



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler PhD., FAICP, Director

DATE: March 5, 2015

SUBJECT: An amendment to Articles IX and XI of the Urbana Zoning Ordinance to establish regulations for Digital Outdoor Advertising Sign Structures, Urbana Zoning Administrator, applicant. (Plan Case 2242-T-14); and

An Ordinance to amend Chapter 14 of the City Code to establish a license program for Digital Outdoor Advertising Sign Structures.

Introduction

The Zoning Administrator is requesting an amendment to the Zoning Ordinance in order to establish regulations to allow Digital Outdoor Advertising Sign Structures (also known as Digital OASS, or digital billboards) in the City of Urbana. Currently, static OASS are allowed by right but digital OASS are prohibited in the City. The proposed regulations would add a definition to Section IX- 2, a new Paragraph IX-6.E spelling out requirements for digital OASS, and new language in Section XI-9 to specify fines for digital OASS and electronic displays. The Plan Commission has reviewed the proposed ordinance change and recommended approval of an amended ordinance. Additionally, the Plan Commission has recommended adopting a fee for Digital OASS, which is proposed to be administered through a new license program in Chapter 14 of the City Code.

Discussion

The proposed text amendment would allow for Digital OASS to be located in Urbana. Currently, Digital OASS are prohibited by the Zoning Ordinance. Electronic displays are allowed for on-premise signs (not billboards) in the B-3, General Business and CRE, Conservation-Recreation-Education Districts, but may only take up half of the total sign area, and typically do not exceed 25 square feet. These electronic displays are limited to static messages that change no more frequently than once every three minutes. Staff and the Plan Commission are now proposing that Digital OASS be permitted under limited circumstances. This would be the latest text amendment to the City's

Zoning Ordinance related to OASS. Previous text amendments and legal actions regarding OASS are listed in Exhibit B.

Digital billboards have become increasingly popular over the last decade. They currently represent 3.5% of the estimated 450,000 billboards in the United States¹. Digital billboards allow for advertisements to be displayed on a sign by electronic means instead of by periodically posting a new sign face. By rotating through a sequence of advertisement images, a digital billboard provides more views of different ads in the same space as a traditional billboard. This in turn increases revenues for the billboard's owner and flexibility for the advertiser. Digital billboards can also provide for distribution of important information in the case of severe weather, AMBER alerts, and other emergencies. But the increased convenience of digital billboards has some tradeoffs, including the potential for increased driver distraction and changes to the aesthetics of an area towards a busier, more commercial appearance. Staff has reviewed safety studies, professional reports, and other cities' ordinances in order to better understand the potential benefits and pitfalls of digital billboards and to identify best practices in their regulation.

Safety and Driver Distraction

Staff has researched professional literature and safety studies regarding digital billboards. An American Planning Association Zoning Practice Bulletin, attached as Exhibit A, contains a summary of the issues surrounding digital signs, including digital OASS. This document and a number of safety studies were the primary research tools staff used for studying the issue of digital billboard safety. Staff found it was difficult to identify studies that were independently funded. Many studies were funded by the Foundation for Outdoor Advertising Research and Education. In general, independent studies suggest that drivers may glance at digital billboards for a longer period than they glance at regular billboards, and digital billboards are more distracting if they are in the direct line of sight of drivers. Animation, video, and scrolling text were the most distracting features of digital billboards and signs. The most rigorous review of the available study literature is a 2009 report entitled "Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs" by Jerry Wachtel. This report can be found online at:

[http://rightofway.transportation.org/Documents/NCHRP%20Reports/20-7\(256\)%20digital%20outdoor%20advertising_aashto.pdf](http://rightofway.transportation.org/Documents/NCHRP%20Reports/20-7(256)%20digital%20outdoor%20advertising_aashto.pdf)

One University of Toronto study found that drivers looked at digital billboards twice as much as static ones. This was true for all three types of digital billboards (including video, scrolling text, and trivision). Moreover, 88% of drivers spent a prolonged amount of time (measured longer than 0.75 seconds) looking at digital billboards. Video and scrolling-text signs were stared at the longest. However, a second study by that university found that motorists started at digital billboards and traffic signals equally. The study also found that digital billboards located in the direct line of sight of drivers are extremely distracting.

¹ <http://whattheythink.com/articles/63869-electronic-billboards-us-profit-main-motivator-growth/>

In July of 2012, the Swedish National Road and Transportation Institute issued a report in which it was determined that drivers spent a “significantly” longer amount of time staring at digital billboards than they do at static billboards. Most studies previous to this had not been able to show a correlation between the presence of digital billboards and an increase in traffic accidents. Data was collected from 41 drivers in a study that took place in Stockholm in the fall of 2010. It was found that six drivers stared at digital billboards for a prolonged amount of time (for over two seconds), while only one driver stared at static billboards for the same amount of time. However, these findings may also be impacted by other elements, such as traffic complexity, and no increase in accident rates was illustrated. Subsequent to this study, Sweden banned digital billboards along its highways. The study can be found here: <http://www.scenic.org/storage/PDFs/eebdd.pdf>

In 2013 the United States’ Federal Highway Administration commissioned a study on how commercial electronic variable message signs (CEVMS) impacted driver behavior. The study was implemented in two cities, and the eye behavior of drivers was studied on highway and arterial streets in each city. The study found that, on average, drivers stared at digital billboards longer than they did at static billboards. However, the longest dwell time was found amongst those staring at static billboards. Typically, individuals stared at digital billboards longer than static billboards when they were driving down arterial streets than on freeways. It was also noted that drivers stared at both digital and static billboards as much as they looked at other distractions along the road. The study can be found here:

http://www.fhwa.dot.gov/real_estate/oac/visual_behavior_report/final/cevmsfinal00.cfm

Local safety concerns were recently raised by an ongoing IDOT study of traffic safety along the University Avenue corridor. This corridor has been under scrutiny due to its high traffic volumes and recent fatal accidents. Traffic signal visibility is one of the issues identified in the study. If a digital billboard was placed such that it was directly behind the view of a traffic signal from the driver’s point of view, this would make it more difficult for the driver to recognize that signal. Also, one IDOT engineer brought up the issue of illumination. If digital billboards are over-illuminated they could potentially be blinding to drivers. The study is still ongoing and a draft has not yet been released.

Finally, it should be noted that Urbana contains existing billboards that are clustered in groups of two, three, or four. Grouping billboards together potentially doubles, triples, or quadruples the time that drivers spend looking at these clusters, thereby reducing the amount of attention they pay to traffic. Staff has suggested an incentive to reduce billboard clusters as part of the proposed text amendment.

Aesthetics

Another factor in considering billboard regulations is aesthetics. Billboards have a major visual impact due to their size, height, and orientation. Indeed, the sole purpose of a billboard is to draw the attention of drivers. They have bright colors and striking graphic design that is meant to make people look at them. For these reasons, billboards do not fit into the character of most built environments. In

Urbana billboards are limited to certain commercial corridors and are not allowed near residences, historic properties or downtown. The corridors where billboards are allowed are already developed with businesses, most of which contain freestanding signs. Billboards compete with these signs in an increasingly cluttered visual environment. Areas with clustered billboards can appear even more cluttered.

The City has taken some measures to reduce the negative visual impacts of billboards. For new freestanding OASS, the base must be screened through a landscape planting area or with architectural cladding. New billboards are only allowed in very limited areas, and must be 1,000 feet from other billboards.

Costs and Revenues

Digital billboards represent an opportunity for increased revenue for advertising companies, as well as an opportunity for an increase in advertising for local businesses and organizations. Nationally, advertising rates for static/traditional billboards typically range from \$2,000 to \$2,500 a month, while costs for eight-to-ten second time slots on digital billboards usually range from \$3,500 to \$4,500 a month. At Lamar Advertising, the average four-week rate for digital bulletin billboards (those with the largest face areas) is \$4,596, the average four-week rate for digital poster billboards is \$2,620, and the average four-week rate for static/traditional billboards is \$2,134. In Champaign, the digital billboards are smaller in size (300 square feet) and there is less traffic than in major markets, so rates are generally below \$2,000 per month. Advertisers typically obtain an eight-to-ten second time slot on a digital billboard that appears every 64 to 80 seconds. Moreover, an average of roughly eight advertisers are advertising on a single digital billboard at any one time. A fully-leased digital OASS in Champaign would have annual revenues well above \$100,000. Proposed regulations in Urbana would not allow billboard companies to charge as much as they do in Champaign due to the extended hold time that is being proposed. It is important to note that the average rate of advertisers renewing for a digital billboard is estimated at 94%, while it is estimated at only 40% for static/traditional billboards, further increasing the rate at which advertisers will pay to obtain a slot on a digital billboard².

Construction and operation costs vary between digital and static/traditional billboards. On average, the construction costs for single-sided digital bulletin billboards in the local market are \$150,000 and static/traditional billboards carry construction costs that range from \$5,000 to \$50,000 (costs for both types of billboards vary by the number of faces and panels found on the billboard). The increased cost of digital billboards would result in higher building permit fee revenues collected by the City. However, properties with digital billboards would not be assessed at a higher rate, as billboards are not factored into property assessments and do not pay property taxes. Due to energy efficiency improvements, costs for powering digital billboards have drastically reduced over the past few years, coming down from a couple thousand dollars per month to around \$100 per month.

² <http://whattheythink.com/articles/63869-electronic-billboards-us-profit-main-motivator-growth/>

Existing OASS Regulations and Inventory

Article IX of the Urbana Zoning Ordinance permits new construction of traditional billboards (OASS) in very limited circumstances. Section IX-6 places the following limits on OASS:

- Area: OASS shall not exceed 300 square feet in area, except that OASS with odd shapes may be up to 20% larger.
- Location: OASS are only allowed within 660 feet of the public right of way along Interstate 74, University Avenue, Cunningham Avenue, US Route 150, and Lincoln Avenue (north of Bradley Avenue).
- Zoning: OASS are only allowed in the B-3, B-4E, IN-1 and IN-2 zoning districts.
- Residential zones: OASS are not allowed within 300 feet of R-1, R-2, R-3 or CRE districts.
- Historic landmarks and districts: OASS are not allowed within 300 feet of a historic landmark or district.
- TIF Districts: OASS are not allowed on properties with a TIF redevelopment agreement.
- Buffers: OASS cannot be built within 1,000 feet of another OASS.
- Number of faces: OASS may be built back to back (facing opposite directions). OASS may not be otherwise clustered. For example, new OASS cannot be built side by side.
- Height limit: OASS shall not exceed 35 feet in height in Business districts and 40 feet in Industrial districts.

These limits apply to any OASS proposed to be installed in Urbana. However, there are several existing OASS within the City that do not conform to the Zoning Ordinance standards. These OASS became legally non-conforming when the City adopted subsequent OASS regulations. Such non-conforming OASS may not be replaced or expanded, as outlined in Section X-9 of the Zoning Ordinance. Converting a billboard to digital would be considered an expansion of the use and would not be allowed for non-conforming billboards.

Currently, there are 72 separate billboard faces in Urbana on 37 OASS structures in the city (details in Exhibit C). Nearly all of these sign faces have an area of 300 square feet (54 have dimensions 12 feet by 25 feet, 16 are 10 feet by 30 feet). One sign is only 240 square feet (ten by 24). The sign at the southwest corner of University and Vine is 451.5 square feet (ten feet, six inches by 43 feet). Exhibit D shows the location of Urbana's existing OASS, including the areas where OASS are allowed and the 1,000 foot buffer around each sign. An interactive version of this map can be found online at: <http://arcg.is/1wVzITh>. Exhibit G shows photos of some of Urbana's OASS. In some cases, these billboards are clustered together. Some are located along streets or in zoning districts where OASS are not allowed, such as Philo Road or in the B-4, Central Business District. At present, 14 OASS (38% of structures), containing 25 billboard faces, meet the current Zoning Ordinance requirements for district, corridor, and residential buffer. However, only three of these meet the minimum buffer distance from other existing OASS and also fully comply with existing zoning regulations.

If any new OASS were to be proposed in Urbana, there would be limited options for where they could be sited. These locations are shown in blue on Exhibit E. Billboards along State and U.S. Highways are also required to obtain permits from the Illinois Department of Transportation. State statutes allow municipalities to enact stricter regulations to control billboards along state rights of way within that municipality's jurisdiction.

Proposed Regulations

In researching the proposed text amendment, staff found that other cities have taken a variety of approaches to regulating digital billboards. These approaches include limits on sign location, minimum distance buffers between signs, limits on frequency of display change, and several other provisions. Exhibit I shows how different communities regulate various aspects of digital billboards. Staff and the Plan Commission are recommending to allow Digital OASS in Urbana under relatively strict regulations, based on current practices in Urbana, best practices from other cities, and other safety and aesthetic concerns. In general, staff and the Plan Commission are proposing that digital billboards would only be allowed to be built if they meet the requirements of a regular billboard, as specified in Sections IX-6.C and IX.6.D. These regulations pertain to allowed area, height, location, zoning district, buffer from residential districts, buffer from historic properties, and buffer from existing billboards. Additionally, new Digital OASS would have to meet requirements in the following areas:

Hold Time

One key regulation is how often the displayed advertisement may change (hold time). Most cities have a minimum hold time of around eight to ten seconds. However, some cities have longer hold times, including six minutes for East Point, Georgia, and 20 minutes for Bloomington, Minnesota. Staff originally proposed to use the same hold time that the City currently allows for electronic displays on business identification signs, which is three minutes with an instantaneous change that does not have animation, scrolling text, or any other transitions. As noted in safety studies, animation, video, or scrolling text are some of the most distracting aspects of digital signage. Adams Outdoor Advertising, currently the owner of all billboards in the city, has stated that a hold time longer than 10 seconds would be detrimental to their business. After deliberation, Plan Commission decided that three minutes was longer than necessary for safety. Based on the longest red light cycle times along corridors where billboards are allowed, Plan Commission is recommending a hold time of 90 seconds. Plan Commission also inserted language to ensure digital billboards do not include 3D effects or optical illusions.

Illumination and Hours of Operation

Lighting levels are another key regulation. Cities use different methods and measurements to limit lighting levels. Some use a measurement of light levels in footcandles at a certain distance from the billboard. Others use a display brightness level in nits (candelas per square meter). Some cities do not quantify light limits at all, and only require that light levels "adjust to match ambient conditions". Setting an illumination limit in footcandles requires a measurement device. It may be difficult to

measure the light level in footcandles in comparison to background light levels. For cities that put a limit on nits, this is the maximum brightness level allowed from the display itself. This level is determined by the manufacturer and can be controlled by software. However, Urbana staff have not been able to measure nits to verify if a billboard exceeds the required light level limits without climbing up to the face of the billboard. Due to the difficulty of obtaining measurements, staff suggests that we adopt similar rules for Digital OASS that we have for existing electronic displays. This limit is 0.3 footcandles brighter than ambient light levels, as measured from 150 feet away. Plan Commission agreed with this staff recommendation. Exhibit H shows photos of digital OASS in Champaign. These photos are intended to illustrate how the proposed light level limit would be perceived by drivers. Adams Outdoor Advertising also recently held a series of demonstrations of light levels at a different location in Champaign, which many Plan Commission and Council members and the Mayor were invited to witness.

The enforcement technique staff is proposing to use consists of taking a measurement of ambient light levels with the digital billboard turned off, and then again with the billboard display all white (i.e. its brightest possible display, but not brightest power output). Measurements are taken from 150 feet away from the face of the billboard. The difference between the two levels may not exceed 0.3 foot candles. Staff has spoken with the City of Champaign to find out what their light level limits are. Champaign does not have a quantified light limit. Instead, they require billboard brightness to match ambient brightness. Champaign staff has not received any complaints about brightness for the digital billboards in their jurisdiction. However Champaign's staff did note that digital billboards are only allowed along commercial corridors, which have a higher level of ambient brightness.

In addition to drivers, digital OASS could affect nearby residents if they are too bright and too close to bedroom windows. In order to address potential future conflicts between these residences and digital billboards some additional restrictions are proposed. These include setback requirements from single-family residential zones, time restrictions on operation of all digital billboards, and protections against nuisance lighting. All new OASS are required to be set back at least 300 feet from the R-1, R-2, and R-3 districts. Adams Outdoor Advertising has indicated that all of their digital billboards are turned off from midnight to 6:00 AM. Staff research has shown that some other communities have implemented a time restriction on the operation of digital billboards, with blackout hours typically beginning between 10:00 PM and midnight and ending between sunrise and 7:00 AM. Staff recommends prohibiting digital OASS from operating between midnight and 6:00 AM. Finally, the Zoning Ordinance currently contains restrictions against nuisance lighting. These restrictions have been successfully used in the past to require that certain lights be moved or shielded. Staff proposes to continue to rely on this language, and proposes to reinforce its application to digital OASS by repeating it in proposed Paragraph IX-6.E.4.

One last lighting issue that was brought up in the Plan Commission meetings was that digital billboards are composed of lights that shine directly onto the street, which is prohibited by Section IX-6.D.1.11 of the Zoning Ordinance. Staff proposes to exempt digital OASS from this regulation, but to require that they do not exceed the proposed illumination levels.

Existing OASS Removal Requirements

The City of Champaign adopted new rules for digital billboards in 2012. Their approach was to allow digital billboards in certain areas and to prohibit them in a target area that includes downtown and campustown. Champaign created a “sign bank” that must be drawn from in order to establish a new digital billboard. Whenever a sign is removed from within the target area, its surface area is added to the sign bank. Removal of nonconforming signs from outside the target area also counts toward the sign bank. The area stored in the sign bank can be used in two ways: to establish a new conventional billboard within the target area, or to establish a new digital billboard outside of the target area. In order to establish a new digital billboard, the applicant must withdraw twice as much surface area from the sign bank. Other cities have similar requirements for removal of existing signs in order to allow new digital billboards. These exchange rates go as high as requiring the removal of four existing billboards in order to establish one new digital billboard.

Staff proposes similar requirements for Urbana in order to encourage removal of billboards from certain locations. To establish a new billboard, the applicant must remove a certain amount of existing billboard face area. Staff is proposing that the amount of billboard face area to be removed should depend on the conformity status of the billboard being removed. If the billboard to be removed is conforming, the applicant must remove four square feet of billboard face area for every one square foot of digital billboard to be installed. If the billboard is non-conforming, the applicant need only remove three square feet of existing billboard for every one square foot to be installed. The most incentivized categories would be Downtown billboards and clustered billboards. If the billboard to be removed is on a parcel zoned B-4, Central Business, or if it is on a parcel outside of the B-4 District that contains a cluster of two or more billboard faces, the applicant would only need to remove two square feet of billboard area for every square foot of digital billboard to be installed. The existing OASS to be removed would be identified in the application for the new digital OASS, and must be removed between the submittal of the application and installation of the new digital OASS. These exchange ratios are formulated to incentivize removal of existing OASS with the most negative impacts. Clustered billboards are both a potential safety hazard and can be unsightly. Urbana’s Downtown should be free of billboards in order to improve the aesthetics and coherence of the area as a walkable and friendly business environment, as called for in the 2012 Downtown Urbana Plan.

It should be emphasized that the proposal recommended for approval by Plan Commission would only allow for conversion of an existing billboard to digital if that billboard otherwise fully complied with the underlying zoning district and setback requirements for all billboards. These zoning district and setback requirements were agreed upon by the City and the billboard companies in previous years. Exhibit F shows a potential scenario where the maximum number of existing billboards are converted to digital, given the restrictions of the ordinance as currently proposed. Under this particular scenario, up to 17 billboard faces on 10 structures could be converted to digital. In order to accomplish this, 49 total faces would need to be removed, resulting in a net reduction of 32 faces. However, this scenario is just one possible implementation of digital billboards in Urbana. If new OASS structures were to be built, the number of possible configurations is virtually limitless. Also, given the cost of digital OASS and limited number of high-traffic areas, it is unlikely that more than

a few digital OASS would be installed in Urbana. Adams Outdoor Advertising has indicated to staff that they are interested in installing up to three digital OASS in Urbana.

Line of Sight

This issue was not addressed in the regulations of other cities. Staff is proposing that digital OASS shall not be located in the line of sight of drivers looking at a traffic signal.

Emergency Messages and Malfunctioning OASS

Finally, staff proposes to require that any new digital OASS shall be wired into the Champaign County METCAD. This will allow for the County to display emergency alerts for events such as AMBER alerts, weather conditions, or other emergencies. This is a similar provision to what is required by the City of Champaign. Additionally, in the case of a malfunction, the OASS must display a default message at a lowered brightness level in order to ensure that the OASS does not distract drivers.

Plan Commission Action

The Urbana Plan Commission held public hearings on this case at four meetings: December 18, 2014, January 8, 2015, January 22, 2015, and February 5, 2015. Detailed minutes from all four meetings are attached as Exhibit K. At their meetings, Plan Commission members voiced concerns and asked for clarification on a number of items which have been incorporated throughout this memorandum and are reflected in the proposed text amendment. At their February 5, 2015 meeting, the Plan Commission voted four to three to forward the case to City Council with a recommendation for approval.

Text Changes

The proposed changes are listed below, using a strikethrough and underline notation system. A strikethrough is used to indicate ~~deleted language~~, while an underline is used to indicate added language. Staff proposes adding a definition for Digital OASS to Section IX-2:

F. *Digital Outdoor Advertising Sign Structure (Digital OASS):* An OASS with an electronic display capable of displaying changeable copy, controlled by programming or electronic communications.

The majority of the proposed text changes would come in a new paragraph E in Section IX-6:

E. *Digital OASS.* Digital OASS shall be allowed only in conformance with the following provisions:

1. *Permit Required.* Digital OASS, including those where the Digital OASS is replacing the display area of a previously existing OASS, shall meet all requirements for a new OASS except for the requirements of Paragraph IX-D.1.11, and shall require issuance of a new OASS permit in conformance with Section IX-6.C and IX-6.D.

2. Existing Sign Removal. New Digital OASS shall only be allowed upon removal of existing OASS display area. OASS to be removed shall be identified at the time of the application and removed prior to installation of the new Digital OASS. Existing signage to be removed shall be credited toward the new Digital OASS under one of the following provisions, at the following proportions. Where more than one of the following cases apply, the replacement provisions shall not be cumulative.
 - a. For every two square feet of OASS display area removed from properties in the B-4, Central Business district, one square foot of Digital OASS display area may be installed.
 - b. For every two square feet of OASS display area removed from lots containing a cluster of more than one OASS face, one square foot of Digital OASS display area may be installed. A lot with only one set of back-to-back OASS faces shall not qualify for this provision. The cumulative area of all faces shall count towards the replacement.
 - c. For every three square feet of OASS display area removed from OASS that do not meet other requirements of Section IX-6.D, one square foot of Digital OASS display area may be installed.
 - d. For every four square feet of OASS display area removed from any other OASS, one square foot of Digital OASS display area may be installed.
3. Animation, Effects and Image Change Time. Digital OASS shall not contain video, animated transitions, or otherwise be animated as defined by Section IX-2. Display images shall have a change frequency of no more than once every 90 seconds. Displays shall not utilize 3-D effects, optical illusions, or any other technology intended to give the appearance of motion or depth.
4. Illumination. Digital OASS shall conform to the illumination requirements of Section IX-4.C.4. Digital OASS shall be controlled by a dimmer switch to automatically reduce the level of brightness to no more than 0.3 footcandles above ambient light levels at any time of day, measured from 150 feet away. Digital OASS shall not shine directly onto any residence and shall not comprise a nuisance or hazard to residences or roadway users. Digital OASS shall not operate between the hours of 12:00 AM and 6:00 AM.
5. Emergency Override. Digital OASS shall be directly connected to the Metropolitan Computer-Aided Dispatch system (METCAD) in order to allow emergency dispatchers to override the programmed message and display an emergency bulletin. The Director of METCAD or the Director's designee shall have authority to authorize such an override. Examples of an emergency justifying such override would be broadcasting from the Statewide "Yellow Alert" system regarding abducted children or imminent weather bulletins where the other aspects of the emergency broadcast system (sirens, cable override) are activated.
6. Malfunctioning Digital OASS. All Digital OASS shall contain a mechanism that will display a default message at a lowered brightness level in the event of a malfunction.
7. Traffic Signal Visibility. Digital OASS shall not be placed such that they interfere with motorist visibility of traffic signal as determined by the City Engineer.

Finally, there would be new language added to Article XI in order to provide for a method for staff to enforce against nonconforming Digital OASS. Staff is also proposing a fine for electronic displays on regular signs that do not conform to zoning ordinance regulations.

C. Minimum Fine Schedule for Certain Violations

1. The minimum fine for parking in violation of Section VIII-4 is \$25.
2. The minimum fine for displaying a temporary sign in violation of Section IX-7 is \$25.
3. The minimum fine for displaying an electronic sign that is animated as defined in Section IX-2 or changes display more frequently than allowed by Section IX-4 is \$50. Each day which the violation occurs or continues shall be considered a separate violation.
4. The minimum fine for displaying a digital OASS that is animated as defined in Section IX-2, or otherwise does not comply with the brightness, hold time, or any other requirement of Section IX-6 is \$100. Each day which the violation occurs or continues shall be considered a separate violation.

City Staff commissioned a review of the proposed text amendment by Professor Daniel Mandelker and former Planning Manager Robert Myers, AICP. Professor Mandelker is recognized as a national expert in the area of sign regulation. Mr. Myers has also developed significant expertise in the area of sign regulation due to his work with the City of Urbana and his own research. Their report is attached to this memo as Exhibit J. Findings from their report were incorporated into the draft text amendment.

License Program and Annual Fee

One of the Plan Commission's recommendations was to adopt the proposed Zoning Ordinance text amendment only if a fee program was concurrently established in order to offset costs of reviewing and monitoring digital OASS within the City. The Plan Commission asked for this fee to be "equivalent to the sales tax that a restaurant with the same revenue would pay". Staff has consulted with the City Attorney's office on this issue, and it has been advised that a tax narrowly focused on only one type of service would not withstand judicial scrutiny. Therefore staff has drafted an amendment to Chapter 14 of the City Code establishing a licensing program and annual fee for digital OASS. This program would require operators to obtain a license for each face of a digital billboard, and to pay an annual fee of \$1,500. This fee is set at a level required to pay the costs of operating the license program. The Finance Department would oversee the issuance of the license and collection of the annual fee. The Department of Community Development Services will review permit applications for conformance to Zoning Ordinance standards, ensure structural integrity, and will periodically inspect digital OASS to make sure the brightness levels and hold times are within required limits. The fee will cover staff time to administer the program in both departments and will fund the purchase of a new light meter to allow staff to take measurements in all weather conditions. Staff is proposing to inspect digital billboards on a monthly basis to ensure compliance.

Summary of Findings

1. The Urbana Zoning Administrator is proposing regulations to allow Digital Outdoor Advertising Sign Structures, which are currently prohibited within the City.
2. The City of Urbana has the authority to regulate OASS within its jurisdiction based on the Illinois home rule laws and billboard regulations.
3. The proposed amendment will modify Article IX and Article XI of the Urbana Zoning Ordinance to allow Digital OASS in the City under certain conditions.
4. The proposed amendment will establish regulations for hold time, illumination, exchange ratios, and emergency messaging for Digital OASS.
5. The proposed amendment will promote safety by prohibiting animation, video, and scrolling text on Digital OASS.
6. The proposed amendment will establish fines for Digital OASS and electronic displays in order to encourage compliance with safety-related regulations.
7. The proposed amendment will improve aesthetics in Urbana and conforms with the 2012 Downtown Urbana Plan by encouraging removal of OASS from Downtown and eliminating clusters of OASS.
8. The proposed amendment has been reviewed by experts in the field of signage law.
9. The proposed amendment is consistent with the goals and objectives of the 2005 Urbana Comprehensive Plan regarding updating various sections of the Zoning Ordinance.
10. The proposed amendment conforms to notification and other requirements for the Zoning Ordinances as required by the State Zoning Act (65 ILCS 5/11-13-14).
11. The proposed City Code amendment would establish a license program and annual fee for Digital OASS to cover costs for administration and regulation of the signs.

Options

The Urbana City Council has the following options regarding Plan Case 2242-T-14 and the proposed City Code amendment:

- a. Approve the proposed Zoning Ordinance text amendment and City Code amendment as presented herein;

- b. Approve the proposed Zoning Ordinance text amendment and City Code amendment as modified by specific suggested changes; or
- c. Deny approval of the proposed Zoning Ordinance text amendment and City Code amendment.

Recommendation

At their February 5, 2015 meeting, the Urbana Plan Commission voted four ayes to three nays to recommend **APPROVAL** of the proposed text amendment to the Zoning Ordinance as amended and presented herein, with the stipulation that City Council should also adopt a service fee **prior to** approving the proposed text amendment. Staff concurs with this recommendation.

cc: Cain Kiser, Adams Outdoor Advertising

Attachments:

Exhibit A: American Planning Association Zoning Practice Bulletin

Exhibit B: History of OASS Regulations in Urbana

Exhibit C: Inventory of OASS in Urbana

Exhibit D: Map of Existing Billboard Locations

Exhibit E: Map of Eligible Billboard Locations

Exhibit F: Map of Potential Digital OASS Conversions

Exhibit G: Photos of Existing OASS in Urbana

Exhibit H: Photos of OASS in Champaign

Exhibit I: Comparison of Digital OASS Regulations

Exhibit J: Mandelker and Myers Report on Draft Text Amendment

Exhibit K: Minutes from Plan Commission Public Hearings on Digital OASS

ORDINANCE NO. 2015-03-021

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 14

(Establishing a License for Digital Outdoor Advertising Sign Structures)

WHEREAS, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare and to tax; and

WHEREAS, the City Council finds that a need exists to regulate the locations and impacts of Digital Outdoor Advertising Sign Structures (Digital OASS) within the City; and

WHEREAS, the City Council is considering an amendment to the Zoning Ordinance to allow for Digital OASS in certain locations; and

WHEREAS, the City Council finds that amending said provisions of the Urbana City Code to regulate Digital OASS in the City will protect the health, safety, and welfare of the public and assure compliance with the City of Urbana Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1. That City Code Chapter 14, "LICENSES AND PERMITS", is hereby amended to add the following new Section 14-20, "Digital Outdoor Advertising Sign Structures":

Sec. 14-20. – Digital Outdoor Advertising Sign Structures.

(a)

License required. No person shall operate a digital outdoor advertising sign structure in the city without a valid license. For purposes of this section, "digital outdoor advertising sign structure" shall have the same definition as provided in the Urbana Zoning Ordinance, as amended.

(b)

License application; issuance. Any person desiring to display in the city any digital outdoor advertising sign structure shall make application for the appropriate license to the Director of the Finance Department. Each such application shall be accompanied by the required license fee and shall set forth such applicant's name and address, with a brief description of each digital outdoor advertising sign structure to be displayed on the premises where it will be located, together with such other relevant data or information as the Director of the Finance Department may require. Upon receipt of the proper application and upon the payment of the fee and license as herein provided, the Director of the Finance Department shall issue the appropriate license for each such digital outdoor advertising sign structure, which such license shall be issued for a period of one year from July first to June thirtieth in the ensuing year

(c)

License fee. Each applicant for a license required by this article shall pay such amount for such annual privilege fee and license as is set forth and established in section 14-7 of the Code of Ordinances, City of Urbana, Illinois.

(d)

Standards. Each digital outdoor advertising sign structure shall comply with the standards of Article IX of the Urbana Zoning Ordinance. No digital outdoor advertising sign structure shall be erected or converted without issuance of a building permit.

Section 2. That the Schedule of Fees is hereby amended to add Paragraph Q, as follows:

(Q) Digital Outdoor Advertising Sign Structures

Digital outdoor advertising sign structure (per face)	\$1,500.00 per year
---	---------------------

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

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the

City of Urbana, Illinois, at a regular meeting of said Council on the _____
day of _____, 2015.

PASSED by the City Council this _____ day of _____, 2015.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2015.

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 _____, 2015, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 14(Establishing a License for Digital Outdoor Advertising Sign Structures)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____, including all of its attachments, was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 2015, 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 _____, 2015.

ORDINANCE NO. 2015-03-022

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS
(Revising Article IX and Article XI Regarding Digital Outdoor Advertising
Sign Structures / Plan Commission Case No. 2242-T-14)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance #9293-124 on June 21, 1993 which adopted the 1993 Comprehensive Amendment to replace the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana which is also known as the Urbana Zoning Ordinance; and,

WHEREAS, Digital Outdoor Advertising Sign Structures (Digital OASS) are currently prohibited under the Urbana Zoning Ordinance; and

WHEREAS, the Zoning Administrator is proposing to amend the Urbana Zoning Ordinance in order to establish use provisions and siting requirements for Digital OASS; and

WHEREAS, said text amendment will establish regulations for hold time, illumination, exchange ratios, and emergency messaging for Digital OASS; and

WHEREAS, said text amendment will promote safety by prohibiting animation, video, and scrolling text on Digital OASS; and

WHEREAS, said text amendment will establish fines for Digital OASS and electronic displays in order to encourage compliance with safety-related regulations; and

WHEREAS, said text amendment will improve aesthetics in Urbana and conforms with the 2012 Downtown Urbana Plan by encouraging removal of OASS from Downtown and eliminating clusters of OASS; and

WHEREAS, said text amendment is consistent with the goals and objectives of the Urbana Comprehensive Plan; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held four public hearings on this application at their December 18, 2014, January 8, 2015, January 22, 2015, and February 5, 2015 meetings; and

WHEREAS, the Urbana Plan Commission on February 5, 2015 voted 4 ayes to 3 nays to recommend approval of the proposed Zoning Ordinance amendment as presented and amended;

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

Section 1. That Section IX-2 Definitions, of Urbana Zoning Ordinance is hereby amended to add the following new definition:

- F. **Digital Outdoor Advertising Sign Structure (Digital OASS):** An OASS with an electronic display capable of displaying changeable copy, controlled by programming or electronic communications.

Section 2. That Section IX-6 is hereby amended to add Paragraph E, as follows:

E. *Digital OASS.* Digital OASS shall be allowed only in conformance with the following provisions:

1. *Permit Required.* Digital OASS, including those where the Digital OASS is replacing the display area of a previously existing OASS, shall meet all requirements for a new OASS except for the requirements of Paragraph IX-D.1.11, and shall require issuance of a new OASS permit in conformance with Section IX-6.C and IX-6.D.
2. *Existing Sign Removal.* New Digital OASS shall only be allowed upon removal of existing OASS display area. OASS to be removed shall be identified at the time of the application and removed prior to installation of the new Digital OASS. Existing signage to be removed shall be credited toward the new Digital OASS under one of the following provisions, at the following proportions. Where more than one of the following cases apply, the replacement provisions shall not be cumulative.
 - a. For every two square feet of OASS display area removed from properties in the B-4, Central Business district, one square foot of Digital OASS display area may be installed.
 - b. For every two square feet of OASS display area removed from lots containing a cluster of more than one OASS face, one square foot of Digital OASS display area may be installed. A lot with only one set of back-to-back OASS faces shall not qualify

for this provision. The cumulative area of all faces shall count towards the replacement.

- c. For every three square feet of OASS display area removed from OASS that do not meet other requirements of Section IX-6.D, one square foot of Digital OASS display area may be installed.
 - d. For every four square feet of OASS display area removed from any other OASS, one square foot of Digital OASS display area may be installed.
3. *Animation, Effects and Image Change Time.* Digital OASS shall not contain video, animated transitions, or otherwise be animated as defined by Section IX-2. Display images shall have a change frequency of no more than once every 90 seconds. Displays shall not utilize 3-D effects, optical illusions, or any other technology intended to give the appearance of motion or depth.
 4. *Illumination.* Digital OASS shall conform to the illumination requirements of Section IX-4.C.4. Digital OASS shall be controlled by a dimmer switch to automatically reduce the level of brightness to no more than 0.3 footcandles above ambient light levels at any time of day, measured from 150 feet away. Digital OASS shall not shine directly onto any residence and shall not comprise a nuisance or hazard to residences or roadway users. Digital OASS shall not operate between the hours of 12:00 AM and 6:00 AM.
 5. *Emergency Override.* Digital OASS shall be directly connected to the Metropolitan Computer-Aided Dispatch system (METCAD) in order to allow emergency dispatchers to override the programmed message and display an emergency bulletin. The Director of METCAD or the Director's designee shall have authority to authorize such an override. Examples of an emergency justifying such override would be broadcasting from the Statewide "Yellow Alert" system regarding abducted children or imminent weather bulletins where the other aspects of the emergency broadcast system (sirens, cable override) are activated.
 6. *Malfunctioning Digital OASS.* All Digital OASS shall contain a mechanism that will display a default message at a lowered brightness level in the event of a malfunction.
 7. *Traffic Signal Visibility.* Digital OASS shall not be placed such that they interfere with motorist visibility of traffic signal as determined by the City Engineer.

Section 3. That Paragraph XI-9.C is amended to read as follows:

C. *Minimum Fine Schedule for Certain Violations*

1. The minimum fine for parking in violation of Section VIII-4 is \$25.
2. The minimum fine for displaying a temporary sign in violation of Section IX-7 is \$25.
3. The minimum fine for displaying an electronic sign that is animated as defined in Section IX-2 or changes display more frequently than allowed by Section IX-4 is \$50. Each day which the violation occurs or continues shall be considered a separate violation.
4. The minimum fine for displaying a digital OASS that is animated as defined in Section IX-2, or otherwise does not comply with the brightness, hold time, or any other requirement of Section IX-

6 is \$100. Each day which the violation occurs or continues shall be considered a separate violation.

Section 4. 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 _____, 2015.

PASSED by the City Council this _____ day of _____, 2015.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2015.

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 _____, 2015, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (Revising Article IX and Article XI Regarding Digital Outdoor Advertising Sign Structures / Plan Commission Case No. 2242-T-14)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____, including all of its attachments, was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 2015, 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 _____, 2015.

ZONING PRACTICE

April 2008

AMERICAN PLANNING ASSOCIATION



➔ ISSUE NUMBER FOUR

PRACTICE SMART SIGN CODES

A large billboard advertisement on a building facade. The billboard has a dark background with a grid of small, light-colored, semi-circular shapes. The text 'Digital Signs: Context Matters' is written in white, bold, sans-serif font. A large, black, stylized number '4' is overlaid on the bottom right of the billboard. In the background, a tall, modern skyscraper is visible against a clear sky.

**Digital
Signs:
Context Matters**

4

Looking Ahead: Regulating Digital Signs and Billboards

By Marya Morris, AICP

Cities and counties have always been challenged to keep their sign ordinances updated to address the latest in sign types and technologies.

Each new sign type that has come into use—for example, backlit awnings and electronic message centers—has prompted cities to amend their regulations in response to or in anticipation of an application to install such a sign.

The advent in the last several years of signs using digital video displays represents the latest, and perhaps the most compelling, challenge to cities trying to keep pace with signage technology. More so than any other type of sign technology that has come into use in the last 40 to 50 years, digital video displays on both off-premise (i.e., billboards) and on-premise signs raise very significant traffic safety considerations.

This issue of *Zoning Practice* covers current trends in the use of digital technology on off-premise billboards and on-premise signs. It recaps the latest research on the effects of

this type of changeable signage on traffic safety. It also discusses the use of digital video sign technology as a component of on-premise signs, including a list of ordinance provisions that municipalities should consider if they are going to permit this type of sign to be used. I use the phrase digital display or video display, but these devices are also referred to as LEDs or, collectively, as “dynamic signs.”

BRIGHT BILLBOARDS

While digital technology is growing in use for on-premise signs, it is the proliferation of digital billboards that has triggered cities and counties to revise their sign ordinances to address this new type of display. Of the approximately half-million billboards currently lining U.S. roadways, only about 500 of them are digital. However, the industry's trade

group, the Outdoor Advertising Association of America, expects that number to grow by several hundred each year in the coming years. In 2008, digital billboards represent for the sign industry what the Comstock Lode must have represented for silver miners in 1858—seemingly limitless riches. The technology allows companies to rent a single billboard—or pole—to multiple advertisers. A billboard company in San Antonio, for example, estimated that annual revenue from one billboard that had been converted from a static image to a changeable digital image would increase tenfold, from \$300,000 to \$3 million just one year after it went digital.

It is very difficult for cities and counties to get billboards removed once they are in place. Billboard companies have made a concerted effort to get state legislation passed that limits or precludes the ability of local

Ⓢ A typology of moving-image signs. The variable message sign at the right uses a motor to switch among three different static images. Next, the electronic messageboard at Wrigley Field in Chicago displays scrolling text and simple images. The on-premise digital sign, pictured third from left, looks like a giant television screen, displaying a steady stream of video images. On the far right, this digital billboard cycles through a number of static video images at regularly timed intervals.



ASK THE AUTHOR JOIN US ONLINE!

Go online from May 12 to 23 to participate in our “Ask the Author” forum, an interactive feature of Zoning Practice. Marya Morris, AICP, will be available to answer questions about this article. Go to the APA website at www.planning.org and follow the links to the Ask the Author section. From there, just submit your questions about the article using the e-mail link. The author will reply, and Zoning Practice will post the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of Zoning Practice at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA Zoning Practice web pages.

About the Author

Marya Morris is a senior associate at Duncan Associates, a planning consulting firm specializing in land development regulations and infrastructure finance. www.duncanassociates.com

governments to require removal of existing billboards through amortization. The only option left is paying cash compensation. The federal Highway Beautification Act, which was modified many years ago under industry pressure, also prohibits amortization and requires cash compensation for billboard removal.

With the amortization option unavailable, some cities and counties have struck deals with billboard companies requiring them to remove two boards for every new one they install. Other jurisdictions have established simple no-net-increase policies. Although many communities have had success with these approaches, in the

last few years the industry has devised a litigious tactic to secure new billboard permits. Billboard companies challenge the constitutionality of a sign provision, and when the ordinance is in legal limbo, they rush in to secure billboard permits.

The American Planning Association has joined Scenic America, the International Municipal Lawyers Association, and others in filing amicus curiae briefs in many of these cases to show the courts the industry’s pattern of conduct and deliberate strategy to circumvent local sign codes. A review in January 2006 found 113 such “shakedown” sign cases filed in the federal

courts since 1997, and eight filed in state courts in the same time period. For more information visit the APA Amicus Curiae webpage at www.planning.org/amicusbriefs.

The emergence of the highly lucrative digital billboards has also, however, given local governments some leverage to at least reduce the total number of billboards. Many of the applications cities are seeing for the video billboards are requests by companies to replace the static type with the new video displays in key locations. The added revenue potential from a digital format has proved to be enough of an incentive to get companies to agree to remove multiple static billboards in exchange for permits to install video display in certain locations.

In June 2007, Minnetonka, Minnesota, in the Twin Cities area, reached a settlement with Clear Channel in which the company agreed to

The emergence of the highly lucrative digital billboards has given local governments some leverage to at least reduce the total number of billboards.



Photos by David Morley

remove 15 of the 30 conventional static image billboards in the city in exchange for permission to install its digital billboards. The city will permit the company to install no more than eight dynamic signs at four to six locations.

The City of San Antonio amended its sign and billboard ordinance in December 2007 to require the removal of up to four static billboards in exchange for permission to install one digital display billboard in their place. Prior to that amendment the city had no provisions for digital sign technology, but it did already have a two-for-one replacement requirement. The city has developed a sliding scale that determines the number of billboards required to be removed in exchange for a single digital billboard. According to the scale, the number of digital signs permitted is determined by the total square footage of static billboard faces removed. Therefore, a billboard company will be required to demolish as few as three and as many as 19 billboards to get one new digital billboard structure placed or an existing static billboard face replaced.

IT DEPENDS ON YOUR DEFINITION OF 'DISTRACTING'

Digital signs are brighter and more distracting than any other type of sign. Other attention-grabbers, like strobe lights, mirrors, searchlights, and signs with moving parts, are typically prohibited (or allowed under very narrow circumstances) by even the most hands-off jurisdictions. The high visual impact of digital signs has prompted highway and traffic safety experts to try to quantify how drivers respond to such distractions. This research, which is summarized below, has been instrumental in helping cities craft new sign ordinances that address the specific characteristics of such signs, including how often the messages or images change, the degree of brightness, and their placement relative to residential areas.

The Federal Highway Administration is currently conducting a study on driver distraction and the safety or impact of new sign technologies on driver attention. The initial phase, which is slated to be completed by June 2008, will identify and evaluate the most significant issues and develop research methods needed to secure definitive results. The FHWA anticipates the second phase of the research study and final report will be completed in the latter part of calendar year 2009. Also, the Transportation Research Board (a branch of the National Science Foundation) has formed a subcommittee to examine research needs on electronic signs.

Recent studies indicate that digital displays with continuous dynamic content are more distracting than other types of moving-image signs. Signs that work well in pedestrian-oriented areas might be inappropriate for busy highways.



David Morley

Until a couple of years ago, one of the only studies on the effects of billboards and traffic safety was a 1980 survey of existing research on the subject prepared for the Federal Highway Administration (Wachtel and Netherton 1980). It did not, however, provide any concrete answers. The study noted “attempts to quantify the impact of roadside advertising on traffic safety

have not yielded conclusive results.” The authors found that courts typically rule on the side of disallowing billboards because of the “readily understood logic that a driver cannot be expected to give full attention to his driving tasks when he is reading a billboard.”

A 2006 study by the National Highway Traffic Safety Administration that focused primarily on driver distractions inside the car (i.e., phone use, eating, and changing the radio station) concluded that any distraction of more than two seconds is a potential cause of crashes and near crashes.

A 2004 study at the University of Toronto found that drivers make twice as many glances at active (i.e., video signs) than they do at passive (i.e., static) signs. All three of the moving sign types that were studied (video, scrolling text, and trivision) attracted more than twice as many glances as static signs. They also found that the drivers' glances at the active signs were longer in duration; 88 percent of glances were at least 0.75 seconds long. A duration of 0.75 seconds or longer is important because that is the amount of time required for a driver to react to a vehicle that is slowing down ahead. Video and scrolling text signs received the longest average maximum glance duration.

An earlier study also at the University of Toronto that was designed to determine whether video billboards distract drivers' attention from traffic signals found that drivers made roughly the same number of glances at traffic signals and street signs with and without full-motion video

ORDINANCES AND ZONING REPORTS

- ◆ City of Minnetonka, Minnesota. 2007. Staff report to city council recommending adoption of an ordinance regulating digital signs. June 25. Available at www.eminnetonka.com/community_development/planning/show_project.cfm?link_id=Dynamic_Signs_Ordinance&cat_link_id=Planning.
- ◆ City of San Antonio City Code, Chapter 28. Amendment Adding Provisions for Digital Signs. Last revised December 2, 2007. Available at <http://epay.sanantonio.gov/dsddocumentcentral/upload/SIGNsecDRAFTF.pdf>.
- ◆ City of Seattle, Land Use Code, Section 23.55.005 Signs, Video Display Methods. Last revised 2004. <http://clerk.ci.seattle.wa.us/~public/clrkhome.htm>.

billboards present. This may be interpreted to mean that while electronic billboards may be distracting, they do not appear to distract drivers from noticing traffic signs. This study also found that video signs entering the driver's line of sight directly in front of the vehicle (e.g., when the sign is situated at a curve) are very distracting.

A 2005 study by the Texas Transportation Institute of driver comprehension of sign messages that flash or change concluded that such signs are more distracting, less comprehensible, and require more reading time than do static images. While this research did not evaluate advertising-related signs, it does demonstrate that flashing signs require more of the driver's time and attention to comprehend the message. In the case of electronic billboards, this suggests that billboards that flash may require more time and attention to read than static ones.

The City of Seattle commissioned a report in 2001 to examine the relationship between

Sign messages that flash or change are more distracting, less comprehensible, and require more reading time than do static images.

The Seattle study also found that drivers expend about 80 percent of their attention on driving-related tasks, leaving 20 percent of their attention for nonessential tasks, including reading signs. The report recommended the city use a "10-second rule" as the maximum display time for a video message.

APPROACHES TO REGULATING DIGITAL DISPLAY SIGNS

Most cities and counties that have amended their sign ordinances to address the use of digital display on on-premise signs and billboards have done so in response to an application by a sign owner to install a new sign that uses the

ital video display signs while still permitting electronic message centers.

3) A relatively small number of sign ordinances have been amended to allow video display signs under narrowly prescribed circumstances and with numerous conditions.

For jurisdictions that want or need to allow them, the following section explains additional considerations that should be added to a sign ordinance to effectively regulate digital display signs.

Sign type. The ordinance must indicate whether the digital display can be used on off-premise billboards only, on on-premise signs only, or on both sign types.

Billboards with changeable digital images allow billboard companies to dramatically increase their revenue by renting the same sign face to multiple advertisers.



electronic signs with moving/flashing images and driver distraction. The study was conducted by Jerry Wachtel, who in 1980 had conducted the first-ever study on signs and traffic safety for the Federal Highway Administration.

The Seattle report concluded that electronic signs with moving images will distract drivers for longer durations (or intervals) than do electronic signs with no movement. The study also noted that the expanded content of a dynamic sign also contributes to extended distraction from driving. Specifically it found that signs that use two or more frames to tell a story are very distracting because drivers are involuntarily compelled to watch the story through to its conclusion.

technology or in response to a sign owner having replaced an existing sign face with a digital display. Some cities, like Minnetonka, were required by a court settlement with a billboard company to allow the technology. Although regulations for digital signs are still relatively new, we can group the regulatory approaches (or lack thereof) into three general categories:

- 1) Most sign ordinances are still silent on the issue of digital video displays, but almost all do regulate electronic message centers and also prohibit or restrict signs that move, flash, strobe, blink, or contain animation.
- 2) A smaller but growing number of sign ordinances contain a complete prohibition on dig-

Definitions. The definitions section must be updated to include a detailed definition of digital display signage and the sign's functional characteristics that could have an effect on traffic safety and community aesthetics.

Zoning districts. The ordinance should list the districts in which such signs are permitted and where they are prohibited. Such signs are commonly prohibited in neighborhood commercial districts, historic districts, special design districts, and scenic corridors, in close proximity to schools, and in residential districts. On the other end of the spectrum, East Dundee, Illinois, for example, expressly encourages digital video signs in two commercial overlay districts, but only a

RESOURCES

- ◆ Beijer, D. and A. Smiley. 2005. "Observed Driver Glance Behavior at Roadside Advertising Signs," *Transportation Research Record*.
- ◆ Dudek, C. L. et al. 2005. "Impacts of Using Dynamic Features to Display Messages on Changeable Message Signs," Washington, D.C.: Operations Office of Travel Management: Federal Highway Administration.
- ◆ "Dynamic" Signage: Research Related To Driver Distraction and Ordinance Recommendations. Prepared by SRF Consulting Group, Inc. for the City of Minnetonka, Minnesota. June 7, 2007 (www.digitalooh.org/digital/pdf/2007-minnetonka_digital-srf_consulting_reporto6-08-07.pdf).
- ◆ "The Impact of Driver Inattention on Near-Crash/Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data." 2006. National Highway Traffic Safety Administration, U.S. Department of Transportation. April.
- ◆ McBride, Sarah. "Seeing the Light: In Billboard War, Digital Signs Spark a Truce." *Wall Street Journal*. February 3, 2007.
- ◆ Smiley, A. et al. 2004. "Impact of Video Advertising on Driver Fixation Patterns." *Transportation Research Record*.
- ◆ *Unsafe at Any Speed: Billboards in the Digital Age*. 2007. Scenic America Issue Alert 2. Available at www.scenic.org/pdfs/eb.pdf. The Scenic America website has a number of excellent resources for planners and citizens interested in regulating digital signage, including a downloadable PowerPoint presentation, research summaries, and model ordinances.
- ◆ Wachtel, J. and R. Netherton. 1980. "Safety and Environmental Design Considerations in the Use of Commercial Electronic Variable-Message Signage." Report No. FHWA-RD-80-051. Washington, D.C.: Federal Highway Administration.

few land uses—new car dealerships, multi-tenant retail centers, and amusement establishments—are permitted to have them.

Placement and orientation. A minimum spacing requirement between signs and residential areas should be considered, as should a provision requiring that the sign face be oriented away from residential areas and other scenic or sensitive areas. The Baker and Wolpert study recommended that dynamic signs be limited or prohibited at intersections, in demanding driving environments, and in places where they obstruct a driver's view. In Seattle, the sign face of on-premise digital signs must not be visible from a street, driveway, or surface parking area, nor may it be visible from a lot that is owned by a different person.

Sign area. For on-premise signage, many ordinances include a limit on the percentage of the sign face that can be used for digital display. Thirty percent is common although in some areas, such as entertainment districts, that proportion may be much higher.

Illumination and brightness. The ordinance should address the legibility and brightness of a sign both during the day and after dark. During the day the issue is reducing or minimizing glare and maintaining contrast between the sign face and the surrounding area. At night the issues are the degree of brightness and its impact on driver distraction and on light trespass into residential areas. In the study for the City of Minnetonka, researchers noted the challenge posed by this aspect of digital signs: "There is no objective definition of excessive brightness because the appropriate level of brightness depends on the environment within which the sign operates."

Message duration and transition. The ordinance must include a minimum duration of time that a single message must be displayed. Typically this is expressed in terms of seconds. The San Antonio billboard ordinance requires each image to remain static for at least eight seconds and that a change of image be accomplished within one second or less.

The city's ordinance requires any portion of the message that uses a video display method to have a minimum duration of two seconds and a maximum duration of five seconds. Further, it requires a 20-second "pause" in which a still image or blank screen is showed following every message that is shown on a video display.

Public service announcements. In exchange for permission to use digital displays, owners of billboards in Minnesota and San

Antonio have agreed to display emergency information such as Amber Alerts and emergency evacuation information. Such a requirement can be included in an ordinance or imposed as a condition of approval.

Whether undertaking a comprehensive revision of a sign ordinance or more limited, strategic amendments to address digital technology, there are other common provisions related to electronic and digital signage that should be revisited as part of the rewrite. At the top of the list would be updating standards for conventional electronic message centers to reflect the latest research regarding driver distraction and message duration. Also, the boilerplate provisions common to so many ordinances that prohibit signs that flash, are animated, or simulate motion should also be rethought. These provisions could conceivably be used to prohibit digital displays without additional regulations. The problem is that these characteristics are very rarely defined in the ordinance and remain open to interpretation. Also, whenever new regulations are being considered for digital billboards, jurisdictions should take the opportunity to draft new provisions to address digital technology for on-premise signs as well. And, finally, any time the sign ordinance goes into the shop for repair—whether to address digital signage or to make broader changes—is a good time to remove or revise any provisions that violate content neutrality rules.

NEWS BRIEFS

SMART GROWTH TAKES A HIT
IN MARYLAND

By Lora Lucero, AICP

The *Baltimore Sun* hit the nail on the head when it reported on March 12 "[t]he state's highest court declared that Maryland law does not require local governments to stick to their master plans or growth-management policies in making development decisions."

Trail, et al. v. Terrapin Run, LLC, et al. presented an important question for the court to address: What link is required between the community's adopted plan and the decision by the Zoning Board of Appeals (ZBA) to grant or deny a request for a special exception? In a 4 to 3 vote, the majority concluded that Article 66B, the state planning law, is permissive in nature and plans are only advisory guides, so a strong link between plans and implementation is not required. The court affirmed the county's

Exhibit B: History of OASS Regulations in Urbana

Prepared by Max Mahalek, Planning Intern

In 1971, the City of Urbana enacted new Sign Regulations (Ordinance no. 7172-69), which substantially restricted the erection and maintenance of billboards. A new amortization provision required that nonconforming billboards be removed without compensation. In October 1976, C & U Poster Advertising Company, Inc. filed suit against the City of Urbana in the Sixth Judicial Circuit Court of Champaign County (Case no. 76-C-1070) claiming that Urbana's Comprehensive Sign Regulations were unconstitutional. At that time, C & U Poster owned 43 billboard faces in the City of Urbana, and enforcement of Urbana's regulations would have required the removal of most of these.

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

In 1991, the City Council approved Ordinance no. 9091-126, which regulated OASS structures located along I-74. On December 18, 2000, the City Council implemented a 180 day moratorium on the construction of OASS structures to allow time to review regulations (Ordinance no. 2000-11-136). This moratorium was extended for an additional 180 days on July 16, 2001 (Ordinance no. 2001-07-078) to provide the City time to study how new OASS regulations in Champaign would impact the construction of bill boards there. During these two moratoriums, aesthetic regulations for OASS structures were approved by the City of Urbana on June 4, 2001 (Ordinance no. 2001-05-044).

From 1985 to 2004, the number of OASS structures in the City of Urbana grew to 38. Following the end of the settlement agreement in 2004, the City studied whether its 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 (Ordinance no. 2004-09-126). 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, and to review potential amendments such as "cap and replace" provisions. The City Council approved a 300-day extension of this moratorium in August 2005 (Ordinance no. 2005-08-127).

On June 5, 2006, the Urbana City Council amended the standards and procedures regarding OASS structures. In terms of procedures and the issuance of permits, the revised ordinance (Ordinance no. 2006-06-071) ended the moratorium on OASS structures, and required that OASS structures be approved as a Special Use in order to ensure they were aesthetically compatible with their surroundings, did not interfere with existing businesses or redevelopment projects, and did not interfere with traffic circulation in any way. The ordinance prohibited lighting from OASS structures to be directed onto roadways, prevented OASS structures from overhanging into the public right-of-way, and required landscaping at the base of the structures.

In terms of heightened spatial regulations, the revised ordinance increased the separation distance for OASS structures from 300 to 1,500 feet, no longer allowed OASS structures in the downtown area, prohibited OASS structures within 300 feet from any residential, agricultural, or conservation-recreation-education district (including those of other governmental jurisdictions), and likewise prohibited OASS structures within 300 feet of any historic district or landmark.

In November 2006, Adams Outdoor Advertising Co. filed a complaint in Circuit Court against the City of Urbana (Case no. 06-CH-356) claiming that provisions of Urbana's Comprehensive Sign Regulations were unconstitutional. These provisions included the requirement to obtain a Special Use Permit, which Adams Outdoor Advertising claimed affected their right of freedom of speech and failed to incorporate basic procedural due process protections. This lawsuit prompted a revision of the City's sign regulations ensuring that they were content neutral, that owners did not have to pay for the removal of nonconformities, and offering strict design guidelines in lieu of the Special Use Permitting process. These revisions were approved on December 3rd, 2007 (Ordinance no. 2007-10-120). The lawsuit was dropped by Adams Outdoor Advertising following this approval.

Exhibit C: Urbana OASS Inventory

Site	Face	Facing	Unit type	Size
I-74 0.45 mi W/O Lincoln Ave. SS	3	West	Side by Side/Back to Back	12' x 25'
I-74 0.45 mi W/O Lincoln Ave. SS	4	West	Side by Side/Back to Back	12' x 25'
I-74 0.45 mi W/O Lincoln Ave. SS	1	East	Side by Side/Back to Back	12' x 25'
I-74 0.45 mi W/O Lincoln Ave. SS	2	East	Side by Side/Back to Back	12' x 25'
1908 N. Lincoln Ave. 235 ft N/O Kettering Park Dr. ES	1	North	Back to Back	12' x 25'
1908 N. Lincoln Ave. 235 ft N/O Kettering Park Dr. ES	2	South	Back to Back	12' x 25'
University Ave. 70 ft W/O Lincoln Ave. NS	3	North	Side by Side/Back to Back	12' x 25'
University Ave. 70 ft W/O Lincoln Ave. NS	4	North	Side by Side/Back to Back	12' x 25'
University Ave. 70 ft W/O Lincoln Ave. NS	1	South	Side by Side/Back to Back	12' x 25'
University Ave. 70 ft W/O Lincoln Ave. NS	2	South	Side by Side/Back to Back	12' x 25'
University Ave. 120 ft W/O Lincoln Ave. NS	1	East	Single Face	12' x 25'
University Ave. 112 ft W/O Lincoln Ave. NS	2	South	Single Face	12' x 25'
814 W University Ave. 100 ft E/O Lincoln Ave. NS	1	West	Side by Side	12' x 25'
814 W University Ave. 100 ft E/O Lincoln Ave. NS	2	West	Side by Side	12' x 25'
103 W University Ave. 190 ft E/O Race St. SS	1	East	Side by Side/Back to Back	12' x 25'
103 W University Ave. 190 ft E/O Race St. SS	2	East	Side by Side/Back to Back	12' x 25'
103 W University Ave. 190 ft E/O Race St. SS	3	West	Side by Side/Back to Back	12' x 25'
103 W University Ave. 190 ft E/O Race St. SS	4	West	Side by Side/Back to Back	12' x 25'
Broadway Ave. 360 ft S/O University Ave. WS	3	North	Side by Side/Back to Back	12' x 25'
Broadway Ave. 360 ft S/O University Ave. WS	4	North	Side by Side/Back to Back	12' x 25'
Broadway Ave. 360 ft S/O University Ave. WS	1	South	Side by Side/Back to Back	12' x 25'
Broadway Ave. 360 ft S/O University Ave. WS	2	South	Side by Side/Back to Back	12' x 25'
Broadway Ave. 560 ft S/O University Ave. ES	1	North	Back to Back	12' x 25'
Broadway Ave. 560 ft S/O University Ave. ES	2	South	Back to Back	12' x 25'
Vine St. 40 ft N/O Main St. WS	1	South	Back to Back	12' x 25'
Vine St. 40 ft N/O Main St. WS	2	North	Back to Back	12' x 25'
Philo Rd. 275 ft N/O Fairlawn Dr. ES	1	South	Single Face	12' x 25'
Philo Rd. 290 ft N/O Fairlawn Dr. ES	1	South	Single Face	12' x 25'
Philo Rd. 370 ft N/O Fairlawn Dr. ES	1	South	Single Face	12' x 25'
505 N Cunningham Ave. 370 ft N/O University Ave. WS	2	North	Back to Back	12' x 25'
505 N Cunningham Ave. 370 ft N/O University Ave. WS	1	South	Back to Back	12' x 25'
710 N Cunningham Ave. 214 ft S/O Barr Ave. ES	1	North	Side by Side	12' x 25'
710 N Cunningham Ave. 214 ft S/O Barr Ave. ES	2	North	Side by Side	12' x 25'
909 N Cunningham Ave. 185 ft S/O Kerr Ave. WS	2	North	Back to Back	12' x 25'
909 N Cunningham Ave. 185 ft S/O Kerr Ave. WS	1	South	Back to Back	12' x 25'
1206 N Cunningham Ave. 236 ft N/O Oakland Ave. ES	1	North	Side by Side/Back to Back	12' x 25'
1206 N Cunningham Ave. 236 ft N/O Oakland Ave. ES	2	North	Side by Side/Back to Back	12' x 25'
1206 N Cunningham Ave. 236 ft N/O Oakland Ave. ES	3	South	Side by Side/Back to Back	12' x 25'
1206 N Cunningham Ave. 236 ft N/O Oakland Ave. ES	4	South	Side by Side/Back to Back	12' x 25'
US 45 0.56 mi N/O O'Brien Dr. ES	1	North	Single Face	12' x 25'
US 45 0.55 mi N/O O'Brien Dr. ES	2	North	Single Face	12' x 25'
US 45 0.54 mi N/O O'Brien Dr. ES	3	South	Single Face	12' x 25'
US 45 950 ft N/O Oaks Rd. WS	2	North	Back to Back	12' x 25'
US 45 950 ft N/O Oaks Rd. WS	1	South	Back to Back	12' x 25'
US 45 800 ft N/O Oaks Rd. WS	2	North	Back to Back	12' x 25'
US 45 800 ft N/O Oaks Rd. WS	1	South	Back to Back	12' x 25'
501 E University Ave. 868 ft E/O Cunningham Ave. SS	2	East	Back to Back	12' x 25'
501 E University Ave. 868 ft E/O Cunningham Ave. SS	1	West	Back to Back	12' x 25'
1701 E University Ave. 900 ft W/O US 150 SS	2	East	Back to Back	12' x 25'
1701 E University Ave. 900 ft W/O US 150 SS	1	West	Back to Back	12' x 25'
1801 E University Ave. 226 ft W/O US 150 SS	2	East	Back to Back	12' x 25'
1801 E University Ave. 226 ft W/O US 150 SS	1	West	Back to Back	12' x 25'
1710 N Cunningham Ave. 380 ft S/O Kenyon Rd. ES	1	North	Back to Back	12' x 25'
1710 N Cunningham Ave. 380 ft S/O Kenyon Rd. ES	2	South	Back to Back	12' x 25'
Vine St. 50 ft S/O University Ave. WS	1	North	Single Face	10'5" x 43'
I-74 0.2 mi E/O Lincoln Ave. SS	1	West	Single Face	10' x 24'
304 W. University Ave. 500 ft W/O Race St. NS	2	East	Back to Back	10' x 30'
304 W. University Ave. 500 ft W/O Race St. NS	1	West	Back to Back	10' x 30'
407 W. University Ave. 800 ft W/O Race St. SS	1	East	Back to Back	10' x 30'
407 W. University Ave. 800 ft W/O Race St. SS	2	West	Back to Back	10' x 30'
703 N Cunningham Ave. 100 ft N/O Crystal Lake Dr. WS	2	North	Back to Back	10' x 30'
703 N Cunningham Ave. 100 ft N/O Crystal Lake Dr. WS	1	South	Back to Back	10' x 30'
2410 N Cunningham Ave. 165 ft S/O O'Brien Drive ES	1	North	Back to Back	10' x 30'
2410 N Cunningham Ave. 165 ft S/O O'Brien Drive ES	2	South	Back to Back	10' x 30'
102 W. University Ave. 95 ft W/O Broadway Ave. NS	1	West	Back to Back	10' x 30'
102 W. University Ave. 95 ft W/O Broadway Ave. NS	2	East	Back to Back	10' x 30'
1201 E. University Ave. 626 ft E/O Cottage Grove Ave. SS	2	West	Back to Back	10' x 30'
1201 E. University Ave. 626 ft E/O Cottage Grove Ave. SS	1	East	Back to Back	10' x 30'
1102 N. Cunningham Ave. 170 ft S/O Oakland Ave. ES	1	North	Back to Back	10' x 30'
1102 N. Cunningham Ave. 170 ft S/O Oakland Ave. ES	2	South	Back to Back	10' x 30'
2000 N. Cunningham Ave. 100 ft N/O Willow View Rd. ES	1	North	Back to Back	10' x 30'
2000 N. Cunningham Ave. 100 ft N/O Willow View Rd. ES	2	South	Back to Back	10' x 30'

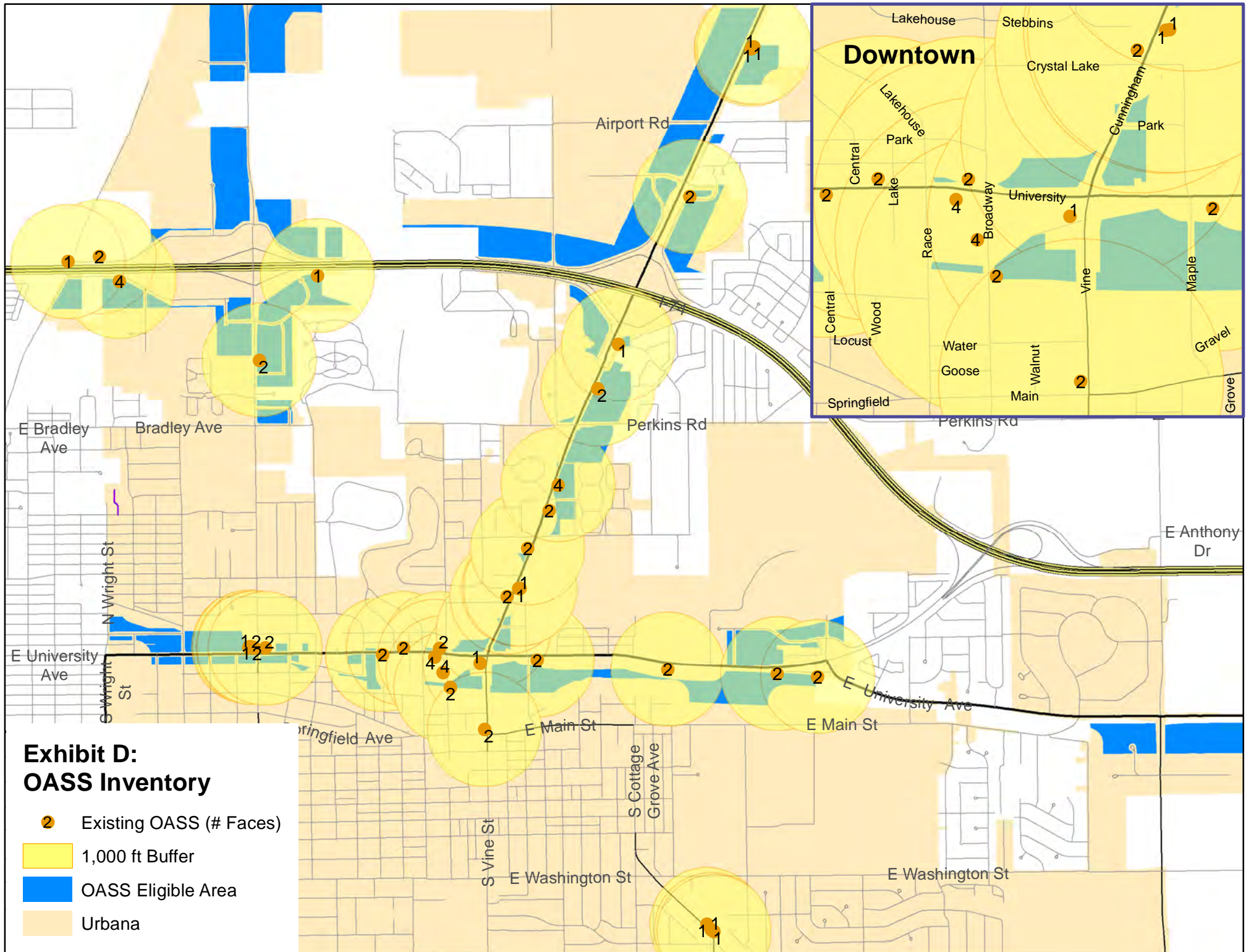
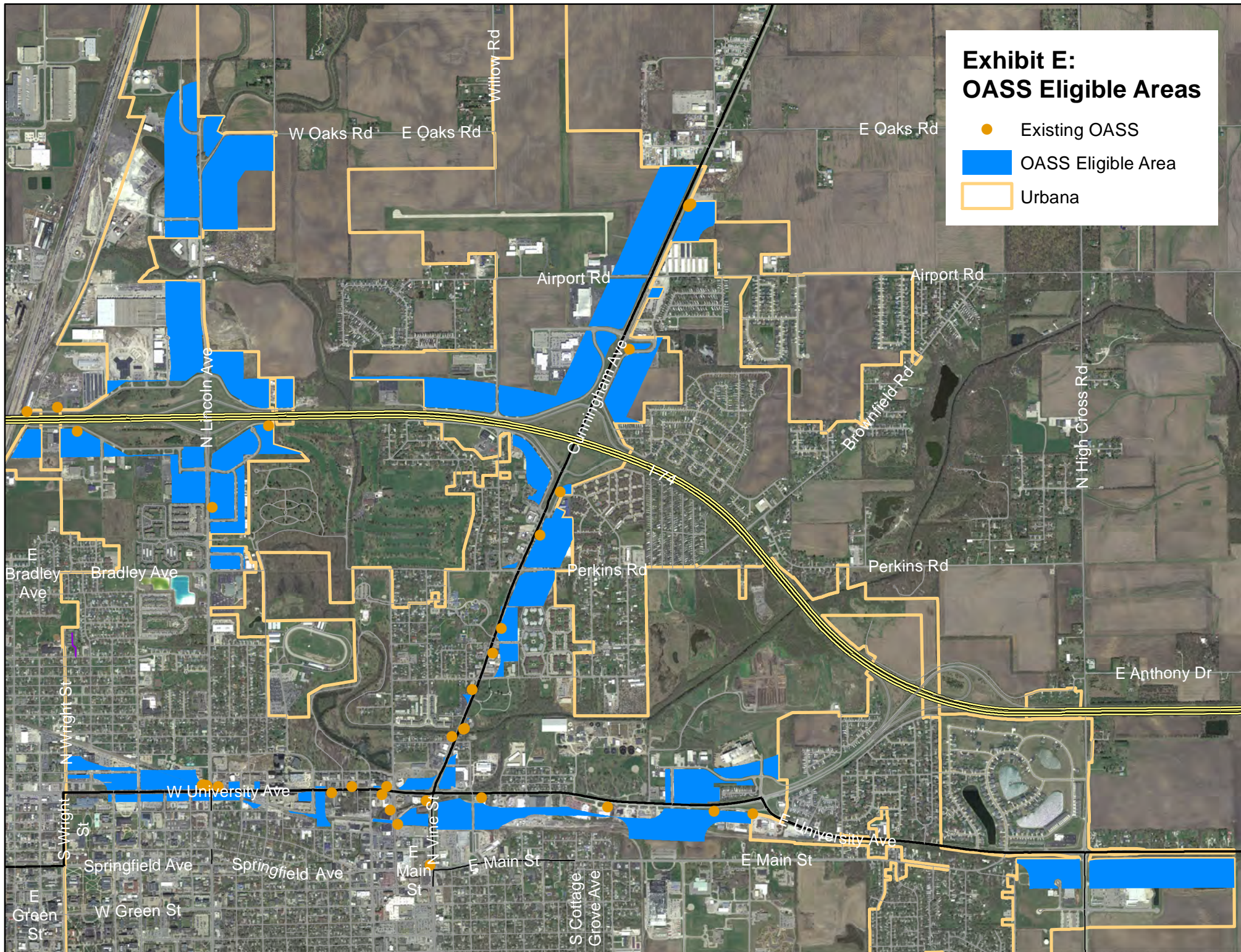
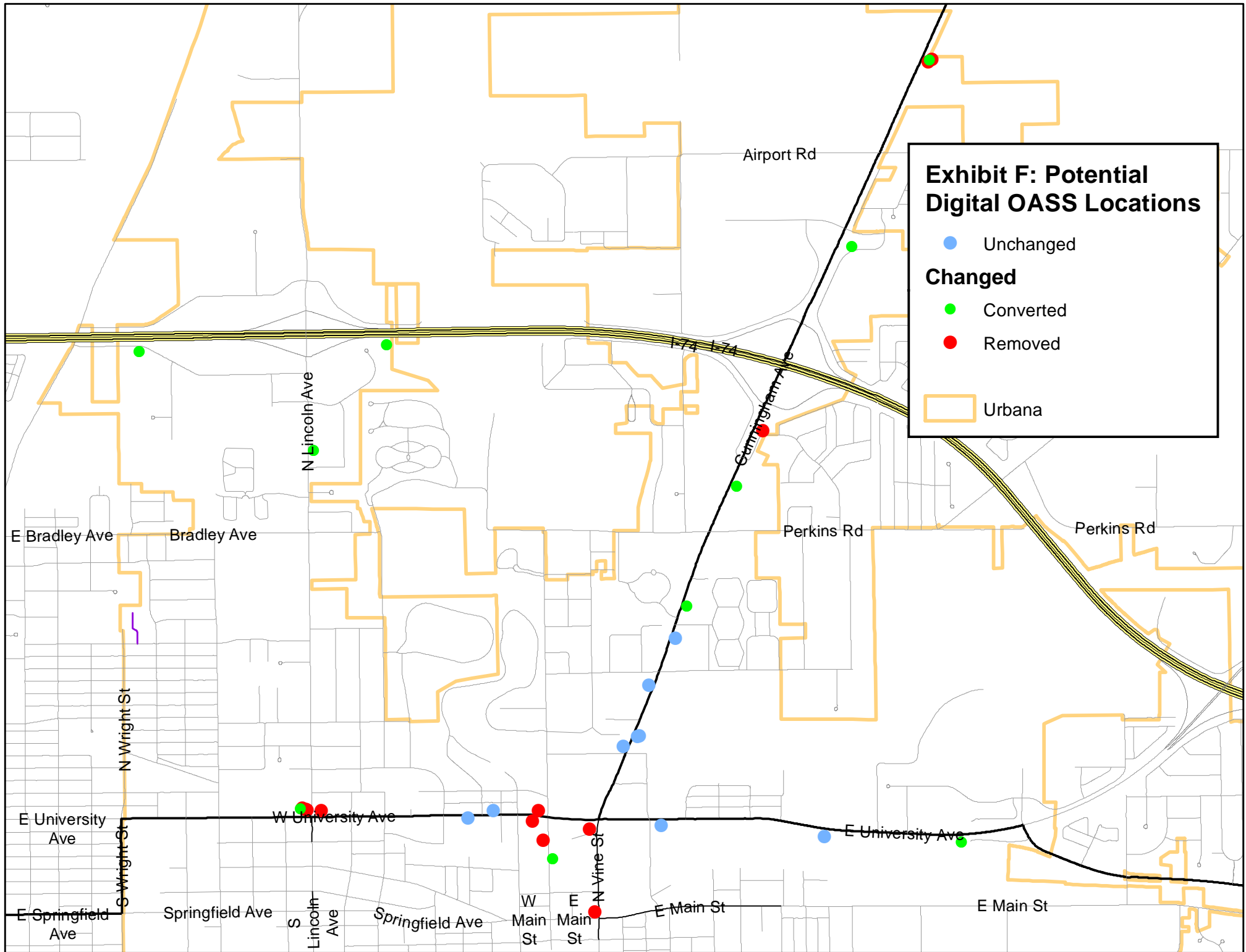


Exhibit E: OASS Eligible Areas

- Existing OASS
- OASS Eligible Area
- Urbana





Anthony east of Oak – north side



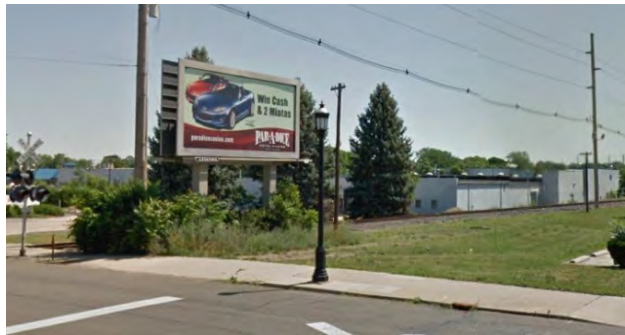
Cunningham north of Airport – east side



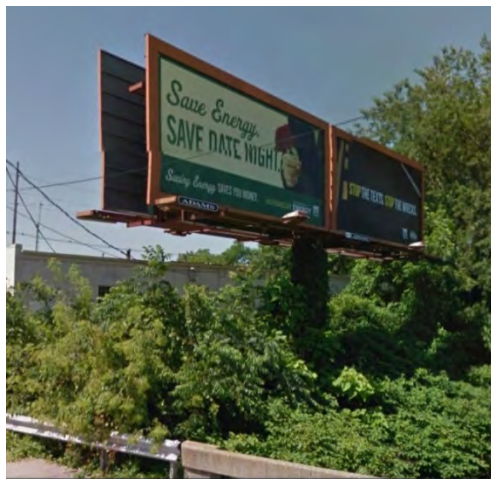
Cunningham north of Crystal Lake- east side



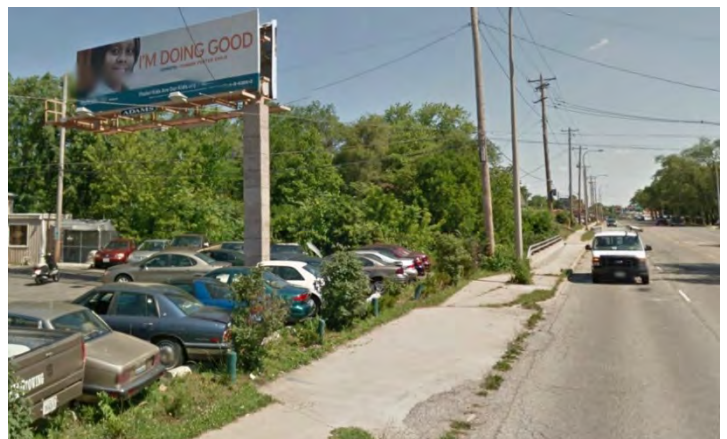
Broadway north of Water – east side



Broadway south of University – west side



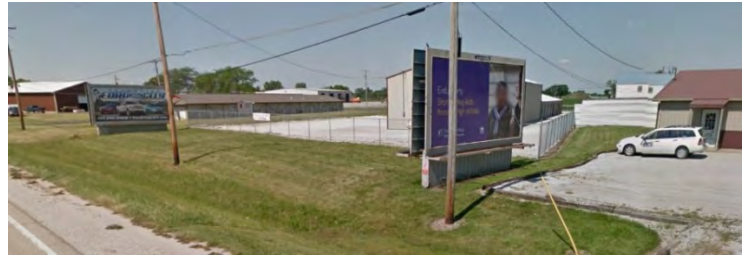
Cunningham north of Crystal Lake- west side



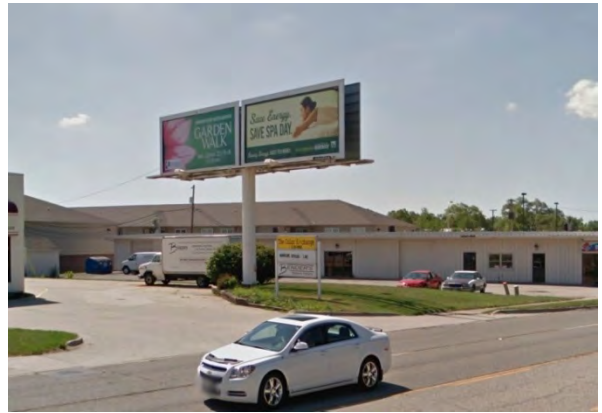
Cunningham north of Kerr – east side



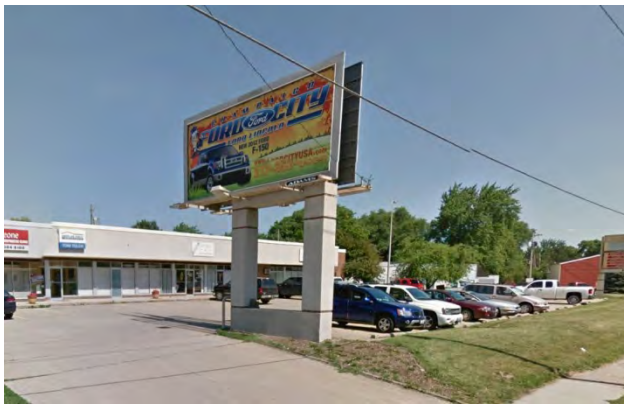
Cunningham north of Oaks –west side (2)



Cunningham north of Oakland – east side



Cunningham south of Kerr – west side



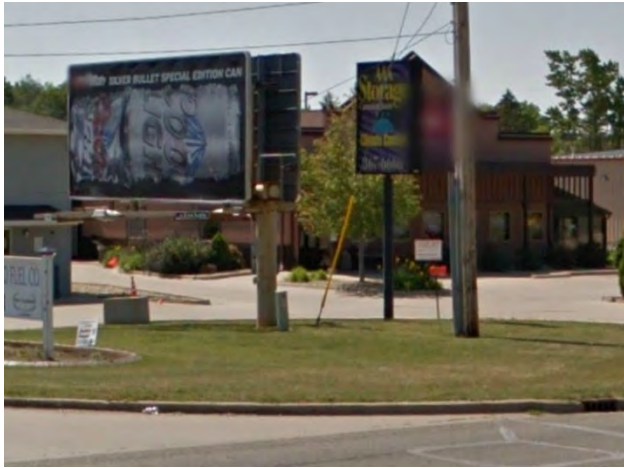
Cunningham south of O'Brien – east side



Cunningham north of Oaks –west side (1)



Cunningham north of Perkins- east side



Kenyon west of Federal – south side



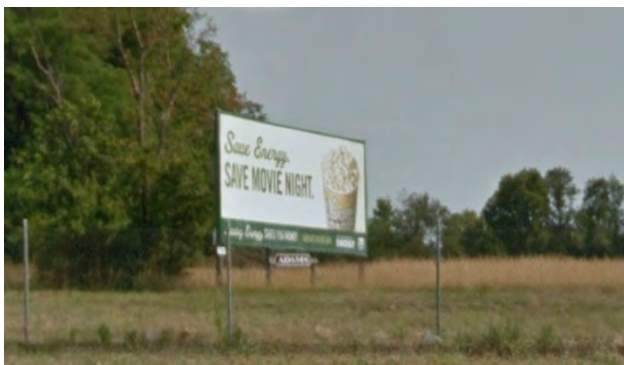
Cunningham north of Willow View (parallel) – east side



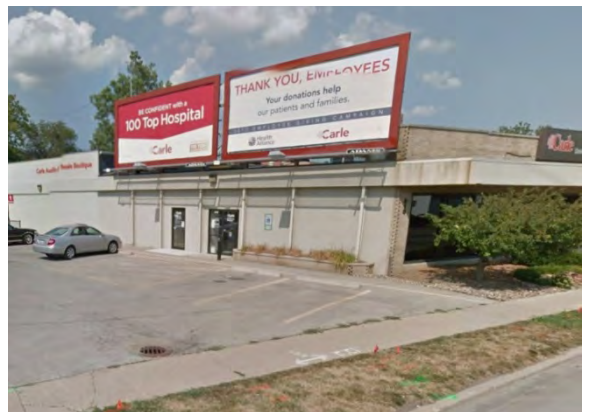
Lincoln north of Kettering Park – east side



I-74 east of Kilarney – south side



Lincoln at University – east side



Photos of Current Billboards in Urbana

Exhibit G

Lincoln at University – west side (near west)



Philo north of Fairlawn- north/east side



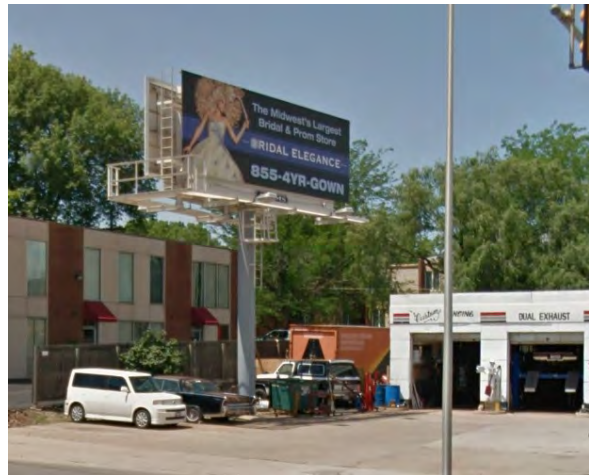
University east of Cottage Grove – south side



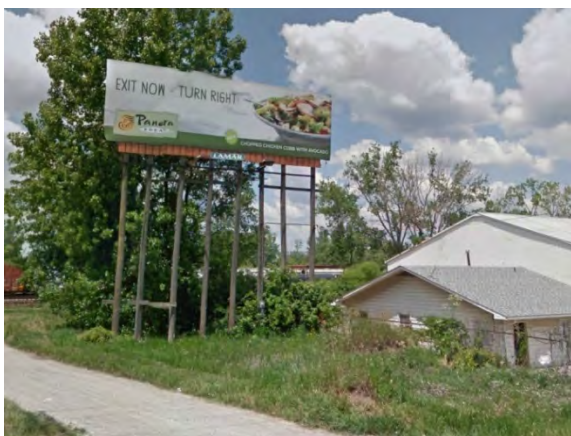
Lincoln at University- west side (far west)



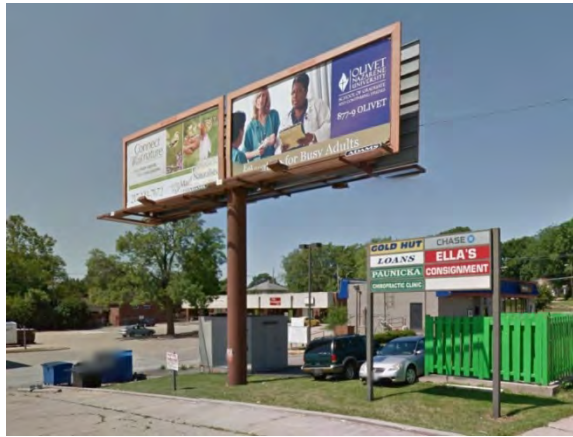
University west of Broadway – north side



Oak north of Anthony –west side



University west of Broadway – south side



University east of Lierman – south side



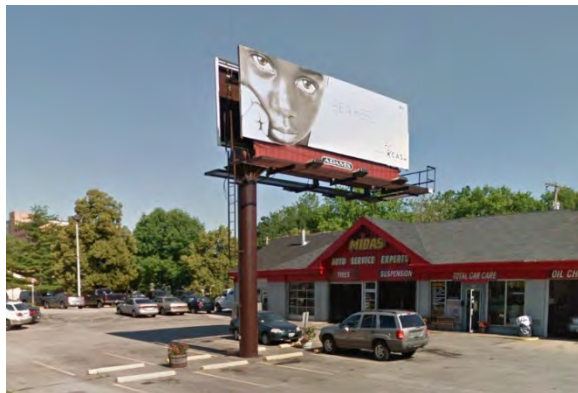
University west of Guardian – south side



University east of Maple – south side



University west of Lake - north side



University east of McCullough – south side



University west of Vine – south side



Vine north of Main – west side



South Neil Street in Champaign



West University in Champaign



City	Minimum Static Time (seconds)	Minimum Distance from Residential District/Land Use (ft.)	Lighting Regulations	Minimum Distance Between Billboards (ft.)	Replacement Ratio (Digital Sign: Static Sign)	Max Area (sq. ft.)	Height Limit (ft.)
Bismarck, ND	7	300 (150 if board not visible from homes).	Match ambient conditions.	300 from static boards, 1,200 from digital.	1:1	800	50
Bloomington, IL	N/A	100	40 watts during day, 20 watts at night.	200, no more than three within 1/2 mile on same side of street.	N/A	300	Based on lot zoning.
Bloomington, MN	20 Minutes	N/A	5,000 nits during day, 500 nits at night (max.).	Billboards prohibited in all districts.	N/A	N/A	N/A
Carbondale, IL	6	Distance not specified, only allowed in CBD.	Match ambient conditions.	No more than one sign for every 300 ft. of street frontage.	N/A	25	12
Champaign, IL	10	Distance not specified, but not allowed within 300 ft. of a historic district/landmark, nor within 1/2 mile of protected building.	Minimum resolution of 20 mm.	300	1:1 in overlay district, 1:2 outside overlay district.	N/A	Based on lot zoning.
Danville, IL	N/A	200	Match ambient conditions.	1,000	1:3	300	40
Decatur, IL	10	Distance not specified, only allowed in some business/industrial districts.	Match ambient conditions.	750	1:1	300	35
East Point, GA	6 Minutes	500	Match ambient conditions.	500	1:2	672	75
Edwardsville, IL	30	500	5,000 nits during day, 0.3 foot candles at night (max.).	500	N/A	300	30
Gaines, MI	8	Distance not specified, only allowed in commercial/industrial districts.	0.2 foot candles (max.).	4,000	N/A	672	45
Glendale, AZ	8	1,000	Dark between 11:00 PM and sunrise. 5,000 nits during day, 150 nits at night (max.).	1,760	N/A	672	60

City	Minimum Static Time (seconds)	Minimum Distance from Residential District/Land Use (ft.)	Lighting Regulations	Minimum Distance Between Billboards (ft.)	Replacement Ratio (Digital Sign: Static Sign)	Max Area (sq. ft.)	Height Limit (ft.)
Lafayette, LA	8	300	Match ambient conditions.	1,500	1:1 in terms of structures, 1:2 in terms of sign area.	same as replaced	Based on lot zoning.
Leon County, FL	6	300	Match ambient conditions.	1,800 from static billboard, 2,700 from digital.	1:4	380	40
Maryville, TN	8	100	Daytime brightness at 90% capacity, nighttime at 20% (max.).	2,000	1:1	same as replaced	same as replaced
Mobile, AL	8	500	5,000 nits during day, 500 nits at night (max.).	3,000	N/A	N/A	N/A
Morrow, GA	10	250 (from a single-family home).	Match ambient conditions.	500 from static billboard, 2,500 from digital.	1:1	672	75
Normal, IL	N/A	200	Match ambient conditions.	1,000 on same side of street, 500 on different sides.	N/A	300	Based on lot zoning.
Peoria, IL	10, except in B-1, which can change every 3.	300	5,000 nits during day, 500 nits at night (max.).	1,000	1:1	700	30
Plainfield, MI	8	200	.2 foot candles over ambient levels (max.).	1,000, no more than 3 in a mile.	N/A	672	35
San Antonio, TX	10	N/A	7,000 nits brightness (max.).	2,000	Varies from 1:1 to 5:20	672	60
Springfield, IL	N/A	100	N/A	500	N/A	175	35
Tolleson, AZ	8	200	6,000 nits during day, 500 nits at night (max.).	2,640	N/A	672	65
Average	1.6 Minutes	315	Match ambient conditions (alternative: 5,000 nit max. during day, 500 nit min. during night).	1,264 regarding distance from static billboards, 1,398 from digital billboards.	1:1.5	487	46

November 14, 2014

Jeff Engstrom, AICP
Interim Planning Division Manager
City of Urbana
400 South Vine Street
Urbana, IL 61801

re: Plan Case 2242-T-14: An amendment to Articles IX and XI of the Urbana Zoning Ordinance to establish regulations for Digital Outdoor Advertising Sign Structures

Mr. Engstrom:

In 2014, the Urbana City Council and Mayor's goals included an action item to "Study the issue of whether to allow electronic billboards in Urbana". As follow-up to this action item, City staff has drafted an amendment to the Urbana Zoning Ordinance, which would allow digital billboards in Urbana, and requested our input on this draft.

Home Rule Status

In the 1992 ruling *Scadron v the City of Des Plaines*, the Illinois Supreme Court decided that home rule municipalities may adopt billboard standards which are stricter than Illinois' Highway Advertising Control Act, including prohibiting billboards in areas allowed by the State. The City of Urbana is a home rule municipality and as such has greater flexibility in creating city codes and ordinances than non-home rule municipalities. For specific advice on what flexibility Urbana's home rule status has on adopting billboard requirements please consult your City Attorney.

Digital sign requirements

The City of Urbana's Zoning Ordinance currently allows traditional billboards, which use paper or vinyl facing, but prohibits digital display billboards. The proposed Zoning Ordinance text amendment intends to allow some traditional billboards within the City to be replaced by digital billboards.

In the case *Naser Jewelers, Inc. v City of Concord, New Hampshire* (2008), the First Circuit U.S. Court of Appeals upheld the City of Concord's ban of all digital signage as constitutional because it was a "content neutral" standard, meaning that the City was not regulating the content of speech through its sign ordinance. Although the City of Concord's prohibition of all digital signs and billboards was found constitutional, the outdoor advertising industry may be seeking an appropriate test case to challenge a municipality that allows digital on-site signage (for commercial speech) but not digital billboards (for both commercial and noncommercial speech).

Urbana's move to allow digital billboards would negate what the outdoor advertising industry sees as unfair distinction between on-site signs and billboards.

Driver distraction

An important governmental interest in regulating digital signs and billboards is that driver distraction can be a significant traffic hazard. Drivers can be distracted by a variety of ways, including texting while driving, cell phones, and navigation systems, and digital signs and billboards. A 2006 study conducted by the National Highway Safety Administration shows that drivers who take their eyes off the road for more than two seconds are far more likely to suffer a crash or near crash. In order to mitigate the potential of digital signs and billboards to distract drivers, the states and many local jurisdictions have enacted standards to prohibit moving images and to control brightness.

Hold time between images.

Under the Federal Highway Beautification Act (23 USC 131), as a requirement for receiving Federal transportation funding, states must adopt and administer specific limitations along routes which are part of the Federal-aid highway system. As part of this Act “intermittent”, “flashing”, or “moving” lights along these routes are prohibited.

The Illinois Department of Transportation (IDOT) changed its administrative code in October 2006 to allow “multiple message signs” (digital billboards) with a display time per image of no less than 10 seconds.

In a September 25, 2007 memorandum, the Federal Highway Administration provided official guidance to state Departments of Transportation as to whether or not digital billboards would be considered “intermittent” or “flashing” lights. The memorandum counsels that the Federal Highway Administration would recommend a hold time of 8 seconds (or greater), and a transition time between images of no more than 1-2 seconds as complying with the Highway Beautification Act.

As the City of Urbana is located within the Champaign-Urbana Metropolitan Area, which is principally served by one outdoor advertising company, it is important to consider the City of Champaign's requirements. Champaign began allowing digital on-premise signs in 1996 with a minimum 15-minute hold between message changes. In 2007, the City of Champaign allowed digital billboards for the first time and enacted a 10-second hold time. As some businesses saw the disparity between the two hold times as unfair, Champaign City staff in 2008 proposed to change the hold time for on-premise signs from 15 minutes to 3 minutes, in part for consistency with the City of Urbana's standard. Instead of 3 minutes the Champaign City Council adopted a 30-second delay period.

Today, the City of Champaign allows digital signs and billboards with the following minimum frequency of image changes (Section 37-412):

- On-premise signs: thirty (30) seconds;
- outdoor stadiums and arenas with a seating capacity of 10,000 or greater: no limits; and
- outdoor advertising sign structures (billboards): ten (10) seconds.

The City of Urbana currently allows on-premise signs to include digital display for a portion of its signage allowance. The minimum frequency of image changes for on-site signage is three (3) minutes. In Plan Case 2242-T-14, the Urbana Zoning Administrator proposes to allow digital billboards with an equal three (3) minute frequency change. This minimum hold time is longer than the 10-second delay required by the State of Illinois and City of Champaign. However, a 3-minute hold time would have the advantage of being consistent across all signs and billboards in Urbana. A uniform minimum hold time for both digital signs and billboards is commendable.

Brightness

The brightness of digital billboards is another important factor which attracts driver attention and is potentially a source of distraction. And certainly night time glare from digital signs can effect driver performance. As these issues impact public safety, they present a compelling governmental interest in regulating the light levels from signs and billboards. Consequently, many jurisdictions have adopted light level limits for signs and billboards.

Attached is a 2009 City of Urbana memorandum providing analysis and background research for enactment of light limits for on-site digital signs. This 2009 Zoning Ordinance text amendment was approved by the Urbana City Council and remains the standard today for brightness of on-site digital sign. These standards were based on the Lewin Report which the Outdoor Advertising Association of America adopted as recommended community standards for digital billboard brightness. (See attached.) Consequently use of these standards for digital billboards would best align with the purposes of the original study and report.

In 2009 the Lewin Report was the only known standard for digital brightness adopted by the outdoor advertising industry and so its recommendations for small billboards formed the basis for Urbana's on-site digital sign brightness standards. The outdoor advertising industry has subsequently commissioned brightness standards specifically for on-site digital signs, and the City of Urbana may wish to consider whether its current standards for on-site digital signs should be amended to reflect these newer studies. Attached is a 2011 publication by the International Sign Association promoting a standard for on-site electronic message boards. This report, which was also prepared by Dr. Lewin, as in his report on digital billboard brightness recommends community standards using footcandles rather than nits, and that 0.3 footcandles above ambient light levels should be the limit. The recommended measurement distances are modestly different

than those recommended for the same sized billboard from his 2009 study. Dr. Daniel Mandelker, FAICP, Stamper Professor of Law at Washington University, advised that the United States Sign Council has just prepared a new study on brightness standards for on-site digital signs. The City of Urbana may wish to contact Richard Crawford, an attorney and consultant to the United States Sign Council, to discuss these new standards and consider whether the City should amend digital brightness standards for on-site signage.

The City of Urbana should also know that recommended measurement distances are somewhat subjective in that the respective distances are considered to be “average viewing distances” based on the particular size of signs and billboards and allowing for legibility of sign lettering. As the viewer approaches closer to digital signs and billboards, the perceived brightness should increase. Thus a compliant billboard at 150 feet may exceed the brightness standard and cause glare when viewed closer than that distance. This is both a technological and regulatory limitation which presently cannot be overcome.

Removal of OASS for Digital OASS

Under the proposed Section IX-6.E.2, installation of digital billboards in Urbana would be tied to the removal of existing billboards. As this is an incentive-based removal program at the discretion of billboard owners, the draft ordinance would avoid amortizing or requiring the removal of nonconforming billboards without compensation. Under Illinois law, municipalities cannot force billboard owners to remove nonconforming billboards without just compensation. Billboards are valued not only by the cost of their structures but also include projected revenues over the period of the lease (often 20 years). Thus, compensation in Illinois for forced removal of just one traditional billboard could reach \$500,000 or more. Additionally, the U.S. Congress, through Federal transportation funding requirements, has preempted local jurisdictions from the ability to require the removal of any nonconforming billboards falling under State permit jurisdiction. Only state departments of transportation can buy out such nonconforming billboards and must use a specific fund. But since Urbana's proposed Zoning Ordinance text amendment creates an incentive to remove billboards rather than a requirement, the ordinance should not conflict with State and Federal requirements.

Although the City staff memo makes it clear that the intent is to measure the square footage of OASS faces, the proposed text refers to the square footage of OASS. Under the Zoning Ordinance definition, Outdoor Advertising Sign Structures (OASS) include the entire support structure and not just the display areas or “faces”. It is recommended that the ordinance reference the display area as defined by Section IX-3.A.3 (Measurement Standards for OASS) of the Urbana Zoning Ordinance.

Second, the City may want to think about the details of how this provision will be administered. The proposed language would allow a digital billboard “...upon removal of existing OASS...” meeting certain requirements. This wording seems to presume several traditional OASS would

be removed and a new digital billboard immediately installed. If this is to operate like a sign face “bank”, then delays of months or even years might be necessary between removal and installation, especially since the square footage of billboard faces, rather than the number of faces, would be exchanged. How far back in time can billboard removal be credited (including before the ordinance change)? And how far in the future will the credits continue? Should the square footage (or faces) removed only be counted within each outdoor advertising company's own sign inventory? Is the City's goal to remove OASS structures or billboard faces or both; for instance could one billboard face be removed from a two sided billboard and have that count toward installing a digital OASS? Rather than a billboard face “bank” the City might instead consider requiring that applications for removal of traditional billboards be submitted for City approval at the same time as their application to install the new digital billboard. Each approach has apparent advantages and drawbacks.

Animated Displays

As presently enacted for on-site signs, the proposed Zoning Ordinance text amendment would prohibit animated displays on billboards, as defined by Section IX-2 of the Zoning Ordinance. In the interests of public safety, prohibiting animated displays, including full-motion video, is critical. However, the proposed limit on “sequential” messages seems unnecessary given the proposed 3-minute image change limit. In jurisdictions allowing 10-second (or less) image changes, and where heavy traffic customarily allows motorists to view several cycles of messages, sequential message “storytelling” might cause a public safety concern as it can distract motorists for much longer than 2 seconds. However, given the draft ordinance's proposed 3-minute change between images, and relatively low traffic congestion and a short average commute time in Champaign-Urbana, sequential messages should not be a factor in increasing driver distraction. Conceivably, the prohibition on sequential messages could be viewed as regulation of content, meaning that it could be open to legal challenge on Constitutional grounds, but this conjecture has not been tested in court.

Thank your for the opportunity to review and comment on this draft ordinance. Please feel free to contact us should you have any questions.

Robert Myers, AICP
St. Louis, Missouri

November 14, 2014

Jeff Engstrom, AICP
Interim Planning Division Manager
City of Urbana
400 South Vine Street
Urbana, IL 61801

Re: Plan Case 2242-T-14: An amendment to Articles IX and XI of the Urbana Zoning Ordinance to establish regulations for Digital Outdoor Advertising Sign Structures

Mr. Engstrom:

I have reviewed your memorandum and would like to suggest two recent cases that should help give you answers to the legal questions this memorandum raises:

- *Hucul Adver., LLC v. Charter Twp. of Gaines*, 748 F.3d 273 (6th Cir. 2014)
- *E & J Equities, LLC v. Bd. of Adjustment of Twp. of Franklin*, No. A-2432-12T3, 2014 WL 5285501 (N.J. Super. Ct. App. Div. Oct. 17, 2014)

I also suggest that you consult my handbook, *Free Speech Law for On Premise Signs*, which is available for free download on my web site, landuselaw.wustl.edu.

Daniel R. Mandelker
Stamper Professor of Law
Washington University in Saint Louis

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: December 18, 2014

TIME: 7:30 P.M.

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

MEMBER PRESENT: Corey Buttry, Andrew Fell, Lew Hopkins, Dannie Otto, Christopher Stohr, David Trail

MEMBERS EXCUSED: Maria Byndom, Tyler Fitch, Robert Nagel

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services Department, Jeff Engstrom, Interim Planning Manager; Max Mahalek, Planning Intern; Teri Andel, Planning Administrative Assistant

OTHERS PRESENT: Amanda Beckler, Cain Kiser, Diane Marlin, Carol McKusick, Betsey Mitchell, Dennis Roberts

COMMUNICATIONS

- Revised Language for Section IX-2 submitted by City staff
- Letter in Opposition of Plan Case No. 2242-T-14 submitted by Dennis Roberts

NEW PUBLIC HEARINGS

Plan Case No. 2242-T-14: A request by the Urbana Zoning Administrator to amend Articles IX and XI of the Urbana Zoning Ordinance to establish regulations for Digital Outdoor Advertising Sign Structures.

Acting Chair Otto opened this case. Jeff Engstrom, Interim Planning Manager, gave a PowerPoint presentation on this case to the Plan Commission. He talked about the following:

- Outline
 - Trend Toward Digital
 - Costs & Revenues
 - Safety Studies

- Aesthetics
- Existing OASS Regulations & Inventory
- Proposed Digital OASS Regulations
- Requested Changes Overview
 - Traditional Signs vs. Outdoor Advertising Sign Structures (OASS or Billboards)
 - Electronic message boards allowed in B-3 & CRE
 - Digital/Changing OASS currently prohibited
 - Proposed Ordinance Change:
 - Section IX-2 – Add Definition for “Digital OASS”
 - Section IX-6 – Add Regulations
 - Section IX-9 – Add Fines
- Emergence of Digital OASS
 - 3.5% of existing 450,000 billboards
 - Multiple ads on single display (up to 8)
 - Higher retention rates (up to 94%)
 - Increased revenue
 - Emergency alerts
 - More costly to install
 - Safety and aesthetic concerns
- Safety and Drive Distraction
 - Sources:
 - APA Zoning Practice Bulletin
 - University of Toronto Studies
 - FHWA Study
 - Swedish National Road & Transport Institute
 - IDOT Safety Study on University Avenue Corridor
 - Various other studies and legal decisions
 - Drivers may glance at digital OASS for longer periods
 - More distracting if in direct line of sight
 - Animation, video, scrolling text are most distracting
 - Drivers may glance at digital signs more often than static signs
- Aesthetic Concerns
 - Visually impactful by design
 - Bright colors and graphics
 - Locations limited to commercial corridors
 - Groups of billboards create cluttered appearance
 - Current regulations mitigate some concerns, but do not apply to pre-existing nonconforming billboards
- OASS Cluster Examples
- Current OASS Regulations
 - Section IX-6 of Zoning Ordinance
 - Limited to within 660 feet of limited commercial corridors
 - I-74, University Avenue, Cunningham, US 150, Lincoln Avenue (north of Bradley Avenue)
 - B-3, B-4E, IN-1 and IN-2 Zoning Districts
 - At least 300 feet from R-1, R-2, R-3 and CRE zones

- At least 300 feet from historic landmarks and districts
- At least 1,000 feet from existing OASS (but may be back-to-back)
- Prohibited from TIF projects
- Height limit 35 feet in B-3, B-4E, 40 feet in IN-1 and IN-2
- 300 square feet area limit (+20% for irregular shapes)
- Map of OASS Eligible Areas
- Existing OASS Inventory
 - 37 OASS with 72 faces totals
 - 70 faces are 300 square feet in area
 - One face is 451 square feet in area, one is 240 square feet
 - 14 OASS (38%), containing 25 faces, meet zoning criteria except for 1,000 foot buffer between billboards
 - 3 OASS fully comply with all zoning criteria
 - 34 OASS are legally nonconforming
 - Nonconforming structures may be expanded or altered
- Map of OASS Inventory
- Photos of billboards
- Digital OASS in other cities
 - Allowed in many US, Midwest and Illinois cities
 - Illinois cities include: Bloomington, Carbondale, Champaign, Danville, Decatur, Edwardsville, Normal, Peoria & Springfield
 - Regulations address aspects such as location, zoning districts, buffer from residential uses, buffer from historic properties, buffer from other billboards, buffer from other digital billboards, light levels, frequency of display change, static vs. animation, requirements to remove other billboards before building new digital billboards, emergency message overrides, and malfunctioning billboards
- Proposed Digital OASS Regulations
 - Add definition:
 - Digital Outdoor Advertising Sign Structure (Digital OASS): An OASS with an electronic display capable of displaying changeable copy, controlled by programming or electronic communications.
 - Requirement for new OASS permit
 - Must meet all Zoning Ordinance criteria under Paragraph IX-6.D and IX-6.C
 - Existing nonconforming locations cannot be changed to another nonconforming sign, expanded or relocated per Section X-9 of the Zoning Ordinance
 - Add fines for Digital OASS and message boards
 - \$50 for message boards, \$100 for OASS, per day of violation
- Proposed Digital OASS Regulations: Hold Time
 - Amount of time ad must be displayed before the next ad is displayed
 - Most cities have period of 8 to 10 seconds
 - Some cities have times up to 6 and even 20 minutes
 - Faster times have potential to be more distracting
 - Staff suggesting 3 minute hold time for safety and to be consistent with existing ordinance for electronic message boards
 - Animation, video, transitions, and scrolling text prohibited
- Proposed Digital OASS Regulations: Illumination

- Different ways to measure illumination:
 - Nits
 - Footcandles
 - Watts
 - Qualitative
- Nits – light output
 - Difficult to measure at ground level
- Footcandles – incident light
 - City has capability to measure
- Staff suggest same limit that applies to electronic message boards: 0.3 footcandles above ambient levels measured at 150 feet
 - Industry-accepted standard
- Proposed Digital OASS Regulations: Safety Provisions
 - Line of sight: Digital OASS shall not be in direct line of sight of drivers looking at an upcoming traffic signal
 - Emergency Alerts: Tied into METCAD for emergency and Amber alerts
 - Malfunctioning OASS: Required to default to lower brightness level
- Proposed Digital OASS Regulations: Removal and Replacement
 - Most cities require removal of existing billboards to establish new digital. Average is 1.5 to 1
 - Some cities require as many as 4 to 1
 - Champaign has “sign bank” to store removed billboard credits
 - Incentivizes removal of signs from downtown and campustown
 - Staff proposes similar removal and replacements requirements
 - Incentivize removal of signs from downtown, removal of clusters of signs, and removal of other nonconforming locations
 - In general, 4 square feet of conforming OASS display area must be removed to establish 1 square foot of new digital OASS (4:1)
 - Removal of signs from B-4 District will only require a replacement ratio of 2:1
 - Removal of clusters of signs will only require a replacement ratio of 2:1
 - Removal of signs from nonconforming location would require a replacement ratio of 3:1
 - Incentives are not cumulative
 - The most potent incentive applies in case more than one precondition applies

Mr. Engstrom stated that he was available to answer any questions. He pointed out that there were representatives from Adams Outdoor Advertising in the audience whom wanted to speak about the proposed changes as well.

Acting Chair Otto asked if the Plan Commission had any questions for City staff.

Mr. Hopkins inquired where the 660 foot buffer requirement comes from. Mr. Engstrom stated that he believed it came from the Illinois Department of Transportation (IDOT) standards. Mr. Hopkins commented that it seemed plausible for the interstate but way too large for University and Cunningham Avenues. Elizabeth Tyler, Director of Community Development Services

Department, pointed out that it is in the federal regulations so all interstates have a 660 foot buffer.

Mr. Fell wondered how the City regulates which company's signs are removed and which company gets to install a new digital billboard. Mr. Engstrom replied that Adams Outdoor Advertising currently owns all of the billboards in the City of Urbana. If another billboard company came into town, then City staff would deal with this issue at that time.

Mr. Otto expanded further by asking if a new billboard company came to town and wanted to construct a new digital OASS, with the ratio being 4:1, how would they be able to obtain a permit to construct the new sign without currently owning any old signs to remove? Adams Outdoor Advertising would have no incentive to sell old signs to the new company. Ms. Tyler explained that the City has really good background on some of the prior text amendments. There were at least three rounds of litigation. One of the effects of the C & U Poster litigation, after the settlement expired, was a land rush on billboards. So, in many ways the City is overbuilt on billboards. There is some congestion and there are limited areas where billboards are allowed. For these reasons, the City has not adopted language to encourage more proliferation of billboards. In the past, there had been blockage of other signs and disruption of redevelopment opportunities and a lot of competition. When Adams Outdoor Advertising bought out C & U Poster and later bought out at least two other competitors and their entire inventory, the land rush on billboards settled down and stopped the competitive rush. City staff is hoping to reduce the inventory of billboards with the tradeoff of allowing digital OASS signs.

Mr. Otto remarked that he did not want a proliferation of billboards and that he liked the way the proposed text amendment offered an incentive for removal of some billboards. The billboard industry is very competitive; however, the proposed text amendment is written to make it seem like there would never be a competitor. Ms. Tyler stated that the proposed text amendment is silent on ownership. This was appropriate in the Zoning Ordinance.

Mr. Engstrom stated that there are two new members on the Plan Commission. Christopher Stohr, who is present, and Robert Nagel, who could not attend this meeting, was appointed by City Council on Monday, December 15, 2014.

Mr. Stohr commented that a high resolution, in itself, can be a distraction for drivers, especially if there is an intricate pattern or optical illusion. He did not find anything in the Zoning Ordinance covering this. Mr. Engstrom replied that resolution is a constantly changing field. If the City feels at a later point that this needs to be addressed, then City staff can do so in the future. However, the Plan Commission may want to add language about prohibiting optical illusions.

Mr. Stohr asked with regards to fines, is there a way to introducing something into an ordinance that might take into account progressive inflation? Mr. Engstrom replied that the City Council annually reviews all of the fines and fees that the City charges. Ms. Tyler added that once a year the Planning staff does an omnibus text amendment to the Urbana Zoning Ordinance. If they find that the fines are not working, then they can modify the fees.

Mr. Otto said that the fines are described as minimum fines. Does this mean that at the discretion of the Zoning Administrator that the fines could be more than the minimum? Mr. Engstrom replied that the minimum fine would be the fine per day. Ms. Tyler stated that there would be a cap of \$750 for any sign violation. She suspected that the minimum fine was mentioned to allow some leeway; however, there may be some other reasons why it is stated this way.

Mr. Trail commented that he believed that fines are most effective if they create an effective financial disincentive to violate. The fines do not seem to be enough to deter behavior. We might need a bigger fine structure to make sure it isn't just the cost of doing business.

Mr. Trail asked if the 660 feet was measured from the center of the roadway. Mr. Engstrom said yes. Mr. Trail agreed with Mr. Hopkins that this would be too much for an urban area. He wondered if there was a minimum. Mr. Engstrom answered saying that for the B-3, B-4E and IN-1 zoning districts, the minimum distance is 15 feet from the property line and for the IN-2 district, it is 25 feet from the property line. Mr. Trail felt this did not seem like much for a 300 square foot illuminated billboard.

Mr. Trail asked if the section that talks about removing a certain amount of square footage in order to construct a digital billboard included replacement of an existing billboard or does it only refer to the construction of a new billboard. Mr. Engstrom said it would include both situations.

Mr. Trail felt that the 3-minute hold time should be longer because when sitting at a stop light, the message could change several times in a 3-minute period, which would be more distracting. Another reason is for the safety of pedestrians crossing the street. Electronic billboards/message boards tend to destroy night vision quickly, which could make it difficult to see pedestrians. He wondered if it would be possible to add language to prohibit these signs near pedestrian crosswalks. Mr. Engstrom said yes.

Mr. Trail wondered if it would be possible to reduce the ambient light by saying that the sign companies can only use dark backgrounds. Mr. Engstrom said no, because this gets into the content. However, it is kind of indirectly regulated when City staff measures the light levels because they would be measured at full brightness. Mr. Trail felt that there is a difference in the direction that the light is aimed.

Mr. Trail asked if there was a way to have an expedited complaint process for residential areas that might fall just outside the foot limit. Mr. Engstrom explained that it is a standard process, when City staff receives complaints, then they got out to measure or set up an inspection as soon as possible. Mr. Trail replied that he was talking more about the permitting process. Ms. Tyler stated that from time to time, City staff gets complaints about lights in parking lots. City staff then asks the property owner to reduce the light through shielding or relocation. They would treat the light levels for digital billboards in the same manner. These complaints fall under the category of nuisance complaints and are handled promptly.

Mr. Trail suggested prohibiting 3-dimensional billboards. Mr. Engstrom stated that the Plan Commission could add language prohibiting this in their motion.

Mr. Fell wondered if they should add a provision enabling the City to fine a billboard company for having a sign that is too bright and they refuse to reduce the brightness level. Ms. Tyler stated that City staff can check the fine amounts with the City Attorney to make sure that we are within the statutory limits and to check for the reason for the language regarding a minimum fine.

Mr. Stohr stated that he liked the idea of the digital billboards being used for emergency use. How does this work with METCAD? Are they allowed to bust into an ad to show an Amber Alert? Would they be allowed to use scrolling for emergency messages? Mr. Engstrom responded that Adams Outdoor Advertising could better answer the first question about whether METCAD will have the ability to bust into an advertisement to show an Amber Alert. As for scrolling, the City does not allow scrolling, so METCAD would not be allowed to use scrolling messages either. He showed a standard example of an Amber Alert message on a digital billboard.

Mr. Otto questioned if Adams Outdoor Advertising is allowed to charge commercial rates to METCAD for the use of the digital billboards for Amber Alerts. Ms. Tyler stated that this would be a question for Adams Outdoor Advertising to answer because the City of Urbana does not have any licensing agreement with the billboard company. Mr. Engstrom added that it would be written into the Ordinance and mandated; however, whether or not the billboard company would or could charge METCAD would not be part of the Ordinance.

Mr. Otto asked how billboards are taxed in the State of Illinois. Is it considered a real estate tax? Or an excise tax? Mr. Engstrom answered by saying that in the State of Illinois, billboards are not considered assessable, so there is no real estate tax for the sign portion of a lot. The City would benefit from increase permit fees. Digital billboards are ten times more costly to install than traditional billboards. Max Mahalek, Planning Intern, stated that this is correct. The cost of the building permit is about double. The City of Urbana differs from other cities in that we do not charge by the size of the billboard; instead, we charge by the cost of the installation of the billboard.

Ms. Tyler stated that it is a concern when you talk about billboards taking up part of developable lots. Sign permit fees are very nominal in the big scheme. When someone talks about increasing the setback area, it concerns her because that means the billboard will be taking up more of a buildable lot. This is a concern from an economically development standpoint and a redevelopment standpoint. If a billboard is placed on a lot in such a way that one cannot build on the lot, then the community will not see real estate taxes from that property.

Twenty-eight percent of the land area in the City of Urbana is tax exempt. This is the reason why there is a provision proposed that prohibits digital billboards on properties that have Tax Increment Financing (TIF) agreements so the City can preserve the development areas. She believed that the economic benefits of billboards relate to the ability for private businesses to advertise and build their commerce.

Mr. Otto requested that City staff research whether other communities charge annual fees on electronic billboards so that it recognizes that it is a real estate improvement under a common sense understanding of the code. Mr. Mahalek stated Arlington, Texas has a \$200 annual fee on digital billboards. City staff can research taxation of billboards in other communities. There is a precedent for City's charging annual fees that are not related to building permits, construction permits, or changes to a billboard. Ms. Tyler stated that City staff will look into this; however, she did not believe it could be done in the State of Illinois.

Mr. Hopkins asked if the exclusion is from a TIF district or a TIF project. Ms. Tyler answered TIF project.

Mr. Hopkins wondered if it included City expenditure of TIF funds or only included a development with a specific private party with which there is a TIF agreement. Ms. Tyler stated that it is only when there is a development with a specific private party.

Mr. Hopkins stated that the fines do not say per day. Also, Section IX-4 talks specifically about on-site signs and Section IX-6 talks specifically about OASS. The language needs to be clarified on what the fines explicitly apply to.

With no further questions from the Plan Commission for City staff, Acting Chair Otto opened the hearing up for public input.

Cain Kiser (Real Estate Manager) and Amanda Beckler (General Manager), of Adams Outdoor Advertising, approached the Plan Commission to speak and answer questions. He thanked City staff and the Plan Commission for their review of the Ordinance. They have reviewed the proposed text amendment and overall are happy to work with City staff on it. They have some requests with regards to conversion of signage especially along the commercial corridors (University Avenue, Cunningham Avenue and Lincoln Avenue).

Due to the nature of the current sign ordinance, most of their signs are nonconforming. Adams would like to be able to convert their nonconforming signs in the commercial corridors to digital signs. There are only two or three and each location is selected due to client demand, traffic, height, general location overall, and leasing situation with the property owners. They are not talking about adding any additional sign poles.

The second issue they have is the three-minute hold time. They sell their digital billboards as a network. Throughout the company there are 14 markets and through all their local ordinances, they have ten second-dwell times. In order for the clients to purchase their network, Adams would like to see uniformity throughout all their cities. They have eight advertisers that run ads on all of their digital units, and if they sold a network to them with the three-minute hold time, then the client's ad would only come up every 24 minutes. This could cause a client's advertisement to be on the back burner during rush hour. Ms. Beckler added that many of their clients have asked for equal representation in the City of Champaign and in the City of Urbana. Having uniformity would allow the client to participate in the network. Mr. Kiser stated that they also have national clients that buy advertisements in specific towns and run similar campaigns.

Mr. Kiser pointed out that Adams runs their digital billboards from 6:00 a.m. to 12:00 a.m. (midnight) every day. From midnight to 6:00 a.m. the billboards are turned off.

Ms. Beckler answered questions about METCAD. One of the things they take pride in is being a local business and being able to support the communities they are located in. Having digital billboards with eight advertisers gives them more freedom to do more for the communities. METCAD has a username and password that allows them to take over the billboards to post emergency and Amber Alerts. Adams allows METCAD to do this at no charge as a public service announcement to the communities. Mr. Kiser added that Adams likes to partner with the local police departments and have partnered with the City of Champaign's Public Works Department to advertise road conditions.

Mr. Hopkins asked for clarification on what the constraint is for Adams along the commercial corridors. Mr. Kiser explained that with the current ordinance, Adams signs along the commercial corridors are considered legal nonconforming signs, so they cannot alter or change the signs in anyway. Adams would like to be able to select a location in an appropriate zoning district and to convert at least one of the nonconforming signs to a digital display. With the current ordinance and what is proposed, they would not be able to do this. Mr. Engstrom clarified that in order to install a digital billboard, Adams would need to bring a billboard into conformance, which means it would have to be in the right zoning district and it would have to be 1,000 feet away from any other billboard. Mr. Hopkins stated that it is the 1,000 feet distance that is the issue. Mr. Kiser said that is correct. The signs are located in the right zoning districts. They agree to do the reduction in the number of signs, but they would like to be able to select a sign that they believe would be the best return on their investment to convert to a digital face.

Dennis Roberts approached the Plan Commission. He handed out a document titled, "Digital Display Billboards". He is interested in the environment of the community and the potential effect of changing the OASS sign ordinance. He appreciated Adams Outdoor Advertising being interested in the City of Urbana. He encouraged the Plan Commission to remain independent in choosing to form, shape and word an ordinance that will govern Adams Outdoor Advertising Sign Company. He went on to review his document that he handed out. He talked about the following from his handout:

- City of Urbana is a home rule community
- Sweden banned digital signage from its roads
- Hold Time
- Minimum fine schedule
- Distance between signs
- Streetscape beautification – banning new OASS in corridors with beautification plans

Mr. Stohr asked which areas have beautification plans. Mr. Roberts replied that University Avenue, Cunningham Avenue and Broadway Avenue.

There was no further public input, so Acting Chair Otto closed the public input portion of the hearing. He, then, asked if there were any additional comments from City staff.

Mr. Mahalek noted that Chicago does charge an annual fee, so there is precedent in the State of Illinois.

Mr. Hopkins stated that he did not feel that the Plan Commission should vote on the proposed text amendment during this meeting. Ms. Tyler added that there were things for City staff to follow up on by talking with Legal staff and doing more research.

Acting Chair Otto opened the hearing up for Plan Commission discussion.

Mr. Hopkins reiterated what he gathered to be the relevant concerns of the Plan Commission. They were as follows:

- 1) 3-D
- 2) Because the number of possibilities of where signs can be located is quite limited, he wanted to experiment with differences in the distances between signs. This allows the Plan Commission and City staff to figure out where they want digital signs to be located. The thing that matters is the 1,000 foot requirement between billboards.
- 3) Research the longest dwell time for a traffic signal light in the City of Urbana. He assumed it would be around three minutes. The object is to minimize the number of times the billboard ads change. He would like to see it change no more than one change during a traffic light dwell time.

Mr. Fell did not feel the change time mattered along Cunningham Avenue. He drives down Cunningham Avenue almost every day from Perkins Road to University Avenue, and it only takes him about 45 seconds depending on if the light at Kerr Avenue is green. Mr. Hopkins argued that the dwell time is important especially at the corner of University Avenue and Cunningham Avenue/Vine Street because a driver has to pay attention to the traffic light signal and left turn signal, and if the digital billboard is in view, then a driver will pay attention to it as well, especially if the hold time is only 10 seconds.

Mr. Trail wondered what the argument is for having a shorter hold time other than the sign company can make more money. The City can set the hold time that they want without having a reason. Mr. Hopkins believed it would help with the Plan Commission's discussion about hold time for a digital display if they knew the longest hold time for a traffic signal. Mr. Otto added that he would like to know the hold time for the traffic signal at Lincoln Avenue and University Avenue as well.

Mr. Otto asked City staff to get some data on fixed sign that have indirect lighting flashing off with some of the reflective coating. What is the basis of comparison? He sees two issues with these signs, which are 1) every 10 seconds these signs scrolling and 2) if you are on a long stretch, you might be 30 seconds on University Avenue and watching for the next image to come up. He was curious if the hold time is less frequent, what is the difference in the way a sign catches his attention compared to a really brightly lit sign? Are there current restrictions on how bright a sign can be? Mr. Engstrom replied that the brightness of a sign is complaint driven.

Mr. Trail stated that there has to be a difference with the effect of the brightness depending on the size of a sign. The closer a sign is to the road, the brighter it will be, so he felt that there should be requirements that signs closer to the road have to be dimmer.

Mr. Fell wondered if METCAD had the ability to charge fees to provide service since the sign company would be required in the ordinance to allow METCAD to override their sign. Ms. Tyler stated that this is a good question and City staff will consult with the Legal staff. It is not their intention for this to occur.

Mr. Stohr mentioned a sign along I-90 up in Chicago that is very distracting. He felt that driver distraction is more individual than they would like to think. The idea of replacing some of the static signs with digital signs is not a bad idea. It will reduce the signage, and digital signs offer some potentially useful information such as Amber Alerts or road hazards. He did not feel that the hold time should be onerous. His principle concern was with regards to 3D. It may not be much of a concern at this time, but in the future as resolution increases and technology changes, the City may have to revisit it.

Mr. Engstrom reiterated the concerns of and the additional information that the Plan Commission requested, which were as follows:

- 1) Adding a buffer near crosswalks;
- 2) Prohibiting 3D displays;
- 3) Checking with Legal staff about the maximum fines;
- 4) Research precedents for annual fees in the State of Illinois;
- 5) Clearing up language regarding fines in Section IX-4 and Section IX-6;
- 6) Traffic signal dwell times;
- 7) Separation distances;
- 8) What different scenarios would look like with different buffers between digital signs;
- 9) Measure the footcandles on a conventional sign that is brightly lit;
- 10) Placement of the sign near the road. If a sign is closer to the road, requiring lower level of brightness;
- 11) Will METCAD be allowed to charge for services?
- 12) 3D and Optical Illusion Resolution

Mr. Trail felt that there should be different rules for different areas because of the character of the road itself. It is different driving down the interstate and seeing billboards versus driving down a city street. Mr. Stohr agreed. There is also a big distinction between driving a long linear section of the road versus standing still at an intersection.

Ms. Tyler stated that although she had not heard anything in the list of concerns or additional information that would be troubling to investigate, she felt that they were attempting to overlay permissions for a new type of billboard, the digital billboards. Underneath the proposed text amendment are the existing OASS regulations, which were prepared as part of another settlement. The existing conditions were carefully negotiated to avoid many years of more costly litigation to both satisfaction of the City of Urbana and Adams Outdoor Advertising. She would be concerned if they started digging into the regular OASS regulations. Ms. Tyler

commented that it would help to know where Adams Outdoor Advertising wants billboards to be located, proper distances between signs and pinning down proper tradeoffs.

Mr. Otto stated that he appreciated the background on the current OASS ordinance. He understood that part of the issues were that the City was trying to tighten the restrictions of existing ordinances which resulted in lawsuits. He asked if it was easier to draft an ordinance regarding digital billboards now because they are not allowed than it would be to tighten up an ordinance on digital billboards once they are allowed. Would we be opening ourselves up to the sort of issues that precipitated the events from a generation ago? Ms. Tyler did not feel that this was necessarily accurate. She believed that if we adopted an ordinance and did not like the results, then the City would have an opportunity to look at it again. We want to be really careful throughout the process, which is why City staff has done so much research in what other cities do and what the case law is so that we are within a norm. The two criteria that the Plan Commission had spent a lot of time on during this meeting were traffic safety and aesthetics, which have been tested as relevant and pertinent to regulating billboards. The City continues to revise the regulations with the cooperation and help of the sign industry because the industry keeps changing.

Mr. Stohr asked if it would be difficult to address the distinction between billboards at intersections and billboards in areas where there are not traffic signals. Ms. Tyler stated that she has not seen an ordinance address this. Mr. Mahalek added that in terms of distance from intersections, he has not found this articulated much in other cities ordinances. They have removed them from the line of sight of a driver. Most communities have standards with setback requirements. There has also been some discussion of wider streets having farther setback requirements versus narrower streets. Ms. Tyler commented that there might be a traffic safety basis to look into having longer dwell times at intersections versus less along the corridor. She mentioned that City staff may ask their consulting experts to see what they think.

Acting Chair Otto closed the case and continued it to the next regular meeting of the Plan Commission.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: January 8, 2015

TIME: 7:30 P.M.

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

MEMBER PRESENT: Corey Buttry, Maria Byndom, Tyler Fitch, Lew Hopkins, Dannie Otto, Christopher Stohr, David Trail

MEMBERS EXCUSED: Andrew Fell

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services Department, Jeff Engstrom, Interim Planning Manager; Teri Andel, Planning Administrative Assistant

OTHERS PRESENT: Cain Kiser, Betsey Mitchell, Dennis Roberts

COMMUNICATIONS

- Email from Councilmember William Brown
- Email from Scott Dossett
- Email from Betsy Mitchell

CONTINUED PUBLIC HEARINGS

Plan Case No. 2242-T-14: A request by the Urbana Zoning Administrator to amend Articles IX and XI of the Urbana Zoning Ordinance to establish regulations for Digital Outdoor Advertising Sign Structures.

Chair Fitch re-opened this case. He, then, reviewed the procedures for a public hearing. Jeff Engstrom, Interim Planning Manager, presented an update for the proposed text amendment. He discussed City staff's findings from the additional research that the Plan Commission had requested regarding 3D/optical illusions, brightness level and pedestrian safety, OASS violation fines, image hold time at intersections, annual licenses and fees, standards for interstate vs. local roads, and buffer distances. He stated that representatives from Adams Outdoor Advertising were in the audience to speak on behalf of sign companies.

Mr. Trail asked what would be the effect of taking no action at all. Mr. Engstrom said that digital billboards would continue to be prohibited.

Mr. Trail stated that it seemed clear from the language in the Zoning Ordinance that the City wants to reduce or eliminate billboards within the urban area of Urbana. If the City did not allow digital billboards, would non-digital billboards increasingly become non-financially viable and disappear on their own. Mr. Engstrom explained that most of the current billboards are non-conforming and as such cannot be improved on to extend the life of the structures, so eventually over the decades they would fall down. Mr. Trail commented that basically if the City continues to prohibit digital billboards, then they would eventually have the practical public policy effect of eliminating billboards within the area where they are not specifically allowed. Elizabeth Tyler, Director of Community Development Services, stated that the billboard structures are extremely strong and solid and are not likely to crumble. Unless the market changes, she believed that billboards are here to stay. To do nothing would result in the status quo of what we currently have today for a long while.

Mr. Trail wondered what happens if a billboard company does not own existing billboard properties. Would they need to obtain the rights of some existing billboards to be able to remove them so they could construct a digital billboard? Also, who gets to choose which existing billboards are eliminated? Mr. Engstrom answered that the owner of the new billboard would get to choose which existing billboards to remove. A sign company must have or obtain existing billboards to be removed in order to construct a new digital billboard.

Mr. Otto questioned how many digital billboards could possibly be built in the City of Urbana. Mr. Engstrom responded that it depends on different things. The dark blue areas shown on the maps in Exhibit C of the written staff report indicate where new digital billboards could be built. Any existing dots, not within yellow circles, indicate where existing billboards could be replaced by digital billboards at the ratio recommended in the proposed text amendment providing the proposed text amendment is approved by City Council. City staff did not calculate the total number of digital billboards that could be constructed because the possibilities are endless. Practically speaking, Adams Outdoor Advertising wants to only build one or two digital billboards. Ms. Tyler added that in certain locations, Adams may be required to remove additional billboards because of the buffer requirements.

Mr. Otto wondered if City staff found out anything regarding lease fees on personal rental properties. This would be revenue generated from renting personal property. The billboard industry argues that if signs need to be removed along interstates to widen the road that they should be reimbursed because the signs are real estate. While other times when cities want to tax them as real estate, the billboard companies argue that they are not real estate because they are removable. Billboards only have value if there are highways and drivers; however, the billboard industry is not paying their fair share of the expense of maintaining roads and infrastructure. He believed that \$400 or \$500 per year fee for a billboard is a kind of pittance. He stated that if the sign company wanted to have the privilege of having digital billboards in this community then there should be some way for them to contribute to the cost of maintaining this community the way every other business does.

Ms. Tyler mentioned Councilmember Bill Brown's email that was handed out prior to the start of the meeting. Mr. Fitch explained that Mr. Brown's email expressed concern and recommended against allowing white backgrounds and to lower the footcandles and nits allowed for digital signs. Mr. Engstrom added that Mr. Brown stated in his email that he would support 0.2 footcandles over ambient levels. City staff's research showed that most communities have light levels of .3 footcandles. Some measure light in nits rather than footcandles, which go up to 500 nits at night. If the Plan Commission wanted to lower the level of footcandles, then City staff would be fine with that.

Mr. Fitch asked if they lower the levels of footcandles and nits for digital billboards, then should they lower them for other signs mentioned in the Zoning Ordinance. Mr. Engstrom stated that there is a separate section in the Ordinance that is specific to electronic display signs. There are other footcandle light trespass limits for other kinds of lighting mentioned in other sections of the Ordinance. He recommended that they only change the levels allowed in Section IX-6 of the Zoning Ordinance.

Mr. Fitch asked for clarification on Section IX-6.E.2.b regarding the replacement criteria of existing signs. Mr. Engstrom stated that "b" is intended to remove clusters of billboards. The difference between "a" and "b" is that "a" targets billboards in the B-4 Zoning District. "c" accounts for non-conforming billboards in zoning districts other than B-4 at the ratio of 3:1, and "d" accounts for anything leftover. It was difficult to draft language to describe a billboard that had two faces.

Mr. Fitch discussed Section IX-6.E.3. He wondered if they should add definitions for "3D" and "optical illusion".

Mr. Fitch asked for clarification on Section IX-6.E.6. Does this include any default message? Or is it up to the billboard owner? Mr. Engstrom stated that it is not specified in the Zoning Ordinance because it could cross into dictating content.

Mr. Fitch asked if the \$50 fine mentioned in Section XI-9.C.3 applied to electronic message boards in the CRE Zoning Districts. Mr. Engstrom stated that the intent is for this to apply to electronic message boards in Section IV-4.d. Mr. Fitch wondered if this meant that the City could fine the Urbana Park District or the School District. Mr. Engstrom said yes.

Mr. Otto talked about how much energy LED lights use. One study showed that the average US home uses around 11,000 kilowatt hours per year. A 14" x 48" LED actually uses 162,000 kilowatt hours. There are codes that try to mitigate energy consumption in residential building. Is there any way that they can address efficiencies to put incentives in to use the most efficient technology as possible? It is a massive amount of heat in the middle of the summer in one concentrated spot in terms of creating heat islands. Some areas, they have to create air conditioning units on the back side of the signs to cool them to keep them functioning. Do any of the codes addressing standards for building these signs address energy efficiencies? Mr. Engstrom stated he has not seen it in any of the zoning codes that he has looked in. The

technology is evolving, and the studies that City staff and Mr. Otto have read are probably out-of-date already.

There were no further questions for City staff from the Plan Commission members. Chair Fitch opened the hearing up for public input.

Cain Kiser, Real Estate Manager for Adams Outdoor Advertising, approached the Plan Commission to speak. He thanked the Plan Commission for considering the proposed text amendment. He stated that the reason he is there to speak is because their clients are asking to be able to utilize this technology and it is a great opportunity for Adams to expand their business in the City of Urbana. The main attraction to digital billboards is for clients to be able to buy into a network. Adams is looking for uniformity from Champaign to Urbana where their clients can buy advertisement in the whole metro area. This was why they were asking the Plan Commission to consider a ten-second dwell time. The Federal Highway Administration (FHA) recommends anywhere from an eight to ten second dwell time, and the Illinois Department of Transportation (IDOT) recommends ten seconds. So, on all Illinois State controlled routes and Adams as a whole maintains ten-second dwell times. They do not utilize motion or any type of changing fades or swipes. Their advertisements change instantaneously.

The FHA study pointed out that glances to billboards are well below two-second threshold. If a driver looks at something more than two seconds, then it poses a danger. With regards to the Swedish study which resulted in them banning digital billboards, the signs were located in the right-of-way, which constituted drivers looking at the signs for longer periods of time. All of Adam's signs are all located on private property and outside of the right-of-way.

Another thing Adams requested was the ability to convert existing signs into digital signs. There are very few areas where they could build new digital billboards. They are looking for flexibility because of the leasing arrangements. They would need a longer term lease to put the investment in and to pay the property owner more as well. Adams would only put digital billboards in high demand areas where their clients are going to want to advertise.

Regarding energy consumption, he stated that they just converted an older billboard into a digital billboard in the City of Champaign. The energy bill in November was \$141.00. The digital signs they would use in the City of Urbana would be similar. They do not use cooling fans. They are all air cooled because of how the technology has advanced.

Mr. Trail assumed that the reason Adams Outdoor Advertising wants to be allowed to have digital billboards was because they would make a substantial amount more in revenue. Mr. Kiser replied that the return on investment is there for the company. Digital billboards are more efficient in that more clients can advertise in prime areas rather than losing out all year because another client bought out a billboard in a prime area for the entire year.

Mr. Trail asked if digital billboards were not more effective in attracting a driver's attention long enough to read the message on the sign. Mr. Kiser replied that it depends on the driver. Some people do like looking at them better than a standard billboard but not necessarily drawing their attention more. The main interest for Adams is to be able to provide advertising in prime areas

for more clients and for the return on the investment to be as high as it can as most businesses do.

Mr. Hopkins wondered, when looking at the maps in Exhibit C in the written staff report that show buffers at 500 and 200 feet, if there are any locations that Adams feel would work or not work. Mr. Kiser commented that the 1,000 foot buffer requirement makes it difficult for Adams to build anything new especially along University and Cunningham Avenues where the traffic would be. This was why they were asking to be able to convert existing standard signs into digital billboards. Mr. Hopkins stated that if Adams would be removing two or three signs in order to have one digital sign, then would they be able to find other locations to construct additional digital sign(s)? Mr. Kiser stated that they have not been able to look into this. Mr. Hopkins felt that this is a key question of whether it is possible with the 1,000-foot buffer requirement. He was surprised that the City and Adams do not have a better idea of what Adams would be allowed to do.

Mr. Stohr acknowledged that Adams wants a ten-second dwell time and the City is proposing three minutes. This was a big difference. He asked if there was a middle ground that Adams would accept or if it would be a deal breaker. Mr. Kiser responded saying that the ten-second dwell time is one of their most important aspects of being able to complete a network and to sell it. They sell for eight advertisers, so with a ten-second hold time, an ad would display every 80 seconds versus with a three-minute hold time, an ad would display every 24 minutes.

Dennis Roberts approached the Plan Commission to speak. He mentioned his handout from the previous meeting. As a home rule community, we have the ability to choose whether to approve the text amendment or not. The City does not have to adopt a new Ordinance or allow digital billboards in the community. There is some question of whether the City is able to deliver an ordinance for digital billboards that might suit Adams Outdoor Advertising that also is in harmony with the nature of this community, its values, and its core interests in its environment aesthetics and quality of life.

He likes the questions and concerns that Mr. Otto and Mr. Trail have expressed. It might be that no action is the best action. Just say “no”. Whatever ordinance that the City does adopt should address all of the concerns that come up during this discussion and be tailored to the needs of this community and not any other community, because this is the community in which the signs would be placed and where we live. If the City of Urbana is a little different than other cities, then so be it. He believed that the City of Urbana is known to be a little different than other cities in the area. It is called being “authentic”. The City of Urbana is not trying to mimic or be like other communities. We have our own standards and thoughts about our environment.

He felt that they should stick with the levels and requirements that they currently have. He would not want to finalize the proposed ordinance without knowing tit for tat what signs would be removed if digital signs were allowed. What would be the real bargain that the City would be agreeing to?

He stated that he would like to know how much property Adams Outdoor Advertising owns. If they own the properties on which billboard signs are located, then they are contributing by

paying property taxes. This would be the only revenue for the City that billboards produce. Another financial generation that would benefit the City would be having installation fees or otherwise called license fees per year. He liked the idea of requiring an annual fee that would be equal to the intrusion of a new digital billboard that would distract drivers and change the quality of life in the City of Urbana.

He agreed with reducing the illumination requirements as suggested in Bill Brown's email that was handed out prior to the start of the meeting. He commented that the glow from the digital billboards on Neil Street and University Avenue is considerable and is the brightest thing on the street. It has been proven that young people, who are tech savvy, will be more swayed to distraction, and it has also been proven that anything that is a distraction for two seconds or more might be a public danger. Many times it takes four seconds to read a billboard, especially if there is lettering on it. So, the public safety aspect of a billboard that changes every ten seconds would become significant. He believed that they should stick to a three minute hold time.

He mentioned that he would be holding a public forum on billboards at the Urbana Free Library. He believed that there should be a public discussion of the arrival of digital billboards into the City of Urbana community.

He talked about research he found regarding content of messages on billboards. In Charlottesville, South Carolina, a message on a billboard was censored because the message offended many people in the community.

He encouraged the Plan Commission to continue their discussion to the next regular meeting rather than taking a vote on the proposed text amendment.

Mr. Otto questioned if Mr. Roberts would be happy if many or all of the existing billboards could disappear. Mr. Roberts said that if the City would have been smart to act before the American Beautification Bill became a law, then there would not be any billboards allowed in the City of Urbana today. There are three states in the Union that do not allow billboards.

Mr. Otto asked if an ordinance could be crafted to reduce the number of billboards in exchange for allowing digital billboards, at what rate would replacement be acceptable? Mr. Roberts replied that he personally did not like digital billboards and does not mind standard billboards. They serve a purpose by informing drivers when a gas station or restaurant is getting near. Digital billboards draw more attention, but they were designed to. Once we let a few digital billboards in, then there will be more pressure in the future from the sign company to allow additional signs. Eventually it will become what technology requires. It is the responsibility of the City to do what is best for the community. Once you allow a precedent, then you cannot reverse it.

Mr. Hopkins inquired about where in the Zoning Ordinance it talks about content discretion. Ms. Tyler clarified that Adams Outdoor Advertising had previously drafted an ordinance to the City Council, but it is not part of the Urbana Zoning Ordinance. The proposed text amendment was drafted by City staff based upon our own research.

Mr. Kiser re-approached the Plan Commission to clarify that the City of Champaign requires a replacement of 2 standard faces removed for 1 digital face replacement.

There was no further input from the audience. Chair Fitch closed the public input portion of the hearing. He, then, opened the hearing up for Plan Commission discussion.

Ms. Byndom felt that the hold time should be longer than ten seconds.

Mr. Trail stated that he is not a big fan of billboards in general. We currently do not allow digital billboards in the City of Urbana. By allowing them, they are going to be able to innovate fast. They already show in movies how billboards have a license plate reader. You may be sitting first in line at a red light and suddenly your name pops up on the digital billboard. It will get a driver's attention.

Another particular concern is with the ten second dwell time.

He believed that the City should stick with the current policy and over time the sign company will abandon the existing standard billboards because they won't be up to modern technology. This may happen sooner than we think.

Mr. Buttry stated that initially he was in favor of the proposed text amendment as a way to remove some of the non-conforming billboard structures. After listening to Mr. Kiser spoke, he was not as positive about it being an effective way of removing them as he had hoped. He wondered about the legality of other potential ways of doing this. He was curious if the City as a home rule state have some way of an amortization process where they could remove a billboard based on its structure, not on its content. Mr. Engstrom replied that in past dealings with billboard companies, City staff has tried to work on amortization. It has not been allowed by court actions. Mr. Fitch recalled that one way to limit them is based on zoning class and to specific high density corridors. Ms. Tyler added that previous amendments for non-digital billboards were crafted over a long period of time and were satisfactory to Adams. It was basically a settled amendment and the best deal for both parties. She hoped that this discussion does not get into some of the underlying regulations, particularly the buffer distance. It was acceptable to Adams to have the 1,000-foot buffer and to limit billboards to the specific corridors. City staff provided the interactive map, not to suggest that we want to revisit buffer distances for billboards. This would be a completely different undertaking.

Mr. Hopkins clarified that with regards to buffer distances, he only wanted City staff to figure out where it would be possible for new billboards to be located if some billboards were removed and whether there are places that the City would want them. We still don't know the answer to that. Ms. Tyler responded that one example would be Lincoln and University Avenues; there are a cluster of billboards. One would think that the ratio would be 2:1; however, since there is a buffer requirement, it would mean that Adams would have to remove all six faces to get permission to construct one digital billboard. Mr. Hopkins stated that they are non-conforming due to distance, so Adams could remove two billboards and convert the third into a digital billboard. Mr. Engstrom said no because any new billboard would need to conform to the zoning standards including having a buffer of 1,000 feet from another billboard. Mr. Hopkins did not

feel that the proposed text amendment would make it difficult for Adams to find viable places for new billboards.

Mr. Hopkins stated that he has the same reaction as Mr. Roberts to the existing billboards on Philo Road. He finds it ironic that they are not even talking about them because they are so non-conforming that the City does not want them. They happen to be his favorite billboards. He is less worried about getting rid of the existing billboard structures than other people may be.

He suggested that the Plan Commission consider tabling this case indefinitely. They should not send a recommendation to the City Council for approval or denial. They should just simply say that for reasons that have already been articulated that this is not the time given the state of technology and given the information that they have to make a change to the Sign Ordinance regarding digital billboards. Ms. Tyler pointed out that the proposed case was before the Plan Commission by direction from the City Council to City staff. Section XI-7 of the Urbana Zoning Ordinances gives the required procedure for an amendment, specifically XI-7.F states, "*Within a reasonable time after the close of the public hearing, the Plan Commission shall make a report to the City Council, including a recommendation for or against the proposed amendment.*" If the Plan Commission continues a case indefinitely, then it causes the Plan Commission to lose some of its power. They should respect that City staff has done the research and review on digital billboards. There are many different directions for the Plan Commission to go. She encouraged the Plan Commission to make a recommendation to City Council.

Mr. Otto stated that there still unanswered questions that would keep him from being able to vote on the case during this meeting. One of the interesting concerns that Mr. Roberts raised was the first amendment issues. The City Attorney has addressed this several times that fines or fees not be too high because it could violate constitutional rights to free expression. He would like the City Attorney to provide information on whether the City can craft language that guarantees open access so Adams cannot deny someone who is willing to pay their standard fee access to a billboard because Adams does not like the message.

Mr. Trail wondered what Mr. Otto thought would be the difference between standard billboards and digital billboards with regards to this issue. Mr. Otto replied that the Plan Commission cannot go back and revisit the standard billboard ordinance. That has been litigated and resolved. We have got one chance for the proposed text amendment. Once digital billboards are allowed, then the City will not be able to go back and tighten up and parts of the ordinance. If we try, then the billboard company can say it will cause a loss of revenue and that the City has to compensate them for it. So, the Plan Commission has to take their time and continue this hearing.

Chair Fitch went through a list of issues that have been raised to determine if there is a consensus amongst the other members or if the issue needed more research. The concerns were as follows:

- **Setbacks from Intersections**

Mr. Otto stated that he still needs to work through the information they received on this before making a decision.

Mr. Trail noted that all the studies have been aimed at billboards along highways.

Mr. Hopkins felt that since they have not looked carefully at what the outcomes of the ordinance could be in terms of sign location and density that all of the buffer/intersection needs to be investigated. Mr. Trail added that he would love to know how many electronic billboards could actually fit in the City of Urbana and conform to all of the proposed rules and where would they be. Mr. Stohr agreed that he would like to know this as well.

- **Fines and Fees**

Ms. Byndom said she felt it was too low. Mr. Trail and Mr. Otto agreed.

Mr. Hopkins did not feel that the language was clear enough. He suggested that they add language saying that it is \$100 per day from the point of notice.

Mr. Otto raised the question if three advertisers are in violation of the Zoning Ordinance, then does that mean there were three violations or just one violation for the sign in general. The Zoning Ordinance should be clear so that Adams and any other future billboard company know exactly what the consequences are for violating the ordinance.

Chair Fitch asked if there should be a lease fee or annual maintenance fee. Ms. Byndom said yes. Mr. Stohr felt that the fee should be computed in some way to partially pay for City staff time needed to observe and enforce conformance.

Ms. Tyler stated that a good way to handle this would be when City staff presents this case to the City Council to announce to them that there is a second recommendation from the Plan Commission that the City Council adopt an annual license or maintenance fee as a separate ordinance.

Mr. Otto asked if the sign company has to apply for building permits and pay associated fees when they construct new signs. Mr. Engstrom said yes. The building permit fees are dependent upon the construction costs.

- **Buffers**

Chair Fitch suggested that they wait on this for the same reasons as listed under Setbacks from Intersections.

- **Free Speech**

Mr. Hopkins reiterated that the Plan Commission wants to know from the City Attorney if they can add language to ensure open access.

Mr. Trail wondered if two ads have predominately white backgrounds and are deemed by the City in violation of the Zoning Ordinance. Does this become a free speech issue? Mr. Fitch

replied that they would need to define “white”. Mr. Engstrom pointed out that they have held discussions with Adams on how to calibrate to ensure that they do not violate the light level limits. City staff would test a sign by having Adams display an all-white screen, which would be the brightest possible. It would not be tied to a particular advertisement; instead it would be what the brightest capability of the billboard is. Ms. Tyler added that with regards to violations, City staff does not piece out the ads. It is one sign, and it is either in violation or it is not. If a sign is in violation, then City staff will know it. She felt that Adams will comply and be responsive because that is how they have been in the past.

Mr. Otto asked if it would be possible to have a fieldtrip study session where the Plan Commission and City staff could take the light meter and go out in the community and measure signs so the Plan Commission can see what they are talking about. Ms. Tyler stated that City staff will talk with the City Attorney to see if this would meet the requirements of the Open Meetings Act. Mr. Fitch recalled Robert Myers, the previous Planning Manager, giving a presentation on readings of several signs in the community indicating the different footcandles and nits for the previous sign ordinance amendment.

Mr. Trail stated that if a fieldtrip is not possible, it would be helpful for City staff to go out and measure the footcandles and nits of various signs and provide a list to the Plan Commission so the members could go out on their own and look at the signs to get an idea of how many footcandles and nits they would want to allow. Mr. Otto stated that the problem is that every advertisement will have a different reading though, which is why a fieldtrip would be better because then they could measure each advertisement. Mr. Hopkins pointed out that measuring each advertisement will not tell them what the regulation affect will be because the regulation affect is based on an all-white sign. He suggested that if the City of Champaign uses the same enforcement technique, then one or all of the members of the Urbana Plan Commission could go look at signs in Champaign, then they could have an indication of those signs would be legal under the ordinance as written. Ms. Tyler felt it would be a good idea for City staff to get some measurements from the City of Champaign or of signs in the City of Champaign and then the Urbana Plan Commission members could individually go experience it.

- **Hold Time**

Chair Fitch asked how the Plan Commission members felt about the request from Adams to have a ten-second hold time. How do they feel about City staff’s proposed three-minute hold time? Mr. Otto did not know which he preferred yet.

Mr. Trail felt that three-minutes should be the minimum. Ten minutes might be even better. He didn’t feel that they had applied the right criteria yet to know how long would be enough.

Ms. Byndom felt that three minutes would be better than ten seconds. She did not feel that the advertisements would need to be ten minutes apart.

Chair Fitch summarized these one more time for City staff.

Mr. Trail wondered since bicycling is a big part of the City of Urbana, if the Bike Commission had provided any input on the effect of digital billboards on bike safety after dark. Ms. Tyler replied that the City has engineers on staff and plenty of studies to look at. She did not know if the Bike Commission was setup to help the Plan Commission on zoning and text amendments. She expressed concern about containment of the evidence in this public hearing. The Plan Commission should keep the hearing and evidence lawful and clear to all interested people. City staff has presented a lot of technical data, which City staff and expert consultants have spent countless hours preparing. The Plan Commission has made a lot of great comments and suggestions, which City staff will take to the appropriate sources and bring back answers and changes to the Plan Commission. However, there needs to be some containment in the Plan Commission's inquiry.

Chair Fitch continued the case to the next regular meeting.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: January 22, 2015

TIME: 7:30 P.M.

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

MEMBER PRESENT: Corey Buttry, Andrew Fell, Tyler Fitch, Lew Hopkins, Dannie Otto, Christopher Stohr, David Trail

MEMBERS EXCUSED: Maria Byndom

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services Department, Jeff Engstrom, Interim Planning Manager; Teri Andel, Planning Administrative Assistant

OTHERS PRESENT: Mike Atkinson, Caroline Coulston, Peter Coulston, Andrew GeWirth, Cain Kiser, Ryan Larsen, Betsey Mitchell, Esther Patt, Jennifer Putnam, Dennis Roberts

COMMUNICATIONS

Plan Case No. 2242-T-14

In Favor Of

- Email from Councilmember Michael Madigan regarding the Champaign County Chamber of Commerce Poll
- Packet of documents in support submitted by Cain Kiser including:
 - Letter from Mayor Jim Ardis of the City of Peoria
 - Letter from Julie Melton of the Eastern Illinois Foodbank
 - Letter from Janice E. McAteer of the Developmental Services Center
 - Letter from Jeff Scott of WBGL
 - Email from Darla Kvidera
 - Petition supporting digital billboards in the City of Urbana from:
 - Sue Falender of ECI Score
 - Michael Martin of the Atkins Group
 - Pedro Heller of the Black Dog
 - Linn Simpson of Andrae's Harley-Davidson
 - Wayne Shaw of Red's Muffler Shop

- Ken Mathis of Mack's Recycling
- Jesse Wasson of Mack's Recycling
- Nancy Hesselmann of Riley Homes, Inc.
- Todd Fusco of the Corkscrew
- Dennis Ohnstad of the Pathfinder Group of IL, LLC
- Julie Morris of KCM Auto Care
- Martin Fuentes of Toro Loco
- Tim Tatman of Tatmans
- Tom Lessaris of Country Companies
- Amanda Yates of City Girl Yogurt
- Mark Thompson of Patel Thompson, LLC
- Ronald Durst of Durst Co, Inc.
- John Kiser of Kiser Burch Properties, Inc.
- Michael Armstrong of Aladdin Electric
- John Cullerss of Domino's Pizza
- Ivan Richardson of Big R. Carwash
- Ryan Bender of Bender Mattress Factory
- Tammy Sublon of Cookies By Design
- Tammy Sublon of Bailey's Boutique
- Ronald L. Brown of Jackson Hewitt Tax Service #1240
- Ricardo L. Ohmit of Tri-Color Signs
- James H. Webster of James Webster Associates
- Don Black of the Gold Hut
- Guillermo Lopez of 74 Motors Used Cars
- Larry Kaiser of Dust & Son Auto Supply
- Kip McDaniel of Central Illinois Bank
- Angela Steinhauer of Hampton Inn
- Randy L. Ruthstrom of Potter Electric Service

In Opposition Of

- Email from Willard Broom
- Email from Katie Hunter
- Email from Jo Kibee
- Email from Ming Kuo
- Email from Linda Lorenz
- Email from Meg Miller
- Handout at the meeting from Dennis Roberts

Other Communications

- Email from City Attorney, James Simon
- Email from Plan Commission member, David Trail

CONTINUED PUBLIC HEARINGS

Plan Case No. 2242-T-14: A request by the Urbana Zoning Administrator to amend Articles IX and XI of the Urbana Zoning Ordinance to establish regulations for Digital Outdoor Advertising Sign Structures.

Chair Fitch re-opened this case. Jeff Engstrom, Interim Planning Manager, presented an update for the proposed text amendment. He began by reviewing the results of the research that Plan Commission had directed at the previous meeting. The issues and results were as follows:

- *Brightness Levels*

The Plan Commission had inquired at the previous meeting on how the proposed light limits of 0.3 footcandles above ambient light levels would affect nighttime vision and what that limit would look like in real life. City staff measured some of the billboards prior to the written staff report being sent out, and Adams Outdoor Advertising held a demonstration the night before the meeting to measure light levels with the billboards completely off and turned on to full light. He explained the measurement method. At the demonstration, they found the difference in light levels of the digital billboard on Neil Street to be 0.22 footcandles.

The Plan Commission had also asked what the City of Champaign requires, and City staff inquired and found that the City of Champaign does not have a quantitative light level limit. They only have a qualitative statement in their ordinance. They believe that the light levels need to adjust to match ambient conditions. So, they do not measure any of their billboards, and they have never had any complaints. City of Champaign planners also told him that because most of their billboards are located along their commercial corridors, the ambient light levels are bright in general.

Mr. Engstrom showed photos from Exhibit C of the written staff report. He mentioned that staff findings were that digital billboards in the City of Champaign are bright; however, there are other things like street lights, head lights and other signs that are brighter.

- *OASS Violation Fines*

The Plan Commission had asked for language to clarify that fines are to be issued each day that a sign is in violation. City staff made this change to the proposed text amendment.

- *Fees*

The Plan Commission had recommended that digital billboards should generate revenue for the City to help upkeep roads and cover staff expenses for administering them. City staff found a few other cities that charge a personal property rental tax that are generally in the 2% to 8%. The City Council could enact a fee or license by an ordinance separate from the Zoning Ordinance.

- *Interstate vs. Local Roads*

The Plan Commission had inquired as to whether any of the studies addressed local roads as well as highways and interstates. City staff found a couple studies that City staff had previously mentioned did reference local arterial roads.

- *Impact on Bicyclists and Pedestrians*

The Plan Commission had asked City staff to research to find any studies on the impact of digital billboards on bicyclists and pedestrians. City staff looked but could not find any studies specific to these two groups. All of the studies they found discussed the impact on drivers in general.

- *Limitations on Advertisers*

The Plan Commission had discussed adding language to keep sign companies from denying customers based on the content of their messages. City staff talked this over with the City Attorney, and he felt it would be unconstitutional to add such a restriction. It would be an issue with free speech and content restrictions. Also, cities cannot dictate terms of private contracts. For these reasons, the City would not be able to add such language to the proposed amendment.

- *Practical Effect of Proposed Regulations*

The Plan Commission has previously asked where digital billboards could specifically be placed. City staff ran a simulation for one potential area. He mentioned that City staff just discovered that not all of the existing billboards are owned by Adams Outdoor Advertising. If they wanted to convert as many of the existing billboards into digital billboards, they could do up to 17 billboard faces in total on ten structures. In order to do this, they would need to remove many billboards that are within 1,000 feet of the proposed converted billboards. He referred to the map in Exhibit B of the written staff report.

When looking at the map, you see that Downtown Urbana would be the most impacted. It would require the sign company to remove a lot of billboards. Adams Outdoor Advertising has previously stated that they do not plan to convert that many. They would only want to convert two or three of them.

Chair Fitch asked if there were any questions from the Plan Commission for City staff.

Mr. Hopkins noticed that one of the green dots shown on Exhibit B on Cunningham Avenue is too close to a blue dot. Mr. Engstrom commented that City staff might have missed this one.

Mr. Hopkins asked about the two billboards that are not owned by Adams. Mr. Engstrom explained that Adams just informed City staff about this before the start of the meeting. The two signs are located as the two most northwestern red dots on Exhibit B. They are along Interstate 74. One is owned by Lamar, and the second sign is owned by a hotel operator.

Mr. Hopkins asked if these two signs would be subject to the same proposed regulations for digital billboards. Mr. Engstrom said yes.

Mr. Hopkins stated that the discussion then that the Plan Commission held at previous meetings about other sign companies wanting to install digital billboards is relevant. Mr. Engstrom said yes.

Mr. Trail asked if two sign owners with 1,000 feet of each other wanted to convert their signs to digital billboards, who would decide which one would be allowed to do a conversion. Libby Tyler, Director of Community Development Services, stated that it would be on a first-come, first-serve basis. Mr. Hopkins pointed out that neither one would be allowed to convert because the proposed text amendment prohibits the conversion of existing non-conforming billboards to digital non-conforming billboards.

Mr. Trail commented that if the signs were conforming in all ways except for being located within 1,000 feet of another billboard, and conversion of one of them would be allowed, then both sign companies would have to be in agreement to remove the other sign because they are within 1,000 feet of each other. Mr. Engstrom pointed out that both signs would not be allowed to convert, so therefore, the two sign companies would have to work it out amongst themselves.

Chair Fitch asked if a sign company could convert a non-conforming sign into a digital billboard. Mr. Engstrom answered by saying that the sign company would have to bring the existing billboard into conformance first prior to being allowed to convert it.

Chair Fitch talked about the three existing billboards along Philo Road and how they are non-conforming. Mr. Engstrom stated that those three billboards are the only billboards not shown on Exhibit B. Mr. Hopkins pointed out that these three billboards are non-conforming because of the zoning district that they are located in so they could not be brought into conformance. In addition, the parts of the City that are not shown on Exhibit B are areas where billboards would not be allowed. Mr. Engstrom said that was correct.

Mr. Otto wondered if Route 130 was prohibited because of zoning. Mr. Engstrom replied yes.

With regards to fees, Mr. Otto wondered if it would be too late to consider imposing fees after the proposed text amendment would be adopted. Ms. Tyler stated that the Plan Commission could have two recommendations to City Council. One would hopefully be to approve the proposed text amendment, and the second recommendation would be to add a property rental fee. Both recommendations could appear on the same agenda to City Council.

Mr. Otto expressed concern about access to signs. He wished that the City Attorney would have been present at this meeting, so he could talk with him about this issue. On a federal level on net access to the digital lines, President Obama is promoting net neutrality. So, everyone has access. There cannot be discrimination based upon the business or the ideas of people. He would like to know why the City Attorney feels it would be an infringement upon free speech to require a sign company to make it available to anyone who is willing to pay their fee structure. Ms. Tyler stated that the City Attorney explained this in an email, which City staff then handed out copies to the Plan Commission.

Mr. Hopkins assumed that Lamar is a commercial billboard company. He asked if Lamar and the hotel that owns the other billboard had been notified of the proposed text amendment. Mr. Engstrom said no, because City staff was just told about them prior to the start of the meeting.

Mr. Stohr talked about fees. He wondered how much of a fee would support the purchase of light meter and the training of City staff to operate the equipment. Mr. Engstrom replied that the City already owns a light meter. Training would not be an issue. Therefore, the City would not need to charge much of a fee.

Chair Fitch asked about enforcement of the proposed regulations. Mr. Engstrom stated that City staff plans to take a measurement of a sign when it is first installed. After that it would be on a complaint basis.

There were no further questions for City staff. Chair Fitch reviewed the procedure for a public hearing. He, then, opened the hearing up for public input. He welcomed anyone wishing to speak in favor of the proposed text amendment.

Cain Kiser, of Adams Outdoor Advertising, approached to speak to the Plan Commission. He thanked the people who attended the demonstration. He felt it was very informative. The proposed text amendment is for 0.3 footcandles above ambient light levels. The measurements they took of the digital billboard on North Neil Street all measured between 0.22 and 0.25. The person operating the equipment also brought out a chromaticity meter to measure light power at the source. A couple of examples are the Bob Evans parking lot light measured 850 nits, Adam's digital billboard measured 111 nits, the Super 8 sign measured 91 nits and the LaQuinta sign measured 70 nits. He mentioned that Adams turns off the lights on their billboards from midnight to 6:00 am to conserve power and because there is not enough traffic to justify leaving them on.

He noted that they have 38 letters and petitions from Urbana businesses and non-profits in support of the proposed text amendment. The Champaign Chamber of Commerce took a poll and found 85% were in favor of digital signs and 15% opposed digital signs.

He talked about the two signs that were not owned by Adams. The furthest billboard on the northwest is owned by Lamar. The second one is owned by Haresh Patel. He also owns the Super 8 Motel on Marketview Drive in the City of Champaign.

Most billboards along the interstate are on wood poles or very old monopoles. The caveat of any billboard along the interstate is that in order to construct or to convert any sign to digital you have to prove that either the sign was located within the city's limits before September 21, 1959 or you have to prove a continuous commercial or industrial use since September 21, 1959. This can be proven through tax records showing that there has not been a gap in ownership.

Mr. Hopkins asked if these regulations were under the Federal Beautification Act, which came about from a Supreme Court case. Mr. Kiser said yes, but enforcement in Illinois is through the Illinois Department of Transportation. To convert an existing sign, you have to re-permit it, and you have to prove the Rule of 59 applies to the sign. If you cannot prove it, then you would not be allowed to convert it.

Chair Fitch wondered how Mr. Kiser thought Adams would feel about free speech and neutrality language being added to the proposed text amendment. Mr. Kiser replied that because Adams is

a private business, they would like to reserve the right to refuse business to anyone that they felt would be offensive. They currently have a policy that no sexually-oriented business can do business with Adams.

Mr. Stohr questioned how necessary it would be for successful or financial operation of a digital billboard to have a ten-second hold time. Mr. Kiser said it is very important only because being part of a network and when people can buy a network they want to see continuity between their programs. If Adams is going to sell a certain number of spots for a certain time, it would be hard to do so with a longer dwell time.

Mr. Trail asked if they do not get the 10-second hold time, would Adams consider digital billboards not commercially viable. Mr. Kiser said it could be a possibility. It would be hard to justify constructing a new digital billboard because it would be hard to sell a customer on having their advertisement come up every 24 minutes with a 3-minute hold time.

With no further public input in favor, Chair Fitch asked if anyone in the audience wished to speak in opposition.

Esther Patt approached the Plan Commission to speak. She expressed concern over several issues, which were as follows:

- *Dwell Time* – She talked about a family in a town in Pennsylvania who tried for years to get something done about the flashing billboard located across the road from their house. She believed that if the City approves digital billboards, then they should require that the lighting be turned off from 10:00 p.m. to 7:00 a.m. every day. She did not feel that setting the level of lighting would be sufficient.
- *Free Speech* – She believed that Adams should be able to refuse clients based on the advertisements. The Champaign-Urbana News Gazette and the Daily Illini can both refuse any advertisements that they want. Billboards cannot be banned because the medium is a protected form of speech.
- *Distraction to Drivers* – Her experience is that billboards are distracting.
- *Oversized in Relation to their Surroundings* – Both existing billboards and digital billboards are oversized, which is why so many people consider them to be a visual blight and wish they could get rid of them entirely. It makes sense to have billboards along the highways. When people are driving 70 miles per hour (mph), they need a huge sign to be able to read it before they pass it. However, she did not believe that they need them in the City. It was discussed at the January 8, 2015 meeting, the Zoning Ordinance makes clear the desire to reduce or eliminate billboards. The City does not have the power to eliminate them completely, but they do have the ability to maintain the status quo by not allowing digital billboards.

She hoped that maybe if the City does not allow digital billboards then eventually the existing regular billboards will become obsolete. If the City approves this, then obsoleting of billboards will never happen. The decision that the Plan Commission and City Council make will affect the City in what it looks like and its attractiveness for years to come. The people of Urbana do not need digital billboards, and it will not be good for the City.

Mr. Otto shared her concern about blighted billboards. He asked if she would trade one digital for all the other billboards in an area, especially at Lincoln Avenue and University Avenue intersection. She replied that she would not trade unless she was absolutely sure that the digital sign would not shine into any residential unit in the surrounding residential neighborhoods. Once we say yes, we cannot undo it.

Jennifer Putnam approached the Plan Commission to speak in opposition of the proposed text amendment. She agreed with Ms. Patt about billboards being a visual blight, eye-sore, clutter and pollution to the City. She expressed concern about safety and billboards being a distraction to drivers. For the City to endorse digital billboards, you felt made them schizophrenic with our working across purposes with the City beautification efforts.

Not everyone is like her. She does not like blinking lights. She thanked everyone – the Plan Commission, Councilmembers Marlin and Roberts, City staff and Adam's Outdoor Advertising for their support of non-profit organizations.

She was raised believing that taxes are the price one pays for living in a civilized society. She encouraged the City to consider licensing billboards if they do endorse the proposed amendment.

Mr. Stohr asked if she had any further thoughts on licensing versus taxing. Ms. Putnam stated that the thought occurred to her when reading the minutes from the previous meeting. She recalled reading about licensing or charging fees for billboards.

Dennis Roberts approached to speak to the Plan Commission in opposition. He handed out a document on Urbana Corridor Beautification Projects. He explained that the handout talks about two corridor beautification plans, *Cunningham Avenue Beautification Plan and University Avenue Corridor Study*. Both were adopted by the City of Urbana. He suggested that the Plan Commission consider the intent of these two plans as they make a decision to recommend approval or to recommend denial of the proposed text amendment. He strongly encouraged the Plan Commission to prohibit digitalization of billboards along these two corridors because it goes against the intent.

Mr. Trail wondered if there are any locations where billboards exist that would not interfere with the two beautification plans. Mr. Roberts replied yes. They would need to compare the two plans with Exhibit B to find those locations. Chair Fitch added that the areas would be Interstate 74, Route 150 and Lincoln Avenue north of Bradley Avenue.

Caroline Coulston approached the Plan Commission to speak in opposition. She stated that she is disturbed every time she drives by any of the flashing signs. They completely take her attention off the road. They are hideous. The City of Urbana is beautiful, and she is sorry to think that digital billboards are being considered.

With no further public input, Chair Fitch closed the public input portion of the hearing. He, then, opened the hearing up for Plan Commission discussion and/or motion(s). Mr. Engstrom requested that they continue the case to allow City staff the opportunity to notify Lamar and Haresh Patel about the proposed case. Chair Fitch agreed.

Chair Fitch talked about clarifying that digital signs be prohibited from facing residential areas. Section IX-6.D.11 of the Urbana Zoning Ordinance states as follows, "*Lights shall be effectively shielded from roadways and any nearby residential uses.*" He asked if digital billboards would be covered under this as well as regular billboards. Mr. Engstrom replied yes. There would also be a 300-foot buffer required from any residential use.

Chair Fitch pointed out that requiring lights to be effectively shielded from roadways defeats the purpose of billboards. Mr. Engstrom replied that this could be problematic. Chair Fitch stated that they should either address this part of the Zoning Ordinance or add language about the orientation especially towards residential uses.

Mr. Fell asked if an existing billboard deteriorates enough, it cannot be replaced, right? Mr. Engstrom responded that the billboard could be replaced if the location of the sign complies with all of the requirements in Section IX-6.D.

Mr. Trail stated that the City is encouraging multi-family residential units along University Avenue in certain areas. Chair Fitch added that the City Council approved a multi-story apartment building at University Avenue and Goodwin Avenue. Mr. Trail wondered if there was an existing billboard in the area where the new apartment complex would be built, what would be the practical effect of that. Would the billboard be grand-fathered in? Mr. Engstrom answered saying that the sign would be grand-fathered in and considered a legal non-conformity. If City staff received complaints of the sign being a nuisance, then City staff would work with the owner of the sign to mitigate the nuisance. Ms. Tyler added that the City has a nuisance protection regardless of when the apartment building was built. It does not matter which came first.

Mr. Trail wondered if the sign is located in a permitted zone, but is still too close to a zone that permits residential use, then are we zoning cross purposes by allowing both potential conflicting uses. Ms. Tyler stated that the City has buffers, zones, and corridors. She felt the signs were well segregated. Most of the time when City staff gets nuisance complaints it is about street lights and parking lot lights. There may have been one complaint about an illuminated sign. City staff is doing their best to limit their locations to avoid this type of impact on residential areas.

Mr. Stohr asked if there were trees currently shielding the apartment building from a digital billboard, and the trees need to be removed for whatever reason. Would someone be able to file a nuisance complaint? Ms. Tyler said yes. It happens from time to time that a tree needs to be removed and all of a sudden a light bothers a neighboring property owner. The City then requires it to be corrected. Sometimes a light is shielded or modified and it still is a nuisance, in which case the City requires modification again. Sometimes, the light just needs to be relocated. So, it is a potential risk of digital billboards, but it would be something that the owner of the sign would need to comply with.

Mr. Stohr inquired about the time frame for reconciling nuisance complaints. Ms. Tyler explained that City staff usually gives a 30-day compliance with a complaint that takes

adjustments. We have had good cooperation. There have been a few complaints that took multiple adjustments. Our experience has been more with lights than signs. We would try different things till the nuisance gets resolved. She felt it is good that the City has not set perimeters on this because it is a perceptible nuisance. It has worked well for the City so far.

Mr. Hopkins observed that the 300-foot buffer restriction is for billboards in R-1 (Single-Family), R-2 (Single-Family) and R-3 (Single and Two-Family) Residential Zoning Districts. So, the buffer is not there for all related uses. He recalled that the apartment building that has been used as an example was approved in a B-3 (General Business) Zoning District as a special use permit and also would not require a 300-foot buffer. There are several circumstances in which the 300-foot buffer from residential would not come into play. Mr. Engstrom replied that is correct. The 300-foot buffer is only for low-density residential areas; however, the nuisance provision is for any residential use. Mr. Hopkins stated that part of the logic of zoning is to make nuisance individual cases efficiently resolved by regulation. Ms. Tyler added that if you look at the zoning along the permitted corridors, there are very few places where residential would be allowed. She felt these are good questions because they want to protect our multi-family residences as well as the single-family residences. There is a little more time with the case being continued so City staff can look at the segregation of uses to find areas that might not be protected.

With no further comment from the Plan Commission, Chair Fitch continued the public hearing to the next meeting.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: February 5, 2015

TIME: 7:30 P.M.

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

MEMBER PRESENT: Corey Buttry, Maria Byndom, Tyler Fitch, Lew Hopkins, Dannie Otto, Christopher Stohr, David Trail

MEMBERS EXCUSED: Andrew Fell

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services Department, Jeff Engstrom, Interim Planning Manager; Christopher Marx, Planner I; Teri Andel, Planning Administrative Assistant

OTHERS PRESENT: Nick Bartholomew, Bill Brown, Cain Kiser, Alana Miller, Betsy Mitchell, Dennis Roberts, Dena Raposa, Ashley Williams

CONTINUED PUBLIC HEARINGS

Plan Case No. 2242-T-14: A request by the Urbana Zoning Administrator to amend Articles IX and XI of the Urbana Zoning Ordinance to establish regulations for Digital Outdoor Advertising Sign Structures.

Chair Fitch re-opened this case. Jeff Engstrom, Interim Planning Manager, presented an update for the proposed text amendment. He began by addressing the issues that the Plan Commission had raised at the previous meeting. Those issues were as follows:

- *Billboard Ownership*

Mr. Engstrom stated that at the last meeting, City staff erroneously pointed out that there were two billboards inside City limits that were not owned by Adams Outdoor Advertising. He clarified that the two billboards are actually located outside of the City's limits, so the City of Urbana's regulations would not apply to them.

Chair Fitch wondered how close the two billboards are to the one that is located inside city limits. Mr. Engstrom replied that it appeared to be within 1,000 feet.

Chair Fitch asked if the signs were within 250 feet of the city limits and would require notification of the public hearing if city limits extended out to them. Mr. Engstrom answered saying that the two signs are not within 250 feet of the closest billboard within city limits. However, if city limits extended out to them, then just being inside city limits would have required City staff to notify the owners of the public hearing.

Mr. Stohr questioned what effect the two billboards located just outside of the City's limits would have on the billboard just inside the City's limits. Mr. Engstrom replied that the 1000-foot buffer would not be required since the two billboards owned by other businesses were outside of the City's limits.

Mr. Otto wondered why the sign would not be affected because the City has extra-territorial jurisdiction rights. Mr. Engstrom explained that Champaign County has their own ordinance that deals with signage and billboards. The City of Urbana only has extra-territorial jurisdiction over land and property with regards to subdivisions and annexation agreements.

Mr. Engstrom continued with the staff presentation. He talked about the following:

- *Impacts on Residences*

City staff found that a small percentage of residences are within 200 to 400 feet of the eligible areas where future billboards could be constructed. The eligible areas set back far from the road, so any future billboards would be directed towards the road and away from the residences.

To address potential conflicts between digital billboards and residences, there were other restrictions that City staff examined. These included setback requirements from residential zones, time restrictions and operations of billboards, and protections against nuisance lighting. He talked about each restriction in more detail.

City staff found that if the City requires a buffer distance from all residential uses, then it would really restrict where billboards could be placed along University Avenue and Cunningham Avenue, so City staff does not recommend requiring a buffer distance from higher density residential zones.

After further research, City staff recommended that the City incorporate a restriction from digital billboards operating from 12:00 p.m. to 6:00 a.m. This would also be acceptable by Adams as it is already a policy that they practice.

Mr. Engstrom noted one final change to the proposed text amendment. The change came about because Mr. Hopkins noticed in Section IX-6.D.11 it states as follows, "*Lights shall be effectively shielded from roadways and any nearby residential uses.*" This would prevent digital billboards, so City staff suggested adding language to Section IX-6.E.1 to say that new digital billboards would not be required to conform to Section IX-6.D.11 and adding language to Section IX-6.E.4 to say that digital billboards will not shine directly onto any residence and will not comprise a nuisance or hazard to residences or roadway users.

Chair Fitch asked if there were any questions from the Plan Commission for City staff.

Mr. Stohr asked what the allowable size of a standard billboard. Mr. Engstrom replied that the proposed text amendment does not limit the size of the sign, so it would default back to the existing ordinance. The existing ordinance limits billboards to 300 square feet. Mr. Stohr noticed that this is much different than what Chicago allows.

Mr. Stohr wondered how the 300 square foot restriction came about. Mr. Engstrom believed it came about based on what the existing stock was when the City was negotiating legal arguments with billboard companies. Mr. Stohr asked if the Plan Commission wanted to allow different sizes, would now be the time to consider it. Mr. Engstrom said yes, but only for digital billboards.

There were no further questions for City staff. Chair Fitch reviewed the procedures for a public hearing. He, then, opened the hearing up for public input. He asked if there were any members of the audience who wished to speak in favor of the proposed text amendment.

Cain Kiser, of Adams Outdoor Advertising, approached the Plan Commission to speak. He thanked the Plan Commission for continuing the discussion and stated that he would be available to answer any questions.

Mr. Stohr asked about the size of digital billboards that Adams has installed. Mr. Kiser replied that all of Adams' digital billboards are 300 square feet. There are two different dimensions that they use: either 12' x 25' or 10' x 30'.

Mr. Stohr asked what size Adam's used for the existing standard billboards that are illuminated. Mr. Kiser answered 300 square feet. Mr. Stohr wondered if Adams Outdoor Advertising would be more likely to use the 12' x 25' or the 10' x 30' for digital billboards in the City of Urbana. Mr. Kiser stated that they tend to favor the 10' x 30' for digital billboards. However, it depends on the area and what sign they would be replacing.

Mr. Stohr wondered if Adams received less money for advertisements on the smaller signs. Mr. Kiser replied that along the highways, the standard bulletin size for billboards is 14' x 48'. Adams Outdoor Advertising down-sized the bulletin billboards in the City of Champaign to 10' x 30'. The poster-size billboards used across the industry are 12' x 25'.

Chair Fitch inquired if advertisements would be the overall size of the panel or limited to the digital area. Mr. Kiser replied that they have gone to trimless panels, so advertisements would go to the edge of the panels.

There were no other members of the audience who wished to speak in favor of the proposed text amendment. Chair Fitch asked if anyone would like to speak in opposition.

Dennis Roberts approached the Plan Commission to speak. He expressed his concern for preserving the integrity of University Avenue and Cunningham Avenue and their beautification plans. He encouraged the Plan Commission to require a 300-foot buffer from all residential zones and uses. He also expressed concern about whether the proposed text amendment would apply to wall-mounted billboards as well as freestanding billboards and if the same restrictions would be required for both. Mr. Engstrom replied that the Zoning Ordinance does not discriminate between freestanding billboards and wall-mounted billboards. As written, the proposed text amendment would allow for wall-mounted billboards as shown in blue on the

maps in the written staff reports. Wall-mounted billboards would be subject to the tradeoff requirements as well.

Mr. Trail stated that the proposed language always referred to them as structures; not signs, so he assumed that digital billboards referred to freestanding special built structures. Other types of signage other than what we would consider a traditional freestanding billboard would be covered under the Sign Ordinance. Mr. Engstrom said yes. There is a paragraph in Section IX-6 which defines and sets some additional regulations for wall-mounted OASS.

Mr. Otto wondered how Mr. Roberts perceived wall-mounted signs to be different than freestanding signs. Mr. Roberts stated that he just wanted to learn whether wall-mounted signs would be considered a separate kind of sign that would not be included in the proposed text amendment.

There was no further public input. Chair Fitch opened the hearing for Plan Commission discussion and/or motion(s).

Ms. Byndom inquired about continued violations and whether there would be a policy for this. Mr. Engstrom replied that a continued violation would be considered a separate violation on each day that it occurs and the fines would be cumulative.

Ms. Byndom wondered if anything would happen to a billboard company other than receiving fines for reoccurring violations. Mr. Engstrom stated that for each successive conviction of a violation, the fine would increase as well. Elizabeth Tyler, Director of Community Development Services, added that fines have been a successful way to achieve compliance. If issuing fines would not be sufficient, then the City would take the billboard company to court and ask the judge to compel the sign owner to comply. The judge could assign additional fines or even imprisonment. Ninety-nine percent of the time though, issuing a fine encourages compliance.

Chair Fitch stated that with under electronic displays, the maximum area of the display cannot exceed 50% of the sign area. This does not apply with regards to digital billboards, correct? Mr. Engstrom said that is correct.

Mr. Otto commented that when the Plan Commission began the process of reviewing the proposed text amendment, he was initially opposed to digital billboards. Twice a week when he returns home from his day job, he happens to drive down Neil Street and sees the digital billboard. Because of the highly reflective material that the sign company uses, he could not tell which billboards are digital and which ones are standard illuminated until the digital sign changes advertisements. Because he does not like billboards in general, he really liked the idea of reducing them by replacing the existing standard billboards with digital billboards at the rate of 2:1 or 3:1.

Also, he has discovered that some of the businesses he frequently visits do advertise on the existing billboards. When he first moved to Urbana ten years ago, he could not find a place in town to buy a pair of dress pants. He had to go to Champaign to buy them. So, his position is weighted by the number of businesses in support of the proposed text amendment. He does not believe that he can ask businesses to set up in Urbana and make it difficult for the businesses to advertise what they have to sell. Therefore, his opinion regarding digital billboards has changed.

Mr. Stohr believed that they needed to accommodate the billboard, beautification and architecture fans as opposed to the business owners. He felt that the 3-minute hold time was too long, but 10 seconds might be distracting. He recommended 30 seconds as a compromise.

Mr. Otto added that for him to support this, he encouraged the City Council to not approve the proposed text amendment without first amending the revenue code so that digital billboards would generate tax revenue commensurate with their business activity. We need companies doing business in Urbana to pay their fair share of the cost of maintaining the streets, etc. that draw people to Urbana.

Mr. Stohr wondered if any other members were concerned about the size of the billboards. Chair Fitch stated that he felt the same as Mr. Otto in that the bigger sign is no more distracting than a regular billboard.

He thanked the Plan Commission members for discussing the case and adding really smart limits. He also thanked the public for giving input.

Mr. Hopkins stated that he is less enamored and convinced. He did not find digital signs effective. He would rather have more regular billboards than to have digital billboards.

Mr. Trail did not feel that the Plan Commission knew enough or had enough information to make a decision. Most of the studies focused on the effect of digital billboards on drivers in automobiles. He didn't feel that there were enough studies done on the effects of digital billboards on pedestrians and autos mixed. He believed that they should wait for a year or so to find out more of how to regulate digital billboards.

Mr. Buttry expressed concerns about the proximity of residences within the eligible billboard areas. He asked City staff to clarify the buffer restrictions again. Mr. Engstrom explained that the existing Sign Ordinance does not allow billboards within 300 feet of the R-1, R-2 and R-3 Zoning Districts, which are single and two-family residential zoning districts. He believed that this came about from previous staff research and Plan Commission and City Council action. There are similar standards in other cities. Some cities have different buffers from digital billboards than from traditional billboards. Overall, it is pretty comparable.

Mr. Buttry stated that although there are a large number of Urbana businesses that do support this measure, it is not unanimous. He did not feel that there was any evidence that the Urbana businesses would benefit from advertising on digital billboards in Urbana as opposed to advertising outside of the City.

The safety studies that they have reviewed seemed to be inconclusive. He felt that they should err on the side of caution. Also, he felt that digital billboards would be intrusive and do not fit in with the aesthetic character of the City, especially in the areas where the City had made efforts to promote beautification.

Ms. Byndom stated that she liked the idea of reducing the number of traditional billboards by allowing a smaller number of digital billboards. She liked that digital billboards will be able to offer more information in a real time format. She agreed that the inclusion of a service fee is important. She did not believe that digital billboards would be any more of a distraction than something else that attracts a driver's attention. The City of Champaign has digital billboards

and there is no information that there has been an increase in traffic accidents due to the digital billboards.

Mr. Trail stated that he has not driven around looking for the digital billboards in the City of Champaign. However, when talking with his son, his son told him exactly where every one of them were located. His son called them TVs. Televisions are designed to draw eyes to it. There is a fundamental difference between the old billboards and the new digital ones. He is pretty sure that it is not the message.

Mr. Trail moved that the Plan Commission forward Plan Case No. 2242-T-15 to City Council with a recommendation for approval as recommended by City staff. Mr. Stohr seconded the motion. Roll call on the motion was as follows:

Mr. Buttry	-	No	Ms. Byndom	-	No
Mr. Fitch	-	No	Mr. Hopkins	-	No
Mr. Otto	-	No	Mr. Stohr	-	No
Mr. Trail	-	No			

The motion failed by unanimous vote.

Mr. Otto moved that the Plan Commission forward Plan Case No. 2242-T-15 to City Council with a recommendation that they adopt a service fee or tax revenue fee that would be commensurate with the economic activity of a sign prior to approving the proposed text amendment. Ms. Byndom seconded the motion.

Mr. Otto stated that the service fee should not be an annual renewal fee of \$50.00 or so. The fee should be based on how much revenue they earn and be equivalent to a business that earns a similar amount.

Ms. Byndom moved to add a friendly amendment to the motion that they lower the dwell or hold time to 90 seconds. Mr. Otto seconded the motion to amend.

Mr. Trail asked if they could be more specific than saying “*commensurate with*”. They could say, “*equivalent to the sales tax that a restaurant with the same revenue would pay*”. Mr. Otto stated that is what his intention is in the motion. However, he does not know what the sales tax or motel tax is in the City of Urbana. This is a private business, and private businesses should contribute. There is an indirect benefit that local businesses may want to use digital billboards to advertise. If you take this out of it, then the community of Urbana gets nothing from billboards. Chair Fitch believed that Mr. Otto’s explanation of the main motion was enough clarification and no additional language changes needed to be made.

Mr. Otto stated that when driving in Champaign, with a 10-second dwell time, he could sometimes see two changes in the advertisements on the digital billboards along Neil Street and other times he only saw one advertisement. He felt that 90 seconds would allow Adams Outdoor Advertising the ability to get more contracts, but it would not affect the safety of the automobile drivers. It will also increase the revenue that the City gets from the billboard.

Roll call on the friendly amendment was as follows:

February 5, 2015

Mr. Fitch	-	Yes	Mr. Hopkins	-	No
Mr. Otto	-	Yes	Mr. Stohr	-	Yes
Mr. Trail	-	No	Mr. Buttry	-	No
Ms. Byndom	-	Yes			

The friendly amendment was approved by a vote of 4-3.

Roll call on the main motion as amended was as follows:

Mr. Hopkins	-	No	Mr. Otto	-	Yes
Mr. Stohr	-	Yes	Mr. Trail	-	No
Mr. Buttry	-	No	Ms. Byndom	-	Yes
Mr. Fitch	-	Yes			

The motion passed by a vote of 4-3.