



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce Walden, Chief Administrative Officer

FROM: Elizabeth Tyler, AICP, Community Development Services Director

DATE: February 8, 2006

SUBJECT: Update and discussion on outdoor advertising sign structures (billboards)

Introduction

The purpose of this memorandum is to update the City Council on information and options for dealing with outdoor advertising sign structures (also called hereinafter “OASS” or “billboards”). It is important to note that the summaries provided in this memo of laws and court cases are provided to support but not substitute for the expert legal advice provided by the City Attorney’s office.

Urbana’s requirements for billboards are contained in the Comprehensive Sign Regulations as provided in Appendix C: Table IX-5 of the Zoning Ordinance. In general, under our current ordinance, freestanding OASS can be located within 660 feet of the rights-of-way of interstate and primary highways (I-74 and portions of U.S. Route 45, University Avenue, and Lincoln Avenue) in areas zoned B-3, B-4E, and IN. Two display faces are permitted per structure with a maximum size of 300 square feet per face; a minimum distance requirement of 300 feet from any other OASS on the same side of the street; and a minimum distance of 50 feet from any Residential, CRE or AG zoning district.

The Urbana City Council adopted an interim development ordinance on September 20, 2004 which imposed a 365-day moratorium on constructing new outdoor advertising sign structures. The stated purposes of this moratorium are to:

- Preserve and protect the health, safety, and welfare of the citizens of the City by preventing the erection of new OASS which conflict with the intent and purposes of the Comprehensive Sign Regulations of the Zoning Ordinance or with the implementation of the City’s comprehensive plans and adopted redevelopment plans and programs.
- Review the advisability, details, and ramifications of potential revisions to the number, placement, and development regulations pertaining to OASS.

- Review potential amendments to the current regulations such as: the advantages and disadvantages for “cap and replace” type restrictions and/or limitations on the total number of allowable OASS.
- Seek resolution of issues posed by overlapping Illinois Department of Transportation sign regulations.
- Review potential application of new technologies for OASS display, including tri-vision messaging.
- Review consistency of OASS regulations with the City’s Comprehensive Plan and Redevelopment Plans.
- Review impacts of OASS placement on business visibility, site development potential, and other zoning regulations.
- Consider changes to permitting procedures.
- Review the impact of existing OASS’s on downtown and methods of reducing the impact of future development of OASS’s on the downtown business area.

On August 15, 2005, the City Council approved a 300-day extension of this Interim Development Ordinance, thus extending the moratorium to June 11, 2006.

Additionally, City staff offers the following areas of concern for the possible effects of billboards on furthering the development/redevelopment of Urbana.

- The University of Illinois’ national ranking places Champaign-Urbana in direct competition with other university host cities such as the University of California at Berkeley, University of California at Los Angeles, University of Michigan at Ann Arbor, University of Texas at Austin, and the University of Wisconsin at Madison. To succeed, Champaign-Urbana must be able to compete with these and other cities.
- Because Champaign-Urbana has few natural amenities – and none rivaling the oceans, bays, lakes, and hilly topography of our peer cities – we are totally dependant on the quality of our built environment to provide a sense of character and unique quality to be provided by our physical surroundings.
- Most people form their visual impressions of Urbana from their cars while on the city’s roadways.
- Roadway corridors such as I-74, Cunningham Ave., Lincoln Ave., and University Ave. are Urbana’s entryways. They form the first and arguably most lasting impressions in forming our opinions about Urbana.
- Additionally, outside of these major roadway corridors, urban design and the visual qualities of our neighborhoods are also major components of our quality of life.
- The 2005 Comprehensive Plan, Downtown Strategic Plan, and TIF Plans all recognize the importance of creating high quality commercial areas, including aesthetic qualities.
- Although billboards can be a very effective medium of communication in the community, billboards all too often contribute to commonly held negative images of our most traveled corridors.
- In terms of design, the spacing, height, scale, size, and structure of OASS are too often incompatible with adjacent development. Billboards are very rarely context sensitive.

- Of the 35 existing OASS in Urbana, 19 of them (54%) are judged to be in noncompliance with the current Zoning Ordinance.
- Proliferation of billboards is an important issue. In 2002, there were approximately 28 billboard structures in Urbana. By September 2004, permits for an additional nine billboards had been issued by the City.
- Billboards can often be impediments to development and redevelopment of our corridors as some of them block visibility of other signs or buildings, or are sometimes physically stop the development of higher economic uses.
- Based on analysis using geographic information system (GIS), approximately **122 new billboards** could be constructed in Urbana under the City’s existing Zoning Ordinance.
- As our city grows and new areas are developed, pressures will mount to construct billboards in these areas. Should this happen, an element lowering the overall visual quality of these new planned areas would be introduced.
- Jurisdictional overlap between the City of Urbana and Illinois Department of Transportation is sometimes problematic for permit issuance.

Pertinent City Policies

2005 Comprehensive Plan.

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

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

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

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

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

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

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

Goal 17.0 Minimize incompatible land uses.

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

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

Goal 24.0 Enhance Urbana’s commercial areas.

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

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

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

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

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

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

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

Downtown Strategic Plan (Feb. 2002).

As part of the Downtown Image Initiative, the following pertinent objectives were adopted:

Gateways: Visible and attractive gateways to downtown must be established at locations where arterial system users can recognize downtown. Each of these gateways should be subject to particular design treatment, which includes intersection designs that bring the downtown's historic character and pedestrian image into the view of the motorists. Figure 18, Gateway Feature at University and Cunningham, shows a proposed gateway for the southwest corner of University and Cunningham Avenues.

Main Street: Main Street is the focal point of downtown. Buildings are built close to the street and streetscape elements, such as trees, lighting, crosswalks and street furniture provide human-scaled elements that make downtown an inviting place to be. As such, the pedestrian-oriented scale and physical character of Main Street should be enhanced in order to set the tone for new development throughout the downtown area. Every effort should be made to improve pedestrian safety and the built environment of downtown.

Additionally the following pertinent initiatives were adopted as part of the Downtown Strategic Plan:

Downtown Streets. (High priority) Continue a design palette for streetscape, sidewalk and pavement improvements within various categories of downtown streets – pedestrian streets, auto streets, identity streets (key streets which stress and impart the design and function image of downtown).

Adjust zoning to reflect plan (high priority) Review proposed and implied types of uses, buildings and site design policies as contained in plan districts. ... Prepare specialized zones to reflect district policies and to maintain the elements of the existing downtown character.

Tax Increment Financing (TIF) Plans.

The City Council has also adopted several tax increment finance plans which are principally concerned with business promotion through physical improvements. These include the Downtown TIF District #2 Plan and the Cunningham Ave. TIF District #4.

Pertinent City Regulations

Urbana Zoning Ordinance.

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

- Aid in traffic safety by avoiding uncontrolled proliferation of signs which distract and endanger safety and traffic flow;
- Reduce congestion of land, air and space;
- Preserve and protect property values;
- Establish reasonable standards for the use of signs to maintain and encourage business activity;
- Protect and enhance the physical appearance of the community and the scenic value of the surrounding area; and
- Regulate signs visible from public properties where such signs could jeopardize the public's investment in these facilities.

The Zoning Ordinance distinguishes from other types of signage and defines them as follows:

Outdoor advertising sign structure (OASS): A standardized outdoor advertising display, including the permanent framework, structural members, support or supports, foundation, scaffolding and illumination, facing or panels, and message, which is intended and whose customary use is to mount periodically changing commercial or noncommercial displays and which is made generally available for display to the public by an outdoor advertising sign company on a short term basis. Such OASS's shall be limited to two (2) standardized structures.

- a. The "30 sheet poster panel" or painted bulletin, whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately twelve (12) feet by twenty-five (25) feet, containing approximately three hundred (300) square feet of total display area;

- b. The "Junior panel" whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately six (6) feet by twelve (12) feet, containing approximately seventy-two (72) square feet of total display area.
- c. For the purpose of defining the height and width of an OASS, the term "approximately" shall permit the approval of an OASS containing lineal dimensions which deviate from the standardized dimension by no more than 20%.

Urbana's requirements for billboards are provided in Table IX-5 of the Zoning Ordinance (see Exhibit C). Under our current ordinance, freestanding OASS can be located along interstate and primary highways (I-74 and portions of U.S. Route 45, University Avenue, and Lincoln Avenue) in areas zoned B-3, B-4E, and IN and which are within 660 feet of these rights-of-way. Two display faces are permitted per structure with a maximum size of 300 square feet per face; a minimum distance requirement of 300 feet from any other OASS on the same side of the street; and a minimum distance of 50 feet from any Residential, CRE or AG zoning district. Urbana does have a number of OASS which predate these regulations and may not fully comply as legally nonconforming uses.

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

Legal Framework

Federal Laws & Regulations

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

State Laws & Regulations

State control of signs along interstates and primary highways. Under the Federal Highway Beautification Act of 1967, states are required to prohibit all outdoor advertising signs within 660 feet of the right-of-way of Federal interstate and primary highways or else forfeit 10% of that state's Federal highway funds. (Areas zoned commercial and industrial as well as on premise signs are exempt from this act.) The State of Illinois, having created laws in compliance with this requirement, controls signs within 660 feet of the right-of-way of Illinois' interstate and primary highways and which are visible from those roadways.

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

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

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

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

Size and height limits. The maximum size of new billboards is 800 square feet in display area on each side (1200 sq. ft. for Cook County), including border and trim but excluding extensions and cut-outs. Extensions and cut-outs may account for up to an additional 20% of the sign surface area per side. Billboard lawfully erected before July 1, 1993 larger than 800 sq. ft. can be repaired, rebuilt, or replaced. The maximum height is 30 feet, and the maximum length is 60 feet.

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

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

Eminent Domain. Section 15 of the Illinois Constitution prohibits governments from taking or damaging private property for public use without just compensation as provided by law. Such compensation shall be determined by a jury as provided by law. Additionally, under Illinois Code of Civil Procedure (Section 7-101) for eminent domain, “The right to just compensation as provided in this Article applies to the owner or owners of any lawfully erected off-premises outdoor advertising sign that is compelled to be altered or removed under this Article or any other statute, or under any ordinance or regulation of any municipality or other unit of local government, and also applies to the owner or owners of the property on which that sign is erected.”

Significant Court Cases

Central Hudson Gas and Electric v. Public Service Commission. U.S. Supreme Court decided 1980. The Central Hudson case is important because it provides a test for the constitutionality of government restrictions on commercial speech. The following criteria have been often used in later court cases.

1. Is the speech false or misleading, or concerns illegal activity? If so it is not protected.
2. Does the regulation serve a substantial governmental interest?
3. Does the regulation directly advance the substantial governmental interest?
4. Is the regulation more restrictive than necessary to serve the governmental interest?

Metromedia, Inc. vs. City of San Diego. U.S. Supreme Court Decided July 2, 1981. The City of San Diego, California enacted an ordinance essentially prohibiting new off-premise signs within the city. The City's stated the purposes of this ordinance were "to eliminate hazards to pedestrians and motorists brought about by distracting sign displays" and "to preserve and improve the appearance of the City." The ordinance permitted onsite commercial advertising but prohibited off-site commercial and noncommercial advertising. Twelve exceptions were provided such as for political campaign signs. Metromedia, Inc. filed suit on the grounds that San Diego's ordinance was an unconstitutional use of the city's police power and an abridgment of First Amendment rights.

In a split Supreme Court, the majority found that San Diego's ordinance was unconstitutional on its face and that:

- The government has a legitimate interest in controlling non-communicative aspects of billboards, but the First Amendment does place limits on regulation of billboards;
- The First Amendment offers less protection for commercial than noncommercial speech;
- Regulation of commercial speech is to be measured under the test provided by the *Central Hudson Gas* case;
- The City of San Diego's interests in traffic safety and community aesthetics are enough to justify a complete ban on off-site commercial billboards. However, the City's sign ordinance was unconstitutional because it had two fatal flaws. First, it allowed commercial messages in places where noncommercial messages were not allowed. And second, through its ordinance, the city showed a preference for certain kinds of commercial speech over noncommercial speech.

Several justices also noted that ordinances totally banning commercial billboards but allowing noncommercial billboards violate the equal protection clause of the Constitution since it gives too much discretion to City officials in determining whether a proposed message is "commercial" or "noncommercial."

C & U Poster Advertising Company vs. City of Urbana. Decided by 6th Judicial Circuit Court, Champaign County, Illinois in 1982. Closely following the arguments in *Metromedia vs. City of San Diego*, C & U Poster Advertising Company sued both the cities of Champaign and Urbana

concerning billboard regulations. At that time, C & U Poster owned 43 billboards in the City of Urbana. Enforcement of Urbana's Comprehensive Sign Regulations on C & U's billboards would have rendered all but three of them as nonconforming, meaning they would have to be removed under the City's amortization of nonconforming sign requirements. The court's findings in this case included:

- Urbana's sign ordinance was not neutral as to the content of the signs being regulated and thus was not simply a reasonable regulation of time, place or manner of speech. C & U's billboards were neither misleading nor invited people to engage in illegal activity. Therefore under the Central Hudson test, their speech was protected by the First Amendment to the Constitution.
- Urbana's sign ordinances advanced the city's legitimate interests in aesthetics and encouraging business activity and area development. The prohibition of off-premise signs and the restriction of all signs to no more than 150 sq. ft. was necessary to serve and bears a real and substantial relationship to the public welfare. The City of Urbana's limitation on billboards to industrial zoning districts and limiting their size was necessary to serve the public welfare and advanced the City's real interest in aesthetics.
- Urbana's sign ordinance was neither arbitrary nor unreasonable and did not violate the 5th Amendment due process requirement.
- Urbana's sign regulations effected no physical taking or invasion of real or personal property, nor did they render the property of C&U Poster completely useless. Nor did the regulations take the property of C&U Poster without compensation in violation of the 5th Amendment nor take property for public use without just compensation in violation of Article I, Section 5 of the Illinois Constitution.
- Based on the evidence presented, a billboard ban did not advance the city's legitimate interests in terms of traffic flow and safety, nor in terms of protecting property values. The argument that prohibiting off-premise signs improves traffic safety was false, but the argument that limiting them to industrial zoning districts for traffic safety was not unreasonable, arbitrary nor clearly and convincingly false.
- Urbana's sign ordinance curtailed free speech because it treated commercial and noncommercial speech differently. A for-profit sign could be on site or off site, but a not-for-profit sign had different standards: if off-premise it could only be located in industrial zones and limits the number per lot. This exerted a regulatory preference for commercial over noncommercial speech in violation of the First Amendment to the Constitution.
- For commercial speech, it was legitimate for Urbana to classify signs as on-premise or off-premise. But in classifying noncommercial signs, classifying them as on-premise or off-premise signs according to their message unreasonably discriminated in favor of commercial speech in violation of the Equal Protection clause of the 14th Amendment, and in violation of the rights of advertisers to freedom of expression as guaranteed by the First Amendment.
- Specified sections of the City of Urbana's sign regulation violated the First Amendment, were invalid and unenforceable on their face and as applied to C&U Poster's billboards.
- Enforcement of Urbana's sign code provided no monetary compensation to be paid and would result in irreparable injury to the First Amendment rights of the plaintiffs and the rights of their customers. The City of Urbana had illegally infringed the freedom of expression afforded to C&U Poster and their customers under the First Amendment.

The City of Urbana and C & U Poster signed a settlement agreement which included removal of some OASS.

Adams Outdoor Advertising vs. City of East Lansing. Decided July 26, 2000 by the Michigan Supreme Court. At issue was whether application of East Lansing's sign code to Adams Outdoor Advertising's rooftop signs was a governmental taking of property without just compensation. The City enacted their sign code prohibiting rooftop billboards in 1975. Adams Outdoor advertising acquired their signs and leases in 1983 and afterward renewed their leases. In their ruling, the Michigan Supreme Court decided that the City of East Lansing had authority under the State's home rule act to regulate signs, including eliminating nonconforming signs through the use of an amortization provision. The main question for the Court was whether the City's regulation went so far as to require just compensation. A lessee can possess no greater rights under the lease than the lessors possesses. Adams did not have the right to display signs not permitted by the sign code and therefore had no valid claim that the code caused taking of its interest in their rooftop leases. The City's prohibition of rooftop signs removed only one "stick" from the lessors' total "bundle" of rights in their property, but the vast majority of the lessors' property was unaffected by this provision.

Lamar Whiteco Outdoor Corp. vs. City of West Chicago. Decided Feb. 8, 2005. This case concerned whether amortization of a nonconforming billboard can constitute just compensation for its required removal. In 1992 the City of West Chicago amended its Zoning Ordinance to prohibit off-premises advertising structures. The ordinance provided for a seven-year amortization period to compensate for billboard removal. The City began enforcing the ban after seven years, and billboard companies then legally challenged the ordinance alleging that it constituted a governmental taking of property without just compensation. After determining the claim met statute of limitations requirements, the court ultimately concluded, based on the 2002 case *Department of Transportation vs. Drury Display*, that the plaintiffs were entitled to just compensation under Illinois' Eminent Domain Act.

Discussion and Options

Through the Interim Development Ordinance, the City Council has expressed its concern over the negative effects of billboards on our community. The Council has requested guidance on possible solutions and recommendations for future action. The best course for future action in turn depends on formulating a vision for a desired outcome, as well as choosing the methods by which the City is willing to achieve this vision.

Alternative Visions

City staff sees three alternative visions for how Urbana might deal with billboards generally.

Decrease (oppose) billboards

1. A community totally free of billboards; or
2. A community with fewer billboards than now and no new ones

Maintain (tolerate) billboards

1. A community which tolerates the existing number of billboards but expects them to be upgraded and will allow no new ones to be constructed; or
2. A community which tolerates existing billboards. They can be maintained, but when they are gone they cannot be replaced.

Increase (encourage) billboards

1. A community which allows existing and new billboards in appropriate areas as a natural part of the community's growth.
2. A community which encourages outdoor advertising as a way to provide visual interest and excitement and as a way to promote business.

In addition to these general themes there are specific design variables which can differ between OASS.

Variable	More Desirable	Less Desirable
Spacing	Far apart and infrequent	Close together
Structure	Unobtrusive and finished-looking	Visually obtrusive and utilitarian
Size (face)	300 sq. ft. or less	Greater than 300 sq. ft.
Height	(defined by context)	(defined by context)
Setback	Not located in sight visibility triangle	Located in sight visibility triangle
Type	Mounted to buildings with otherwise blank walls	Freestanding
Context	On large lots	On small lots close to buildings, and/or within historic districts

Options

Given the expressed concerns of the City Council, it is assumed that encouraging billboards is not a desirable option. In considering both tolerating and opposing billboards, and given possible combination of themes and design variables, the following are options to consider further.

“Cap and replace” option. Cap the number of billboards by significantly increasing the spacing requirement and requiring upgrading over time. The total number of billboards would remain the same, but as an incentive to get billboard companies to upgrade them, allow new ones to be built in other commercial areas if old ones are taken down. Over time billboards would become spread out rather than concentrated. Requiring that two old billboards be removed for each new one moved would be an option.

Strengths: Provides a market incentive for companies to upgrade their billboards. Billboard companies tend to like “cap and replace programs” although they may not be willing to accept a 2:1 replacement ratio. Spreads billboards out.

Weaknesses: Spreads billboards out meaning they will be constructed in new areas.

“Freeze” option. Reduce the negative effects of future billboards by significantly increasing the spacing requirement.

Strengths: Would curtail the proliferation of new OASS while maintaining an effective means of commercial communication.

Weaknesses: Does nothing on its own to reduce nonconforming OASS.

“Content neutral” option. Bring billboards under a new content-neutral sign code which makes no distinction between on and off-premise signs. Sign regulations theoretically would not discriminate between “on-premise” or “off-premise” messages.

Strengths: Treats all signage equally and recognizes that signs other than billboards also contribute to poor aesthetics. In some respects more legally defensible.

Weaknesses: The City would have to consider increasing the maximum wall sign for all businesses from 150 to 207 sq. ft. to accommodate the standard 30-sheet poster manufactured for outdoor advertising firms. This approach would allow many more smaller signs in return for allowing fewer large ones. Would be nearly impossible to customize sign code requirements to meet the needs of all users. Cities such as Portland, Oregon which have adopted a “content neutral” sign philosophy have experienced unintended negative consequences such as inadvertently prohibiting outdoor art murals.

Billboard Removal.

To actually remove billboards, regulatory options might include (1) amortization of nonconforming signs and OASS through a comprehensive and legally defensible sign program, or (2) condemnation and removal of billboards generally following a clear public purpose and rationale.

Strengths: the Urbana Zoning Ordinance already has a provision for amortizing nonconforming signs generally. This approach would be limited to only nonconforming signs and billboards.

Weaknesses: Amortization is problematic under State law. Condemnation and removal of billboards generally could cost \$25 million or more, based on an assumption that billboard companies and property owners would have to be compensated for lost future revenues. Compensation of private companies at this level is liable to be seen as totally unacceptable by Urbana’s citizens. Billboard removal would not in and of itself prevent new billboards from being erected.

Recommended Approach

To address issues such as OASS proliferation and design, and in the context of carrying out the goals, objectives, and policies of adopted City plans and ordinances such as the 2005 Comprehensive Plan, Zoning Ordinance, and Interim Development Ordinance, City staff recommends a two-phased approach: (1) increase the standards in the City's Zoning Ordinance to improve the design and distance requirements for new billboards, and (2) work toward removal of the most problematic nonconforming billboards.

- Among other changes, development standards for OASS in Urbana's Zoning Ordinance should be revised to reflect the following:
 - (1) Increase the minimum spacing requirements from 300 feet to 1,500 feet;
 - (2) Change how spacing is measured such that only one billboard row would be allowed along roadway corridors. Currently the City's standard of measurement would allow two rows of billboards along a roadway with one row on each side;
 - (3) Lower the maximum height limit while discouraging monument-type billboards which block visibility of businesses and other signs;
 - (4) Increase the minimum separation distance to residential zoning districts from 50 to 300 feet;
 - (5) Improve design criteria concerning the structure; and
 - (6) Require billboards to be approved through the Conditional Use or Special Use Permit process so that billboard placement and geometrics will conform to the site context.

In terms of timing, a proposed ordinance should be presented to the Plan Commission by April 6, 2006 to insure revisions would have sufficient time to be fully discussed and acted upon before the Interim Development Ordinance expires on June 11th.

- Create a priority list of nonconforming billboards for which removal would be most beneficial in terms of carrying out the City's goals and plans, as well as for protection of sensitive areas such as potential historic districts. This scenario envisions strategic removal of a minority of problematic billboards. One option would be to allow nonconforming billboards to be moved elsewhere in Urbana. Some communities have a 2:1 replacement requirement that if a billboard is moved to a new area, two nonconforming billboards must be removed.

Fiscal Impacts

Restriction on OASS should have no direct fiscal impacts upon the City of Urbana. 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 represents a positive economic potential for the advertiser, many of which are Urbana-based businesses.

Staff Recommendations

City staff recommends that the City Council adopt a two-phased approach concerning billboards by first upgrading development standards for OASS in Urbana's Zoning Ordinance, and secondly working to remove the most problematic billboards in terms of inconsistencies with public goals and plans.

Prepared by:

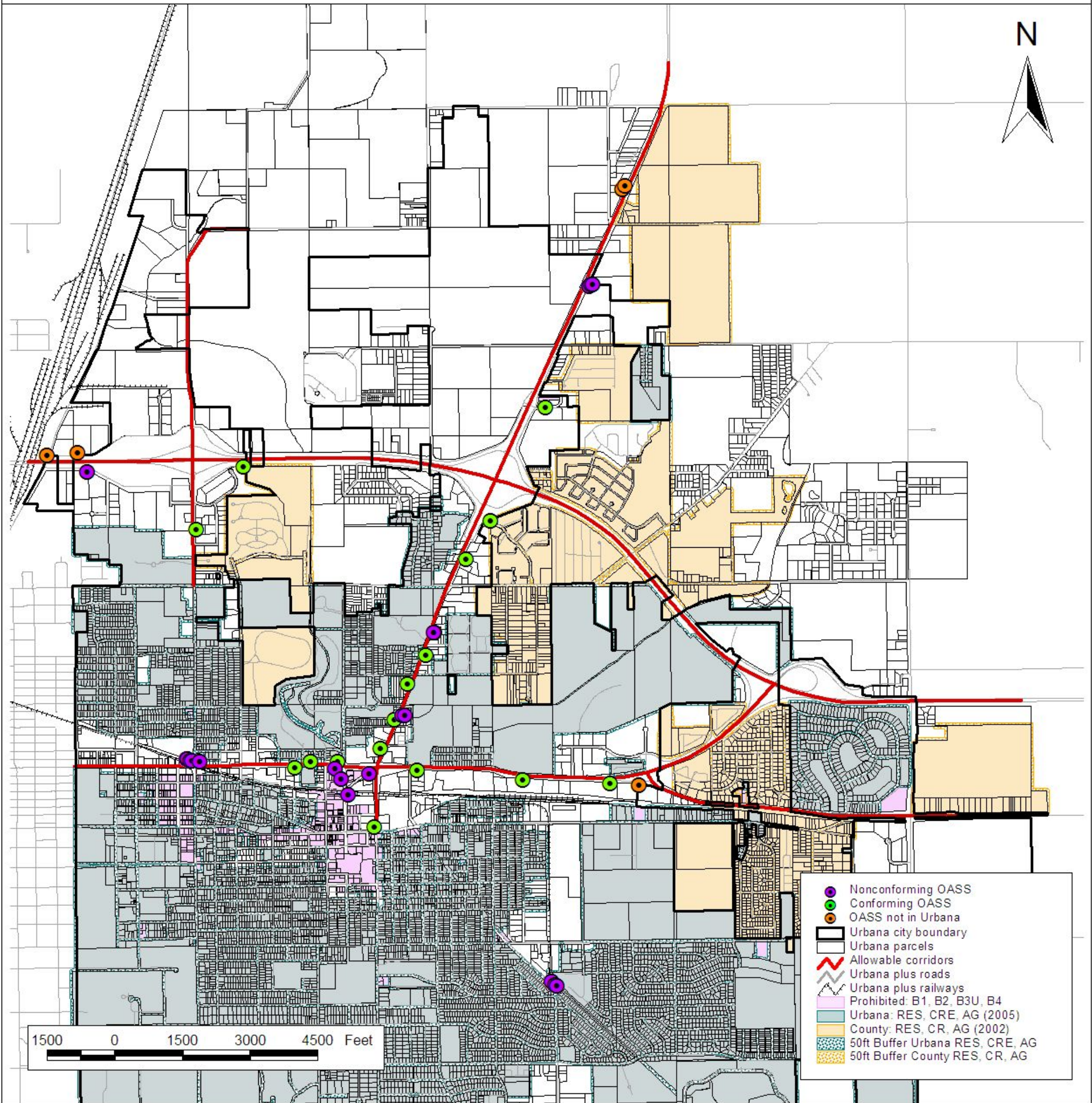
Robert Myers
Planning Manager

Attachments: Exhibit A: Current OASS in Urbana
 Exhibit B: OASS Inventory
 Exhibit C: Table IX-5 of the Zoning Ordinance

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cc: Adams Outdoor Advertising
 Redfish Advertising

Exhibit A: Current OASS in Urbana



Current OASS in Downtown Urbana

