tim Ross, Senior Planner

Attachments: Proposed Ordinance
Draft Minutes from the January 24, 2002 Plan Commission Meeting

Cc: Tony Stephens
Jim Webster
Laurie Bonnett
Reed Berger

ORDINANCE NO.2002-02-011

AN ORDINANCE AMENDING THE ZONING ORDINANCE

(to amend Section IX-6 and IX-7 to allow Electronic Display Signs as Community Event Signs Requiring a Permit - Plan Case 1812-T-02)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a Comprehensive Amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, Article IX of the Urbana Zoning Ordinance, Comprehensive Sign Regulations, includes as an intent of regulating signs, to establish reasonable standards for the use of signs in order to protect and enhance the physical appearance of the community and the scenic value of the surrounding area and to maintain and encourage business activity and development; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend Section IX-6, Use of Noncommercial Signs in Business and Industrial Zoning Districts, and Section IX-7, Prohibited Signs, as presented herein; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 1812-T-02; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing to consider the proposed amendment on January 24, 2002; and

WHEREAS, the Urbana Plan Commission voted 5 ayes and 0 nays to forward the proposed amendment set forth in Plan Case No. 1812-T-02 to the Urbana City Council with a recommendation for approval of the proposed amendment, with the recommend that City Council consider an increase in the minimum linear distance between any one of these signs and any residential zoning district, as well as additional limitations for lumens and flash rates; and

WHEREAS, staff has included text to the ordinance that would establish additional criteria for review of a sign permit application in terms illumination, public safety, and the proportion of noncommercial messages/time and temperature displays to commercial messages; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to amend the text of the Urbana Zoning Ordinance as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows: (proposed additions are underlined)

Section 1. Section IX-6, Use of Noncommercial Signs in Business and Industrial Zoning Districts, in the Urbana Zoning Ordinance is hereby amended as follows:

C. Community Event Signs Requiring a Permit

5. Electronic Display Sign

Permanent signs providing notice of community events on a continuous basis by means of electronic display may be permitted with Zoning Administrator approval, subject to the placement and size limitations contained within this subsection. Community events information and/or time/temperature announcements must constitute more than 50% of the sign content in order to be considered a noncommercial sign. Commercial related information may otherwise be displayed, but shall not exceed 49% of the sign content. The Zoning Administrator shall consider the following criteria in reviewing a permit application for electronic display signs:

- a) The sign must display a preponderance of community event messages in volume, number, and frequency.
- b) Illumination from the sign will not cause a nuisance to any nearby residential district or use.

c) The sign will not blink, flash, or otherwise display electronic messages in a manner that may cause a traffic or safety hazard.

Section 2. Prohibited Signs, is hereby amended as follows:

A. The following signs are specifically prohibited by this Ordinance:

4. Any sign which contains blinking, flashing lights, unless such lights are permitted in Section IX-5 or IX-6.

Section 3. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the ____ day of _____, 2002.

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the ____ day of _____, 2001, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING THE ZONING ORDINANCE (to amend Section IX-6 and IX-7 to allow Electronic Display Signs as Community Event Signs Requiring a Permit - Plan Case 1812-T-02)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 2002, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.