



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, AICP, Director, Community Development Services

DATE: October 10, 2007

SUBJECT: Zoning Ordinance text amendments pertaining to signs and outdoor advertising sign structures (OASS), Case No. 2050-T-07

Introduction

Plan Case No. 2050-T-07 is an application for a Zoning Ordinance text amendment revising the City's procedures and standards for signs and outdoor advertising sign structures (also called hereinafter "OASS" or "billboards"). The applicant is the Urbana Zoning Administrator.

The proposed changes are attached in two formats: (1) the proposed ordinance, and (2) all proposed word changes to the current Sign Regulations with new words being underlined and deletions shown as ~~struck out~~.

Overall, this ordinance is intended to:

- Reorganize the Sign Regulations for ease of use;
- Insure that Urbana's sign and billboard regulations are "content neutral", meaning that it avoids specifying the content of any permitted signage;
- Insure that noncommercial signs are not regulated more stringently than commercial signs;
- Provide for equal protection and due process;
- Establish concrete design standards for OASS in lieu of discretionary design criteria and a Special Use Permit process;
- Reduces the likelihood of new billboards impeding redevelopment in TIF districts; and
- Recognize that the City cannot require removal of nonconforming OASS at owner expense, which is made clear under new State and Federal laws and court decisions.

The proposed amendments have been drafted with the guidance of both City legal staff and outside legal counsel.

Plan Commission Recommendation. This case was presented at the September 20, 2007 Plan Commission meeting. Following presentations by City staff and the public, the Plan Commission asked City staff to provide further information on the following aspects of the sign and billboard code.

- (1) Study the advisability of changing the minimum distance requirements between billboards from 1,500 feet (current standard) to 750 feet.
- (2) Reexamine the requirement that new billboards be placed no closer than 300 feet from any residential, AG, or CRE zoning district, including those of other governmental jurisdictions.
- (3) Consider whether to add IL Route 130 as an allowable corridor for erection of billboards.
- (4) Provide background information about redevelopment agreements in TIF districts, such as when TIF districts and redevelopment agreements expire.
- (5) Consider maintaining the existing Special Use Permit (SUP) requirement for approval of new billboard permits.

City staff and outside legal counsel provided the requested information along with recommendations for each point. At their October 4, 2007 meeting, the Urbana Plan Commission voted 6-yes and 3-no to recommend approval of the proposed Zoning Ordinance text amendment as attached, and with none of the above possible changes included in the recommended ordinance.

Background

Legal Challenge Background

C & U Poster Advertising Company v City of Urbana. In 1971, the City of Urbana enacted new Sign Regulations (Ordinance 7172-69) which substantially restricted the erection and maintenance of billboards in the City. A new amortization provision of the Sign Regulations required that nonconforming billboards be removed by a certain date and without compensation. In October 1976, C & U Post Advertising Company, Inc. filed suit against the City of Urbana in the Sixth Judicial Circuit Court of Champaign County (Case No. 76-C-1070). At that time, C & U Poster owned 43 billboard faces in the City of Urbana at 15 locations. Enforcement of Urbana's Comprehensive Sign Regulations on C & U's billboards would have required the removal of all but three locations. The suit claimed that the City of Urbana's Sign Regulations was unconstitutional and illegal.

In 1982, the 6th Judicial Circuit Court ruled in the case. A January 1984 Final Judgment Order found that portions of Urbana's Sign Regulations were invalid. Following an unsuccessful appeal, both C & U Poster and the City of Urbana agreed to settle the case. In 1985, the City revised its Sign Regulations, and C & U Poster agreed to remove three of its fifteen billboard sites in Urbana. The agreement stipulated that in order to avoid paying legal fees, the City would not enact more stringent billboard requirements before January 1, 2004.

Under the City of Urbana's 1985 Sign Regulations, C & U Poster Company continued to obtain permits to erect new OASS. During the period 1985-2002, the number of billboard structures grew approximately one per year (from 12 to 28 structures). This was followed by a relatively short period (2002 to September 2004) during which the City issued permits for an additional nine OASS.

Billboard moratorium. Following the end of the settlement agreement, the City of Urbana studied whether the City's billboard standards needed revision. In September 2004, the Urbana City Council adopted an interim development ordinance which imposed a 365-day moratorium on constructing new outdoor advertising sign structures. The purpose of the moratorium was to provide time to review and revise the City's billboard ordinance based on concerns such as billboard proliferation, potential interference with redevelopment, overlapping City/Illinois Department of Transportation jurisdiction, and to review potential amendments such as "cap and replace" provisions and new billboard technologies. The City Council approved a 300-day extension in August 2005.

At that time, freestanding OASS could be located within 660 feet of the rights-of-way of interstate and primary highways (I-74 and portions of U.S. Route 45, University Avenue, and Lincoln Avenue) in areas zoned B-3, B-4E, and IN. Two display faces were permitted per structure with a maximum size of 300 square feet per face; a minimum distance of 300 feet between OASS on the same side of the street; and a minimum distance of 50 feet from any Residential, CRE or AG zoning district was required for billboards.

2006 Revised Sign Regulations. On June 5, 2006, the Urbana City Council amended the standards and procedures for OASS provided in the Zoning Ordinance. In terms of procedures and issuance of permits, the revised ordinance (No. 2006-06-071):

- Required that billboards be approved through a Special Use Permit process,
- Clarified the priority for issuance of billboard permits, and
- Removed the Outdoor Advertising Sign Structures Moratorium in place at that time.

In terms of heightened standards, the revised ordinance:

- Increased the separation distance for billboards from 300 to 1,500 feet,
- Allowed only one row of billboards per permitted corridor,
- No longer allowed billboards downtown,
- Provided a maximum and minimum height,
- Prohibited billboards from overhanging buildings,
- Clarified the measurement standards, and
- Increased the minimum landscape area.

Adams Outdoor Advertising, Inc. v City of Urbana, Illinois. In November 2006, Adams Outdoor Advertising filed a complaint in Circuit Court against the City of Urbana (Case No. 06-CH-356) asking for relief from the City's OASS requirements. Adams Outdoor Advertising's compliant

claims that provisions of Urbana’s Comprehensive Sign Regulations are unconstitutional and unlawful. For instance, Adam’s complaint claims that requiring OASS to follow Special Use Permit procedures affects the fundamental First Amendment right of freedom of speech and fails to incorporate basic procedural due process protections. This lawsuit remains pending and has led to discussions about ways to improve upon and strengthen our current ordinance. This Zoning Ordinance text amendment is intended to address these concerns.

Pertinent City Policies

2005 Comprehensive Plan.

The following goals and objectives contained in the adopted 2005 Comprehensive Plan are pertinent to the issue of billboards in the City.

Goal 2.0 New development in an established neighborhood will be compatible with the overall urban design and fabric of that neighborhood.

Objective 2.1 Ensure that the site design for new development in established neighborhood is compatible with the built fabric of that neighborhood.

Objective 2.4 Promote development that residents and visitors recognize as being of high quality and aesthetically pleasing.

Goal 3.0 New development should be consistent with Urbana’s unique character.

Objective 3.1 Encourage an urban design for new development that will complement and enhance its surroundings.

Objective 3.2 Promote new developments that are unique and capture a “sense of place”.

Goal 17.0 Minimize incompatible land uses.

Objective 17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.

Objective 17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

Goal 24.0 Enhance Urbana’s commercial areas.

Objective 24.1 Use a variety of economic development tools to improve and redevelop Urbana’s existing commercial areas.

Objective 24.2 Encourage the beautification of entryway corridors and major transportation corridors in Urbana.

Goal 26.0 Improve the appearance of Urbana’s commercial and industrial areas.

Objective 26.1 Use a variety of available economic development tools (such as tax increment financing) to improve the appearance and functionality of Urbana’s commercial and industrial areas.

Objective 26.2 Promote the beautification of commercial areas especially along University Avenue, Cunningham Avenue, and Philo Road.

Additionally the 2005 Comprehensive Plan contains the following pertinent implementation strategies:

- Amend the Urbana Zoning Ordinance to include updated sign regulations
- Develop corridor design guidelines for Lincoln Avenue, University Avenue, Cunningham Avenue, and Philo Road to reflect their status as entryways into the City.

Urbana Zoning Ordinance.

Urbana's Comprehensive Sign Regulations are part of the City's Zoning Ordinance. The stated intent of the Comprehensive Sign Regulations (Section IX-1 of the Zoning Ordinance) include establishment of regulations and controls which promote the goals, objectives, and policies of the City of Urbana's Comprehensive Plan, and to permit and regulate signs in such a manner as to support and complement the land use policies set forth elsewhere in the Zoning Ordinance. To these ends, the Sign Regulations intend to:

- 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 to maintain and encourage business activity;
- Protect and enhance the physical appearance of the community and the scenic value of the surrounding area; and
- Regulate signs visible from public properties where such signs could jeopardize the public's investment in these facilities.

The Zoning Ordinance distinguishes between signs and outdoor advertising sign structures.

Furthermore, Section X-9 of the Zoning Ordinance classifies signs and OASS which do not conform with the provisions of the Comprehensive Sign Regulations as nonconforming uses. The regulations require that nonconforming signs be removed or brought into conformity within a certain time period, however Section X-9 of the Zoning Ordinance currently exempts OASS from this requirement in light of the final Judgment Order and Settlement Agreement in the C & U Poster lawsuit.

Legal Framework

Federal Laws & Regulations

The most important Federal laws in terms of municipal regulation of billboards are the First, Fifth, and Fourteenth Amendments to the U.S. Constitution. The First Amendment guarantees that Congress shall make no law abridging the freedom of speech. The Fifth Amendment guarantees that no person shall be deprived of property without due process of law, and that no private property will be taken for public use without just compensation. Under the Fourteenth Amendment, states cannot enforce laws limiting rights provided by the Federal Constitution such as due process and equal protection requirements.

State Laws & Regulations

States also exert control on signs and billboards along interstates and primary highways. Under the Federal Highway Beautification Act of 1967, states are required to prohibit all outdoor advertising signs within 660 feet of the right-of-way of Federal interstate and primary highways or else forfeit 10% of their Federal highway funds. Areas zoned commercial and industrial as well as on premise signs are exempt from this act. The State of Illinois, having created laws in compliance with this requirement, controls off-premise signs within 660 feet of the right-of-way of Illinois' interstate and primary highways and which are visible from those roadways. In municipalities such as Urbana, billboards within these areas must meet the permit requirements of both jurisdictions.

For areas within Illinois municipalities and within 660 feet of interstates and primary highways, the Illinois Department of Transportation requires that new off-premise signs:

- Along primary highways must be located on land zoned for business, commercial or industrial activities; or
- Along interstate highways must be located within the City limits as they existed on Sept. 21, 1959 and on property currently zoned for business, commercial or industrial activities, or on property used for business, industrial or commercial activities as of Sept. 21, 1959 and continuously ever since.

Additionally, new off-premise signs to be located on the above-qualified properties must meet the following requirements:

IDOT Distance requirements. The minimum distance requirement for new off-premise signs erected along the same side of an interstate highway is 500 feet, and along the same side of any primary highway is 300 feet.

IDOT Size and height limits. The maximum size of new billboards is 800 square feet in display area on each side (1,200 sq. ft. for Cook County), including border and trim but excluding extensions and cut-outs. Extensions and cut-outs may account for up to an additional 20% of the sign surface area per side. Billboards lawfully erected before July 1, 1993 larger than 800 sq. ft. can be repaired, rebuilt, or replaced. The maximum height is 30 feet, and the maximum length is 60 feet.

Number of sign faces. No more than two signs may be erected in a facing with such facing not to exceed the above size limit. Signs may be double faced, placed back to back, or of V-type construction (less than 90 degrees).

Concerning enforcement, when a sign under State jurisdiction is found unlawful, and the permit holder refuses to remove and bring the sign into compliance, the sign can become the property of IDOT which must sell, remove or paint over such unlawful signs, or may seek a court order to force sign abatement by the sign owner.

The City of Urbana requires that applications for billboards under State jurisdiction must first show that the State's requirements have been met before the City will issue a permit.

Discussion

In light of recent State and Federal laws and court cases, the Zoning Administrator, with legal assistance, is proposing several Zoning Ordinance text amendments intended to further strengthen the Ordinance. Although a number of changes are proposed to how sign and OASS permits are processed, relatively few changes are being proposed to the standards. The following is an overview of the changes proposed in Zoning Ordinance text amendment now before you (Case No. 2050-T-07).

- *Reorganization.* Article IX, Comprehensive Sign and Outdoor Advertising Sign Structure Regulations, has been restructured. Sign and billboard requirements have been completely separated, and otherwise reorganization is intended to provide easier usage.
- *Content neutral.* Provisions of municipal ordinances regulating sign content (as opposed to regulating time, place, and manner) can be challenged as an unreasonable limit on free speech. This potentially can be reduced by adopting more content neutral language. The wording of many Definitions in Article IX was refined. For instance, instead of defining a "For Sale" sign as a sign that says "For Sale", it should be defined as a sign displayed on a property which is for sale.
- *Commercial vs. noncommercial speech.* The Zoning Ordinance is being modified to insure that regulations bearing on noncommercial speech are not more restrictive than those for commercial speech.
- *Equal protection.* Municipal regulations which hold signs and OASS to different standards can be challenged. This can be avoided by differentiating less between sign and OASS standards. For instance, the current ordinance requires that the structural elements for billboards be compatible with the surrounding area in terms of architectural design and color, but the ordinance does not have such standards for other freestanding signs.

- *Due process.* By striking Section VII-11, new billboard applications would be reviewed and approved administratively following concrete standards. The process currently in place, as adopted in June 2006, requires billboard applications to be approved through a Special Use Permit process with a public hearing. Making this change means that the process is less discretionary. Additionally, the submittal requirements for both signs and OASS were standardized to the extent possible. Issuance and denial of permits, appeals, inspections, and revocation of permits have also been clarified.
- *Design criteria.* The proposed design criteria have been modified to be more concrete and to involve less discretion in the permit review process. Consequently, some criteria have also been removed such as OASS structural elements having to be “compatible” with the surrounding area in terms of architectural design and color. Landscape standards have been rewritten for easier administration and now offers some flexibility on the part of the design and placement of the landscape area.
- *Redevelopment impacts.* The City has had a concern that billboard placement could hinder redevelopment of our community’s transportation corridors. For instance, placement of a billboard in the middle of a lot, and with a ground lease of 20 years or more, can impede the property from being developed or redeveloped. In response, a provision has been added that new billboards cannot be located on properties for which a Redevelopment Agreement with the City of Urbana has been approved or pending before the City Council, unless such Agreement explicitly allows for OASS placement.
- *Nonconforming billboards.* This ordinance recognizes that Federal and States laws and court rulings have severely limited municipalities from requiring nonconforming billboards to be removed without compensation. Section IX-9, Nonconforming Signs and OASS, has been modified to take this into account. However, damaged or destroyed billboards which are nonconforming could only be reestablished if a permit is applied for within 180 days.

It is important to note what the proposed sign and billboard ordinance amendments would *not* do:

- The minimum spacing distance between new billboards would remain at 1,500 feet.
- The number of rows per corridor and the distance to residential property would remain the same.
- Digital billboards would remain prohibited.
- The list of traffic corridors where billboards could be placed would remain unchanged.
- The ordinance would not cap the number of billboards. As the city’s corporate limits grow there would be some opportunities for new billboards.

All signs and billboards newly erected, relocated, or structurally altered would still have to obtain a permit to do so.

Research requested by the Plan Commission

Billboard Spacing Requirements. The Urbana Plan Commission requested that City staff review the effect and advisability of changing the City's billboard spacing requirements from 1,500 to 750 feet. Through GIS analysis, the number of new billboard structures possible within the city limits would increase from approximately 4 to 15 new billboard structures. This is given one billboard row per corridor and a 300 foot residential buffer.

Having increased the billboard spacing requirements from 300 to 1,500 feet, a number of billboard structures are newly classified as nonconforming under the Zoning Ordinance. However, under both the current and proposed Zoning Ordinance, nonconforming billboards would not have to be removed. Section X-9.C.3 of the current Zoning Ordinance provides an exclusion for removal of nonconforming billboards:

“In light of the final Judgement Order rendered by Circuit Court of the Sixth Judicial Circuit, Champaign, County, Illinois, in the suit entitled ‘C & U Post Advertising Co., Inc., et al vs. City of Urbana, et al’, No. 76-C-1070, and in light of the Settlement Agreement entered into between the parties, which requires the removal of certain (otherwise nonconforming outdoor advertising sign structures, outdoor advertising sign structures are not subject to amortization or removal under this section.”

Since the settlement agreement, the legality of requiring removal of nonconforming billboards has become more clear. In the 2006 case City of Oakbrook Terrace v. Suburban Bank and Trust Company, Illinois' Second District Appellate Court decided that a two-year amortization period for nonconforming signs and billboards violated Illinois' Eminent Domain Act. Also, effective January 1, 2007, the Illinois' Eminent Domain Act (735ILCS30/10-5-5) was revised to specifically insure just compensation for OASS prohibited under local sign ordinances.

Based on new information such as this, the proposed Zoning Ordinance text amendment would make the following changes to Section X-9.C.3, Nonconforming Signs and OASS.

3. ~~“In light of State and Federal laws and regulations, In light of the final Judgement Order rendered by Circuit Court of the Sixth Judicial Circuit, Champaign, County, Illinois, in the suit entitled ‘C & U Post Advertising Co., Inc., et al vs. City of Urbana, et al’, No. 76 C 1070, and in light of the Settlement Agreement entered into between the parties, which requires the removal of certain (otherwise nonconforming outdoor advertising sign structures, outdoor advertising sign structures are not subject to amortization or removal under this section.”~~

This is significant in that neither the intent nor practical effect of changing billboard spacing from 300 to 1,500 feet will be eliminating billboards as a means of communication. By decreasing the billboard separation distance from 1,500 to 750 feet, the number of new billboard structures possible within the city limits would increase from approximately 4 to 15 new structures (8 to 30 new billboard faces). This assumes one billboard row per corridor and a 300 foot residential buffer requirement.

Both City staff and the Plan Commission recommend that the current 1,500 foot spacing requirement be retained.

Residential Buffer Requirements. In 2006, the City of Urbana heightened the standard for how close new billboards could be located from Residential, Agricultural, or Conservation-Recreation-Education zoning districts (referred to hereinafter as “residential buffer”). The minimum distance was increased from 50 to 300 feet. At the September 20, 2007 public hearing, the Plan Commission asked City staff to (1) consider whether 300 feet is a reasonable distance, and (2) clarify how the residential buffer is to be measured.

In terms of the first question, the purpose of the buffer is to limit the intrusion of billboards on homes, schools, parks, conservation land, and farmland. Champaign, Mahomet, Rantoul, Savoy, and Champaign County, all have such buffer requirements, the distance ranging from 100 to 500 feet depending on various districts and factors. While Urbana’s previous 50-foot buffer requirement was certainly among the least restrictive, the City’s current 300-foot requirement falls mid range among County jurisdictions. The closest comparison is the City of Champaign’s minimum distance of 330 feet from residential zoning districts.

The second question is how the residential buffer is intended to be measured. According to Table IX-5 of Urbana’s Sign Regulations, “*The location of each OASS shall comply with the following minimum separation requirements: ... 2. No less than 300 feet from any Residential, AG, or CRE zoning district, including those of other governmental jurisdictions.*” Although the wording strongly implies that measurement should be taken as a 300 foot radius around each billboard, City staff in writing the 2006 amendment had envisioned protecting homes, parks, and schools backing up to or along side billboard sites. Residents tend to see the rear yards of their home as a semi-private realm.

Both City staff and the Plan Commission recommend that the current 300-foot buffer distance be retained. The Plan Commission recommends that this be measured in all directions from OASS while City staff recommends that the buffer requirement should only be from Residential, AG, or CRE zoning districts on the same side of the roadway as the OASS. (Each is respectively provided in the attached “Plan Commission recommendation” ordinance and “City staff recommendation” ordinance.)

Route 130. A Plan Commissioner requested that City staff consider adding Route 130 to the list of corridors in Urbana where billboards can be constructed. The Urbana Zoning Ordinance (Table IX-5) limits billboard construction to within 660 feet of the right-of-way of the following roadways.

- Interstate 74
- University Avenue
- Cunningham Avenue north of University Avenue
- U.S. Route 150
- Lincoln Avenue north of Bradley Avenue

The Urbana Zoning Ordinance has never allowed billboards to be constructed in the current Route 130 corridor. During the 2004-2006 temporary billboard moratorium, City staff studied a request by Adams Outdoor Advertising to adopt a “cap and replace” program which would cap the total number of billboards in the city but allow removal and replacement in new locations, such as the Route 130 corridor. The Urbana City Council considered but rejected this idea because it would open new areas for billboard construction.

Both City staff and the Plan Commission recommend no changes to the list of allowable corridors for billboards.

TIF districts. A newly proposed standard in the proposed text amendment would prohibit new billboards on properties for which a Redevelopment Agreement has been approved by or is pending before the Urbana City Council, unless such Agreement explicitly allows for OASS placement. City staff is concerned that billboard placement could hinder redevelopment of our community's transportation corridors. For instance, placement of a billboard in the middle of a lot, and with a ground lease of 20 years or more, can impede the property from being developed or redeveloped. The Plan Commission was provided with information on TIF districts and redevelopment agreements, including when they will terminate.

At their October 4, 2007 meeting, the Plan Commission recommended to the City Council prohibit new billboards on properties for which the Urbana City Council has an approved or pending TIF redevelopment agreement, unless such agreement explicitly allows for OASS placement. (See the attached "Plan Commission recommendation" ordinance.)

Following the Plan Commission public hearing, City staff's recommendation has been modified. Its revised recommendation is to exclude new billboards for properties for which the Urbana City Council has an approved or pending TIF redevelopment agreement, "where such Agreement explicitly prohibits OASS placement." Staff views this as a reasonable clarification. (See the attached "City staff recommendation" ordinance.)

Special Use Permit process. The Plan Commission recently asked City staff to consider keeping the current requirement that new billboards be approved as a Special Use Permit. In consulting with outside legal counsel, staff has determined that it is important to eliminate the Special Use Permit requirement to strengthen Urbana's ordinance.

As a medium of speech, the courts classify signs and billboards as an especially protected type of land use. Requiring Special Use Permits for signs and billboards can raise questions about freedom of speech, equal protection, and procedural due process. For instance, do Special Use Permit requirements include criteria which by their vagueness offer "unbridled discretion" to government decision makers? Is a Special Use Permit required for some mediums of speech (for off premise signs) but not others (for onsite sign)? Lacking time limits for approval, can the Special Use Permit process be unreasonably delayed? Can a Special Use Permit for a billboard be revoked without sufficient protections to a permitted medium of speech?

Under Amendment I of the U.S. Constitution, "Congress shall make no law ... abridging the freedom of speech." The Supreme Court has ruled that information conveyed by signs and billboards, although commercial, is nonetheless free speech protected under the First Amendment. Courts have often weighed the Constitution's free speech clause with governmental interests in regulating signage.

In order to avoid constitutional challenges, sign ordinances should avoid prior restraint and remain content neutral.

The Plan Commission, City staff, and legal counsel recommend that the Special Use Permit process now required for new billboards in Urbana be removed in favor of a less discretionary permit review process. As the applicant in this proposed Zoning Ordinance text amendment, the Urbana Zoning Administrator cannot support keeping the Special Use process.

Summary of Staff Findings

City staff proposes the following findings in this case.

1. Urbana's Zoning Ordinance has been enacted by the corporate authorities of the City of Urbana pursuant to its home rule powers as provided for in the Constitution of the State of Illinois, 1970.
2. Urbana's Zoning Ordinance has been enacted in conformance with the Illinois Municipal Code.
3. The proposed amendment will further the City of Urbana's goals, policies, and implementation strategies concerning signs and outdoor advertising sign structures as expressed through the City's Comprehensive Plan, Zoning Ordinance, Tax Increment Finance District Plan, and other pertinent documents.
4. The proposed amendment is intended to insure that the process for approving signs and billboards comply with current Federal and State laws, regulations, and case law.
5. The proposed amendment is intended to insure that the standards for signs and billboards comply with current Federal and State laws, regulations, and case law.

Options

The Urbana City Council has the following options in Plan Case 2050-T-07:

- a. Approve the proposed Zoning Ordinance text amendments, as presented herein;
- b. Approve the proposed Zoning Ordinance text amendments, as modified by specific changes; or
- c. Deny the proposed Zoning Ordinance text amendments.

Recommendation

At their October 4, 2007 meeting, the Urbana Plan Commission voted 6-yes and 3-no to recommend **APPROVAL** of the attached Zoning Ordinance text amendment marked “Plan Commission recommendation.”

City staff recommends **APPROVAL** of the proposed ordinance with the two following changes incorporated in the attached “City staff recommendation” ordinance. These changes are in light of information provided at the Plan Commission’s public hearing.

1. Section IX-6. D.1(a) has been modified to exclude OASS “...Within 300 feet of the boundary of any R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7, AG, or CRE zoning district on the same side of the roadway, including those of other governmental jurisdictions.
2. Section IX-6.D.1(c) has been modified to exclude OASS from properties in TIF districts which have an approved or pending redevelopment agreement with the City, “...where such agreement explicitly prohibits OASS placement.”

Neither ordinance would decrease the spacing distance between billboards nor add IL Route 130 as a new corridor for placement of OASS.

Prepared by:

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Attachments: Sign and OASS ordinance, Plan Commission recommendation
Sign and OASS ordinance, City staff recommendation
Plan Commission minutes

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ORDINANCE NO. 2007-10-120 - Plan Commission Recommendation

**AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE ZONING ORDINANCE
OF THE CITY OF URBANA, ILLINOIS**

(Repealing Section VII-11, Special Use Requirements for OASS; amending Article IX, Comprehensive Sign Regulations; and amending Article X, Non-Conformities -- Plan Case No. 2050-T-07)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance No. 2006-04-040 on April 17, 2006 consisting of a Comprehensive Amendment to the 1993 Zoning Ordinance of the City of Urbana, Illinois, also known as the Urbana Zoning Ordinance;

WHEREAS, Urbana's Zoning Ordinance has been enacted by the corporate authorities of the City of Urbana pursuant to its home rule powers as provided for in the Constitution of the State of Illinois, 1970, and in conformance with the Illinois Municipal Code;

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance regarding the standards and procedures for signs and Outdoor Advertising Sign Structures;

WHEREAS, the proposed amendments will further the City of Urbana's goals, policies, and implementation strategies concerning signs and outdoor advertising sign structures as expressed through the City's Comprehensive Plan, Zoning Ordinance, Tax Increment Finance District Plans, and other pertinent documents;

WHEREAS, the proposed amendments are intended to insure that the process for approving signs and billboards comply with current Federal and State laws, regulations, and case law;

WHEREAS, the proposed amendment is intended to insure that the standards for signs and billboards comply with current Federal and State laws, regulations, and case law;

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Plan Commission held a public hearing on the petition on September 20, 2007 and continued on October 4, 2007;

WHEREAS, the Urbana Plan Commission voted 6 ayes and 3 nays on October 4, 2007 to forward Plan Case #2050-T-07 to the Urbana City Council with a recommendation for approval of the proposed amendment;

WHEREAS, after due and proper consideration, the Urbana City Council has determined that the amendments described herein conform to the goals, objectives and policies of the 2005 Urbana Comprehensive Plan as amended from time to time; and,

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interest of the City of Urbana to amend the standards and procedures concerning signs and outdoor advertising sign structures.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Zoning Ordinance of the City of Urbana, Illinois shall be amended as follows:

Section 1. Section VII-11 of the Zoning Ordinance of the City of Urbana, Illinois, Special Use Requirements for Outdoor Advertising Sign Structures (OASS), is hereby repealed and the section number reserved.

Section 2. Section IX-2 of the Zoning Ordinance of the City of Urbana, Illinois, General Prohibition and Definitions, is hereby repealed.

Section 3. In place of Section IX-2 of the Zoning Ordinance herein repealed, a new Section IX-2, Sign and OASS Definitions, is hereby enacted to read as follows:

Section IX-2. Sign and OASS Definitions

- A. *Banner.* A sign made of paper, plastic or fabric of any kind and which can be easily folded or rolled.
- B. *Community Event Sign:* A sign displayed for a special community event or activity conducted by or sponsored by or on behalf of a unit of local government, institution of an educational, philanthropic, or eleemosynary nature, a charitable organization, or a not-for-profit corporation. A special community event or activity is one which occurs not more than twice in any twelve-month period and which seeks to attract donations, participants, customers, or an audience throughout the community. (Ord. No. 8283-43, § 2, 1-17-83; Ord. No. 8485-73, § 1, 4-15-85)

C. *Development Sign*: Any sign displayed on a construction site by architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a building or subdivision of property.

D. *Electronic Message Board Sign*: A sign with a fixed or changing message composed of a series of lights that may be changed through electronic means.

E. *Flag*. A square or rectangular sign made of paper, plastic or fabric of any kind and intended to be hung from a flagpole by being tethered along one side.

F. *Freestanding Sign and Freestanding Outdoor Advertising Sign Structure*: Any sign or outdoor advertising sign structure completely or principally self-supported by posts or other supports independent of any building or other structures.

G. *Grand Opening Sign*: A temporary sign displayed at the time of the opening of a new business or the change of ownership of a business.
(Ord. No. 9495-81, 3-6-95)

H. *Home Occupation Sign*. A sign displayed on a property where any occupation or profession for gain or support is carried on as an accessory use in a dwelling unit by a member or members of the immediate family residing on the premises.

- I. Institutional Signs:* Any sign and/or message board displayed by any public, charitable, educational, religious or other institution, when located on the premises of such institution.
- J. Message Board:* A sign, or any portion of a sign, designed and constructed to allow changeable messages through manual, mechanical, or electronic means.
- K. Monument Sign:* A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.
- L. Multi-Family Residential Identification Signs:* Signs displayed by a multi-family residential building or complex, boarding or rooming house, or dormitory, in accordance with Table V-1. Such signs shall be subject to the standards specified in Table IX-10.
- M. Official Sign:* Signs displayed in the public right-of-way with approval of the Public Works Director or designee. Examples include safety signs, danger signs, traffic signs, memorial plaques, or signs indicating points of scenic or historical interest.
- N. Outdoor Advertising Sign Company:* A commercial enterprise which owns, maintains, erects, and manages outdoor advertising sign structures which are designed, intended, and customarily used to mount periodically changing commercial or noncommercial messages, such standardized signs and sign space to be made generally available to the general public.

- O. *Outdoor Advertising Sign Structure (OASS)*: An outdoor advertising display, including the permanent framework, structural members, support or supports, foundation, scaffolding and illumination, facing or panels, which is intended and whose customary use is to mount periodically changing commercial or noncommercial displays and which is made generally available for display to the public by an outdoor advertising sign company on a short term basis.
- P. *Permanent Sign*: A sign that is permanently affixed or anchored to the ground, building, or other structure.
- Q. *Portable Sign*: A freestanding sign not permanently anchored or secured to either a building or structure.
- R. *Private Traffic Directional and Instructional Signs*: Any on premise sign designed to direct and instruct motorists to access and circulate onsite in an orderly and safe manner.
- S. *Projecting Sign*: A sign, other than a wall sign, which projects from and is supported by, or attached to, a wall of a building or structure.
- T. *Roof Sign*: A sign erected, constructed, or maintained upon or over a roof, and more than half of whose height is above the building height. A sign mounted on a roof, which does not qualify as a roof sign, shall be considered a wall sign.
- U. *Sandwich Board Sign*: Any temporary freestanding sign that is oriented in its display primarily towards pedestrian traffic.

V. *Shopping Center/Commercial PUD Sign*: A sign designed for the purpose of being displayed by an entire shopping center. No single listing may exceed 50% of the area of any face of the sign.

W. *Sign*: Any identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business. An Outdoor Advertising Sign Structure (OASS) shall not be considered a sign under the regulations contained in this ordinance.

X. *Subdivision Sign*: Any sign displayed by a residential, commercial, office or industrial subdivision or neighborhood.

Y. *Temporary Sign*: A sign intended for a limited or intermittent period of display which is readily movable and is not permanently anchored to the ground, building or other structure. Such sign is not a portable sign. See Section IX-4.E for regulations for temporary signs.

Z. *Underground Utility Warning Signs*: Signs displayed in connection with underground utility pipes, conduits, and cables.

AA. *Wall Sign, Wall-Mounted Sign, or Wall-Mounted Outdoor Advertising Sign Structure*: A sign displayed on or visible through a wall of a building or structure so as to be seen primarily from the direction facing the wall. A wall sign or outdoor advertising sign structure attached to the

exterior wall of a building or structure, which (in a plane parallel to the plane of said wall) does not extend or project more than 18 inches.

Section 4. Section IX-3 of the Zoning Ordinance of the City of Urbana, Illinois, Measurement Standards, is hereby repealed.

Section 5. In place of Section IX-3 of the Zoning Ordinance herein repealed, a new Section IX-3, Measurement Standards, is hereby enacted to read as follows:

Section IX-3. Measurement Standards

A. *Area Measurement of Signs and OASS.* The area of a sign shall be computed as:

1. *Flat Sign:* The area of the smallest convex geometric figure encompassing the sign; or
2. *Volumetric Sign:* The area of the smallest convex geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the sign, including any frame, structural trim, or other material forming an integral part of the display as used to differentiate such sign from the background against which it is placed. Such measurement shall exclude the necessary supports or uprights on which the sign is placed, unless the supports or uprights constitute part of the display.

3. *Outdoor Advertising Sign Structures (OASS)*: The surface area of a sign or surface display area of an outdoor advertising sign structure shall be the area of the smallest convex geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the surface display area of writing, representation, emblem, advertising embellishment, or other figure of similar character or potential display area of an outdoor advertising sign structure, together with any material forming an integral part of the display or used to differentiate such sign or outdoor advertising sign structure from the background against which it is placed. Such measurement shall exclude the necessary supports or uprights on which the sign is placed, unless the supports or uprights constitute part of the display because of the predominant overall concept of the sign, and shall exclude the apron, if any, which itself covers structural members, supports or uprights. The lowest projection of the display area shall not be more than six inches above the lowest portion of any horizontal structural element of the OASS.

This Article limits OASS to standard "30 sheet poster panels" or "junior panels" and which shall be measured as follows:

- a) 30 sheet poster panels or painted bulletins are approximately 12 feet by 25 feet and contain no more than 300 square feet of total display area;
- b) Junior panels are approximately six feet by 12 feet and contain no more than 72 square feet of total display area;

- c) Height and width measures for 30 sheet poster panels and junior panels shall include outside dimensions, including any trim, but excluding the base, apron, supports, and other structural members; and
- d) For the purpose of defining the height and width of an OASS, The term "approximately" shall permit the approval of an OASS containing lineal dimensions which deviate from the standardized dimension by no more than 20%.

B. Height Measurement

1. The maximum allowable height of freestanding signs and OASS shall be measured as the distance from the top of the highest portion of the sign or structure to:
 - a) The grade at the foundation of the sign or outdoor advertising sign structure; or
 - b) The average grade of the lot, whichever is less.

2. The minimum required height of OASS shall be measured as the distance from the bottom of the lowest portion of the sign or sign structure to:
 - a) The grade at the foundation of the sign or outdoor advertising sign structure; or
 - b) The average grade of the lot, whichever is less.

C. *OASS Separation Distance Measurements.*

The separation distance between OASS shall be measured as follows:

1. Separation distances between OASS shall be measured horizontally along the centerlines of the roadway(s) to which OASS faces are directed, and between points on said centerlines closest to each OASS.
2. For free-standing OASS, the closest point on the roadway centerline shall be measured from the closest point of ground support for the structure.
3. For wall-mounted OASS, the closest point on the roadway centerline shall be measured from the nearest edge or projection of the OASS.

D. *Measurement of Business Frontage.* Business frontage is the lineal footage of a lot, facing the public right-of-way, owned or rented by a person, business, or enterprise, and intended for business usage.
(Ord. No. 8458-73, § 2, 4-15-85)

E. *Measurement of Gas Station Canopy Display Area:* The area of a gas station canopy structure shall be computed as the product of the height and length of a canopy structure's vertical face. The vertical supports of the canopy structure shall not be considered a display area.

Section 6. Section IX-4 of the Zoning Ordinance of the City of Urbana, Illinois, General Sign Provisions, is hereby repealed.

Section 7. In place of Section IX-4 of the Zoning Ordinance herein repealed, a new Section IX-4, General Sign Permit Requirements, is hereby enacted to read as follows:

Section IX-4. General Sign Permit Requirements

A. Signs specified in this Section and in Tables IX-1 through Table IX-10 of this Ordinance shall be allowed subject to the conditions and limitations set forth herein. Any sign not expressly permitted by or in compliance with this Article is prohibited in the City of Urbana.

B. *Permit Requirements.* It shall be unlawful for any person to display, install, construct, erect, alter, reconstruct, or relocate any sign without first obtaining a valid permit, in writing, from the Zoning Administrator, and making payment of the fees required by this ordinance, unless such signs are permitted without a permit by Section IX-5.

1. *Permit Exceptions.* The following operations shall not be considered as "installing, constructing, erecting, altering, reconstructing, relocating," or creating a sign and shall not require a permit, notwithstanding the requirements of Section IX-4.B:

2. The changing of the advertising copy, face panel or panels on an outdoor advertising sign structure; on a painted, printed, or electronic sign; or on changeable letter panels or bulletin boards specifically designed for the use of replaceable copy.

C. Painting, repainting, cleaning and other normal maintenance and repair of a sign, sign structure, or outdoor advertising sign structure.

D. *General sign provisions.*

1. Any sign authorized by this ordinance may display a noncommercial message.

2. *Institutional Signs.* Institutional signs and/or message boards shall not exceed a total of 25 square feet in display area. If building mounted, these signs shall be flat wall signs, and shall not project above the roofline or front façade of the building. If freestanding, the total height shall not exceed five feet. There may be one sign per frontage.

3. *Electronic Message Board Signs.* In the B-3, General Business Zoning District, an electronic message board sign shall be allowed as either a freestanding or wall-mounted sign. Such signs shall be allowed by permit subject to the following conditions:

a) The electronic display shall not be animated, flashing, multi-colored, or scrolling.

b) The frequency of message change shall be restricted to no more than once every 3 minutes.

c) The maximum area of an electronic message board shall not exceed 30 percent of the total sign allowance for the property.

- d) The maximum height of an electronic message board shall conform to the standards of Table IX-1.

4. *Community Event Signs on City Property.*

- a) The Zoning Administrator may issue a permit for community event signs to be erected or maintained on or over any property owned or controlled by the City, including public rights-of-way, which conform to the requirements and restrictions of this subsection of this ordinance. Prior to issuance of a permit, the Zoning Administrator shall require submission of evidence as to general liability insurance or its equivalent which names the City as an additional insured in amounts of no less than combined property damage and personal injury limits of \$200,000.

b) *Zoning Districts Allowed:*

- (1) B-4, Central Business
- (2) B-4E, Central Business-Expansion

c) *Numbers and Sizes of Signs:*

- (1) The Zoning Administrator shall grant permits for no more than ten community event signs to be displayed on any one day. When applications are received for more than one event sign to be displayed on the same day, and the total number exceeds the maximum provided in this section, each event shall receive a permit for a pro rata number of such signs so that the maximum number of signs is not exceeded for that day.

(2) Community event signs shall be no larger than 50 square feet in display area.

d) *Length of Time of Display:*

(1) Community event signs shall be displayed for not more than a consecutive 30 day period.

(2) No more than two days following the community event for which a sign permit is granted pursuant to this section, such special event signs shall be removed, and the area where such signs have been displayed shall be cleaned and restored to its condition prior to display of such signs.

e) *Electronic Display of Community Events.* The Zoning Administrator may approve permanent signs with an electronic display to be located at the site of community events which operate on a regular basis on City-owned or controlled property. The Zoning Administrator shall consider the following criteria in reviewing a permit application for electronic display signs:

(1) The sign shall not be located within 450 feet of another community event electronic display sign.

(2) The sign shall not be located within 100 feet of a residential district or use.

(3) The maximum area of an electronic message board display shall not exceed 25 square feet. This counts against the total sign allowance for a business frontage.

- (4) Illumination from the sign will not cause a nuisance to any nearby residential district or use; and
 - (5) The sign will not blink, flash, or otherwise display electronic messages in a manner that may cause a traffic or safety hazard.
5. Signs located within a Residential Planned Unit Development, or signs and/or outdoor advertising sign structures located within a Planned Unit Development, shall be subject to the provisions applicable to the zoning district in which the PUD is located.
6. Sign standards for permitted and conditional uses in the AG, Agriculture District, shall be identical to the standards for the same use in the most restrictive district within which the use is permitted by right.
7. In lieu of Section IX-4.D.5, Shopping Centers/Commercial PUD signs may alternatively comply with the standards set forth in Table IX-9. The erection of signs authorized under Table IX-9 precludes the erection of any freestanding signs authorized under Table IX-1.
8. Signs in the MIC District shall be subject to the provisions and standards specified for the B-4E District. Signs in the CCD District shall be subject to the provisions and standards specified for the B-3U District.
9. *Sign safety.* Freestanding and projecting signs shall be designed, sited, and constructed to allow safe vehicular movement onto and

within the property, including on driveways and parking lots.

Traffic control measures, such as curbing, may be required to be installed and maintained for safety reasons at the discretion of the City Engineer or designee.

E. *Temporary Signs*. In the B-3, B-3U, B-4, B-4E, and IN Districts, in addition to the signs permitted as specified in Table IX-1 through Table IX-4, Table IX-6 and Table IX-9, temporary signs shall be allowed by permit as provided in this Section. Temporary Signs for non-residential uses in residential districts (as allowed in Table V-1) shall also be allowed by permit as provided in this Section.

1. *Grand Opening Signs*. Each business (or other entity) shall be allowed to display one grand opening sign for each business frontage, in the form of a banner securely fastened at both ends to a building or other structure, for a period not to exceed 30 consecutive days. The display must occur within the first six months after either the opening of the business at that site, or after there has been a change in ownership of the business.

2. *Inflatable Signs and Balloons*. Within the first 30 days of the operation of a new on-site business, in addition to the banner signs as permitted in this section, a business having at least 50 feet of frontage may display additional grand opening signage in the form of inflatable signs and balloons for a period of no more than ten days.

An inflatable sign or balloon may not *itself* exceed 25 feet in height and shall not obstruct visibility necessary for safe traffic

maneuvering. Such signs shall be set back from any property line a minimum distance equal to the height of the balloon plus five feet, and shall maintain a minimum 25 foot clearance in all directions from all electrical wires. No more than one such inflatable device shall be allowed on any premises. Any such sign or balloon must be securely fastened as required by manufacturers specifications and secured to minimize wind movement. The inflatable sign, if lighted, must be installed to a grounded outlet. Such inflatable signs must be installed by a commercial sign installer. A permit for an inflatable sign may not be issued unless proof of liability insurance in a minimum amount of one million dollars is shown. Signs inflated with helium are strictly prohibited.

3. *Banners.* In addition to any permitted grand opening signs, each business shall be allowed up to four separate banner displays per business frontage per calendar year, securely fastened at both ends to a building or other structure. If more than one business is located on a particular lot, then each business on that lot shall be allowed up to four separate temporary sign displays per calendar year for each portion of the lot that abuts a public street or alley. The total length of time for those four displays on a particular business frontage shall not exceed four weeks per calendar year.

a) The area of temporary banner signs shall be restricted to 100 square feet for wall banner signs or wall-mounted banner signs, and 50 square feet for freestanding banner signs.

- b) A temporary banner sign shall be set back at least ten feet from the front property line, or shall be displayed so that the bottom edge of the sign is at least ten feet above grade level at all points.
- 4. A permit for a temporary sign shall specify the location of the sign and the period of time during which said sign may be displayed.
 - 5. No fee shall be charged for a grand opening temporary sign. This exemption shall supersede the requirements of Chapter XIV of the City of Urbana Code of Ordinances governing fees for sign permits. The fees for other temporary commercial signs shall be as set forth in Chapter XIV for sign permits. (Ord. No. 9495-81, 3-6-95; Ord. No. 9697-154, 6-16-97)

F. *Sign Permit Applications.*

- 1. A person proposing to erect or display a permanent or temporary sign shall file an application for a permit with the Zoning Administrator of the City of Urbana or designee. Sign permit applications shall contain the following:
 - a) The name address and telephone number of the owner of the sign and agent, if any;
 - b) The location of buildings, structures, or lots to which or upon which the sign is to be attached or erected;
 - c) A site plan drawn to scale specifying the location of permanent, free-standing signs and their relationship to the site and

surrounding properties, including: property lines, rights-of-way, existing structures, required zoning setbacks, pertinent utilities and easements, vehicle parking and circulation, any traffic control measures, and relevant sight visibility triangles;

- d) Two prints or ink drawings of the plans and specifications indicating the method of construction and attachment to the buildings or in the ground. No such prints or ink drawings shall be required for Section IX-5 signs, unless such signs otherwise require a permit; for temporary signs permitted in Section IX-4; or for signs the fair market value of which is less than \$500 and which are to be erected in compliance with a standard method;
 - e) The name of person, firm, corporation, or association that will erect the sign;
 - f) Evidence of written consent of the owner of the building, structure, or land to which or on which the sign is to be erected; and
 - g) Such other information as the Zoning Administrator shall require to show full compliance with this and all other laws and ordinances of the City.
2. *Issuance of Permit.* The Zoning Administrator shall issue the permit within 30 days after he or she finds that the permit application is complete and complies with all of the requirements in Section IX-4.F.1, and that the sign to be erected complies with all of the requirements of this ordinance. The Zoning Administrator may return the application to the applicant if the Zoning Administrator finds it incomplete.

3. The Zoning Administrator shall notify the applicant in writing of any denial of a sign permit, specifying the facts relied upon in making the decision, explaining how the decision is based on the relevant regulations, and shall state that the applicant may resubmit the application within 30 days with such modifications as are necessary to show compliance with relevant codes and ordinances.
4. An appeal of a decision of the Zoning Administrator may be taken by any person aggrieved thereby to the Zoning Board of Appeals in accordance with the procedures and time limits of Section XI-3.D of the Urbana Zoning Ordinance.
5. *Inspection upon Completion.* The applicant who has been issued a permit for construction, installation, erection, relocation, or alteration of a sign shall, upon completion of the work, notify the Zoning Administrator, who shall inspect the sign as constructed for compliance with City requirements, and, if he/she finds that the same has been constructed in compliance with the ordinances of the City, he/she shall then issue such applicant a permit in writing, authorizing such applicant to operate and maintain the sign as permitted.
6. *Nullification.* If the work authorized under a permit to build has not been substantially completed within six months after the date of its issuance, the permit shall become void.

Section 8. Section IX-5 of the Zoning Ordinance of the City of Urbana, Illinois, Signs Allowed Without a Permit Subject to Certain Regulations, is hereby repealed.

Section 9. In place of Section IX-5 of the Zoning Ordinance herein repealed, a new Section IX-5, Signs Allowed Without a Permit, is hereby enacted to read as follows:

Section IX-5. Signs Allowed Without a Permit

The following signs shall be allowed in all zoning districts and do not require a sign permit unless a permit is otherwise required by this ordinance, subject to the conditions and limitations set forth in this section.

- A. Official signs or signs required by law.
- B. *Flag*: No more than two flags for each premise.
- C. *Integral Signs*: Any architectural feature carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the building or structure.
- D. *Private Traffic Direction Signs and Related Signs*: Signs displayed at the entrance or exit of a premise. The total area shall not exceed five square feet, and the total height shall not exceed five feet.

E. Property Sale, Rental, or Exchange Signs: Any sign displayed on premises for sale, rent or exchange. Such signs may be freestanding or wall-mounted only. Signs may not emit direct illumination, and must be removed within 14 days after the sale, rental, or exchange of the property. Property sale, rental or exchange signs shall not be placed in the public right-of-way. Property sale, rental, or exchange signs shall be subject to the standards and provisions specified in Table IX-7.

F. Home Occupation Signs: Home occupation signs that are wall-mounted, not internally illuminated and do not exceed one square foot in area. There shall be only one such sign per building or structure for a home occupation permitted under Section V-13.B.

G. Subdivision Sign: Subdivision signs subject to the standards specified in Table IX-8.

H. Development Signs: Development signs confined to the site of the construction, alteration, or repair. Development signs shall be removed within 21 days after completion of the work, and shall conform to the standards provided in Table IX-7.

I. Underground utility warning signs.

J. Sandwich Boards: Such signs shall not be located in the traveled roadway or block pedestrian traffic, and shall be moved indoors at the end of business hours. Such signs shall be permitted in the B-1, B-2,

B-3U, B-4, B-4E, or MOR Zoning Districts, and shall not exceed eight square feet in area and four feet in height.

K. *House or Building Sign*: Any sign on a residence or building that does not exceed six inches in height.

Section 10. Section IX-6 of the Zoning Ordinance of the City of Urbana, Illinois, Use of Noncommercial Signs in Business and Industrial Zoning Districts, is hereby repealed.

Section 11. In place of Section IX-6 of the Zoning Ordinance herein repealed, a new Section IX-6, Outdoor Advertising Sign Structures (OASS), is hereby enacted to read as follows:

Section IX-6. Outdoor Advertising Sign Structures (OASS)

A. Outdoor Advertising Sign Structures (OASS) as specified in this Section shall be allowed subject to the conditions, limitations, and permit requirements set forth herein. Any OASS not expressly permitted by or in compliance with this Article is prohibited in the City of Urbana.

B. Any Outdoor Advertising Sign Structure authorized by this ordinance may display a noncommercial message.

C. *OASS Permits and Review Procedures*.

1. A person proposing to erect an outdoor advertising sign structure shall file an application for a permit with the Zoning Administrator

of the City of Urbana or designee, on forms provided by the City, and shall be accompanied by the following submittals:

- a) The names, addresses and telephone numbers of the sign owner and the person or firm erecting the outdoor advertising sign structure;
- b) Evidence of written consent of the owner of the building, structure, or land to which or on which the outdoor advertising sign structure is to be erected;
- c) A copy of any necessary permits from the Illinois Department of Transportation. Where both City and State permits are required for any OASS, the City shall not issue a permit for an OASS before issuance of the State permit;
- d) A site plan drawn to scale specifying the location of the OASS and its relationships to the site and surrounding properties, including: property lines, rights-of-way, existing structures, required zoning setbacks, pertinent utilities and easements, vehicle parking and circulation, any traffic control measures, and relevant sight visibility triangles;
- e) Two copies of construction drawings with plans and specifications indicating the method of construction and attachment to a building or in the ground, sealed by a State licensed structural engineer certifying the structure meets all City building safety requirements;
- f) An elevation drawing showing the proposed OASS with appertunances, drawn to scale, including height of structure and vertical clearance, both front and back;

- g) A photographic simulation or illustrative drawing showing the appearance of the OASS in its context, demonstrating that the OASS will not block the view of other business signs from streets, and providing a true representation of design and colors;
 - h) Lighting plans and specifications, showing effective shielding from roadways and any nearby residential uses; and
 - i) A landscape plan showing plant types, quantity, and placement, and any special installation or maintenance requirements.
2. OASS permit applications shall be reviewed and approved in the chronological order of receipt of complete applications. Applications lacking any necessary permits issued by the Illinois Department of Transportation shall be deemed incomplete and returned.
3. *Utility company review and comment.* Copies of the OASS permit application shall be transmitted to utility companies and provided ten calendar days from the mailing of the application to review and comment on any utilities or easements. Comments should be provided to the Zoning Administrator or designee. It shall be assumed that if a reviewer fails to submit comments in the time specified, the reviewer had no negative comment.
4. Within thirty days following acceptance of a complete application, including required supporting documentation and fees, the Zoning Administrator shall either approve, approve with conditions, or deny the application.

5. The Zoning Administrator shall notify the applicant in writing of any denial of a permit, specifying the facts relied upon in making the decision, explaining how the decision is based on the relevant regulations, and shall state that the applicant may resubmit the application within 30 days with such modifications as are necessary to show compliance with relevant codes and ordinances.

6. An appeal of a decision of the Zoning Administrator may be taken by any person aggrieved thereby to the Zoning Board of Appeals in accordance with the procedures and time limits of Section XI-3.D of the Urbana Zoning Ordinance.

D. *OASS Review Criteria.* Applications for OASS shall demonstrate compliance with the following criteria:

1. *Permitted OASS Locations.* OASS shall only be permitted within 660 feet of the public right-of-way of:
 - Interstate 74;
 - University Avenue;
 - Cunningham Avenue north of University Avenue;
 - U.S. Route 150; and
 - Lincoln Avenue north of Bradley Avenue;

Where such location is zoned:

- B-3, General Business District;
- B-4E, Central Business Expansion District; or

IN, Industrial zoning districts;

Except:

- a) Within 300 feet in any direction from the boundary of any R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7, AG, or CRE zoning district, including those of other governmental jurisdiction;
 - b) Within 300 feet of any historic landmark or historic district as designated by the City of Urbana; and
 - c) On any property designated as a Redevelopment Project in any Tax Increment Finance District Plan adopted pursuant to Illinois' Tax Increment Allocation Act, for which a Redevelopment Agreement with the City of Urbana has been approved or pending before the City Council, unless such agreement explicitly allows for OASS placement.
2. *Spacing*. No OASS shall be spaced closer than 1,500 feet from any other OASS, as measured using the standards provided in Section IX-3.C.
3. *Number of Sign Faces*. The maximum number of sign faces for wall-mounted OASS shall be one per wall provided no other exterior wall signs are displayed on the same wall. The maximum number of sign faces for free-standing OASS shall be two faces per OASS. "Back-to-back" displays shall be deemed a single structure. "Back-to-back" shall mean faces erected at a parallel plane separated by no greater than three feet, or faces erected at no greater than a 45 degree angle to each other.

4. Free-standing OASS shall conform to the setback requirements for buildings within its zoning district.
5. OASS shall be designed, sited, and constructed to allow safe vehicular movement onto and within the property, including on driveways and parking lots. Traffic control measures, such as curbing, may be required to be installed and maintained for safety reasons at the discretion of the City Engineer or designee.
6. No OASS shall project over any public or private street right-of-way or over any building.
7. New OASS shall not block the view of existing freestanding and wall mounted signs from streets.
8. OASS shall not be cantilevered, other than through use of a "flag" design. That is, the structure shall not use an offset beam to support the display area(s).
9. *Wall and roof mounted OASS.* Wall mounted OASS shall not project above the roofline or edges of wall upon which the OASS is mounted. Roof Mounted OASS are prohibited.
10. *Height limitations for freestanding OASS.* The maximum height limit shall be 35 feet in B-3 and B-4E zoning districts and 40 feet in IN zoning districts. The minimum height clearance for sign faces shall be 14 feet, as measured in Section IX-3.B.

11. Lights shall be effectively shielded from roadways and any nearby residential uses.
12. OASS shall not include ladders, except those ladders that are contained entirely in the area behind the display area(s).
13. *Landscaping* for OASS. A landscaped area of at least 75 square feet in area shall be installed around the base of new freestanding OASS, a plan for which shall be submitted by the applicant and approved by the Zoning Administrator in consultation with the City Arborist. Trees and shrubs planted shall utilize species listed in Table VI-1 and VI-2 of the Zoning Ordinance, except that alternative species may be approved by the Zoning Administrator in consultation with the City Arborist. All plant materials shall be maintained as living vegetation and shall be promptly replaced within a reasonable period of time, based on seasonal conditions, following notice that such vegetation needs to be replaced. Upon recommendation of the City Arborist, the Zoning Administrator shall provide such notice in writing to the property owner.

When the area of an OASS base requiring landscaping is already paved with concrete or asphalt, the applicant may choose to either remove the pavement and install a landscaped area or alternatively substitute one or both of the following:

- a) Installation of an architectural-grade cladding or enclosure around support poles. Cladding shall have a vertical dimension twice that of its horizontal dimensions and a design consistent with the intent of the Comprehensive Sign Regulations, or another design feature consistent with these regulations, as defined in Section IX-1, Legislative Intent and Findings, as approved by the Zoning Administrator.
- b) Relocation of required OASS landscaping along a street frontage on the same zoning lot, in which case this landscaping shall be in addition to any other landscaping required by the Zoning Ordinance.

E. *Inspection upon Completion.* The applicant who has been issued a permit for construction, installation, erection, relocation, or alteration of an outdoor advertising sign structure shall, upon completion of the work, notify the Zoning Administrator, who shall inspect the outdoor advertising sign structure as constructed for compliance with City requirements, and, if the Zoning Administrator finds that the same has been constructed in compliance with the ordinances of the City, he/she shall then issue such applicant a permit in writing, authorizing such applicant to operate and maintain the outdoor advertising sign structure as permitted.

F. *Nullification.* If the work authorized under a permit to build has not been substantially completed within six months after the date of its issuance, the permit shall become void.

Section 12. Section IX-7 of the Zoning Ordinance of the City of Urbana, Illinois, Prohibited Signs, is hereby repealed.

Section 13. In place of Section IX-7 of the Zoning Ordinance herein repealed, a new Section IX-7, Prohibited Signs and Outdoor Advertising Sign Structures (OASS), is hereby enacted to read as follows:

Section IX-7. Prohibited Signs and Outdoor Advertising Sign Structures (OASS)

A. The following are specifically prohibited by this Ordinance:

1. Any sign or OASS which, by reason of its size, location, movement, content, coloring, or manner of illumination, constitutes an obvious traffic hazard or a detriment to traffic safety by obstructing or detracting from the visibility of any official traffic control device;
2. Any sign or OASS which contains or is an imitation of an official sign, other than private traffic directional or instructional signs;
3. Any sign or OASS which moves or rotates in any way provided, however, that a sign which revolves 360° degrees but does not exceed eight revolutions per minute is permitted, except within 50 feet of any public street or where the nearest lot contains a residential dwelling unit, public school, park, hospital, or nursing home;

4. Any sign or OASS which contains blinking or flashing lights, unless such lights are part of an official sign;
5. Any sign or OASS which contains or consists of banners, pennants, ribbons, streamers, strings of light bulbs, spinners, or similar devices, unless such signs are permitted in Section IX-4.E,
Temporary Signs;
6. Any sign which for 30 consecutive days has directed attention to a product, place, activity, person, institution, or business which was formerly but is no longer in operation or existence on the premises;
7. Any sign or OASS not in compliance with the requirements of this ordinance; or
8. Any portable sign, except sandwich boards as defined in Section IX-2.

B. *Removal of Prohibited Signs:*

1. For any on-premise sign which for 30 consecutive days has directed attention to a product, place, activity, person, institution, or business which was formerly but is no longer in operation or existence on the premises, the Zoning Administrator shall give notice under the procedures of Section IX-9 of the Zoning Ordinance to remedy or remove the sign.

All other signs prohibited by this section shall be brought into conformity as provided for in Section X-9. (Ord. No. 9697-154, 6-16-97)

Section 14. Section IX-8 of the Zoning Ordinance of the City of Urbana, Illinois, Permits for Signs, is hereby deleted and the section number reserved.

Section 15. Section IX-9 of the Zoning Ordinance of the City of Urbana, Illinois, Enforcement and Penalties, is hereby repealed.

Section 16. In place of Section IX-9 of the Zoning Ordinance herein repealed, a new Section IX-9, Enforcement and Penalties, is hereby enacted to read as follows:

Section IX-9. Enforcement and Penalties

- A. The Zoning Administrator is hereby authorized and directed to administer and enforce all the provisions of this Article. Whenever necessary, the officials of other departments of the City shall give such assistance as is consistent with the usual duties of their respective departments. Upon presentation of proper credentials, the Zoning Administrator or his/her duly authorized representative may enter at reasonable times any premises when necessary to perform any duty imposed upon him/her by this Article.

- B. Whenever it shall appear to the Zoning Administrator that any permanent sign has been constructed or erected, or is being maintained in

violation of any of the terms of this Ordinance, or after a permit for a sign has been revoked or become void, or that a sign or outdoor advertising sign structure is unsafe or in such condition as to be a menace to the safety of the public, the Zoning Administrator shall issue a notice in writing to the owner or lessee of the sign or outdoor advertising sign structure or the owner of the premises upon which the sign or outdoor advertising sign structure is erected or maintained. Such notice shall inform such person of the violation and shall direct him/her to make such alteration, repair, or removal as is necessary to secure compliance with this Ordinance within a reasonable time limit, which shall not be less than 20 days nor more than 60 days.

If a temporary sign is displayed in violation of this Ordinance, the Zoning Administrator or his/her duly authorized representative shall issue a written warning to any person reasonably believed to be an employee of the business at the location of the illegal sign display if the individual or business that is responsible for said sign has not violated the regulations pertaining to temporary sign displays within the preceding 365 days. The warning shall require that either the offending sign be removed or that a permit for said sign be obtained within 24 hours or receipt of the warning. If the offending temporary sign is not removed or a permit for said sign is not obtained within that 24 hour period, or if the business or individual responsible for said sign has violated the regulations pertaining to temporary sign displays within the preceding 365 days, then that individual or business shall be subject to fines pursuant to Section XI-9 of the Ordinance.

Upon failure of the sign or outdoor advertising sign structure owner or the person or business responsible for the temporary sign display to comply with the terms of the notice of violation, the Zoning Administrator or his/her authorized representative is authorized and empowered to remove, alter, or repair the sign in question so as to make it conform with this Ordinance, or to remove, alter, or repair an outdoor advertising sign structure which is unsafe or a menace to the public safety, and charge the expenses for such work to the person named in the notice.

Except as otherwise provided, the Zoning Administrator or his/her authorized representative may remove or cause to be removed, altered, or repaired a sign or outdoor advertising sign structure immediately and without notice, if, in his/her opinion, the condition of the sign is such as to present an immediate threat to the safety of the public.

- C. The owner of the sign shall remove it if a product, place, activity, person, institution, or business no longer exists at that location that was present when the sign was erected. If the owner or lessee fails to remove the sign, the Zoning Administrator shall notify the owner or lessee, in writing, and allow fifteen days for removal. Upon failure of the owner or lessee to comply with the notice, the Zoning Administrator may remove the sign at cost to the owner or lessee.

- D. Signs and outdoor advertising sign structures may be inspected periodically by the Zoning Administrator for compliance with this Ordinance and with other ordinances of the City. All signs, sign

structures, and outdoor advertising sign structures and their component parts are to be kept in good repair and in safe, sanitary condition.

Section 17. Table IX-1 of the Zoning Ordinance of the City of Urbana, Illinois, Standards for Freestanding Signs, is hereby amended as follows:

1. The "Maximum Height of Sign" in "B-3, General Business" and "B-4, Central Business" zoning districts, shall read as follows:
"25 feet at minimum setback line and 1 foot per 2 feet additional setback, up to 35 feet maximum".

2. Footnote 2 shall be amended to read, "If a sign in the B-3, General Business, or IN, Industrial, zone is: (1) directed primarily toward the users of an interstate highway; (2) within 2,000 feet of the center line of an interstate highway; and (3) more than 500 feet from the boundary of any residential zoning district, school, park, hospital, or nursing home, it may rise only to such a height as to be visible from within one-half mile away along the highway, but not to exceed a height of 75 feet and an area of 150 square feet."

Section 18. Table IX-2 of the Zoning Ordinance of the City of Urbana, Illinois, Standards for Freestanding Signs, is hereby amended as follows:

The "Maximum Height and Location of Signs" shall be amended to read, "Signs shall not project beyond the top or ends of the wall surface on which they are placed. In the B-1, Neighborhood Business Zoning District, no wall signs are permitted when the wall immediately faces a residential use or zoning district and is not separated by a right-of-way."

Section 19. Table IX-5 of the Zoning Ordinance of the City of Urbana, Illinois, Standards for Outdoor Advertising Sign Structures, with footnotes, is hereby repealed and the table number reserved.

Section 20. Table IX-7 of the Zoning Ordinance of the City of Urbana, Illinois, Standards for Property Sale and Rental Signs, is hereby amended as follows: the table's title is changed to "Standards for Property Sale, Rental and Exchange Signs and Construction and Development Signs."

Section 21. Section X-9 of the Zoning Ordinance of the City of Urbana, Illinois, Nonconforming Signs, is hereby repealed.

Section 22. In place of Section X-9 of the Zoning Ordinance herein repealed, a new Section X-9, Nonconforming Signs and OASS, is hereby enacted to read as follows:

Section X-9. Nonconforming Signs and OASS

A. Signs that do not conform to the provisions of Article IX as of January 6, 1980, or thereafter, are nonconforming uses.

B. Unless otherwise authorized by the Zoning Board of Appeals, a nonconforming sign or outdoor advertising sign structure may not be:

1. Changed to another nonconforming sign;

2. Structurally altered so as to prolong the life of the sign, except that outdoor advertising sign structures may be so structurally altered;
3. Expanded;
4. Re-established after the sign or OASS has been removed from the site for 90 days;
5. Re-established after damage or destruction, if the estimated expense of reconstruction exceeds 50% of the appraised replacement cost at the time of the damage or destruction, except that in light of State and Federal laws and regulations, outdoor advertising sign structures may be so re-established, but only when an OASS permit to re-establish is applied for within 180 days. Permit applications to reestablish completely destroyed nonconforming OASS are required to meet the review criteria for new OASS in Section IX-6.D only to the extent that it was previously nonconforming; or
6. Relocated unless such relocation brings the sign or outdoor advertising sign structure into conformance with all the requirements of this Ordinance, except that where a nonconforming sign is located within a right-of-way taken or acquired by a public body for street improvement purposes, then the relocation of such a sign is permitted, provided that the relocation of such a nonconforming sign shall not extend the requirements for removal as set forth in Section X-9.C.1 and Section X-9.C.2.

C. All nonconforming signs and OASS shall be removed or brought into conformity with this Ordinance within the following time periods:

1. For all nonconforming signs: five years from the effective date of annexation or five years from the effective date of an ordinance redistricting a parcel or lot through a zoning map change or five years from the effective date of an ordinance amending the Zoning Ordinance text; however, no sign subject to this Article need be removed sooner than ten years from the date the sign permit authorizing the erection of the sign was issued.

2. For all signs existing prior to January 7, 1980, and rendered nonconforming as a result of the 1979 Comprehensive Amendment to this Ordinance No. 7980-68; upon voluntary removal or sudden damage or sudden destruction or other Act of God where the cost of damage exceeds 60% of the replacement cost of the sign. Further, where any on-premise, freestanding sign has been made nonconforming due to increased yard requirements as a result of Ordinance No. 7980-68, and where on the same property a building was constructed under prior development regulations which required no front yard, at such time said building or structure is damaged and the same is reconstructed or is voluntarily reconstructed to comply with the yard requirements of this Ordinance, such nonconforming on-premise freestanding sign shall also either be removed or brought into conformity with this Ordinance.

3. In light of State and Federal laws and regulations, outdoor advertising sign structures are not subject to amortization or removal under this section.

Section 23. 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 _____, 2007.

PASSED by the City Council this _____ day of _____, 2007.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2007.

Laurel Lunt Prussing, 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 _____, 2007, the Corporate Authorities of the City of Urbana passed and approved "AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (Repealing Section VII-11, Special Use Requirements for OASS; amending Article IX, Comprehensive Sign Regulations; and amending Article X, Non-Conformities -- Plan Case No. 2050-T-07)" 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 _____, 2007, 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.

DATED at Urbana, Illinois, this _____ day of _____, 2007.

**AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE ZONING ORDINANCE
OF THE CITY OF URBANA, ILLINOIS**

(Repealing Section VII-11, Special Use Requirements for OASS; amending Article IX, Comprehensive Sign Regulations; and amending Article X, Non-Conformities -- Plan Case No. 2050-T-07)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance No. 2006-04-040 on April 17, 2006 consisting of a Comprehensive Amendment to the 1993 Zoning Ordinance of the City of Urbana, Illinois, also known as the Urbana Zoning Ordinance;

WHEREAS, Urbana's Zoning Ordinance has been enacted by the corporate authorities of the City of Urbana pursuant to its home rule powers as provided for in the Constitution of the State of Illinois, 1970, and in conformance with the Illinois Municipal Code;

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance regarding the standards and procedures for signs and Outdoor Advertising Sign Structures;

WHEREAS, the proposed amendments will further the City of Urbana's goals, policies, and implementation strategies concerning signs and outdoor advertising sign structures as expressed through the City's Comprehensive Plan, Zoning Ordinance, Tax Increment Finance District Plans, and other pertinent documents;

WHEREAS, the proposed amendments are intended to insure that the process for approving signs and billboards comply with current Federal and State laws, regulations, and case law;

WHEREAS, the proposed amendment is intended to insure that the standards for signs and billboards comply with current Federal and State laws, regulations, and case law;

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Plan Commission held a public hearing on the petition on September 20, 2007 and continued on October 4, 2007;

WHEREAS, the Urbana Plan Commission voted 6 ayes and 3 nays on October 4, 2007 to forward Plan Case #2050-T-07 to the Urbana City Council with a recommendation for approval of the proposed amendment;

WHEREAS, after due and proper consideration, the Urbana City Council has determined that the amendments described herein conform to the goals, objectives and policies of the 2005 Urbana Comprehensive Plan as amended from time to time; and,

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interest of the City of Urbana to amend the standards and procedures concerning signs and outdoor advertising sign structures.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Zoning Ordinance of the City of Urbana, Illinois shall be amended as follows:

Section 1. Section VII-11 of the Zoning Ordinance of the City of Urbana, Illinois, Special Use Requirements for Outdoor Advertising Sign Structures (OASS), is hereby repealed and the section number reserved.

Section 2. Section IX-2 of the Zoning Ordinance of the City of Urbana, Illinois, General Prohibition and Definitions, is hereby repealed.

Section 3. In place of Section IX-2 of the Zoning Ordinance herein repealed, a new Section IX-2, Sign and OASS Definitions, is hereby enacted to read as follows:

Section IX-2. Sign and OASS Definitions

- A. *Banner.* A sign made of paper, plastic or fabric of any kind and which can be easily folded or rolled.
- B. *Community Event Sign:* A sign displayed for a special community event or activity conducted by or sponsored by or on behalf of a unit of local government, institution of an educational, philanthropic, or eleemosynary nature, a charitable organization, or a not-for-profit corporation. A special community event or activity is one which occurs not more than twice in any twelve-month period and which seeks to attract donations, participants, customers, or an audience throughout the community. (Ord. No. 8283-43, § 2, 1-17-83; Ord. No. 8485-73, § 1, 4-15-85)

C. *Development Sign*: Any sign displayed on a construction site by architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a building or subdivision of property.

D. *Electronic Message Board Sign*: A sign with a fixed or changing message composed of a series of lights that may be changed through electronic means.

E. *Flag*. A square or rectangular sign made of paper, plastic or fabric of any kind and intended to be hung from a flagpole by being tethered along one side.

F. *Freestanding Sign and Freestanding Outdoor Advertising Sign Structure*: Any sign or outdoor advertising sign structure completely or principally self-supported by posts or other supports independent of any building or other structures.

G. *Grand Opening Sign*: A temporary sign displayed at the time of the opening of a new business or the change of ownership of a business.
(Ord. No. 9495-81, 3-6-95)

H. *Home Occupation Sign*. A sign displayed on a property where any occupation or profession for gain or support is carried on as an accessory use in a dwelling unit by a member or members of the immediate family residing on the premises.

- I. Institutional Signs:* Any sign and/or message board displayed by any public, charitable, educational, religious or other institution, when located on the premises of such institution.
- J. Message Board:* A sign, or any portion of a sign, designed and constructed to allow changeable messages through manual, mechanical, or electronic means.
- K. Monument Sign:* A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.
- L. Multi-Family Residential Identification Signs:* Signs displayed by a multi-family residential building or complex, boarding or rooming house, or dormitory, in accordance with Table V-1. Such signs shall be subject to the standards specified in Table IX-10.
- M. Official Sign:* Signs displayed in the public right-of-way with approval of the Public Works Director or designee. Examples include safety signs, danger signs, traffic signs, memorial plaques, or signs indicating points of scenic or historical interest.
- N. Outdoor Advertising Sign Company:* A commercial enterprise which owns, maintains, erects, and manages outdoor advertising sign structures which are designed, intended, and customarily used to mount periodically changing commercial or noncommercial messages, such standardized signs and sign space to be made generally available to the general public.

- O. *Outdoor Advertising Sign Structure (OASS)*: An outdoor advertising display, including the permanent framework, structural members, support or supports, foundation, scaffolding and illumination, facing or panels, which is intended and whose customary use is to mount periodically changing commercial or noncommercial displays and which is made generally available for display to the public by an outdoor advertising sign company on a short term basis.
- P. *Permanent Sign*: A sign that is permanently affixed or anchored to the ground, building, or other structure.
- Q. *Portable Sign*: A freestanding sign not permanently anchored or secured to either a building or structure.
- R. *Private Traffic Directional and Instructional Signs*: Any on premise sign designed to direct and instruct motorists to access and circulate onsite in an orderly and safe manner.
- S. *Projecting Sign*: A sign, other than a wall sign, which projects from and is supported by, or attached to, a wall of a building or structure.
- T. *Roof Sign*: A sign erected, constructed, or maintained upon or over a roof, and more than half of whose height is above the building height. A sign mounted on a roof, which does not qualify as a roof sign, shall be considered a wall sign.
- U. *Sandwich Board Sign*: Any temporary freestanding sign that is oriented in its display primarily towards pedestrian traffic.

V. *Shopping Center/Commercial PUD Sign*: A sign designed for the purpose of being displayed by an entire shopping center. No single listing may exceed 50% of the area of any face of the sign.

W. *Sign*: Any identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business. An Outdoor Advertising Sign Structure (OASS) shall not be considered a sign under the regulations contained in this ordinance.

X. *Subdivision Sign*: Any sign displayed by a residential, commercial, office or industrial subdivision or neighborhood.

Y. *Temporary Sign*: A sign intended for a limited or intermittent period of display which is readily movable and is not permanently anchored to the ground, building or other structure. Such sign is not a portable sign. See Section IX-4.E for regulations for temporary signs.

Z. *Underground Utility Warning Signs*: Signs displayed in connection with underground utility pipes, conduits, and cables.

AA. *Wall Sign, Wall-Mounted Sign, or Wall-Mounted Outdoor Advertising Sign Structure*: A sign displayed on or visible through a wall of a building or structure so as to be seen primarily from the direction facing the wall. A wall sign or outdoor advertising sign structure attached to the

exterior wall of a building or structure, which (in a plane parallel to the plane of said wall) does not extend or project more than 18 inches.

Section 4. Section IX-3 of the Zoning Ordinance of the City of Urbana, Illinois, Measurement Standards, is hereby repealed.

Section 5. In place of Section IX-3 of the Zoning Ordinance herein repealed, a new Section IX-3, Measurement Standards, is hereby enacted to read as follows:

Section IX-3. Measurement Standards

A. *Area Measurement of Signs and OASS.* The area of a sign shall be computed as:

1. *Flat Sign:* The area of the smallest convex geometric figure encompassing the sign; or
2. *Volumetric Sign:* The area of the smallest convex geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the sign, including any frame, structural trim, or other material forming an integral part of the display as used to differentiate such sign from the background against which it is placed. Such measurement shall exclude the necessary supports or uprights on which the sign is placed, unless the supports or uprights constitute part of the display.

3. *Outdoor Advertising Sign Structures (OASS)*: The surface area of a sign or surface display area of an outdoor advertising sign structure shall be the area of the smallest convex geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the surface display area of writing, representation, emblem, advertising embellishment, or other figure of similar character or potential display area of an outdoor advertising sign structure, together with any material forming an integral part of the display or used to differentiate such sign or outdoor advertising sign structure from the background against which it is placed. Such measurement shall exclude the necessary supports or uprights on which the sign is placed, unless the supports or uprights constitute part of the display because of the predominant overall concept of the sign, and shall exclude the apron, if any, which itself covers structural members, supports or uprights. The lowest projection of the display area shall not be more than six inches above the lowest portion of any horizontal structural element of the OASS.

This Article limits OASS to standard "30 sheet poster panels" or "junior panels" and which shall be measured as follows:

- a) 30 sheet poster panels or painted bulletins are approximately 12 feet by 25 feet and contain no more than 300 square feet of total display area;
- b) Junior panels are approximately six feet by 12 feet and contain no more than 72 square feet of total display area;

- c) Height and width measures for 30 sheet poster panels and junior panels shall include outside dimensions, including any trim, but excluding the base, apron, supports, and other structural members; and
- d) For the purpose of defining the height and width of an OASS, The term "approximately" shall permit the approval of an OASS containing lineal dimensions which deviate from the standardized dimension by no more than 20%.

B. Height Measurement

1. The maximum allowable height of freestanding signs and OASS shall be measured as the distance from the top of the highest portion of the sign or structure to:
 - a) The grade at the foundation of the sign or outdoor advertising sign structure; or
 - b) The average grade of the lot, whichever is less.

2. The minimum required height of OASS shall be measured as the distance from the bottom of the lowest portion of the sign or sign structure to:
 - a) The grade at the foundation of the sign or outdoor advertising sign structure; or
 - b) The average grade of the lot, whichever is less.

C. *OASS Separation Distance Measurements.*

The separation distance between OASS shall be measured as follows:

1. Separation distances between OASS shall be measured horizontally along the centerlines of the roadway(s) to which OASS faces are directed, and between points on said centerlines closest to each OASS.
2. For free-standing OASS, the closest point on the roadway centerline shall be measured from the closest point of ground support for the structure.
3. For wall-mounted OASS, the closest point on the roadway centerline shall be measured from the nearest edge or projection of the OASS.

D. *Measurement of Business Frontage.* Business frontage is the lineal footage of a lot, facing the public right-of-way, owned or rented by a person, business, or enterprise, and intended for business usage.
(Ord. No. 8458-73, § 2, 4-15-85)

E. *Measurement of Gas Station Canopy Display Area:* The area of a gas station canopy structure shall be computed as the product of the height and length of a canopy structure's vertical face. The vertical supports of the canopy structure shall not be considered a display area.

Section 6. Section IX-4 of the Zoning Ordinance of the City of Urbana, Illinois, General Sign Provisions, is hereby repealed.

Section 7. In place of Section IX-4 of the Zoning Ordinance herein repealed, a new Section IX-4, General Sign Permit Requirements, is hereby enacted to read as follows:

Section IX-4. General Sign Permit Requirements

- A. Signs specified in this Section and in Tables IX-1 through Table IX-10 of this Ordinance shall be allowed subject to the conditions and limitations set forth herein. Any sign not expressly permitted by or in compliance with this Article is prohibited in the City of Urbana.
- B. *Permit Requirements.* It shall be unlawful for any person to display, install, construct, erect, alter, reconstruct, or relocate any sign without first obtaining a valid permit, in writing, from the Zoning Administrator, and making payment of the fees required by this ordinance, unless such signs are permitted without a permit by Section IX-5.
1. *Permit Exceptions.* The following operations shall not be considered as "installing, constructing, erecting, altering, reconstructing, relocating," or creating a sign and shall not require a permit, notwithstanding the requirements of Section IX-4.B:
2. The changing of the advertising copy, face panel or panels on an outdoor advertising sign structure; on a painted, printed, or electronic sign; or on changeable letter panels or bulletin boards specifically designed for the use of replaceable copy.

C. Painting, repainting, cleaning and other normal maintenance and repair of a sign, sign structure, or outdoor advertising sign structure.

D. *General sign provisions.*

1. Any sign authorized by this ordinance may display a noncommercial message.

2. *Institutional Signs.* Institutional signs and/or message boards shall not exceed a total of 25 square feet in display area. If building mounted, these signs shall be flat wall signs, and shall not project above the roofline or front façade of the building. If freestanding, the total height shall not exceed five feet. There may be one sign per frontage.

3. *Electronic Message Board Signs.* In the B-3, General Business Zoning District, an electronic message board sign shall be allowed as either a freestanding or wall-mounted sign. Such signs shall be allowed by permit subject to the following conditions:

a) The electronic display shall not be animated, flashing, multi-colored, or scrolling.

b) The frequency of message change shall be restricted to no more than once every 3 minutes.

c) The maximum area of an electronic message board shall not exceed 30 percent of the total sign allowance for the property.

- d) The maximum height of an electronic message board shall conform to the standards of Table IX-1.

4. *Community Event Signs on City Property.*

- a) The Zoning Administrator may issue a permit for community event signs to be erected or maintained on or over any property owned or controlled by the City, including public rights-of-way, which conform to the requirements and restrictions of this subsection of this ordinance. Prior to issuance of a permit, the Zoning Administrator shall require submission of evidence as to general liability insurance or its equivalent which names the City as an additional insured in amounts of no less than combined property damage and personal injury limits of \$200,000.

b) *Zoning Districts Allowed:*

- (1) B-4, Central Business
- (2) B-4E, Central Business-Expansion

c) *Numbers and Sizes of Signs:*

- (1) The Zoning Administrator shall grant permits for no more than ten community event signs to be displayed on any one day. When applications are received for more than one event sign to be displayed on the same day, and the total number exceeds the maximum provided in this section, each event shall receive a permit for a pro rata number of such signs so that the maximum number of signs is not exceeded for that day.

(2) Community event signs shall be no larger than 50 square feet in display area.

d) *Length of Time of Display:*

(1) Community event signs shall be displayed for not more than a consecutive 30 day period.

(2) No more than two days following the community event for which a sign permit is granted pursuant to this section, such special event signs shall be removed, and the area where such signs have been displayed shall be cleaned and restored to its condition prior to display of such signs.

e) *Electronic Display of Community Events.* The Zoning Administrator may approve permanent signs with an electronic display to be located at the site of community events which operate on a regular basis on City-owned or controlled property. The Zoning Administrator shall consider the following criteria in reviewing a permit application for electronic display signs:

(1) The sign shall not be located within 450 feet of another community event electronic display sign.

(2) The sign shall not be located within 100 feet of a residential district or use.

(3) The maximum area of an electronic message board display shall not exceed 25 square feet. This counts against the total sign allowance for a business frontage.

- (4) Illumination from the sign will not cause a nuisance to any nearby residential district or use; and
 - (5) The sign will not blink, flash, or otherwise display electronic messages in a manner that may cause a traffic or safety hazard.
5. Signs located within a Residential Planned Unit Development, or signs and/or outdoor advertising sign structures located within a Planned Unit Development, shall be subject to the provisions applicable to the zoning district in which the PUD is located.
6. Sign standards for permitted and conditional uses in the AG, Agriculture District, shall be identical to the standards for the same use in the most restrictive district within which the use is permitted by right.
7. In lieu of Section IX-4.D.5, Shopping Centers/Commercial PUD signs may alternatively comply with the standards set forth in Table IX-9. The erection of signs authorized under Table IX-9 precludes the erection of any freestanding signs authorized under Table IX-1.
8. Signs in the MIC District shall be subject to the provisions and standards specified for the B-4E District. Signs in the CCD District shall be subject to the provisions and standards specified for the B-3U District.
9. *Sign safety.* Freestanding and projecting signs shall be designed, sited, and constructed to allow safe vehicular movement onto and

within the property, including on driveways and parking lots.

Traffic control measures, such as curbing, may be required to be installed and maintained for safety reasons at the discretion of the City Engineer or designee.

E. *Temporary Signs*. In the B-3, B-3U, B-4, B-4E, and IN Districts, in addition to the signs permitted as specified in Table IX-1 through Table IX-4, Table IX-6 and Table IX-9, temporary signs shall be allowed by permit as provided in this Section. Temporary Signs for non-residential uses in residential districts (as allowed in Table V-1) shall also be allowed by permit as provided in this Section.

1. *Grand Opening Signs*. Each business (or other entity) shall be allowed to display one grand opening sign for each business frontage, in the form of a banner securely fastened at both ends to a building or other structure, for a period not to exceed 30 consecutive days. The display must occur within the first six months after either the opening of the business at that site, or after there has been a change in ownership of the business.

2. *Inflatable Signs and Balloons*. Within the first 30 days of the operation of a new on-site business, in addition to the banner signs as permitted in this section, a business having at least 50 feet of frontage may display additional grand opening signage in the form of inflatable signs and balloons for a period of no more than ten days.

An inflatable sign or balloon may not *itself* exceed 25 feet in height and shall not obstruct visibility necessary for safe traffic

maneuvering. Such signs shall be set back from any property line a minimum distance equal to the height of the balloon plus five feet, and shall maintain a minimum 25 foot clearance in all directions from all electrical wires. No more than one such inflatable device shall be allowed on any premises. Any such sign or balloon must be securely fastened as required by manufacturers specifications and secured to minimize wind movement. The inflatable sign, if lighted, must be installed to a grounded outlet. Such inflatable signs must be installed by a commercial sign installer. A permit for an inflatable sign may not be issued unless proof of liability insurance in a minimum amount of one million dollars is shown. Signs inflated with helium are strictly prohibited.

3. *Banners.* In addition to any permitted grand opening signs, each business shall be allowed up to four separate banner displays per business frontage per calendar year, securely fastened at both ends to a building or other structure. If more than one business is located on a particular lot, then each business on that lot shall be allowed up to four separate temporary sign displays per calendar year for each portion of the lot that abuts a public street or alley. The total length of time for those four displays on a particular business frontage shall not exceed four weeks per calendar year.

a) The area of temporary banner signs shall be restricted to 100 square feet for wall banner signs or wall-mounted banner signs, and 50 square feet for freestanding banner signs.

- b) A temporary banner sign shall be set back at least ten feet from the front property line, or shall be displayed so that the bottom edge of the sign is at least ten feet above grade level at all points.
- 4. A permit for a temporary sign shall specify the location of the sign and the period of time during which said sign may be displayed.
 - 5. No fee shall be charged for a grand opening temporary sign. This exemption shall supersede the requirements of Chapter XIV of the City of Urbana Code of Ordinances governing fees for sign permits. The fees for other temporary commercial signs shall be as set forth in Chapter XIV for sign permits. (Ord. No. 9495-81, 3-6-95; Ord. No. 9697-154, 6-16-97)

F. *Sign Permit Applications.*

- 1. A person proposing to erect or display a permanent or temporary sign shall file an application for a permit with the Zoning Administrator of the City of Urbana or designee. Sign permit applications shall contain the following:
 - a) The name address and telephone number of the owner of the sign and agent, if any;
 - b) The location of buildings, structures, or lots to which or upon which the sign is to be attached or erected;
 - c) A site plan drawn to scale specifying the location of permanent, free-standing signs and their relationship to the site and

surrounding properties, including: property lines, rights-of-way, existing structures, required zoning setbacks, pertinent utilities and easements, vehicle parking and circulation, any traffic control measures, and relevant sight visibility triangles;

- d) Two prints or ink drawings of the plans and specifications indicating the method of construction and attachment to the buildings or in the ground. No such prints or ink drawings shall be required for Section IX-5 signs, unless such signs otherwise require a permit; for temporary signs permitted in Section IX-4; or for signs the fair market value of which is less than \$500 and which are to be erected in compliance with a standard method;
 - e) The name of person, firm, corporation, or association that will erect the sign;
 - f) Evidence of written consent of the owner of the building, structure, or land to which or on which the sign is to be erected; and
 - g) Such other information as the Zoning Administrator shall require to show full compliance with this and all other laws and ordinances of the City.
2. *Issuance of Permit.* The Zoning Administrator shall issue the permit within 30 days after he or she finds that the permit application is complete and complies with all of the requirements in Section IX-4.F.1, and that the sign to be erected complies with all of the requirements of this ordinance. The Zoning Administrator may return the application to the applicant if the Zoning Administrator finds it incomplete.

3. The Zoning Administrator shall notify the applicant in writing of any denial of a sign permit, specifying the facts relied upon in making the decision, explaining how the decision is based on the relevant regulations, and shall state that the applicant may resubmit the application within 30 days with such modifications as are necessary to show compliance with relevant codes and ordinances.

4. An appeal of a decision of the Zoning Administrator may be taken by any person aggrieved thereby to the Zoning Board of Appeals in accordance with the procedures and time limits of Section XI-3.D of the Urbana Zoning Ordinance.

5. *Inspection upon Completion.* The applicant who has been issued a permit for construction, installation, erection, relocation, or alteration of a sign shall, upon completion of the work, notify the Zoning Administrator, who shall inspect the sign as constructed for compliance with City requirements, and, if he/she finds that the same has been constructed in compliance with the ordinances of the City, he/she shall then issue such applicant a permit in writing, authorizing such applicant to operate and maintain the sign as permitted.

6. *Nullification.* If the work authorized under a permit to build has not been substantially completed within six months after the date of its issuance, the permit shall become void.

Section 8. Section IX-5 of the Zoning Ordinance of the City of Urbana, Illinois, Signs Allowed Without a Permit Subject to Certain Regulations, is hereby repealed.

Section 9. In place of Section IX-5 of the Zoning Ordinance herein repealed, a new Section IX-5, Signs Allowed Without a Permit, is hereby enacted to read as follows:

Section IX-5. Signs Allowed Without a Permit

The following signs shall be allowed in all zoning districts and do not require a sign permit unless a permit is otherwise required by this ordinance, subject to the conditions and limitations set forth in this section.

- A. Official signs or signs required by law.

- B. *Flag*: No more than two flags for each premise.

- C. *Integral Signs*: Any architectural feature carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the building or structure.

- D. *Private Traffic Direction Signs and Related Signs*: Signs displayed at the entrance or exit of a premise. The total area shall not exceed five square feet, and the total height shall not exceed five feet.

E. Property Sale, Rental, or Exchange Signs: Any sign displayed on premises for sale, rent or exchange. Such signs may be freestanding or wall-mounted only. Signs may not emit direct illumination, and must be removed within 14 days after the sale, rental, or exchange of the property. Property sale, rental or exchange signs shall not be placed in the public right-of-way. Property sale, rental, or exchange signs shall be subject to the standards and provisions specified in Table IX-7.

F. Home Occupation Signs: Home occupation signs that are wall-mounted, not internally illuminated and do not exceed one square foot in area. There shall be only one such sign per building or structure for a home occupation permitted under Section V-13.B.

G. Subdivision Sign: Subdivision signs subject to the standards specified in Table IX-8.

H. Development Signs: Development signs confined to the site of the construction, alteration, or repair. Development signs shall be removed within 21 days after completion of the work, and shall conform to the standards provided in Table IX-7.

I. Underground utility warning signs.

J. Sandwich Boards: Such signs shall not be located in the traveled roadway or block pedestrian traffic, and shall be moved indoors at the end of business hours. Such signs shall be permitted in the B-1, B-2,

B-3U, B-4, B-4E, or MOR Zoning Districts, and shall not exceed eight square feet in area and four feet in height.

K. *House or Building Sign*: Any sign on a residence or building that does not exceed six inches in height.

Section 10. Section IX-6 of the Zoning Ordinance of the City of Urbana, Illinois, Use of Noncommercial Signs in Business and Industrial Zoning Districts, is hereby repealed.

Section 11. In place of Section IX-6 of the Zoning Ordinance herein repealed, a new Section IX-6, Outdoor Advertising Sign Structures (OASS), is hereby enacted to read as follows:

Section IX-6. Outdoor Advertising Sign Structures (OASS)

A. Outdoor Advertising Sign Structures (OASS) as specified in this Section shall be allowed subject to the conditions, limitations, and permit requirements set forth herein. Any OASS not expressly permitted by or in compliance with this Article is prohibited in the City of Urbana.

B. Any Outdoor Advertising Sign Structure authorized by this ordinance may display a noncommercial message.

C. *OASS Permits and Review Procedures*.

1. A person proposing to erect an outdoor advertising sign structure shall file an application for a permit with the Zoning Administrator

of the City of Urbana or designee, on forms provided by the City, and shall be accompanied by the following submittals:

- a) The names, addresses and telephone numbers of the sign owner and the person or firm erecting the outdoor advertising sign structure;
- b) Evidence of written consent of the owner of the building, structure, or land to which or on which the outdoor advertising sign structure is to be erected;
- c) A copy of any necessary permits from the Illinois Department of Transportation. Where both City and State permits are required for any OASS, the City shall not issue a permit for an OASS before issuance of the State permit;
- d) A site plan drawn to scale specifying the location of the OASS and its relationships to the site and surrounding properties, including: property lines, rights-of-way, existing structures, required zoning setbacks, pertinent utilities and easements, vehicle parking and circulation, any traffic control measures, and relevant sight visibility triangles;
- e) Two copies of construction drawings with plans and specifications indicating the method of construction and attachment to a building or in the ground, sealed by a State licensed structural engineer certifying the structure meets all City building safety requirements;
- f) An elevation drawing showing the proposed OASS with appertunances, drawn to scale, including height of structure and vertical clearance, both front and back;

- g) A photographic simulation or illustrative drawing showing the appearance of the OASS in its context, demonstrating that the OASS will not block the view of other business signs from streets, and providing a true representation of design and colors;
 - h) Lighting plans and specifications, showing effective shielding from roadways and any nearby residential uses; and
 - i) A landscape plan showing plant types, quantity, and placement, and any special installation or maintenance requirements.
2. OASS permit applications shall be reviewed and approved in the chronological order of receipt of complete applications. Applications lacking any necessary permits issued by the Illinois Department of Transportation shall be deemed incomplete and returned.
3. *Utility company review and comment.* Copies of the OASS permit application shall be transmitted to utility companies and provided ten calendar days from the mailing of the application to review and comment on any utilities or easements. Comments should be provided to the Zoning Administrator or designee. It shall be assumed that if a reviewer fails to submit comments in the time specified, the reviewer had no negative comment.
4. Within thirty days following acceptance of a complete application, including required supporting documentation and fees, the Zoning Administrator shall either approve, approve with conditions, or deny the application.

5. The Zoning Administrator shall notify the applicant in writing of any denial of a permit, specifying the facts relied upon in making the decision, explaining how the decision is based on the relevant regulations, and shall state that the applicant may resubmit the application within 30 days with such modifications as are necessary to show compliance with relevant codes and ordinances.

6. An appeal of a decision of the Zoning Administrator may be taken by any person aggrieved thereby to the Zoning Board of Appeals in accordance with the procedures and time limits of Section XI-3.D of the Urbana Zoning Ordinance.

D. *OASS Review Criteria.* Applications for OASS shall demonstrate compliance with the following criteria:

1. *Permitted OASS Locations.* OASS shall only be permitted within 660 feet of the public right-of-way of:
 - Interstate 74;
 - University Avenue;
 - Cunningham Avenue north of University Avenue;
 - U.S. Route 150; and
 - Lincoln Avenue north of Bradley Avenue;

Where such location is zoned:

- B-3, General Business District;
- B-4E, Central Business Expansion District; or

IN, Industrial zoning districts;

Except:

- a) Within 300 feet from the boundary of any R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7, AG, or CRE zoning district on the same side of the roadway as the OASS, including districts of other governmental jurisdictions;
 - b) Within 300 feet of any historic landmark or historic district as designated by the City of Urbana; and
 - c) On any property designated as a Redevelopment Project in any Tax Increment Finance District Plan adopted pursuant to Illinois' Tax Increment Allocation Act, for which a Redevelopment Agreement with the City of Urbana has been approved or pending before the City Council where such agreement explicitly prohibits OASS placement.
2. *Spacing*. No OASS shall be spaced closer than 1,500 feet from any other OASS, as measured using the standards provided in Section IX-3.C.
3. *Number of Sign Faces*. The maximum number of sign faces for wall-mounted OASS shall be one per wall provided no other exterior wall signs are displayed on the same wall. The maximum number of sign faces for free-standing OASS shall be two faces per OASS. "Back-to-back" displays shall be deemed a single structure. "Back-to-back" shall mean faces erected at a parallel plane separated by no greater

than three feet, or faces erected at no greater than a 45 degree angle to each other.

4. Free-standing OASS shall conform to the setback requirements for buildings within its zoning district.
5. OASS shall be designed, sited, and constructed to allow safe vehicular movement onto and within the property, including on driveways and parking lots. Traffic control measures, such as curbing, may be required to be installed and maintained for safety reasons at the discretion of the City Engineer or designee.
6. No OASS shall project over any public or private street right-of-way or over any building.
7. New OASS shall not block the view of existing freestanding and wall mounted signs from streets.
8. OASS shall not be cantilevered, other than through use of a "flag" design. That is, the structure shall not use an offset beam to support the display area(s).
9. *Wall and roof mounted OASS.* Wall mounted OASS shall not project above the roofline or edges of wall upon which the OASS is mounted. Roof Mounted OASS are prohibited.
10. *Height limitations for freestanding OASS.* The maximum height limit shall be 35 feet in B-3 and B-4E zoning districts and 40 feet in IN

zoning districts. The minimum height clearance for sign faces shall be 14 feet, as measured in Section IX-3.B.

11. Lights shall be effectively shielded from roadways and any nearby residential uses.

12. OASS shall not include ladders, except those ladders that are contained entirely in the area behind the display area(s).

13. *Landscaping* for OASS. A landscaped area of at least 75 square feet in area shall be installed around the base of new freestanding OASS, a plan for which shall be submitted by the applicant and approved by the Zoning Administrator in consultation with the City Arborist. Trees and shrubs planted shall utilize species listed in Table VI-1 and VI-2 of the Zoning Ordinance, except that alternative species may be approved by the Zoning Administrator in consultation with the City Arborist. All plant materials shall be maintained as living vegetation and shall be promptly replaced within a reasonable period of time, based on seasonal conditions, following notice that such vegetation needs to be replaced. Upon recommendation of the City Arborist, the Zoning Administrator shall provide such notice in writing to the property owner.

When the area of an OASS base requiring landscaping is already paved with concrete or asphalt, the applicant may choose to either remove the pavement and install a landscaped area or alternatively substitute one or both of the following:

- a) Installation of an architectural-grade cladding or enclosure around support poles. Cladding shall have a vertical dimension twice that of its horizontal dimensions and a design consistent with the intent of the Comprehensive Sign Regulations, or another design feature consistent with these regulations, as defined in Section IX-1, Legislative Intent and Findings, as approved by the Zoning Administrator.
- b) Relocation of required OASS landscaping along a street frontage on the same zoning lot, in which case this landscaping shall be in addition to any other landscaping required by the Zoning Ordinance.

E. *Inspection upon Completion.* The applicant who has been issued a permit for construction, installation, erection, relocation, or alteration of an outdoor advertising sign structure shall, upon completion of the work, notify the Zoning Administrator, who shall inspect the outdoor advertising sign structure as constructed for compliance with City requirements, and, if the Zoning Administrator finds that the same has been constructed in compliance with the ordinances of the City, he/she shall then issue such applicant a permit in writing, authorizing such applicant to operate and maintain the outdoor advertising sign structure as permitted.

F. *Nullification.* If the work authorized under a permit to build has not been substantially completed within six months after the date of its issuance, the permit shall become void.

Section 12. Section IX-7 of the Zoning Ordinance of the City of Urbana, Illinois, Prohibited Signs, is hereby repealed.

Section 13. In place of Section IX-7 of the Zoning Ordinance herein repealed, a new Section IX-7, Prohibited Signs and Outdoor Advertising Sign Structures (OASS), is hereby enacted to read as follows:

Section IX-7. Prohibited Signs and Outdoor Advertising Sign Structures (OASS)

A. The following are specifically prohibited by this Ordinance:

1. Any sign or OASS which, by reason of its size, location, movement, content, coloring, or manner of illumination, constitutes an obvious traffic hazard or a detriment to traffic safety by obstructing or detracting from the visibility of any official traffic control device;
2. Any sign or OASS which contains or is an imitation of an official sign, other than private traffic directional or instructional signs;
3. Any sign or OASS which moves or rotates in any way provided, however, that a sign which revolves 360° degrees but does not exceed eight revolutions per minute is permitted, except within 50 feet of any public street or where the nearest lot contains a residential dwelling unit, public school, park, hospital, or nursing home;

4. Any sign or OASS which contains blinking or flashing lights, unless such lights are part of an official sign;
5. Any sign or OASS which contains or consists of banners, pennants, ribbons, streamers, strings of light bulbs, spinners, or similar devices, unless such signs are permitted in Section IX-4.E,
Temporary Signs;
6. Any sign which for 30 consecutive days has directed attention to a product, place, activity, person, institution, or business which was formerly but is no longer in operation or existence on the premises;
7. Any sign or OASS not in compliance with the requirements of this ordinance; or
8. Any portable sign, except sandwich boards as defined in Section IX-2.

B. *Removal of Prohibited Signs:*

1. For any on-premise sign which for 30 consecutive days has directed attention to a product, place, activity, person, institution, or business which was formerly but is no longer in operation or existence on the premises, the Zoning Administrator shall give notice under the procedures of Section IX-9 of the Zoning Ordinance to remedy or remove the sign.

All other signs prohibited by this section shall be brought into conformity as provided for in Section X-9. (Ord. No. 9697-154, 6-16-97)

Section 14. Section IX-8 of the Zoning Ordinance of the City of Urbana, Illinois, Permits for Signs, is hereby deleted and the section number reserved.

Section 15. Section IX-9 of the Zoning Ordinance of the City of Urbana, Illinois, Enforcement and Penalties, is hereby repealed.

Section 16. In place of Section IX-9 of the Zoning Ordinance herein repealed, a new Section IX-9, Enforcement and Penalties, is hereby enacted to read as follows:

Section IX-9. Enforcement and Penalties

- A. The Zoning Administrator is hereby authorized and directed to administer and enforce all the provisions of this Article. Whenever necessary, the officials of other departments of the City shall give such assistance as is consistent with the usual duties of their respective departments. Upon presentation of proper credentials, the Zoning Administrator or his/her duly authorized representative may enter at reasonable times any premises when necessary to perform any duty imposed upon him/her by this Article.

- B. Whenever it shall appear to the Zoning Administrator that any permanent sign has been constructed or erected, or is being maintained in

violation of any of the terms of this Ordinance, or after a permit for a sign has been revoked or become void, or that a sign or outdoor advertising sign structure is unsafe or in such condition as to be a menace to the safety of the public, the Zoning Administrator shall issue a notice in writing to the owner or lessee of the sign or outdoor advertising sign structure or the owner of the premises upon which the sign or outdoor advertising sign structure is erected or maintained. Such notice shall inform such person of the violation and shall direct him/her to make such alteration, repair, or removal as is necessary to secure compliance with this Ordinance within a reasonable time limit, which shall not be less than 20 days nor more than 60 days.

If a temporary sign is displayed in violation of this Ordinance, the Zoning Administrator or his/her duly authorized representative shall issue a written warning to any person reasonably believed to be an employee of the business at the location of the illegal sign display if the individual or business that is responsible for said sign has not violated the regulations pertaining to temporary sign displays within the preceding 365 days. The warning shall require that either the offending sign be removed or that a permit for said sign be obtained within 24 hours or receipt of the warning. If the offending temporary sign is not removed or a permit for said sign is not obtained within that 24 hour period, or if the business or individual responsible for said sign has violated the regulations pertaining to temporary sign displays within the preceding 365 days, then that individual or business shall be subject to fines pursuant to Section XI-9 of the Ordinance.

Upon failure of the sign or outdoor advertising sign structure owner or the person or business responsible for the temporary sign display to comply with the terms of the notice of violation, the Zoning Administrator or his/her authorized representative is authorized and empowered to remove, alter, or repair the sign in question so as to make it conform with this Ordinance, or to remove, alter, or repair an outdoor advertising sign structure which is unsafe or a menace to the public safety, and charge the expenses for such work to the person named in the notice.

Except as otherwise provided, the Zoning Administrator or his/her authorized representative may remove or cause to be removed, altered, or repaired a sign or outdoor advertising sign structure immediately and without notice, if, in his/her opinion, the condition of the sign is such as to present an immediate threat to the safety of the public.

C. The owner of the sign shall remove it if a product, place, activity, person, institution, or business no longer exists at that location that was present when the sign was erected. If the owner or lessee fails to remove the sign, the Zoning Administrator shall notify the owner or lessee, in writing, and allow fifteen days for removal. Upon failure of the owner or lessee to comply with the notice, the Zoning Administrator may remove the sign at cost to the owner or lessee.

D. Signs and outdoor advertising sign structures may be inspected periodically by the Zoning Administrator for compliance with this Ordinance and with other ordinances of the City. All signs, sign

structures, and outdoor advertising sign structures and their component parts are to be kept in good repair and in safe, sanitary condition.

Section 17. Table IX-1 of the Zoning Ordinance of the City of Urbana, Illinois, Standards for Freestanding Signs, is hereby amended as follows:

1. The "Maximum Height of Sign" in "B-3, General Business" and "B-4, Central Business" zoning districts, shall read as follows:
"25 feet at minimum setback line and 1 foot per 2 feet additional setback, up to 35 feet maximum".

2. Footnote 2 shall be amended to read, "If a sign in the B-3, General Business, or IN, Industrial, zone is: (1) directed primarily toward the users of an interstate highway; (2) within 2,000 feet of the center line of an interstate highway; and (3) more than 500 feet from the boundary of any residential zoning district, school, park, hospital, or nursing home, it may rise only to such a height as to be visible from within one-half mile away along the highway, but not to exceed a height of 75 feet and an area of 150 square feet."

Section 18. Table IX-2 of the Zoning Ordinance of the City of Urbana, Illinois, Standards for Freestanding Signs, is hereby amended as follows:

The "Maximum Height and Location of Signs" shall be amended to read, "Signs shall not project beyond the top or ends of the wall surface on which they are placed. In the B-1, Neighborhood Business Zoning District, no wall signs are permitted when the wall immediately faces a residential use or zoning district and is not separated by a right-of-way."

Section 19. Table IX-5 of the Zoning Ordinance of the City of Urbana, Illinois, Standards for Outdoor Advertising Sign Structures, with footnotes, is hereby repealed and the table number reserved.

Section 20. Table IX-7 of the Zoning Ordinance of the City of Urbana, Illinois, Standards for Property Sale and Rental Signs, is hereby amended as follows: the table's title is changed to "Standards for Property Sale, Rental and Exchange Signs and Construction and Development Signs."

Section 21. Section X-9 of the Zoning Ordinance of the City of Urbana, Illinois, Nonconforming Signs, is hereby repealed.

Section 22. In place of Section X-9 of the Zoning Ordinance herein repealed, a new Section X-9, Nonconforming Signs and OASS, is hereby enacted to read as follows:

Section X-9. Nonconforming Signs and OASS

A. Signs that do not conform to the provisions of Article IX as of January 6, 1980, or thereafter, are nonconforming uses.

B. Unless otherwise authorized by the Zoning Board of Appeals, a nonconforming sign or outdoor advertising sign structure may not be:

1. Changed to another nonconforming sign;

2. Structurally altered so as to prolong the life of the sign, except that outdoor advertising sign structures may be so structurally altered;
3. Expanded;
4. Re-established after the sign or OASS has been removed from the site for 90 days;
5. Re-established after damage or destruction, if the estimated expense of reconstruction exceeds 50% of the appraised replacement cost at the time of the damage or destruction, except that in light of State and Federal laws and regulations, outdoor advertising sign structures may be so re-established, but only when an OASS permit to re-establish is applied for within 180 days. Permit applications to reestablish completely destroyed nonconforming OASS are required to meet the review criteria for new OASS in Section IX-6.D only to the extent that it was previously nonconforming; or
6. Relocated unless such relocation brings the sign or outdoor advertising sign structure into conformance with all the requirements of this Ordinance, except that where a nonconforming sign is located within a right-of-way taken or acquired by a public body for street improvement purposes, then the relocation of such a sign is permitted, provided that the relocation of such a nonconforming sign shall not extend the requirements for removal as set forth in Section X-9.C.1 and Section X-9.C.2.

C. All nonconforming signs and OASS shall be removed or brought into conformity with this Ordinance within the following time periods:

1. For all nonconforming signs: five years from the effective date of annexation or five years from the effective date of an ordinance redistricting a parcel or lot through a zoning map change or five years from the effective date of an ordinance amending the Zoning Ordinance text; however, no sign subject to this Article need be removed sooner than ten years from the date the sign permit authorizing the erection of the sign was issued.

2. For all signs existing prior to January 7, 1980, and rendered nonconforming as a result of the 1979 Comprehensive Amendment to this Ordinance No. 7980-68; upon voluntary removal or sudden damage or sudden destruction or other Act of God where the cost of damage exceeds 60% of the replacement cost of the sign. Further, where any on-premise, freestanding sign has been made nonconforming due to increased yard requirements as a result of Ordinance No. 7980-68, and where on the same property a building was constructed under prior development regulations which required no front yard, at such time said building or structure is damaged and the same is reconstructed or is voluntarily reconstructed to comply with the yard requirements of this Ordinance, such nonconforming on-premise freestanding sign shall also either be removed or brought into conformity with this Ordinance.

3. In light of State and Federal laws and regulations, outdoor advertising sign structures are not subject to amortization or removal under this section.

Section 23. 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 _____, 2007.

PASSED by the City Council this _____ day of _____, 2007.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2007.

Laurel Lunt Prussing, 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 _____, 2007, the Corporate Authorities of the City of Urbana passed and approved "AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (Repealing Section VII-11, Special Use Requirements for OASS; amending Article IX, Comprehensive Sign Regulations; and amending Article X, Non-Conformities -- Plan Case No. 2050-T-07)" 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 _____, 2007, 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.

DATED at Urbana, Illinois, this _____ day of _____, 2007.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: September 20, 2007

TIME: 7:30 P.M.

PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Jane Burris, Ben Grosser, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant

MEMBERS EXCUSED: Tyler Fitch, Lew Hopkins, James Ward, Don White

STAFF PRESENT: Robert Myers, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: Lois Arciszewski, David Krchak, Lisa Denson-Rives, Glenn Stanko, Susan Taylor

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Ms. Upah-Bant moved to approve the minutes from the July 19, 2007 Plan Commission meeting as presented. Ms. Stake seconded the motion. The minutes were approved by unanimous voice vote as presented.

4. COMMUNICATIONS

- ◆ Map of Proposed Tax Increment District #3
- ◆ Map of the Cunningham Avenue Corridor Redevelopment Plan

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Plan Case No. 2050-T-07: An Application by the Urbana Zoning Administrator to amend the Urbana Zoning Ordinance pertaining to signs and Outdoor Advertising Sign Structures (OASS), specifically Section VII-11, Special Use Requirements for OASS; Article IX, Comprehensive Sign Regulations; and Article X, Non-Conformities.

Robert Myers, Planning Manager, gave the staff presentation for this case to the Plan Commission. He began with a brief explanation of the packet information that was mailed out to the Plan Commission members prior to the meeting. He pointed out that Attachment A is a cleaned up version of the ordinance including the proposed changes, and Attachment B is an underline and strike out version.

He presented background information on the history of sign regulation amendments and their results. He gave an overview of the proposed changes in the text amendment that is before the Plan Commission during this public hearing. These changes include reorganization, content neutral, commercial versus non-commercial speech, equal protection, due process, design criteria, redevelopment impacts, and nonconforming billboards.

Mr. Myers noted what the proposed sign and billboard ordinance amendment would not do. These include the following:

1. The minimum spacing distance between new billboards would remain at 1,500 feet.
2. The number of rows per corridor and the distance to residential property would remain the same.
3. Digital billboards would remain prohibited.
4. The list of traffic corridors where billboards could be placed would remain unchanged.
5. The ordinance would not cap the number of billboards. As the city's corporate limits grow there would be some opportunities for new billboards.
6. All signs and billboards newly erected, relocated, or structurally altered would still have to obtain a permit to do so.

He read the options of the Plan Commission and stated that City staff is recommending approval of the proposed text amendment. He recognized all the parties that have been helpful to City staff in creating the proposed text amendment. They are David Krchak, Attorney at Law from Champaign, City of Urbana Legal Department, Professor Daniel Mandelker of Washington University Law School, Glenn Stanko and Adams Outdoor Advertising.

Ms. Upah-Bant stated that she could not find Section VII-11 in either the proposed Zoning Ordinance amendment or in the newly adopted text amendments in April of 2006. She wondered what had changed that would allow administrative review of billboards. Also, what was the process prior to the moratorium? Mr. Myers replied that prior to the moratorium there was not a special use permit process. The process was similar to the proposed text amendment in terms of there being standards that had to be met and there being an administrative review process.

Regarding Section VII-11, it is shown on Page 1 of Attachment B. He noted that this section was added in the amendment of 2006. City staff is now proposing to strike this out of the ordinance, because it is no longer necessary in light of the concrete standards that are being proposed in the current text amendment.

Chair Pollock inquired if the concrete standards that City staff would use to administratively review future billboard applications have been written as of yet. Mr. Myers answered by saying that the standards were incorporated into the proposed text amendment.

Chair Pollock wondered what would happen if a lot of land gets annexed into the City. Is future billboard construction based on the zoning district and whether or not a particular area has a prohibition? If it doesn't, then is the land open for billboard development? Mr. Myers replied that if the proposed text amendment is adopted, then future billboard developments would have to meet all of the standards of the Zoning Ordinance, including the spacing requirements, the minimal distance requirements from residential, etc. If a future billboard development falls within 660 feet of a state highway or interstate, then the billboard company would also need to get a permit from the Illinois Department of Transportation.

Chair Pollock asked if that included Route 130. Mr. Myers replied that under the City's current Zoning Ordinance, billboard development is not allowed in the Route 130 corridor. City staff is not proposing to change this.

Chair Pollock inquired if the proposed ordinance is set up with certain areas that are prohibited rather than areas where billboard development would be allowed. Mr. Myers pointed out that Section IX-6.D.1 states permitted OASS locations.

Chair Pollock wondered if any newly annexed land not mentioned in Section IX-6.D.1 would not be available for billboard development. Mr. Myers replied yes.

Ms. Burris commented that this is a contradiction to an earlier comment made by Mr. Myers. If newly annexed land that is not mentioned in Section IX-6.D.1 would not be available for billboard development, then how would annexing property into the City allow for additional billboards to be created? Chair Pollock answered by saying that newly annexed land that is part of the corridors mentioned in Section IX-6.D.1 would provide additional development sites for billboards. Mr. Myers added that if the City grows towards the east down the Interstate 74 corridor or to the north along Cunningham Avenue, there may very well be new opportunities for billboard development if they meet the requirements of the Zoning Ordinance. Lincoln Avenue is going to be extended and straightened. Olympian Drive, at some point in time, is going to be extended east and west. Someday, these areas will be more viable than they are now and provide for billboard growth.

Ms. Stake questioned why denial of a billboard permit would be sent to the Zoning Board of Appeals rather than to the City Council. Mr. Myers explained that the Zoning Board of Appeals is set up to take appeals. The reason for this is because the Zoning Board of Appeals is set up for quasi-judicial review similar to a court. They swear in witnesses, take testimony, and allow cross examination.

Ms. Stake wondered what would make a person or company want to appeal. Mr. Myers replied that if either a person applying for a billboard permit or a property owner where a proposed billboard would be located felt that the rules were not interpreted correctly by the Zoning Administrator, then they would have the opportunity to appeal. Every city government has an appeals process. Ms. Stake commented that it seems to her that the City Council would know more about the rules and regulations for signs than the Zoning Board of Appeals.

Mr. Grosser asked how an “aggrieved person” is defined. Is it anybody who defines themselves as aggrieved? Or are there some particular criteria for this? Mr. Myers believed there are criteria, but he would need to speak to the City’s Legal Department to get advice on how to answer this question.

With no further questions from the Plan Commission for City staff, Chair Pollock opened up the public hearing to listen to public comment.

Lois Arciszewski, Real Estate Manager with Adams Outdoor Advertising, stated that the focus of her responsibility is new development of billboards. Outdoor advertising is a medium or form of communication. As Mr. Myers previously mentioned, it is not only commercial, but non-commercial as well. Non-commercial messages could be political advertising, public service advertising, or religious advertising. The conveyances of both commercial and non-commercial messages are protected under the First Amendment. Non-commercial advertising messages are particularly suited to Outdoor Advertising Sign Structures (OASS). By definition, an OASS advertises a product or service not located on the land parcel where the sign structure is. Therefore, one could see how non-commercial messages are conducive to off premise signs as opposed to on premise signs, which advertise the business located on the lot. She displayed photographs of non-commercial billboard messages that have recently run or are running in the City of Urbana.

Ms. Arciszewski talked about the factors that determine a potential billboard site. These factors include a city’s sign ordinance, which is the rules and regulations that the company must work under first. Adams Outdoor Advertising realizes and respects that it is a city’s objective to protect the city and in particular to protect its residential districts. Other variables that go into potential billboard sites are physical feasibility, sales demand, visual obstructions, power lines, natural topography, access to the property, etc, but first and foremost, they have to have a willing land owner. Out of 8 to 10 potential sites, they will only be able to construct one billboard. Therefore, the process is time consuming and expensive and full of pitfalls. She asked the Plan Commission to keep in mind the many variables that affect the construction of a billboard.

She mentioned that the City staff and Adams Outdoor Advertising Sign Company have been working together on the proposed text amendment. She feels that we have made progress; however, there are four points of disagreement, which are as follows:

1. Spacing between billboards. City staff recommends in the proposed text amendment maintaining 1,500 feet. Adams Outdoor Advertising recommends 750 feet.
2. Route 130 Corridor. No billboards are currently allowed in this area. Adams Outdoor Advertising is asking that the Plan Commission consider this roadway...keeping in mind everything she just mentioned about the variables required to build a billboard and the City's regulations regarding distance to another billboard, distance to a residential district, and the zoning.
3. Distance to a residential district. Adams Outdoor Advertising respects that the City's responsibility is to protect their residential districts. However, they are asking that the City consider measuring the same side of the roadway only. For example, if they are considering a potential billboard location on the east side of the road, then they are asking the City to look at the distance to a residential district on the east side of the road.
4. Tax Increment Financing (TIF) Districts. Adams Outdoor Advertising is asking that the City not exclude these districts from potential billboard development. She believes that land owners should be the ones to decide if they want a billboard development to be part of the redevelopment of their land.

Lisa Denson-Rives, of Adams Outdoor Advertising, clarified that the State of Illinois is a bonus state which we enter into with the Federal government. Part of the highway dollars that the Federal government gives to the State of Illinois comes to us because we participate in the bonus state. This means that in order to build a billboard on a regulated interstate in Illinois, one would have to find a parcel zoned commercial and prove the commercial use back to September 21, 1959, which is not easy. Champaign County did not even have zoning until 1974. So, even as the City of Urbana grows along the Interstate 74 corridor, the potential for Adams to build new billboards along this route is very limited, if not almost impossible.

Glenn Stanko, Attorney from Champaign representing Adams Outdoor Advertising, stated that he represents Adams in the litigation against the City of Urbana, which was filed about a year ago. After Adams filed the litigation, the City brought in David Krchak as outside counsel. The City then decided to go back and take another look at the Zoning Ordinance and to allow Adams to give some input along the way. He feels that they have made some reasonable progress.

For now, Adams Outdoor Advertising has put the lawsuit on hold. The focus has been more on getting an ordinance that the City is satisfied with and that Adams feels that they can operate under. He believes that some of the changes have resulted in more objective criteria, which was one of Adam's major concerns.

Mr. Stanko mentioned that Adams is supportive of the proposed text amendment. The four recommendations that Ms. Arciszewski had highlighted are for the Plan Commission to consider and hopefully recommend some modification of the proposed text amendment to the City Council.

First, he talked specifically about the TIF District exclusion. He referred to Page 15 of Attachment B under Section 1.c. He mentioned that this was not part of the amendment passed in 2006. This is a recent add on and is not part of the original lawsuit filed about a year ago.

He passed out copies of two maps. The first map is of the Proposed Tax Increment District #3, and the second map is of the Cunningham Avenue Corridor Redevelopment Plan.

Chair Pollock inquired if there is a specific prohibition for billboards in the downtown area. Mr. Myers replied yes. The amendment of 2006 also changed the ordinance to no longer allow billboards along Vine Street south of University Avenue.

Chair Pollock then asked if when talking about TIF Districts that would be excluded from billboard development means TIF Districts outside of the downtown area. Mr. Myers said that is correct. Mr. Stanko added that they were talking about TIF Districts #3 and #4.

Mr. Stanko stated that when looking at Cunningham Avenue most of the properties are in the TIF District #4, which means that they have the potential to be excluded as billboard development sites. The proposed text amendment lists the Cunningham Avenue corridor as a place for potential billboard growth, but then takes that potential away with the TIF District exclusion in Section 1.c on Page 15 of Attachment B.

The same goes for University Avenue. There is a hotel on W. University Avenue that has a redevelopment agreement with the City of Urbana, so it would be excluded from being a potential billboard development site. Therefore, Adams Outdoor Advertising feels that the decision should be left up to the developer in these areas.

Regarding the 300-foot limitation of a billboard being developed near a residential area, he did not realize this would be an issue until a few days ago. Unfortunately, this is not something that Adams Outdoor Advertising and their attorneys have had an opportunity to sit down with City staff and talk about. He mentioned that the requirement used to be 50-feet before the June 2006 text amendment. When it became 300 feet in the 2006 text amendment, Adams read it to mean that the measurement would be the same way the measurement is made between billboards, which is from the centerline of the highway on the nearest point and measure 300 feet in either direction. They also thought the intent was for it to be measured on the same side of the street. However, City staff apparently intends a radial measurement. If any residential, agricultural or conservation-recreation-education (CRE) Zoning Districts are within 300 feet any direction of a proposed billboard site, then it would not be allowed. This could be a barrier for potential billboards. Therefore, he feels that the City needs to look at this and make some changes to this regulation in Section 1.a on Page 15 of Attachment B regarding how it is to be measured.

The 1500-foot spacing distance between billboards was a very drastic change in the 2006 text amendment, and it can be found in Section 2 on Page 15 of Attachment B. It was only 300 feet between billboards before. It really precludes a limited growing of the business.

When the City staff mapped potential locations for billboards, they found four sites available. Of these four new possible locations, three are located on North Lincoln Avenue where a person would not really think about putting billboards at this time, because the development there would not justify it. The fourth site is located on E. University Avenue near the Urbana Post Office. This could be problematic, because Beringer Commons, which is zoned residential, is located nearby. Northeast of the site is zoned agriculture.

Mr. Stanko figured that if the 1,500-foot regulation was reduced to 1,200 feet, then it would provide seven additional possible sites. 1000 feet would provide 11 new sites, and 750 feet would provide 15 potential sites, which is what Adams is recommending. Fifteen is not very many potential new sites, because close to half of them would be knocked out with the other problems.

Finally, regarding Route 130, billboard ordinances are typically geared to allow billboards to be constructed along state and federal highways within 660 feet. Sign companies have to deal with the State of Illinois Department of Transportation to get permits for billboard development along these routes. Adams Outdoor Advertising is asking for a chance to develop what limited opportunities there would be along Route 130 south of University Avenue. It is all dependent on the zoning, which there is a little bit of business zoning in different spots along this route. Many of the properties are still zoned County AG.

Mr. Stanko summarized by saying that he wanted to explain why Adams Outdoor Advertising felt that the ordinance is not workable. The TIF exclusion has the potential to swallow what was given in the first place, the 300-foot residential/agriculture/CRE radial dimension takes away many possible opportunities, the required separation distance between billboards gives very little opportunity for development, and Route 130 would give them a little more opportunity as well. These are the four ways that he asked the Plan Commission to consider tweaking the proposed text amendment. They are supportive of the other things in the proposed text amendment.

With no further comments from the public, Chair Pollock reopened the public hearing for the Plan Commission to ask questions of City staff.

Ms. Stake inquired if the proposed language regarding an appeal was existing language or is it being added. Mr. Myers stated that City staff is trying to be more specific in the appeal process. Professor Mandelker feels that this is important.

Ms. Stake questioned if there are any appeals of City laws that go to the City Council. Mr. Myers said that he is not aware of any appeals that go before City Council. Most go to the Zoning Board of Appeals.

Ms. Burris asked for an explanation of the 300-foot requirement and the 1,500-foot requirement. Mr. Myers explained that in 2006 when the billboard ordinance was changed, the City had went through a period of billboard proliferation, where there had been nine additional billboards constructed during a two year period. As a result, City staff felt the 1,500-foot spacing requirement between billboards would help deal with this issue. Staff first looked at how many more billboards would be allowed in the City under the ordinance at that time, and they found that there could be about 122 more billboards developed. City staff also researched other cities' billboard regulations in Champaign County and elsewhere. They found that the Village of Savoy has a 1,500-foot distance requirement. City staff felt that 1,500 feet was right because it dealt with potential proliferation but allow some limited growth for billboard companies.

Mr. Myers went on to explain that when City staff proposed changing the 50 feet to 300 feet requirement from any residential, agriculture, or CRE zoned areas back in June of 2006, staff chose 300 feet in order to better protect the public interest. Most people would not want to look out their window at home and see a billboard 50 feet away.

He stated that he understands Adams' concern about how the 300 feet is measured. It does make a difference. He had always thought about the measurement in terms of how far are you away from backing up to a residential area rather than how far up and down the corridor a residential area is located. He believes it would be wise to clarify how the 300 feet is measured and what it really means.

Ms. Upah-Bant inquired as to why the TIF District exclusion added. What is staff's concern regarding this? Mr. Myers stated that City staff has had an ongoing concern and has discussed this for years. In the corridors that the City Council has designated as TIF Districts, there is a public interest in revitalizing these corridors. The entire City has a stake in how and if these corridors succeed or fail. Although it rationally makes sense to allow billboard development along the edges of vacant sites, City staff realized that those vacant lots might not always be vacant, and we did not want billboards to impede the success of future businesses on vacant lots. City staff wants to make sure that these sites have the best opportunity to be successfully developed or redeveloped.

Ms. Upah-Bant asked about spacing requirements in other Illinois cities. Mr. Myers replied that the City has researched this question extensively. Other cities have different spacing requirements based on their own specific set of circumstances. He did not recall what each city's requirements were, but he would be happy to get that information for the Plan Commission.

Ms. Upah-Bant inquired as to what the City of Champaign's spacing requirement is. Robert Myers asked Ms. Denson-Rives for this information and she stated that it is 300 feet.

Chair Pollock asked for clarification regarding the TIF District exclusion. When you say that any property under a development agreement is excluded, does the development agreement run in perpetuity with the land or in perpetuity with the development project? Or does the development agreement expire after a development is constructed? Mr. Myers explained that the TIF Districts themselves have a lifespan of 10 to 25 years. They are all different. Redevelopment and development agreements are also for specific time periods. There are standards that have to be met as well for the development agreements.

Chair Pollock used the Farm and Fleet and the O'Brien Auto Park developments as examples. These two projects were done under development agreements, and they are located in a TIF District. The TIF District will eventually expire. Will the development agreements that preclude the placing of billboards in this area ever expire? Mr. Myers said yes. Chair Pollock questioned if the agreements would expire when the TIF District expires or when. Mr. Myers stated that it is in each individual agreement as to when a development agreement expires. Chair Pollock asked if a development agreement could go longer than the TIF District. Mr. Myers said he did not know. Chair Pollock suggested that he might check into this.

With no further questions for City staff and no further comments from City staff, Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion, motions and debate.

Ms. Stake moved that the Plan Commission forward this case to the City Council with a recommendation for approval as presented. Ms. Burris seconded the motion.

Mr. Grosser stated that he is supportive of most of the provisions of the proposed text amendment, but one item he is not supportive of is the removal of Section VII-11 which requires a special use permit review for every future billboard. He recalled having extensive discussions back in April of 2006 regarding this issue. One of the issues that is well supported by the Comprehensive Plan is whether or not something is compatible with the surrounding neighborhood. While Adams Outdoor Advertising is claiming that Section VII-11 is not fair, he would tend to think that there is nothing more fair than noticing the property owners who might live near a potential billboard, having a public meeting at the Plan Commission where these people and the petitioner can voice their opinions, and having a meeting where the City Council can hold public discussions. There are a number of other types of uses in a number of zoning districts that require special use permits. There is nothing wrong with special use permit review. The City very specifically put it in this ordinance back in June of 2006 to prevent situations from coming up without the opportunity for the Plan Commission and the City Council to review it.

Mr. Grosser moved a friendly amendment to restore the stricken language in Section VII-11 as written in the previous version of the ordinance and to have any corrections made to the new language that relied upon the removal of this section and put in its place language about administrative review. The amendment was accepted as a friendly amendment by both the motion maker and the seconder.

Ms. Burris commented that as she reads through Section VII-11, she notices conflicts with including it as it is currently written in that it does not keep the content neutral for both the City and a petitioner. She feels that she would need to see the language written out and how it would be incorporated so that it would not be offensive in any way and not come back to bite them in court.

Mr. Grosser appreciated Ms. Burris' concern. He believed that she is mainly concerned with Section VII-11.A and with whether a proposed OASS is going to be aesthetically compatible and sensitive to its context. To him, there is a clear difference between content neutral and the content of the language on a sign and whether or not something is compatible aesthetically with its surroundings. It is within the Plan Commission's purview to be evaluating whether or not something is aesthetically compatible with the surroundings, and this is what the Comprehensive Plan guides them to do.

Chair Pollock asked if it is fair to assume that the removal of the special use permit process has legal implications of some kind. Mr. Myers replied yes. Section VII-11 is proposed to be removed and replaced with objective standards. One reason is very good legal advice from Dr. Mandelker. Dr. Mandelker felt that having the special use provisions in the billboard code weakens the code rather than strengthens it. He also questions if having discretion in the process could be considered a prior restraint on free speech.

Chair Pollock commented that while at some point he is certainly not unwilling to talk about this, based on legal considerations and the fact that the Plan Commission does not have all of the information that they need, he could not support the friendly amendment.

Ms. Upah- Bant commented that she would want to see the language written out as well before she votes on it.

Chair Pollock called for a hand vote on the friendly amendment. The friendly amendment failed by a motion of 2 – 3.

Ms. Upah-Bant stated that she would like to change the spacing limit to 750, which is twice the limit that Champaign has. She feels this would be adequate. She would also like the language to stipulate the method to measure the distance between billboard and residential areas to be on the same side of the street and not radial. She mentioned that she is also curious why billboards are excluded from being developed along Route 130. Mr. Myers responded by saying that Route 130 has never been a corridor that is permitted for billboards. City staff is just not proposing to add it as a new corridor at this time.

Chair Pollock preferred to send this back to City staff with anything that the Plan Commission might consider changing within the proposed draft and with a number of questions. Any changes would require legal review, because the City is in the middle of litigation on these issues. The Plan Commission's posed the following points of discussion:

1. Reducing the required distance between billboards to 750 feet;
2. Measuring 300-feet from potential billboards to residential areas on one side of the street or perhaps keeping it a radial measurement but lowering the distance required;
3. Question about any interest in opening Route 130 up to allow billboards (include research as to how many billboards this would allow);
4. Questions about the limits of development agreements – Do they run with the TIF District? When do development agreements expire? When does the TIF Districts expire?

Ms. Burris opposes everything Ms. Upah-Bant suggested. She does not want to drop the distance between billboards any less than 1,200 feet. Also she does not like thinking about seeing a billboard outside her window; therefore, she does not feel that the distance between billboards and residential areas should be reduced.

Mr. Grosser agreed with the 1,500 feet distance between billboards. He pointed out that the whole point of rewriting the ordinance in 2006 was to reduce proliferation of billboards. He believed that 300 feet radius is the logical way to measure the distance from a billboard to a residential area. Excluding Route 130 from potential billboard development goes back to the idea of trying to reduce the proliferation of billboards.

Ms. Stake felt that the Plan Commission should send the proposed text amendment back to City staff to look at some of these issues.

Roll call on the motion to forward this case to the City Council with a recommendation for approval was as follows:

Ms. Burris	-	Yes	Mr. Grosser	-	No
Mr. Pollock	-	No	Ms. Stake	-	No
Ms. Upah-Bant	-	No			

The motion failed by a vote of 1 – 4.

Ms. Stake moved to send the proposed text amendment back to City staff to address the Plan Commission's concerns and questions. Ms. Upah-Bant seconded the motion.

Ms. Upah-Bant suggested that staff also add Section VII-11 back into the ordinance. With a majority of the members present interested in this, Chair Pollock asked City staff to revisit this idea.

Chair Pollock called for a hand vote on the motion. The motion was passed by unanimous vote.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Mr. Myers reported on the following:

- Sigma Nu Fraternity Rezoning case was withdrawn by Sterling Management. Therefore the case was not heard by City Council.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:32 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: October 4, 2007

TIME: 7:30 P.M.

PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, James Ward, Don White

MEMBERS EXCUSED: There were none

STAFF PRESENT: Robert Myers, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: Lois Arciszewski, David Krchak, Lisa Denson-Rives, Glenn Stanko, Susan Taylor

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:30 p.m., the roll call was taken, and a quorum was declared present.

2. CHANGES TO THE AGENDA

Mr. Myers suggested that the Plan Commission move Item # 4 – Communications to be discussed some time after Item # 5 – Continued Public Hearings. With no objections from the Plan Commission members, Chair Pollock agreed to the suggestion.

3. APPROVAL OF MINUTES

There were no minutes available to review.

4. COMMUNICATIONS

- ◆ Staff Report for Plan Case No. 2023-T-06 to the City Council regarding Neighborhood Conservation Districts

5. CONTINUED PUBLIC HEARINGS

Plan Case No. 2050-T-07: An Application by the Urbana Zoning Administrator to amend the Urbana Zoning Ordinance pertaining to signs and Outdoor Advertising Sign Structures (OASS), specifically Section VII-11, Special Use Requirements for OASS; Article IX, Comprehensive Sign Regulations; and Article X, Non-Conformities.

Robert Myers, Planning Manager, began the staff presentation by reviewing the five aspects of the proposed sign and billboard code text amendments that the Plan Commission members had requested further information on at the previous meeting. These five items are as follows:

1. Study changing the minimum spacing requirements for billboards from 1,500 feet (current standard) to 750 feet.
2. Reexamine the requirement that new billboards be placed no closer than 300 feet from any residential, AG or CRE Zoning District.
3. Consider whether to add IL Route 130 as an allowable corridor for erection of billboards.
4. Provide background information about redevelopment agreements in Tax Increment Finance (TIF) Districts, such as when TIF Districts and redevelopment agreements expire.
5. Consider maintaining the existing Special Use Permit (SUP) requirement for approval of new billboard permits.

He discussed each item beginning with the billboard separation requirements. He noted the billboard spacing requirements in other Champaign County jurisdictions. He stated that it is City staff's intention to change the distance between billboards to prevent billboard proliferation without over reaching. City staff is not trying to eliminate billboards as a means of communication. There will be opportunities for some additional billboards in the future. He also pointed out that changing the billboard distance requirements does not and will not require existing nonconforming billboards to be removed.

Ms. Upah-Bant pointed out that on Page 3 of the staff report, City staff states that by keeping the separation distance at 1,500 feet, there could be 4 to 15 new billboards constructed. However, on Page 5, wrote that if they decrease the separation distance from 1,500 feet to 750 feet, then 4 to 15 new billboards could be constructed. Which one is correct? Mr. Myers explained that as best as City staff could tell, by changing the separation distance requirements from 1,500 feet to 750 feet and keeping all of the other variables the same, the number of possible billboard sites would increase from 4 to 15. These are theoretical sites and the billboard companies would still have to work out leases with property owners, etc.

Chair Pollock clarified that they were not talking about between 4 and 15 in both instances. City staff is talking about the difference of 4 additional billboards with the 1,500-foot requirement and 15 new billboards with the 750-foot requirement.

Mr. Myers clarified that there would actually be twice as many billboard *faces* allowed because we are talking about sites for 4 or 15 billboard *structures*. So, if the separation distance requirement is changed back to 750 feet, then it would possibly allow 30 billboard faces on 15 new structures.

City staff recommends that the current 1,500-foot spacing requirement for new billboards be retained.

Next, Mr. Myers discussed the residential buffer of 300 feet. He talked about the reason for the 300 foot requirement, which is to protect residential, parkland, schools, and farmland areas. He then talked about how they should measure the 300 feet. When the Sign Regulations were changed in 2006, City staff thought about whether residents would want to see a billboard 50 feet (which was the previous requirement) from their properties. In amending the requirement in 2006, City staff was considering billboards backing up to residential properties. Staff did not have billboards being constructed across the street in mind. If a person's property is across the street from a billboard site, then that person's home is most likely located in a commercial corridor. It seems reasonable that a resident there would have more of an expectation that there will be commercial development across the street from them. Where residences back up to a commercial corridor, are likely more sensitive to seeing billboards behind their house, especially because many people see the rear area of their home as a more private realm.

So, this leads to the question of how should the City measure the 300-foot buffer requirement. In 2006, City staff did not think about there being more than one way to measure, but he now sees that it could be measured in several different ways. He believes that it would be helpful to clarify in the Zoning Ordinance how the distance is to be measured.

Another question is should we keep the buffer requirement at 300 feet. He noted the residential buffer requirements for billboards in other communities in Champaign County range from 100 feet to 500 feet. City staff recommends that they retain the 300-foot requirement, but clarify in the Zoning Ordinance that it is to be measured on the same side of the roadway.

Mr. Fitch noticed that City staff had not made the proposed change regarding measurement to be taken on the same side of the roadway in the strike-out version of the ordinance. Mr. Myers responded that he has not made the change in the ordinance because he believed adding another slightly different ordinance version would likely confuse people.

Mr. Hopkins stated that he is unclear about why they are proposing to clarify measuring on the same side of the roadway rather than measuring across the roadway. For example, along Route 150 opposite the Beringer Commons Subdivision, some of the residents might not wish to have a billboard located across the street. Chair Pollock mentioned that it would be a straight radial 300 foot measurement from wherever a billboard is being proposed to the closest residential district. This would probably not allow very many billboards, if any. Under the way it is currently recommended to be measured on the same side of the roadway, it could be possible for a new billboard to be constructed.

Mr. Ward felt it to be more complex than this. A billboard could be located across the street either way it is measured. It would just have to be located 300 feet away, which would cause the billboard to be pushed back in the middle of the property across the street rather than on the edge of the property. This would be an impediment to development in the area.

Mr. White stated that in any case, they are talking about distance to the zone, not to a structure, correct? Mr. Myers said that is correct. Mr. White commented that it seems to him that 300 feet would be awful close to the property line in some of the houses that he has lived in. This would be a pretty good intrusion.

Mr. Myers continued with his presentation by discussing the IL Route 130 corridor. He stated that the Zoning Ordinance has never allowed billboards to be constructed in the current Route 130 corridor. The route is a new growth area, and many people believe it is a chance to hold it to a high design standard. In fact, the Mayor has mentioned that she would like to see monument signs for all new businesses in the IL Route 130 corridor. Many of the policy makers for the City of Urbana feel strongly that IL Route 130 not be a new area for billboards.

City staff is not recommending any changes to the list of allowable corridors for new billboard development.

Mr. Myers discussed TIF Districts and development/redevelopment agreements. The current sign and billboard ordinance does not deal with TIF Districts. City staff is requesting that the proposed language be added to exclude billboards on properties in TIF Districts with active development/redevelopment agreements. The reason this was proposed is that in the current ordinance, the City requires Special Use Permits for new billboard development. One of the criteria for an SUP is that a billboard's location cannot impede redevelopment of sites. City staff feels that it would be beneficial to make this standard more concrete, because different people can differ about what "impede" really means and about whether a billboard permit should be issued based on whether or not it meets this standard. So in trying to recommend a concrete and less discretionary standard, City staff decided to instead use TIF redevelopment agreements as a factor. Staff believes that billboards impeding redevelopment of TIF redevelopment sites would be the most troubling.

He stated that during the previous Plan Commission meeting, Adams Outdoor Advertising had suggested that the City allows property owners to make the decision of whether they feel billboard developments would impede development/redevelopment of their properties. There may be another way to finesse the standard by saying that on TIF redevelopment sites that billboards should be to the side or to the rear. This is an interesting idea but difficult to measure. If the Plan Commission or Adams Outdoor Advertising has any recommendations or suggestions, he would be willing to consider word changes to insure that TIF redevelopment sites do not get blocked for redevelopment without removing whole corridors.

Chair Pollock mentioned that at the previous Plan Commission meeting, he had inquired about whether or not a redevelopment agreement expires. When does the TIF District end? If a TIF ends, then billboard companies would be allowed to expand in these areas. From what he understands, the redevelopment agreements vary in time, but never do they go beyond the life of

the TIF District. So those areas in which billboards would be allowed and are precluded because of a development agreement, billboards would be allowed at the time when the TIF District expires.

Finally, Mr. Myers discussed the Special Use Permit process. Before 2006, there was not a Special Use Permit process. There were standards that potential billboard developments had to meet. Because of the concern that billboards as large structures should be built well within the context of their location, City staff then believed that it was advisable to have a Special Use Permit process and to have criteria for review. Since then, City staff has reconsidered with the benefit of expert legal advice. In order to strengthen the sign ordinance, it would be in the City's best interest to keep our high standards but remove the Special Use Permit process in favor of concrete standards that can be administered administratively.

Ms. Stake wondered if there are any other cities that require a Special Use Permit process for billboard development. Mr. Myers responded that there are a few in Illinois. The City of Galesburg comes to mind.

Mr. Ward stated that he does not disagree with City staff's and with the legal advice. Is there a flaw with the Special Use Permit process or is it difficult to write a Special Use Permit procedure that meets all the constitutional requirements?

Dave Krchak, special counsel for the City of Urbana, said that he would be happy to answer this question. He wanted to note that Commissioner Grosser had called him earlier in the day regarding this issue to get clarification and wanted to share what was discussed. Mr. Krchak noted that he also contacted Glenn Stanko, legal counsel for Adams Outdoor Advertising, about his conversation with Mr. Grosser. Although he does not think the conversation was inappropriate, he wanted to be above board in case someone else feels that because he represents the City of Urbana, he should not be having discussions with individual commissioners.

Mr. Krchak stated that his advice to Mr. Grosser was that the City would have to create a totally different Special Use Permit process than we currently have; so different in fact, calling it a Special Use Permit procedure would be misnomer. The current Special Use Permit procedure allows the City to attach certain conditions to the approval of the permit. While the conditions make sense outside of a First Amendment analysis, in a First Amendment analysis it becomes highly suspect. The other problem in a Special Use Permit setting is that there can be objectors. If a certain percent of people who object come in, they can trigger a super majority vote of the City Council before the Special Use Permit could be allowed. This also creates a huge problem. Therefore, the City would need to develop a Special Use Permit procedure that would really take away almost any discretion from the Plan Commission or the City Council to the extent that it just does not make any sense to have one.

He said that they also talked about the difference between a First Amendment analyses (the speech analysis with the billboards) versus other Special Use Permits. He told Mr. Grosser that it is more than with speech. It could include any First Amendment right. The Special Use Permit scenario would be very hard to defend in a lawsuit regarding billboards.

Mr. Myers concluded the staff presentation by stating that the City staff continues to recommend approval for the proposed Zoning Ordinance text amendment for the Comprehensive Signage Regulations along with one revision. The revision clarifies how the 300-foot residential buffer is measured, which would be only on the same side of the roadway as the billboard.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing up for public comment.

Lisa Denson-Rives, of Adams Outdoor Advertising first discussed the idea of billboard “proliferation.” She noted that from 2000 to 2006, there were at least two different moratoriums. There was an open window of about 13 months where permits could be granted by the City of Urbana. During this time, there were nine permits issued. So, over a six year period, there were nine permits issued, of which only seven new billboards were built. If you average this out, it comes to less than 1.5 each year. Therefore, she did not see this as a proliferation.

Another point regarding this issue is that typically there would not be nine billboard permits requested at one time. Sign companies continued to pursue their business during the moratoriums, and then they came in for permits all at one time once the moratorium was lifted.

Another issue she talked about is the separation distance between billboards. The City of Champaign requires 300 feet from billboard to billboard, and this is measured along both sides of the roadway, which is more lenient than the requirement in the City of Urbana.

The Village of Savoy and Adams Outdoor Advertising did agree to a 1,500 foot separation; however, some of the billboards are already spaced 500 feet apart. The reason that Adams agreed to a 1,500 foot spacing requirement is because they had reached a saturation in that market. There is no reason to pursue more inventory in Savoy at this time.

In Champaign County, the ordinance falls under the Illinois Department of Transportation (IDOT) regulations, which basically states that on a FAI or FAP route billboards can be 500 feet apart, and in municipalities, billboards can be 300 feet apart. Champaign County then puts an additional requirement on top of this saying that Adams can only have three billboards within any 5,280 feet.

She explained the difference in number of potential billboards between 1,500 feet, 750 feet and 300 feet. She said that at 750 feet, there would be theoretically 15 potential new sites. This does not take into consideration the use of the lot, what is already built on the lot, where they could place a billboard on the lot, and a willing land owner. Ten land owners will tentatively turn into two leases for billboard development.

A 1,500 foot requirement between billboard developments would theoretically provide four potential new sites. As discussed at the previous meeting, three of these sites would be on North Lincoln Avenue (north of Interstate 74), and at this time there is not much traffic to advertise to along this route. The last possible site is along Route 150 near the Urbana Post Office, which is a very unlikely location to get a lease.

According to Mr. Myers and the staff report, with a 300 foot requirement, there would be 122 theoretical sites available in the City of Urbana. She stated that there are not really 122 sites available in the City. Because of the parcel, land owner, current use, separation to other billboards and to residential and different zonings, sign companies would have never have an additional 122 billboards. In addition, Adams Outdoor Advertising would not want to build an additional 122 billboards in the City of Urbana.

Regarding TIF districts, Ms. Denson-Rives does not feel that billboards would impede successful development. She showed a photo of a billboard located at 701 Neil Street in Champaign where Adams has an easement for Adams to have a billboard at this location into perpetuity. When the billboard was placed in this location, there was no other use on the lot other than the billboard. Two years ago, a developer built a building on the lot, and now the billboard and the building exist there harmoniously. In no way has the billboard impeded the use of the lot.

She showed some maps of the Cunningham Avenue corridor noting where there currently are areas in the TIF redevelopment district. She also pointed out where Adams currently has billboards along the corridor. As one can see, with the 1,500 foot spacing requirement between billboards, they would never be allowed to have anymore billboards at the corner of Cunningham Avenue and University Avenue. Until the TIF district in this area expires, they would not be allowed to build any more billboards a little north of the intersection.

Chair Pollock asked for clarification as to whether the properties excluded in the TIF Districts only applied to those that have development/redevelopment agreements. Mr. Myers said that any property located in the TIF district with a signed development/redevelopment agreement would be excluded unless it would be allowed in the agreement. Other properties in the TIF district would not be excluded.

Ms. Denson-Rives showed a map of the next block of Cunningham Avenue. She mentioned that although some of the parcels are zoned commercial, some of them have a residential use at this time. Adams would never place a billboard there because it would not be the right thing to do. They would wait until these parcels were redeveloped into some kind of commercial use where they could find a place to be on the parcel in the corner and not impede the business there.

She showed another map of Cunningham Avenue and Interstate 74. She pointed out the parcels that currently have redevelopment agreements enacted. As one moves north on Cunningham Avenue, Adams either has a spacing issue, a residential separation issue, or an issue with the potential TIF District.

She explained what willing land owners are. A willing landowner is someone who wants to have a billboard on their property and works with Adams to place the billboard in a way that would not impede the primary use of the land. Billboards are hardly ever the primary use of a piece of land. Land owners usually use billboards as a way to generate additional revenue for a business or for their parcel. Therefore, Adams can never place billboards in the middle of a property or where they would be impeding the landowner business.

Finally, back when C-U Poster Sign Company entered into an agreement with the City of Urbana, Route 130 was nothing more than a cornfield. There was really nothing out there of much interest. She showed a map of the area and pointed out what has been developed along Route 130. She also pointed out where possible billboards could be developed if the City opened up Route 130 for billboard development. Under the current sign and billboard regulations, there is only one possible location due to properties zoned Champaign County AG on the east side next to Wal-Mart and residential zoned areas to the west side.

Glenn Stanko, Attorney for Adams Outdoor Advertising, thanked the City staff and Mr. Krchak for working with him and Adams Outdoor Advertising. They have made progress on a number of aspects of the 2006 text amendment. In particular, he feels that the permit criteria in the proposed ordinance have become much more objective. A major complaint that Adams had about the Special Use Permit process is that it had a lack of objectivity.

There are still four points that need to be addressed. He discussed each one.

The first point concerns the 300 foot residential buffer. In the past there was a 50 foot distance restriction from any residential, AG, or CRE Zoning District. This worked okay because most streets such as Cunningham Avenue and University Avenue are more than 50 feet wide. They did not discover until lately that along Cunningham Avenue there may be requisite zoning on one side of the street and multi-family residential on the other side or there is business zoning on one side and a cemetery zoned AG, on the other side. Therefore, the City can say that they are giving Adams Outdoor Advertising the right to put up new billboards along the Cunningham Avenue corridor, but when you increase the distance from 50 feet to 300 feet and allow measurement to be across the road, then you are cutting out vast swats of potential properties. He stated that he feels the recommendation to measure the distance restriction just on the same side of the road is an improvement. However, Adams is still troubled by the 300 foot restriction, and this could become an issue if Adams lost a lease with a land owner.

Mr. Stanko mentioned that he gets aggravated when people, including attorneys, prepare documents and put things in them just because they have always been in there. This is called boiler-plate. He feels that documents should be given a fresh look. As he looks at the Zoning Ordinance, he does not feel that the distance restriction makes any sense at all. In the context of the Urbana Zoning Ordinance, one must first understand that billboards are limited to three zones, which are B-3, General Business Zoning District; B-4E, Central Business Expansion Zoning District; or IN, Industrial Zoning District. The next thing that the City has done is limited billboards to major corridors, which are basically University Avenue (Route 150), Route 45 (Cunningham Avenue) and Lincoln Avenue north of Bradley Avenue.

When talking about being 300 feet from a residential area, what is the expectation of anyone who lives along these corridors in the first place? When a person rents or buys a residential property along these corridors, he/she knows that they are along a commercial district. So what does saying that a billboard cannot be any closer than 300 feet do when the corridor is already highly commercialized? While driving down Cunningham Avenue he noticed that there is an adult bookstore, fast food restaurants, a bar or two, a mattress factory, a motel, storage areas, strip malls, gas stations, etc. He also mentioned that a billboard is placed in the front of a property, so

the business building on the property would serve as a buffer for those properties backing up to the commercial lot. So, how is the quality of life denigrated for some resident who lives behind one of these enterprises and already has to deal with the commercial area any better any different than living next to a billboard? He does not understand what the issue is at all with placing billboards 50 feet away from residential areas in these corridors. It is a matter of the expectation.

Billboards are also required to be 300 feet away from any agricultural areas. How many AG areas do we have bordering these corridors? And if they do, what does it matter to a farmer whether a billboard is next to his field or not? Even a cemetery, what difference does it make to someone visiting a cemetery whether a billboard is 100 feet or 300 feet away?

Therefore, he suggests that the Plan Commission think about this before voting on the proposed text amendment. It certainly causes a problem if we increase the distance and do not keep it to one side of the highway. It still causes a problem if we keep it on the same side of the highway, because in the older areas, the City is going to reach back and exclude some properties or the City might go up the street to where a multi-family complex is located and exclude some properties. What all these exclusions do is take away from what the City says it is giving Adams in the first place. So, if the Plan Commission does leave the restriction in, he feels that it should be narrowed below 300 feet substantially.

The second point is regarding TIF Districts. He passed out two maps showing where development agreements and TIF Districts are located along Cunningham Avenue. He stated that most of Cunningham Avenue and Route 45 are swallowed up by the TIF District and Adams has the potential to be excluded by these areas if redevelopment agreements do not allow for billboard development. He would like to see this exclusion removed from the text amendment because once again it takes away from what Adams has supposedly been given.

Adams does not place billboards in the middle of lots. Billboards are placed on the edge of the lots as close to the highway as possible. Therefore, he does not see billboards getting into the way of development.

If the Plan Commission and City Council leave the TIF exclusion in, then he suggested changing the language on Page 15 of Attachment B in Section 1.c. to read as such, "On any property designated as a Redevelopment Project in any Tax Increment Finance District Plan adopted pursuant to Illinois' Tax Increment Allocation Act, for which a Redevelopment Agreement with the City of Urbana has been approved or pending before the City Council, ~~unless~~ where such Agreement explicitly ~~allows~~ prohibits for OASS placement." This would be better than what they have right now.

University Avenue is an allowed corridor. Down where the hotel/office complex is located was projected as one or two of the possible sites for billboard growth under the 750 foot separation requirement. These are excluded on the north side of the street because there is a redevelopment agreement. Again, it serves as another one of those restrictions like the residential buffer distance restriction that takes away what the City purports to give in the first place.

The third point is the Route 130 exclusion. Mr. Stanko questions whether the fact the Mayor wants monument signs is a valid planning reason to exclude billboards from Route 130. Route 130 is a state route, and the City has allowed the other state routes to have billboards along them where there is proper zoning. As you go down Route 130, there is not that much business zoning.

The fourth and final point is separation spacing between billboards. He believes this is a policy question. The increase from 4 supposed sites to 15 supposed sites (from 1,500 feet down to 750 feet spacing) isn't much. Many of the 15 sites would not be possible because of the other restrictions. Spacing becomes important if Adams loses a lease and they have a desire to replace it. So, he asked the Plan Commission to give this some thought.

Mr. Stanko summarized by saying that with the exclusions he mentioned, the proposed ordinance basically freezes everything where it is and virtually makes everything out there non-conforming. Because of this, as Adams loses billboard sites, they will not be able to replace them due to spacing restrictions, etc. Then they will face a gradual loss of inventory that they cannot replace. Again by allowing for these corridors in certain zones, the City purports to give a certain amount, but when they add on the exclusions it takes the corridors away.

Mr. Stanko believes that the City Council and the Mayor would like to see no billboards in the City of Urbana, which is sad because Adams Outdoor Advertising is pretty solid citizen business-wise. Adams is a good company. He encouraged the Plan Commission on these last few policy get-over-the-hump type issues to exercise a little independent thought and consideration. Please take into account some of the functional problems that Adams is talking about and why it does not necessarily work quite the way it appears. He feels that there has always been a stereotype that the City of Urbana is not very receptive to the business community. He did not think that the Plan Commission had to buy into this stereotype. He is not asking the City to go out on much of a limb with anything that Adams and himself has offered here. There certainly will not be "billboards gone wild" under any stretch of the imagination.

In response to an earlier question for staff regarding billboards being placed in the middle of lots, Mr. Stanko responded that no land owner will allow a billboard to be placed in the middle of their lot. It will be along the edge of their property or nothing.

Ms. Stake assured Mr. Stanko that the Plan Commission thinks independently. They do listen to everyone, including the Mayor and him. Mr. Stanko stated that it is his opinion that the members of the Plan Commission are very bright people, and they would not be on the Plan Commission if they were not thinkers.

Mr. Ward commented that so there is no misunderstanding on the part of the public, when he used the example of Beringer Commons, he was neither recommending nor thinking it would be advisable that any billboard be placed there. Someone else had used Beringer Commons as an example as residential on one side of the street. He was simply making a point of clarification of what the regulations would be. He neither favors billboards there nor particularly thought it would be a viable place for billboards. It was simply an example. Mr. Stanko replied that he did

not want to imply this. He only wanted to answer a hypothetical question about moving the billboard to the center of the property to get away from whatever restriction is in place.

With no further comments from the public or questions for City staff, Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion, motions, and debate.

Ms. Stake moved that the Plan Commission forward the case (Plan Case No. 2050-T-07) to the City Council with a recommendation for approval of the proposed zoning text amendment as presented herein, without the revision to change how the 300 foot residential distance is measured. Chair Pollock clarified that the motion is to forward to City Council what was originally brought to the Plan Commission during the previous meeting. Mr. White seconded the motion.

Ms. Upah-Bant stated that she would have to vote against the motion unless the mover would accept a friendly amendment to reduce the minimum distance required between billboards to 750 feet and to allow billboards on Route 130. She mentioned that she feels strongly about both of these. Looking at the restrictions for other townships, villages and cities in this area, she thinks that 1,500 feet is absurd. Ms. Stake, as mover, would not accept this as a friendly amendment.

Ms. Upah-Bant then made a motion to amend the original motion on the table to change the minimum distance required between billboards from 1,500 feet to 750 feet and to allow IL Route 130 as an allowable corridor for the erection of billboards with all the other constraints that the other districts have. The motion to amend died due to the lack of a second.

Mr. Ward stated that he would not second the motion to amend and the reason why he would oppose it is because of Mr. Stanko's speculations about what home owners near a commercial corridor would feel about billboards, about how a farmer would feel and how a small business owner would feel. The fact of the matter is that no one knows the answer to how different people would feel about billboards. If the Plan Commission is going to make substantial changes to the proposed ordinance so that the City would alter the mix of where billboards may be, then he feels that they are obligated to have public hearings and ask the people that would be affected how they would feel about this before he would be comfortable moving this forward to the City Council.

Mr. Grosser commented that he appreciated his conversation earlier in the day with Mr. Krchak. He stated that Mr. Krchak accurately represented their conversation during his testimony. However, he remains unconvinced about the Special Use Permit process being unlawful.

As the Plan Commissioners may recall, they looked at the sign and billboard changes proposed in 2006 and discussed them extensively prior to approving the text amendment. They had also reviewed a variety of potential ways to deal with billboard proliferation, a number of which the City Attorney at the time cautioned were unlawful.

It was also clear throughout the process in 2006 that if Adams Outdoor Advertising did not get an ordinance from the City that they liked, then they would sue the City. They came to many

meetings and threatened this. It is their right to file a lawsuit against the City, and he is not surprised that they did it. He also would expect that Adams would continue with their lawsuit until they get what they want unless a court tells them otherwise.

He expressed concern that the City backing down on having the Special Use Permit process be part of the billboard permit process could lead to further erosion of Special Use Permit review in other cases. The City does in fact have Special Use Permit requirements for churches in business zones for example.

In looking at the issue of Special Use Permits in general in relation to due process, it is a public transparent process. We announce it to the public, we invite the public and we talk about a Special Use Permit request in public. It allows people who live in a Beringer Commons, for example, to come and tell us what they think. This is why we do it.

He is concerned that other special interests would approach the City later in a similar manner and try to get changes in a similar manner. He believes that the Special Use Permit process is an important function, and one of the most vital things that the Plan Commission does and is definitely one of things that they spend a lot of time on.

Mr. Grosser went on to say that the Plan Commission had looked at this in 2006. They came up with an ordinance, and it included a Special Use Permit review in it. The City Attorney at the time said it was okay after the Plan Commission unanimously voted for it. Now, we have an attorney who is counsel to the City who says it is not lawful. He does not know who is right. He is not a lawyer, but he does know that there are two different opinions about it. To him, this makes it an open question. He feels it is important for the City to defend itself against lawsuits if it is on the right side of the law. To him, having competing opinions on this makes him wonder which side they are on. He is afraid the City is ready to settle away rights to which it is legally and fairly entitled. It is not just the City's right, but the citizen's rights of Urbana as well. For these reasons, he would vote "no" on the motion on the table.

Ms. Upah-Bant felt Mr. Ward's point is well taken about the public hearing necessity to add the IL Route 130 corridor to the list of permitted corridors. Therefore, she moved to amend the motion on the table to reduce the minimum distance requirement between billboards from 1,500 feet to 750 feet. Mr. Hopkins seconded the motion to amend.

Mr. Grosser commented that other jurisdictions have 1,500 feet, and 1,500 feet seems good to him; so he will vote against the motion to amend.

Chair Pollock called for a hand vote on the motion to amend the main motion. The vote was 2 – 7, so the motion to amend failed.

Mr. White moved to amend the motion on the table to measure the 300-foot residential buffer in all directions or radially. Ms. Stake seconded the motion.

Mr. White commented that there are people who live on the outside of the developed areas of the City. As areas are developed and new projects go in, there is likely to be an increase in areas

where outdoor advertising is allowed. There could be someone that builds a house and not know what is across the road from them until the property is annexed into the City. Keep in mind that zoning on properties can change. Therefore, he thinks it should be measured across the street as well.

Chair Pollock called for hand vote on the motion to amend. The vote was 8 – 1, so the motion to amend the main motion passed.

Ms. Stake commented that she is sad as well about the language for the Special Use Permit process being stricken from the sign and billboard ordinance.

Mr. Ward mentioned that he had a lot of questions about the removal of the Special Use Permit process from the very beginning. The Plan Commission and the City Council, in good faith, passed the ordinance in 2006 fully knowing that there could be litigation as a result. He has not seen any substantive reason as to why they should change what the City adopted in 2006. On the basis of these reasons, he would join Mr. Grosser in opposing any change in the Zoning Ordinance at this time and vote no.

Ms. Stake moved to amend the motion on the table to leave Section VII-11 in the ordinance (Special Use Permits for billboards). Mr. Grosser seconded the motion to amend.

Mr. Stanko asked if the Plan Commission would entertain comment from the audience regarding the motion to amend. Mr. Grosser did not feel it would be appropriate at this time as the public hearing was closed. Ms. Stake also felt it would be out of order. Chair Pollock called for a hand vote as to whether Mr. Stanko should be allowed to speak regarding the motion to amend. The vote was 4 in favor and 5 against. The request was denied.

Chair Pollock assumed that if this amendment went to City Council it would mean reinstating the language that was originally in the ordinance when it was approved in 2006. Mr. Grosser commented that it would be good to clarify that the motion needs to include reinstating other language that has changed because of the Special Use Permit review being stricken in the proposed text amendment.

Mr. Myers asked if he could clarify something. It has become perfectly clear to City staff without question that in order to strengthen the City's sign and billboard ordinance that we should in lieu of the Special Use Permit process maintain high standards, but have an administrative process.

Mr. Ward said he understood that the Special Use Permit process is not flawed as an instrument in and of itself. The way it is written may need to be tightened. So, the City Council has two options. One is to substitute another process for the Special Use Permit, and the other option is to work on the Special Use Permit to bring it into compliance with applicable case law. Both options are reasonable options, and it is just a matter of policy of which direction the City wants to go.

Mr. Grosser mentioned that one of the issues with the Special Use Permit review and whether or not it should be in the ordinance is that the lawsuit may continue if the language is reinstated. It

has been made clear that the lawsuit will continue. He reminded the Plan Commission that they all agreed unanimously that it was reasonable policy. Some of you may have changed your mind on this particular point since then, but if you still believe it is the right thing to do and are afraid of the lawsuit, keep in mind that it is really the City Council and the Mayor's decision to decide whether or not it is worth a lawsuit. However, the Plan Commission should still let the City Council and the Mayor know what the Plan Commission thinks would be the best way to do this. This is what the function of the Plan Commission is.

Ms. Upah-Bant stated that if she voted against the amendment it would not be because of the lawsuit, but because we have new information from a new attorney (Mr. Krchak) and from the City staff. We have new information that we did not have a year ago. Mr. White added that he believes the proposed ordinance is very clear without requiring a Special Use Permit process. He feels that a Special Use Permit process could muddy the water, and he just assume leave it out.

Chair Pollock commented that he does not have a problem with the Special Use Permit process as a way to decide many different things. The fact is that when the Plan Commission recommended approval of it a year ago as part of billboard permits, they were told that it is legally sound. We are now being told that it is not legally sound, and in fact can damage the chances of having this ordinance succeed overall. He was around when the City lost the billboard lawsuit to C-U Poster Company. It cost the City 15 years and a bunch of money, and we are being told something similar today. So, he strongly urged the Plan Commission members to think about what adding the Special Use Permit process would add to this ordinance that will really protect the citizens of Urbana, given the risk that we would be taking in terms of the entire ordinance. We have legal advice and City staff advice; it cannot be any clearer.

It is not out of the purview of the Plan Commission to consider these issues, especially when we asked for a legal opinion. We then need to weigh the legal advice into their decision.

Mr. Ward stated that he only raised the issue of whether the Special Use Permit process could be constructed in such a way that it would pass judicial review. People provided very honest answers within the limitations at the time. With what they heard tonight, he did not feel that this issue has been fully explored far enough for him to reject it as an option. He is not convinced without further review of what it would take to make a Special Use Permit pass judicial review in this case.

Chair Pollock called for a hand vote on the motion to amend the motion on the table to leave Section VII-11 (Special Use Permits for billboards) in the ordinance. The vote was 3 in favor and 6 against so the motion to amend the main motion failed.

Chair Pollock stated that we are back to the motion on the table, which is as follows: That the Plan Commission forward a recommendation to the City Council for approval as originally proposed at the last meeting with the revision to add language stating that the 300 foot residential buffer be measured in all directions or radially. A roll call vote on the motion was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	No	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	No	Mr. Ward	-	No
Mr. White	-	Yes			

The motion passed by a vote of 6 in favor and 3 opposed.

Mr. Myers stated that this case would go before the City Council on Monday, October 15, 2007.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Item # 4 – Written Communications regarding Neighborhood Conservation Districts (NCD). Mr. Myers stated that based on the comments received from both the Plan Commission and the Historic Preservation Commission, City staff has prepared a Neighborhood Conservation District Ordinance and has sent it to the City Council. Based on comments at the Plan Commission, the draft ordinance includes the following changes to the version reviewed by the Plan Commission: 1) removal from the Historic Preservation Ordinance and 2) 60% of *responding* property owners needing to be in favor of a NCD. The City Council directed City staff to bring it back before them at the first City Council meeting in November.

Chair Pollock inquired as to if a NCD proposal comes forward, is there a way to provide everyone living in the proposed NCD an executive summary of what is involved, what the thresholds are, what it takes to pass a NCD, etc.? Many people are not going to read through the entire NCD Ordinance. Mr. Myers commented that this is a great point. In fact, a suggestion has been made that Staff put together a brochure of Frequently Asked Questions based on comments that people made at the last City Council meeting. Chair Pollock asked if this information would be provided automatically or upon request. Mr. Myers replied that it would be provided to the City Council, to anyone in the community and to neighborhood groups. Chair Pollock commented that he feels anyone affected by the NCD Ordinance should automatically receive this information rather than having to ask for it.

Mr. Hopkins wondered why a NCD could be separated by a street more than 28 feet wide, but not by a street or alley less than 28 feet wide. Mr. Myers responded that there is something specific in the code that deals with how to measure if there is an official protest. Mr. Hopkins understood it to read that it should state no wider than 28 feet; otherwise alleys and streets that are less than 28 feet wide would be not be allowed to be part of the NCD. Mr. Myers understood what Mr. Hopkins was saying, and he would review this for correction.

Mr. Hopkins also expressed his concern on the following: (1) A “neighborhood organization” is mentioned in Section D, but not defined anywhere; (2) the 60% requirement of property owner approval is a perfect way of never getting a NCD approved; and (3) a NCD may be dissolved by a two-thirds affirmative vote of the City Council members then holding office with no other procedural requirements of any kind. There should be a public process for this.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Robert Myers, AICP
Secretary, Urbana Plan Commission