



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

DATE: November 21, 2007

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

Please find attached a revised Zoning Ordinance text amendment concerning signs and outdoor advertising sign structures (also called hereinafter “OASS” or “billboards”).

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;
- Reduce 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.

Changes proposed in the most recent draft are shown with new words shown as underlined and deletions shown as ~~struck out~~. The three proposed changes are included on page 28 of the attached draft ordinance. These changes are:

- (1) Section IX-6.D.1(a) would keep the 300-foot buffer requirement measured radially in every direction, but it would apply to only R-1, R-2, R-3, and Conservation Recreation, and Education (CRE) zoning districts within the Urbana corporate limits. R-1, R-2, and R-3 are single-family residential zoning districts, and CRE zoning districts include parks, schools, and universities.

- (2) Section IX-6.D.1(c) would be changed such that billboards would not be allowed on TIF redevelopment sites with an approved or pending redevelopment agreement with the City, only where such agreement explicitly prohibits OASS placement.
- (3) Section IX-6.D.2 would be changed such that new billboards would have to comply with a 1,000 foot spacing requirement rather than the current 1,500 feet.

The above are the only changes proposed to the version recommended by the Plan Commission and reviewed at the City Council's October 15, 2007 meeting.

It is also important to note what this proposed ordinance would *not* do, including:

- Not add traffic corridors where billboards could be located. For instance, billboards would remain prohibited in the Route 130 corridor;
- Not increase the number of billboard rows per corridor;
- Not decrease the required 300-foot buffer to single-family residential and CRE zoning districts;
- Not allow digital billboards;
- Not cap the number of billboards. As the city's corporate limits grow there would be some opportunities for new billboards;
- Not allow newly erected, relocated, or structurally altered signs or billboards without first obtaining a City permit;
- Not allow billboards without landscaping or architectural treatment.

Previously received supporting documents are expressly referenced here as a part of the record, including:

- City staff memoranda to the Plan Commission dated September 13, 2007 and October 4, 2007;
- Minutes of the Plan Commission's deliberations and public hearing held on September 20, 2007 and October 4, 2007; and
- City staff memoranda to the City Council dated October 10, 2007 and October 19, 2007.

Recommendations

At their October 4, 2007 meeting, the Plan Commission recommended that the City Council approve the proposed Ordinance as submitted to you at your October 15, 2007 meeting. The attached Ordinance includes the Plan Commission's recommended Ordinance plus three additional changes as discussed in this memo. City staff recommends approval of the proposed ordinance as attached, including the three changes.

In reviewing the proposed text amendment, City Council should consider these recommendations, the evidence and testimony that have been presented on this case, the terms of the suggested

settlement agreement by Adams Outdoor Advertising, and the confidential legal advice provided by our team.

Prepared by:

Robert Myers, AICP
Planning Manager

Attachments:

Revised sign and OASS ordinance

cc:

Lisa Denson-Rives
Adams Outdoor Advertising
704 N Neil Street
Champaign, IL 61820

David E. Krchak
Thomas, Mamier & Haughley, LLP
National City Bank Building
P.O. Box 560
Champaign, IL 61824-0560

Glenn A. Stanko
Rawles O'Byrne Stanko Kepley & Jefferson
501 West Church Street
P.O. Box 800
Champaign, IL 61824-0800

ORDINANCE NO. 2007-10-120

**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 within the City corporate limits, 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, where such agreement explicitly prohibits OASS placement. ~~unless such agreement explicitly allows for OASS placement.~~
2. *Spacing.* No OASS shall be spaced closer than 1,000 ~~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.