



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### **m e m o r a n d u m**

**TO:** Bruce K. Walden, Chief Administrative Officer

**FROM:** Elizabeth Tyler, AICP, Director

**DATE:** August 11, 2005

**SUBJECT:** Plan Case 1944-T-05: A Request to Amend the Zoning Ordinance of the City of Urbana Section IX-10, Outdoor Advertising Sign Structures Moratorium, Creating a 300-day Extension of the 365 Day Moratorium on OASS – Plan Case 1907-T-04

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### **Description**

The request is to amend the Zoning Ordinance of the City of Urbana to extend a current moratorium on Outdoor Advertising Sign Structures (OASS) that is set to expire on September 20, 2005 for up to an additional 300 days.

### **Background**

On September 20<sup>th</sup>, 2004, the City Council passed Ordinance No. 2004-09-126: “An Ordinance Amending the Zoning Ordinance of the City of Urbana (To Add Section IX-10, Interim Development Ordinance, Creating a 365 Day Moratorium on Outdoor Advertising Sign Structures – Plan Case 1907-T-04).” A proliferation of billboard applications and construction between the conclusion of the previous moratorium in 2002 and the start of the current moratorium in 2004 indicated a need for a comprehensive re-evaluation of the permitted locations, number, and spacing for OASS in Urbana. The purpose of the IDO was to ensure that the overall purpose and intent of the Comprehensive Sign Regulations continues to be met.

### **Issues**

The Interim Development Ordinance, (IDO), adopted on September 20, 2004 allowed for the study of additional restrictions on OASS in Urbana, including improved regulations, potential “cap and replace” restrictions, and/or a permanent ban on new billboards. This IDO is set to expire on September 20, 2005.

Throughout the period of the moratorium, the City has experienced staff vacancies in the relevant areas of the planning and legal divisions. Of the three permanent staff planning positions, there has been at least one vacancy since July 2004 (first Senior Planner and now Planning Manager). Full

staffing of the planning division (with a Planning Manager and two Planner I positions) is now anticipated to occur by October 2005. Progress on the OASS case was also impeded by the need to complete the Urbana Comprehensive Plan Update, which was adopted in April 2005.

During this past summer, Planning Intern Rebecca Guest has been able to devote a concentrated effort to this case and has prepared extensive background information for review by the Plan Commission at a Study Session that was held on July 21, 2005. A similar Study Session is planned to be held at City Council on August 15, 2005.

Based on the delays in progress to date, the extensive comments made by Plan Commission at the Study Session and the complexity of the issue, it is clear that much additional time will be necessary to fulfill the goals of the IDO in improving Urbana's OASS regulations. Further, it is essential that interested members of the public and industry be allowed sufficient time to review the City's recommendations and provide their comments for the best possible, defensible legislation.

Further study and deliberation of OASS issues is necessary in order to complete a text amendment that will fulfill the goals of the Comprehensive Sign Regulations, as well as the City's Comprehensive Plan and other relevant plans and policies. Therefore, it is necessary to extend the existing moratorium. Initially, staff had recommended that this moratorium be extended for a period of up to one hundred and eighty days. But following the productive Study Session held by the Plan Commission on July 21, 2005, it appears that additional time will be necessary to fully explore the suggestions offered by the Commission. Staff now recommends that the moratorium be extended an additional 300 days.

The Plan Commission addressed the proposed amendment at their regular meeting on August 5, 2005 and recommended approval by a vote of 5 ayes and 0 nays. Industry representatives of both billboard companies operating in Urbana (Adams Outdoor Advertising and Redfish) have indicated their support of the proposed extension. (see attached letter and Plan Commission minutes)

## **Proposed Text Amendment**

The Urbana Zoning Ordinance will be amended to read:

### *Section IX-10. D. Duration*

The IDO shall be in effect for 365 days from the date of adoption by the City Council.

Added text –

*The IDO which began September 20, 2004 shall, without interruption in effect, be extended for an additional period of up to 300 calendar days.*

## Options

In Plan Case 1944-T-05, the City Council may:

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

## Fiscal Impacts

Extension of the current moratorium should not have a material fiscal impact upon the City of Urbana. Existing billboards continue in operation and are able to serve local businesses and organizations in their advertising needs.

## Recommendation

The Plan Commission has recommended **APPROVAL** of the proposed text amendment to the Zoning Ordinance, for an extension of the Interim Development Moratorium, for a period of up to three hundred (300) days, as presented herein. Staff concurs with this recommendation.

Prepared by:

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Rebecca Guest, Planning Intern

Attachments:

Ordinance No. 2004-09-126 (Plan Case 1907-T-04)  
Plan Commission Minutes  
Letter from Redfish Advertising, LLC

Cc:

Redfish Advertising, LLC  
Attn: Dax Neal  
Post Office Box 52275  
Tulsa, OK 74152

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

**ORDINANCE NO.2005-08-127**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE**

(To amend Section IX-10, Interim Development Ordinance, Creating a 365 Day Moratorium on Outdoor Advertising Sign Structures, for up to an additional 300 days - Plan Case No. 1944-T-05)

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

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

WHEREAS, on September 20, 2004 the City Council adopted Ordinance No. 2004-09-126 which amended Article IX, Comprehensive Sign Regulations, of the Zoning Ordinance to add Section IX-10, Interim Development Ordinance, Creating a 365 Day Moratorium on Outdoor Advertising Sign Structures; and

WHEREAS, under the moratorium staff was directed to investigate a "cap and replace" policy, which would place a limitation on the number of new billboards, and to review alternatives such as an increase in the OASS spacing requirement that may be appropriate in concert with a cap and replace limitation; and

WHEREAS, the City of Urbana is in the process of conducting a comprehensive review of OASS regulations; and

WHEREAS, further study and deliberation is necessary in order to complete a text amendment that will fulfill the goals of the Comprehensive Sign Regulations as well as the City's Comprehensive Plan and other relevant plans and policies; and

WHEREAS, the City of Urbana will be unable to complete such a review before the expiration of Ordinance No. 2004-09-126; and

WHEREAS, at a public hearing held August 4, 2005, the Urbana Plan Commission voted 5 ayes to 0 nays to extend, without interruption in effect, the duration of the IDO that began September 20, 2004 for an additional period of up to 300 calendar days; and

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

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

Section 1. The IDO that began September 20, 2004 shall, without interruption in effect, be extended for an additional period of up to 300 calendar days.

Section 2. 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 \_\_\_\_\_, 2005.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

AYES:

NAYS:

ABSTAINS:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
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 \_\_\_\_\_, 2005, the corporate  
authorities of the City of Urbana passed and approved Ordinance No.  
\_\_\_\_\_, entitled "AN ORDINANCE AMENDING THE ZONING ORDINANCE (To  
amend Section IX-10, Interim Development Ordinance, Creating a 365 Day  
Moratorium on Outdoor Advertising Sign Structures, for up to an additional  
300 days - Plan Case No. 1944-T-05)" which provided by its terms that it  
should be published in pamphlet form. The pamphlet form of Ordinance No.  
\_\_\_\_\_ was prepared, and a copy of such Ordinance was posted in the Urbana  
City Building commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2005,  
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.

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:** August 4, 2005  
**TIME:** 7:30 P.M.  
**PLACE:** Urbana City Building  
400 South Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** Laurie Goscha, Benjamin Grosser, Marilyn Upah-Bant, James Ward, Don White  
**MEMBERS EXCUSED:** Lew Hopkins, Randy Kangas, Michael Pollock, Bernadine Stake  
**STAFF PRESENT:** Elizabeth Tyler, Director of Community Development Services; Paul Lindahl, Planner I; Matt Wempe, Planner I; Teri Andel, Secretary  
**OTHERS PRESENT:** George and Nancy Boyd, William Campo, Bernard Coffey, Lisa Denson-Rives, Ray Elliot, George Friedman, Merle Ingersoll, Jr., Christine McCormick, Rick Mills, Art Russell, Kelly Strube, Susan Taylor

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**WRITTEN COMMUNICATIONS**

■ Letter from Dax Neal of Redfish Outdoor Advertising regarding Plan Case No. 1944-T-05

**NEW PUBLIC HEARINGS**

**Plan Case No. 1944-T-05: A request to amend the Zoning Ordinance of the City of Urbana Section IX-10, Outdoor Advertising Sign Structures Moratorium, Creating a 300-day Extension of the 365 Day Moratorium on OASS – Plan Case No. 1907-T-04**

Elizabeth Tyler, Director of Community Development Services Department, presented this case to the Plan Commission. She noted the letter from the Redfish Outdoor Advertising Company stating their support of the proposed extension. She mentioned that the current moratorium was due to expire later in September of 2005. Staff will need several more months to complete the work needed to propose a text amendment to the Zoning Ordinance regarding changes to the sign regulations. The Plan Commission held a study session regarding some of these possible changes at their previous meeting on July 21, 2005. Staff planned to present the study session to the City Council on August 15, 2005 to get their feedback as well. With the feedback from the



two study sessions, staff believes that they could begin to craft a model alternative to bring before the Plan Commission and City Council in a second round of study sessions. Then, staff would begin to work on crafting the text amendment.

Mr. Ward pointed out that Ms. Tyler referred to the extension of being for 300-days; however, the written staff report says “up to” 300 days, which was an unspecified amount of time. He asked her to explain the difference. Ms. Tyler responded by saying that at some point, staff would want to take up to 300 days to be complete, so they would be able to install a new amendment without worry about running out of time.

Lisa Denson-Rives, representative from Adams Outdoor Sign Company, mentioned that her company would like to continue to serve this community, and they supported the City of Urbana’s stated goals, including: 1) to protect property values, 2) establishment of reasonable standards for the use of signs in the community, and 3) the desire to maintain and encourage business development. Adams Outdoor Sign Company looked forward to working with the City of Urbana to craft a sign ordinance to preserve the City’s aesthetics and enhance business activity and success with promoting the charitable endeavors of the community. She stated that Adams Outdoor Advertising was in favor of extending the moratorium for an additional 300 days.

Mr. Grosser moved that the Plan Commission forward a recommendation of approval of the case to the Urbana City Council. Mr. Ward seconded the motion. The roll call was as follows:

Mr. Grosser	-	Yes	Ms. Upah-Bant	-	Yes
Mr. Ward	-	Yes	Mr. White	-	Yes
Ms. Goscha	-	Yes			

The motion was passed by unanimous vote.



August 1, 2005

Elizabeth Tyler  
City of Urbana  
Community Development Services  
400 South Vine Street  
Urbana, IL 61801

Re: Outdoor Advertising Interim Development Ordinance/Existing Outdoor Advertising Leases

Dear Elizabeth,

In regards to Plan Case 1944-T-05: A Request to Amend the Zoning Ordinance of the City of Urbana, Redfish Advertising is in favor of an Extension of the current 365-Day Moratorium. We feel the additional time is necessary for all parties involved to come together and make a balanced decision that will accommodate all sides of the matter.

Our position on the proposed "cap and replace", permanent ban on billboards or amortization schedule (sunset) is firm in its opposition. In our opinion, it would best suit the needs of The City of Urbana and the local outdoor advertising industry if we work together to ensure the neighborhood market economy has a reasonable means to promote business and create revenue for the City of Urbana. Our primary concern is for that of securing existing sign locations and preserving a small number of existing land lease agreements that were executed prior to September 20th, 2004.

I am available to provide any additional information or answer any questions to assist the Plan Commission and City Council of Urbana. Please feel free to contact me at (217) 202-7851.

Thank You,

A handwritten signature in black ink that reads "Daxton Neal". The signature is written in a cursive style and is positioned to the left of a vertical red line.

Daxton Neal  
Redfish Outdoor Advertising  
PO Box 52275  
Tulsa, OK 74152  
(217) 202-7851-phone  
[www.redfishadvertising.com](http://www.redfishadvertising.com)