



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Administrative Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Office

FROM: Elizabeth H. Tyler, AICP, City Planner/Director

DATE: August 4, 2004

SUBJECT: **A Resolution to Impose a Temporary Moratorium on Permitting Outdoor Advertising Sign Structures (OASS's)**

Description

Attached is a Resolution to Impose a Temporary Moratorium on Permitting Outdoor Advertising Sign Structures (OASS's) until an Interim Development Ordinance (IDO) can be adopted to impose a moratorium on OASS permit issuance while the review of the number, placement, and development standards of OASS's is being completed.

This resolution is in response to concerns expressed by members of Council, the business community, and staff regarding the potentially negative impacts that may result from the over-proliferation of OASS and the placement of OASS in locations and in such a manner that may be harmful to the community. The Resolution allows for a temporary moratorium on the issuance of permits for OASS while the issue is studied through the imposition of an Interim Development Ordinance as an amendment to the Zoning Ordinance of the City of Urbana to be followed by a text amendment to the Zoning Ordinance addressing and improving relevant sign regulations. As with previous IDO's, the proposed one would include exceptions for OASS that are currently under review, that may be referenced for potential approval in adopted annexation and development agreements, or to allow emergency repairs.

Issues

The City of Urbana has previously reviewed its OASS regulations through a similar IDO and moratorium procedure during the period of 2000 to 2002 (Ordinances 2000-11-136; 2001-07-078; 2001-11-190). This review resulted in amendments to the relevant regulations of the Zoning Ordinance that addressed the structural and aesthetic appearance of OASS (Ordinance 2001-05-044). However, due to the then applicable provisions of a settlement agreement with C&U Poster, issues related to location, spacing and number of OASS were not resolved. The settlement agreement expired in January 2004.

Since this previous amendment effort, the City has received an increasing number of applications for OASS. A total of 9 requests have been received in the past two years (though not all have completed the approval process), representing a potential increase of approximately one-third to the number of OASS in the community. Some of these requests have resulted in placement of OASS in less than desirable locations and in an increase in complaints from adjacent and nearby businesses.

Most recently, complaints have been received regarding an OASS placed at 1710 North Cunningham Avenue. Due to the overlap in this location with IDOT regulations, this OASS was placed at a very low height (in order to avoid visibility by travelers along I-74) and competes on a visual plane with other free-standing signs for businesses in the area. These free-standing signs are held to a size limit under the zoning ordinance of 50 square feet, while the OASS is allowed to be up to 300 square feet in size. This is seen by neighboring businesses as an unfair advantage and an example of inequitable regulation. The current zoning regulations do not include a minimum height to ensure that this visual competition does not occur. The low height of this OASS also underscores the impact that OASS can have upon economic development opportunities for redevelopment of commercial sites. This is an obstacle that is contrary to the goals set forth in the North Cunningham Avenue Corridor Redevelopment Plan. The City has sent a letter to IDOT requesting a re-evaluation of this billboard height requirement. Other recent OASS have also interfered with the goals of the Downtown Strategic Plan and complaints from businesses along University Avenue.

At the same time, representatives of the OASS industry have requested review of a new technology in OASS's for possible inclusion in our regulations. This new technology involves the use of "tri-vision" which allows a single billboard to carry up to three rotating messages. Such an approach could allow for more optimal use of existing billboards, thereby potentially helping to justify a reduction in the number of billboards allowed. Adams Outdoor Advertising has requested that the City consider allowing this new technology as part of our OASS regulations.

Background

Staff memoranda prepared during the previous amendment efforts in 2000 to 2002 present significant background material regarding the history and issues pertaining to OASS in Urbana and other relevant locations (Plan Cases 1768-T-00; 177-T-01; 1787-T-01; 1799-T-01; 1810-TY-01; 1811-T-01). This background information will be updated as a part of an upcoming IDO and text amendment effort to be completed by staff in coming months.

Options

City Council should review the attached Resolution and offer any suggestions for modifications or for specific objectives or goals to be addressed by the IDO and future text amendment. The attached Resolution will allow staff to proceed with an IDO at the next possible Plan Commission meeting without facing a potential influx of OASS applications being filed prior to the review effort.

Fiscal Impacts

There would be no direct fiscal impacts upon the City due to the potential restriction on OASS. While OASS's represent an economic benefit to the outdoor advertising company and to the landowner through a land lease, such benefits do not result in tax benefits to the community. In some cases, placement of OASS also interferes with the potential for improvements to or redevelopment of commercial sites. However, it should be noted that the City of Urbana does make occasional use of outdoor advertising to promote certain events and programs, such as the

Market at the Square. The availability of such marketing opportunities also represent a positive economic potential for the advertiser, many of which are Urbana-based businesses.

Recommendations

Staff recommends adoption of the Resolution as attached.

Attachments:

1. Draft Resolution

**A RESOLUTION TO IMPOSE A TEMPORARY MORATORIUM ON PERMITTING
OUTDOOR ADVERTISING SIGN STRUCTURES (OASS'S)**

(Until an Interim Development Ordinance can be adopted to impose a moratorium on OASS permit issuance while the review of the number, placement, and development standards of OASS's is being completed)

WHEREAS, members of the City Council are concerned about the placement of outdoor advertising sign structures (OASS's, commonly referred to as billboards) in the City of Urbana and its effect upon the general welfare of the community and are desirous of investigating the feasibility of revisions to the spacing, development and placement regulations pertaining to OASS's, including the potential for "cap and replace" type restrictions; and

WHEREAS, it is desirable to thoroughly study the details and effects of any further restriction of OASS number, placement and design in the City of Urbana through proper public notice, technical review by staff and other interested parties, public input, and review and recommendation by the Plan Commission with respect to any potential revisions to the Sign Regulations of the Urbana Zoning Ordinance; and

WHEREAS, an Interim Development Ordinance is proposed to be employed to place a moratorium on the issuance of permits for OASS's pending adoption of amendments to the Zoning Ordinance with respect to the number, placement, and design of OASS's; and

WHEREAS, a zoning text amendment shall be developed to address the goals of the Interim Development Ordinance, through proper development and review by staff and the Plan Commission, with subsequent review by Council for action prior to the expiration of the moratorium on OASS permits.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The City Council does hereby place a moratorium on the issuance of permits for OASS, as defined by the Zoning Ordinance, until adoption or rejection of an Interim Development Ordinance designed to study this issue OR adoption or rejection of a zoning text amendment related to the number and placement of OASS, whichever comes first.

Section 2. The City Council does hereby further direct that City staff and Plan Commission adopt an Interim Development Ordinance

regarding new OASS's and initiate the study and review of the advisability, details, and ramifications of potential revisions to the number, placement, and development regulations pertaining to OASS, with such study to include consideration of potential benefits and costs to the community, relevant legislation, overlapping jurisdiction regulations, relevant case law, action of other communities, and impacts upon vested rights and property rights.

PASSED by the City Council this ____ day of _____, 2004.

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this ____ day of _____, 2004.

Tod Satterthwaite, Mayor