



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 H. Tyler, AICP, Director/City Planner

DATE: May 31, 2006

SUBJECT: Zoning Ordinance text amendment concerning outdoor advertising sign structures (billboards), Case No. 1988-T-06

Introduction

Plan Case No. 1988-T-06 is an application for a text amendment to the Urbana Zoning Ordinance to change the City’s development standards for outdoor advertising sign structures (also called hereinafter “OASS” or “billboards”). The applicant is the Urbana Zoning Administrator.

The Urbana City Council has adopted a moratorium on new billboard construction. Following City staff research and input, the Committee of the Whole in February 2006 expressed its support for increasing the standards in the Zoning Ordinance to improve billboard placement, design, and safety.

If adopted, the attached draft text amendment to the Zoning Ordinance would increase spacing requirements, heighten billboard design standards and require that new billboards be approved through the Special Use Permit process. This is intended to insure that new billboards are erected in a context-sensitive manner. As recommended by the City Attorney and Plan Commission, this draft ordinance does not include changes to Section X-9 of the Zoning Ordinance, Nonconforming Signs (and billboards).

Background

Urbana’s billboard standards are provided in the Comprehensive Sign Regulations, 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-4, B-4E, and IN. Two display faces are permitted per structure with a maximum size of 300 square feet per face; 300 feet is

the minimum distance required from any other OASS on the same side of the street; and 50 feet is the minimum distance 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.

In August 2005, the City Council approved a 300-day extension of this Interim Development Ordinance.

The Need for Revised Standards

The City of Urbana has experienced a proliferation of new billboards within the past few years. At the beginning of 2002, Urbana had 28 OASS. From January 2002 to September 2004 when the current interim development ordinance (IDO) was enacted, the City of Urbana issued permits for nine more OASS. This represents a one-third increase in OASS within a period of 33 months.

In addition to billboard proliferation, their design and placement can present practical difficulties in terms of aesthetics, economic development, traffic safety, and jurisdictional overlap.

- Billboards can be insensitive to the context in which they are constructed. This is primarily in terms of height, structure, placement on the lot, and relationship to other structures and business signage.

- Billboards can be impediments to development and redevelopment of Urbana’s corridors as they can block development of a lot to a higher economic use and block signage for existing businesses.
- When not properly located, billboards can be safety hazards if they encroach into trafficways and private driveways and parking areas.
- Jurisdictional overlap between the City of Urbana and Illinois Department of Transportation leaves the door open for construction of noncompliant billboards.

A billboard constructed at 1710 N. Cunningham Ave. illustrates three of these issues. The City of Urbana issued a permit to construct a billboard at this location. The billboard was constructed but since it could be seen from Interstate 74, the Illinois Department of Transportation (IDOT) required that it be lowered so that it could not be visible from the interstate. The billboard was lowered without having to obtain a revised City billboard permit. The new billboard blocked the view of Longhorn Smokehouse (now renamed Hickory River) located next door at 1706 N Cunningham Ave.



1719 N. Cunningham Ave., Urbana, Illinois

Longhorn Smokehouse is a local business which had moved to this location to allow for expansion with the assistance of City TIF redevelopment funds. The attached newspaper article (“Owners: Low Billboards a Bad Sign for Business”) reports the reaction of the owners of the Longhorn Smokehouse and other nearby properties. In addition to economic development concerns, the newly lowered billboard became a traffic safety hazard for trucks and vans using the adjacent warehouse. At least five vehicles struck the billboard before the situation was resolved by removal of parking spaces from the billboard area and installation of a curb and concrete barrier. City staff pursued the revision of the IDOT billboard permit for a safer height with that agency and the billboard company

but without success. The City had a maximum billboard height limit but no minimum height requirement. A City design review process has not been required to insure context-sensitive designs could have remedied or prevented the situation.

Pertinent City Policies

Raising the City's standards for new billboards is supported by adopted plans and policies, including the *2005 Comprehensive Plan*, *Downtown Strategic Plan*, and *Tax Increment Finance Plans*.

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 includes 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.

As part of the Downtown Image Initiative, the following pertinent objectives were adopted. It should be noted that Article IX of the Zoning Ordinance allows billboards to be constructed in the B-4E (Central Business Expansion) Zoning District and along Vine Street between Main and University Streets which is the main entryway to downtown Urbana.

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 and redevelopment. TIF Districts 1 & 2 include downtown Urbana and the intersection of University and Cunningham Avenues. TIF District 4 includes almost all of the N. Cunningham Ave. corridor. The *Cunningham Avenue Corridor Redevelopment Plan* (2001) documents that the corridor is characterized by a pattern of aging and underdeveloped commercial and industrial uses that suffer from poor access and layout, deficient utilities, environmental contamination, obsolete platting, and land use incompatibilities. The City is committed to resolved these identified problems through adoption of

the TIF 4 District and plan. Billboard placement can interfere with current and potential redevelopment plans by blocking access and preventing lot consolidation.

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 OASS 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. Under the City’s 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-4, 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 are considered to be 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, as written, Section X-9 of the Zoning Ordinance currently exempts OASS from this requirement in light of the final judgment order and settlement agreement in the C & U Poster lawsuit as discussed below. Additionally, since these regulations were adopted, State laws were changed to clarify that local governments must pay just compensation for billboards removed through amortization or eminent domain.

Legal Framework

When billboard standards and procedures are revised, it must be done within a relatively complex legal framework including laws, regulations, and court rulings at both the Federal and State levels.

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

States control signs and billboards 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 off-premise 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. Billboards 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.

Significant Court Cases

The following court cases are the most pertinent to enactment of revised City billboard standards.

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. This case also laid the basis for the Metromedia case discussed below which helped determine an important lawsuit against the City of Urbana brought by a local billboard company. The Central Hudson case established the following criteria in determining when government regulation of commercial speech is unconstitutional.

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. v. 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 the Metromedia case, 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.

In 1986, the City of Urbana and C & U Poster signed a settlement agreement. This resulted in Urbana agreeing not to enact more stringent billboard laws before January 1, 2004, and C & U Poster agreeing to remove some OASS. Since then, Urbana’s zoning ordinance has been revised to address a number of these issues.

Lamar Whiteco Outdoor Corp. v. City of West Chicago. Decided Feb. 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 v. Drury Display*, that the plaintiffs were entitled to just compensation under Illinois' Eminent Domain Act.

City of Oakbrook Terrace v. Suburban Bank and Trust Company. Decided by the Illinois Appellant Court Second District, March 2006. The City of Oakbrook Terrace, Illinois, a home rule unit of government, sought to enforce a zoning ordinance regulating off-premises outdoor advertising signs. In 1980, the City enacted an ordinance prohibiting off-premise, freestanding signs and required that they be removed or altered to conform by 1988. In 1999, the City commenced an enforcement action against property owners who had not bring their signs into compliance. In 2001 the City repealed certain portions of the ordinance and allowed smaller and shorter billboard than previously allowed but still required nonconforming billboards to be brought into compliance. Suburban Bank and Trust filed suit under the Illinois Eminent Domain Act (735 ILCS 5/7--101), and the trial court agreed that the City could not require alteration of defendants' signs without paying them just compensation. The City appealed the ruling, and the Second Appellant Court in March 2006 sided with the defendants.

Discussion

As previously discussed, billboard proliferation is an important issue. In January 2002, there were approximately 28 billboard structures in Urbana. By September 2004, permits for an additional nine billboards had been issued by the City. This represents an increase of approximately one-third during this period. Using geographic information system (GIS) analysis, the Planning Division has determined that 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.

Economic development issues have already been touched upon, but another economic issue – how the location of billboards on vacant lots can sometimes be an impediment to future redevelopment – is illustrated in the following example from N. Neil Street in Champaign. The brick commercial building directly behind the billboard is currently under construction. If this billboard is not moved, it apparently will be located in the middle of a parking aisle. This makes redevelopment difficult and if left in place could cause problems in terms of traffic circulation and safety.



N. Neil Street, Champaign, Illinois

In addition to economic development and public safety issues previously addressed, aesthetics is another important consideration. The following two photographs illustrate the benefits of context-sensitive billboard design. The example from N Broadway Ave. in Urbana includes an architectural finish, lacks of an industrial “cat walk” or ladder, has an architectural “wrap” around the billboard support columns, has landscaping to provide a more attractive setting, and has a coordinated color scheme.



N. Broadway Ave.

The following billboards on University Avenue show both positive and negative design aspects. In terms of good design, they have a finished architectural appearance as well as use of a color scheme which coordinates with the building. Their negative design aspect is that they are essentially rooftop signs.



Northeast corner of University and Lincoln Aves., Urbana, Illinois

For communities such as Urbana, aesthetics and our built environment broadly impact our quality of life and economy. As has often been stated, Champaign-Urbana has few natural amenities and therefore our cities are totally dependant on the quality of our built environment to provide a sense of character and unique quality. The University of Illinois' national ranking places Champaign-Urbana in direct competition with peer university cities: Berkeley, California; Ann Arbor, Michigan; Austin, Texas; and Madison, Wisconsin. To succeed, Champaign-Urbana must be able to compete with these cities. Because our community does not have the oceans, bays, lakes, and hill country of these peer cities, our built environment is a paramount factor in defining our surroundings and quality of life. 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 possibly most lasting impressions about Urbana. Although billboards can be a very effective medium of communication in the community, billboards which are poorly designed and placed can contribute to negative images of our most traveled corridors. 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.

Previous communications to the Plan Commission and City Council outline these problems in greater detail. The following communications with all attachments, although not attached to this memo, are expressly being made part of the record in Zoning Case No. 1988-T-06:

- Memorandum from April Getchius, Community Development Services Director, to Bruce Walden, CAO, dated December 13, 2000, concerning Plan Case No. 1768-T-00, a request to amend Article IX of the Zoning Ordinance by adding Section IX-10, Moratorium on Outdoor Advertising Sign Structures.
- Memorandum from Elizabeth Tyler Community Development Services Director to Bruce Walden, CAO, dated May 3, 2001 concerning Plan Case No. 1777-T-01, a request to amend Article IX.3.C and Table IX-5 of the Zoning Ordinance in respect to Outdoor Advertising Sign Structures.
- Memorandum from Elizabeth Tyler Community Development Services Director to Bruce Walden, CAO, dated September 16, 2004 concerning Plan Case No. 1907-T-04, a request to amend Article IX of the Zoning Ordinance by adding Section IX-10, Interim Development Ordinance.
- Memorandum from Rebecca Guest, Planning Intern to the Urbana Plan Commission dated July 15, 2005 regarding a study session to consider possible text amendments to Article IX, Comprehensive Sign Regulations.
- Memorandum from Elizabeth Tyler, Community Development Services Director, to Bruce Walden, CAO, dated February 8, 2006 concerning an update and discussion on outdoor advertising sign structures.

Overview of proposed ordinance

Attached is a proposed billboard text amendment to the Urbana Zoning Ordinance. In the attached draft ordinance, proposed new wording is underlined, and proposed deletions are ~~struck out~~.

The following provides an overview of the proposed Zoning Ordinance text amendment for OASS. It is important to note that these standards are prospective in nature, meaning that they pertain to construction of new billboards. Existing billboards which do not meet these standards would be classified as nonconforming uses which would be dealt with as specified by Section X-9 of the Zoning Ordinance.

- *Separation distance.* The minimum separation distance between billboards would be increased from 300 feet to 1,500 feet. The primary purpose of this change is reduce the potential for billboard proliferation. Under the City's existing Zoning Ordinance, approximately 122 new billboards could theoretically be constructed. Under the new ordinance approximately four new billboard could theoretically be constructed.
- *Rows of billboards per corridor.* Currently one row of billboards is allowed on each side of a roadway. A new standard for measuring billboard separation distances would essentially mean that only one row would be allowed. This does not mean that all billboards would have to be located on one particular side of a roadway as the new standard would allow them to alternate between sides as long as they maintain the minimum 1,500 separation distances.

- *Downtown billboards.* Currently billboards are allowed in the B-4, Central Business Zoning District and along Vine Street downtown. The new ordinance would remove these options. Large advertising structures such as billboards are reasonable in areas with higher travel speeds. But downtown has low travel speeds whether people are traveling by car, bicycle, or on foot. Also, billboards are incompatible with the heightened aesthetic concerns of traditional “Main Street” areas. Downtown business districts have their own special needs critical for their promotion and development. Large advertising structures in Urbana’s downtown are incompatible in this respect. And finally, allowing billboards downtown is incompatible with the goals and policies expressed in our Comprehensive Plan, Downtown Strategic Plan, and Downtown Tax Increment Finance Plan.
- *Maximum height.* Currently billboards within 2,000 feet of I-74 and oriented toward the interstate are allowed an increased height up to 75 feet tall. Although this increases visibility of the billboard from the interstate, this allows extremely tall sign structures which are not only incompatible with adjoining uses but unfairly places on-site business signage at a competitive disadvantage. For on-premise signs, freestanding business signs are limited to 25 feet in height while freestanding shopping center signs are limited to 40 feet.
- *Building encroachment.* Currently billboards can encroach up to nine feet into the airspace above buildings so long as the billboard is no closer than three feet to the roof. The revised ordinance would no longer allow billboards to encroach over the roofs. The purpose of this change is primarily for aesthetic purposes. Rooftop signs and billboards are prohibited, and a nine foot encroachment essentially allows a partial rooftop sign.
- *Setback exception.* Billboards currently have to comply with all the setback requirements for buildings in its respective zoning district, except that they can encroach in an otherwise required side yard setback in B-3 zoning districts. This exception would be eliminated as there seems to be no acceptable rationale for an exception for new billboards.
- *Minimum height.* The ordinance currently has a maximum height but no minimum. For safety purposes, a minimum height is necessary in cases where billboards would overhang driveways and parking lots where they may be hit by vehicles or impede traffic circulation. Additionally, billboards placed too low can block the view of businesses and business signage. The minimum height should fit the context of the particular site. Consequently, this aspect of billboards should be determined as part of the Special Use Permit approval process.
- *Special Use Permit.* The proposed ordinance would for the first time require that billboards obtain a Special Use Permit through the Plan Commission and City Council. Although admittedly this requires more work on the part of the City, City staff believes it well worth the additional effort in terms of outcome. Billboards need to be context sensitive. In addition to following certain standards, new billboards should meet specific

criteria such as being consistent with its architectural setting, staying clear of vehicular traffic, and not blocking further development and redevelopment of business corridors. Adams Outdoor Advertising had questioned whether requiring a Special Use Permit for new billboards would be legal since doing so would treat this type of signage different than other types. Following research into this issue, City Attorney Jim Gitz advised the Plan Commission at their May 18th meeting that he saw this Special Use Permit requirement as legally defensible.

- *Measurement standards.* The ordinance needs to maintain precise standards for measuring the area of billboards, and these standards need to be located in the ordinance with the rest of the OASS standards. Currently area measurement standards are located in the definitions section of the zoning ordinance. As a rule, standards should not be included within the definition sections of zoning ordinances.
- *Landscaping standards.* The Zoning Ordinance currently has landscape standards for billboards. The purpose is to provide an aesthetically pleasing setting. The Ordinance's current standards have not been successful, in large part because the minimum requirements are set too low. In order to have a visual impact, the planting area and materials need to be increased.
- *Priority for issuance of billboard permits.* Because permit applications cannot be approved if they don't meeting the spacing requirements, the order of permit submittal can be crucial. There have been times when applications for two closely spaced locations can raise the issue of "who was first". The current policy is that the first *complete* application has first priority for issuance of permits, and the proposed ordinance amendment would codify this.
- *Removes the Outdoor Advertising Sign Structures Moratorium.* Development moratoria must be for compelling reasons to serve the public purpose and for specified time periods. Amending the Zoning Ordinance as recommended herein would fulfill the need for enacting the moratorium and allow it to be repealed.

Justification for a 1,500 Foot Separation Distance

This issue is important and requires more detailed consideration. The distance of 1,500 feet is being proposed as the spacing requirement for new OASS because it would prevent proliferation of billboards without being more restrictive than necessary to serve the governmental interest. Fifteen hundred feet was chosen after a careful identification of the facts specific to Urbana in terms of:

- A record of billboard proliferation before the current moratorium was adopted;
- Adopted City policies;
- Minimum distance requirements in other Illinois communities; and
- The Central Hudson test for government regulation of commercial speech.

These first two issues have previously been addressed in this memo. In terms of what is now being required by other Illinois jurisdictions, a 1,500 foot minimum separation distance would not be unique or arbitrary. Table A (attached) shows examples of required minimum billboard spacing in various Illinois jurisdictions. In unincorporated Champaign County, billboards on property zoned AG along interstates are required to have a minimum spacing of one mile (5,280 feet), and billboards on AG-zoned land along other Federal highway corridors are required to have a minimum spacing of no more than three billboards per mile (1,760 feet). Although County properties zoned commercial and industrial could have one billboard per lot frontage, only approximately 0.3% of Champaign County is so zoned. The neighboring Village of Savoy currently requires a minimum 1,500 foot separation distance. Adams Outdoor Advertising has indicated they agreed to a 1,500 foot spacing there in return for agreeing to a “cap and replace” program (essentially the right to move existing billboards to new locations without increasing their number overall). The City of Champaign currently has the same spacing requirement as Urbana -- 300 feet – and is currently under a billboard moratorium to consider changing their standards.

It should also be noted that approximately 57 Illinois cities currently have ordinances which ban off-premise signs altogether. But these communities have their own particular circumstances, and their ordinances may or may not withstand legal challenges. Although Urbana can look for guidance from other communities, we must adopt regulations which are specific to our circumstances.

Based on Table A and other sources, a 1,500 foot minimum spacing requirement would not be unique in Illinois, and neither would it be arbitrary or more restrictive than necessary to serve the public interest. The landmark Central Hudson Gas & Electric court case previously cited provides a four part test for cases involving government regulation of commercial speech. Under the Central Hudson test, once it has been established that the regulation of commercial speech serves and advances a substantial public interest, the last question is whether or not the regulation is more restrictive than necessary to serve the governmental interest. If a one mile minimum distance were enacted, such as is already required in Champaign County along interstates, it might be argued that this distance is more restrictive than necessary to serve the City of Urbana’s public interest. Analysis using geographic information system shows that a combination of

- (1) 1,500 foot minimum spacing,
- (2) Limiting to only one row of billboards per roadway corridor, and
- (3) Increasing the minimum distance from residential zoning districts to 300 feet,

would reduce the theoretical number of new billboards in Urbana within our current City limits from 122 to four. Alternately, changing Urbana’s billboard minimum spacing to 1,000 feet without changes (2) and (3) above would theoretically allow 34 future billboards in Urbana. Therefore, in City staff’s judgment, a combination of requirements (1) through (3) would be sufficient to advance the public interest in limiting billboard proliferation without being more restrictive than necessary.

“Cap and Replace” Billboard Program

Adams Outdoor Advertising has made several requests for the City of Urbana to consider adopting a “cap and replace” billboard program in our community. Essentially a cap and replace program would

freeze the total number of billboards currently in the city, but in return billboards could be moved to new corridors where they currently are not allowed. Adams Outdoor Advertising states that they have agreed to cap and replace programs with the cities of Peoria, Savoy, and Monticello in Illinois and believes this arrangement to be advantageous to both parties. City staff has considered this option. Advantages of a cap and replace program include a limit to the number of billboards in the city, an agreement that avoids possible litigation, and a market incentive to make nonconforming billboards compliant with zoning standards. A major problem with cap and replace programs is that they allow billboards to spread to new areas where they are not currently allowed. The Plan Commission considered but did not recommend approval of a cap and replace program for this and other reasons. They also expressed a concern that the City could conceivably be liable for contributing to a loss of property owner revenue for properties from which nonconforming billboards would be moved. At the May 18, 2006 Plan Commission meeting, another important aspect of cap and replace was noted. The City is proposing a 1,500 foot minimum spacing requirement and would allow additional billboards (approximately four) to be constructed so long as they meet the new requirements. Adams Outdoor Advertising has already agreed to a 1,500 foot minimum spacing within the City of Savoy and has agreed that no additional billboards can be built. As noted by a Plan Commissioner, in these respects the City of Urbana's proposal would actually be less restrictive than what Adams Outdoor Advertising has agreed to in the neighboring Village of Savoy.

Summary of Findings

1. The proposed zoning ordinance text amendment serves and directly advances a substantial governmental interest;
2. The regulation is no more restrictive than necessary to serve the public interest;
3. The proposed billboard text amendment includes reasonable new requirements which are not arbitrary;
4. The proposed Zoning Ordinance text amendment fulfills the intent of the Outdoor Advertising Sign Structures Moratorium;
5. The proposed amendment will further the City of Urbana's goals, policies, and implementation strategies concerning outdoor advertising sign structures as expressed through the Comprehensive Plan, Zoning Ordinance, Downtown Strategic Plan, Tax Increment Finance District Plans, and other pertinent documents;
6. The proposed amendment addresses the goal of limiting billboard proliferation. Under the existing Zoning Ordinance, approximately 122 new billboards could be constructed in Urbana;
7. The proposed amendment addresses aesthetics. New standards and processes for billboard approval will require context sensitive design and better landscaping standards;

8. The proposed amendment includes new safety measures in terms of billboard placement and enactment of a vehicular clear zone;
9. The proposed amendment is intended to insure that billboards will not be a nuisance to existing businesses nor be an impediment to further development or redevelopment of business corridors; and
10. The proposed amendment is intended to further economic development of Urbana by protecting and enhancing the community's quality of life.

Options

The City Council has the following options in Plan Case 1988-T-06:

- a. Approve the proposed OASS text amendment to the Zoning Ordinance as presented herewith;
- b. Approve the proposed OASS text amendment to the Zoning Ordinance with specific changes; or
- c. Deny the proposed OASS text amendment to the Zoning Ordinance.

Recommendation

Following deliberations and public hearings at three meetings, the Urbana Plan Commission on May 18, 2006 voted unanimously (5-0) to forward Plan Case 1988-T-06 to the Urbana City Council with a recommendation for approval, except that changes to Section X-9 (Nonconforming Signs) be removed from consideration at this time, as recommended by City Attorney Jim Gitz. The attached draft ordinance has been revised to reflect this change, and City staff plans to bring forward revisions to the Nonconforming Sign section of the Zoning Ordinance in the near future.

Based on the evidence presented in this memo and supporting documents, City staff recommends that the City Council **APPROVE** the OASS text amendment to the Zoning Ordinance as recommended by the Plan Commission.

Attachments:

- Exhibit A: Existing OASS Map
- Exhibit B: Detailed OASS Inventory
- Exhibit C: Proposed Zoning Ordinance text amendment
- Exhibit D: "Owners: Low Billboards a Bad Sign For Business", *News-Gazette*, Aug. 30, 2004
- Exhibit E: Letter from Joe Duchene, Manager, Eastland Suites, to City of Urbana, July 8, 2004

H:\Planning Division\001-ALL CASES (and archive in progress)\02-PLAN Cases\2006\1988-T-06, OASS text

amendment CC memo.doc

cc: Adams Outdoor Advertising

**TABLE A. EXAMPLES OF BILLBOARD SPACING REQUIREMENTS
IN ILLINOIS JURISIDCTIONS**

CHAMPAIGN COUNTY JURISDICTIONS

Champaign County	5,280 feet (one mile) between billboards along interstates in AG zoning districts, 1,760 feet between billboards along other Federal highways in AG zoning districts, or one billboard per property frontage in business and industrial zoning districts (about 0.3% of the County).
City of Champaign	300 feet between billboards (Champaign currently has a moratorium on billboards to consider changing their standards.)
Village of Mahomet	Billboards are prohibited.
Village of Savoy	1,500 feet between billboards.
City of Urbana	300 feet between billboards. (Currently. This has resulted in proliferation.)

OTHER ILLINOIS JURISDICTIONS

Bloomington, IL	200 feet between billboards.
Carbondale, IL	Billboards are prohibited.
Charleston, IL	Billboards are prohibited.
Decatur, IL	750 feet between billboards.
Galena, IL	500 feet between billboards. Require a Special Use Permit.
Glendale Heights, IL	100 feet between billboards. Allowed only as the principal use of the lot. Requires a Conditional Use Permit.
Monticello, IL	1,000 feet between billboards.
Normal, IL	1,000 ft between billboards on same side of roadway, 500 feet from OASS on opposite side.
Washington, IL	Billboards are prohibited.
Waukegan, IL	Billboards are prohibited.

ORDINANCE NO. 2006-06-071

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS

(To change the standards and procedures for Outdoor Advertising
Sign Structures (billboards) - Plan Case 1988-T-06)

WHEREAS, the City Council of the City of Urbana, Illinois on September 20, 2004 adopted an interim development ordinance which imposed a 365-day moratorium on constructing new outdoor advertising sign structures, and on August 19, 2005 approved a 300-day extension of said moratorium; and,

WHEREAS, the stated purposes of the 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 and with the implementation of the City's comprehensive plans and adopted redevelopment plans and programs, and to allow review of the advisability, details, and ramifications of potential revisions to the number, placement, and development regulations pertaining to OASS.

WHEREAS, the Urbana Zoning Administrator in conformance with the intent of the moratorium has submitted a petition to revise the OASS standards and procedures provided in the Zoning Ordinance, and in so doing resolve outstanding issues and ultimately remove the moratorium; and,

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 1988-T-06; and,

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Plan Commission held a public hearing on the petition on April 20, 2006 which was continued to their May 4, 2006 and May 18, 2006 meetings; and,

WHEREAS, the Urbana Plan Commission voted 5 ayes to 0 nays on May 18, 2006 to forward Plan Case No. 1988-T-06 to the Urbana City Council with a recommendation for approval of the proposed amendment with one revision which has been incorporated as part of the petitioned changes; and,

WHEREAS, the findings of the Urbana Plan Commission indicate that the proposed Zoning Ordinance text amendments are intended to reduce billboard proliferation; to insure that new billboards provide for safety in terms of vehicular movements, not be nuisances to existing businesses, and to not impede further development or redevelopment of business corridors; and to further advance economic development by protecting the community's quality of life.

WHEREAS, after due and proper consideration, the Urbana City Council has determined that the amendments described herein conform to the goals, objectives and policies of the 2005 Urbana Comprehensive Plan, Downtown Strategic Plan, Tax Increment Finance District Plans, and Urbana Zoning Ordinance as amended from time to time; and,

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interest of the City of Urbana to revise the existing 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. "Sign" definitions provided in Section II-3, Section VII-11, Section IX-1, Section IX-3, Section IX-4, Section IX-8, Section IX-10, and Table IX-5 of Zoning Ordinance of the City of Urbana, Illinois are hereby repealed upon the effective date of this Ordinance, and in their place, new sections and tables are hereby enacted to read as follows in the document attached hereto as "Exhibit C".

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 June, 2006.

PASSED by the City Council this _____ day of June, 2006.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2006.

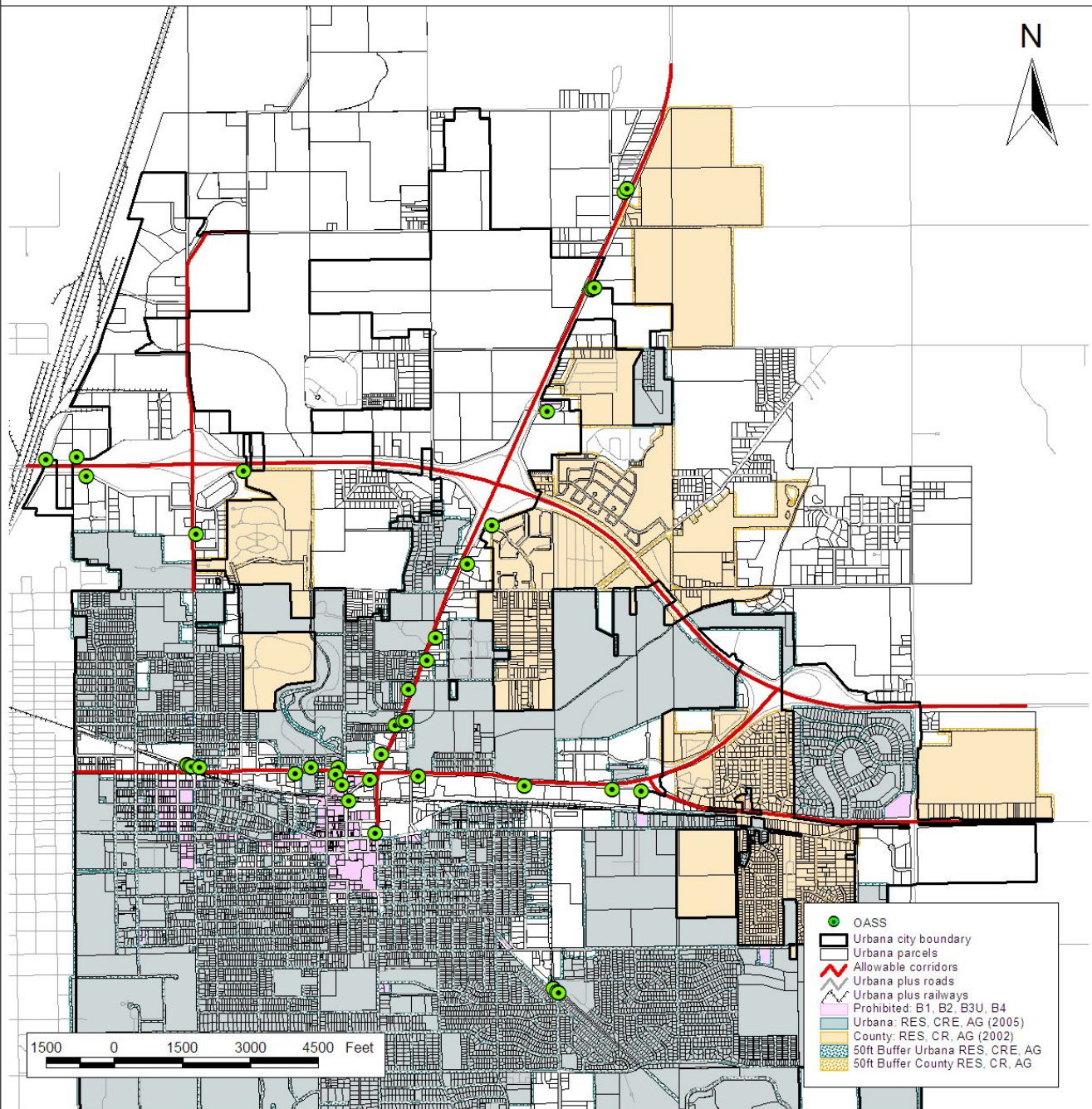
Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

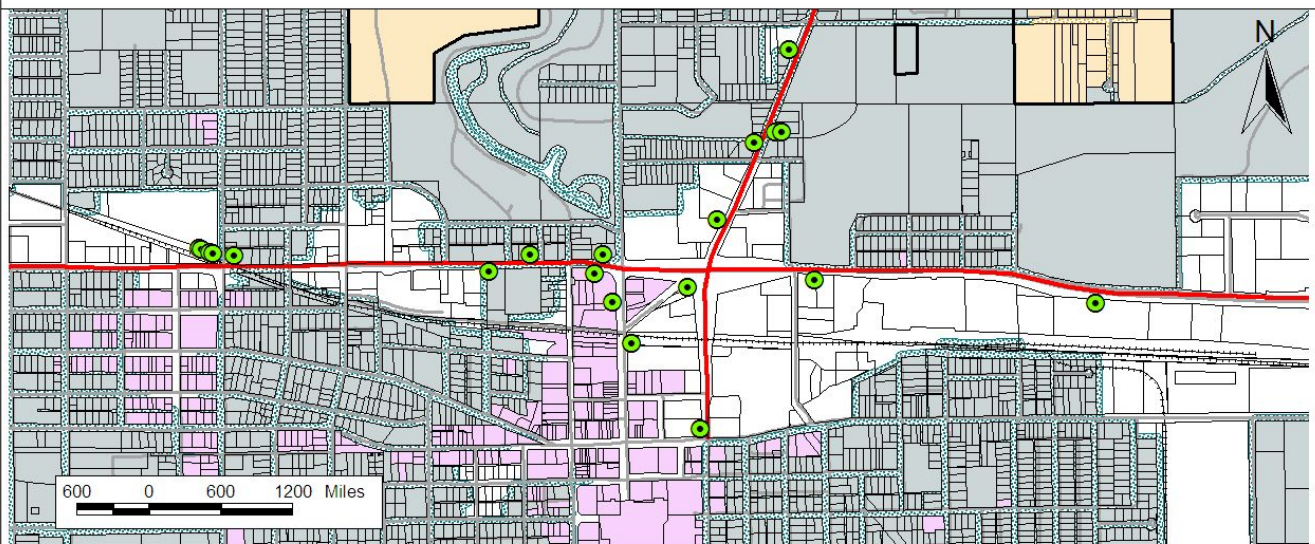
I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the _____ day of June, 2006, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "An Ordinance Amending the Zoning Ordinance of the City of Urbana, Illinois (To change the standards and procedures for Outdoor Advertising Sign Structures (billboards) - Plan Case 1988-T-06)" 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 _____, 2006, 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 _____, 2006.

Exhibit A: Current OASS in Urbana



Current OASS in Downtown Urbana





Location: **212 E. Main St.** (1 Structure)

Zoning: B4, Central Business

Faces: 2

Size: 12' X 25'

Height: medium

Permit date: 1/23/02

Current owner: Adams

Status: CONFORMING*

*Status for all OASS is based on current knowledge and is subject to change according to further study.



Location: **105 E. University Ave.** (1 Structure)

Zoning: B4, Central Business

Faces: 1

Size: 10' X 30'

Height: medium

Permit date: ?

Current owner: Adams

Status: CONFORMING



Location: **304 W. University Ave.** (1 Structure)

Zoning: B3, General Business

of faces: 2

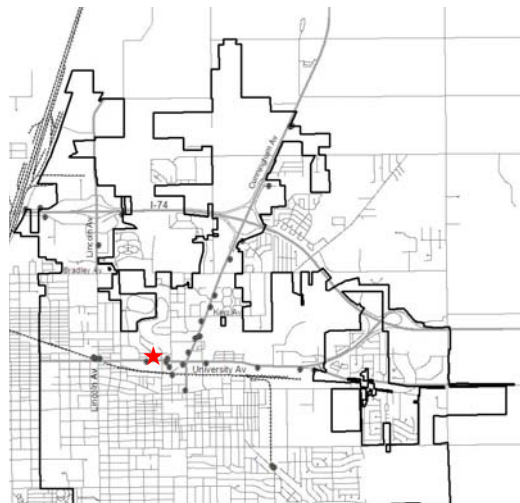
Size: 10' X 30'

Height: medium

Permit date: 5/10/00

Current owner: Adams

Status: CONFORMING



Location: **407 W. University Ave.** (1 Structure)

Zoning: B3, General Business

of faces: 2

Size: 10' X 30'

Height: medium

Permit date: 4/10/03

Current owner: Adams

Status: CONFORMING





Location: **222 N. Broadway Ave.** (1 Structure)

Zoning: B4, Central Business

of faces: 2

Size: 12' X 25'

Height: medium

Permit date:

Current owner: Adams

Status: **NONCONFORMING**
(location)



Location: **403 N. Broadway Ave.** (1 Structure)

Zoning: B4, Central Business

of faces: 4

Size: 12' X 25'

Height: medium

Permit date: 9/15/97

Current owner: Adams

Status: **NONCONFORMING**
(# of faces and location)



Location: **101 W. University Ave.** (1 Structure)

Zoning: B4, Central Business

of faces: 4

Size: 12' X 25'

Height: medium

Permit date:

Current owner: Adams

Status: **NONCONFORMING**
(# faces)



Location: **102 W. University Ave.** (1 Structure)

Zoning: B3, General Business

of faces: 2

Size: 12' X 25'

Height: medium

Permit date: 3/3/04

Current owner: Redfish

Status: **NONCONFORMING**
(landscaping requirement never approved)



Location: **502 N. Lincoln Ave.** (1 Structure)

Zoning: B3, General Business

of faces: 4?

Size: 12' x 25'

Height: medium

Permit date:

Current owner: Adams

Status: **NONCONFORMING**
(style and spacing)



Location: **503 N. Lincoln Ave.** (4 Structures)

Zoning: B3, General Business

of faces: 6

Size: 12' X 25'

Height: low

Permit date:

Current owner: Adams

Status: **NONCONFORMING**
(spacing)



Location: **505 N. Cunningham Ave.** (1 Structure)

Zoning: B3, General Business

of faces: 2

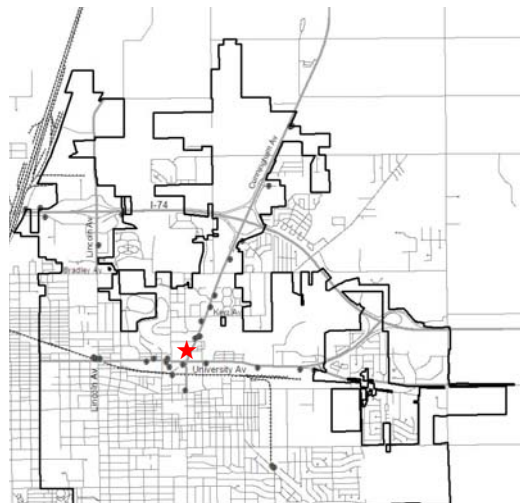
Size: 12' X 25'

Height: medium

Permit date: 12/19/94

Current owner: Adams

Status: CONFORMING



Location: **703 N. Cunningham Ave.** (1 Structure)

Zoning: B3, General Business

of faces: 2

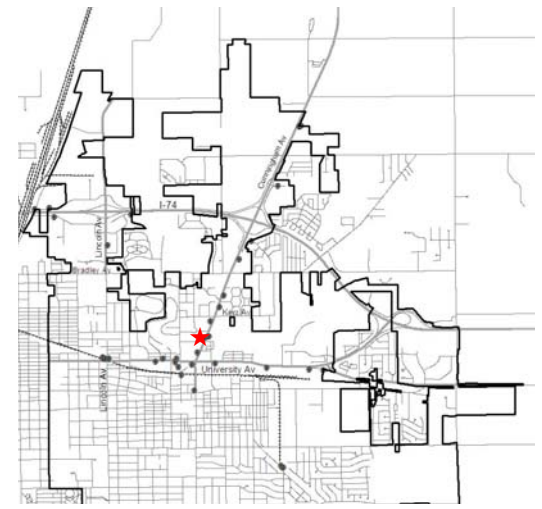
Size: 10' X 30'

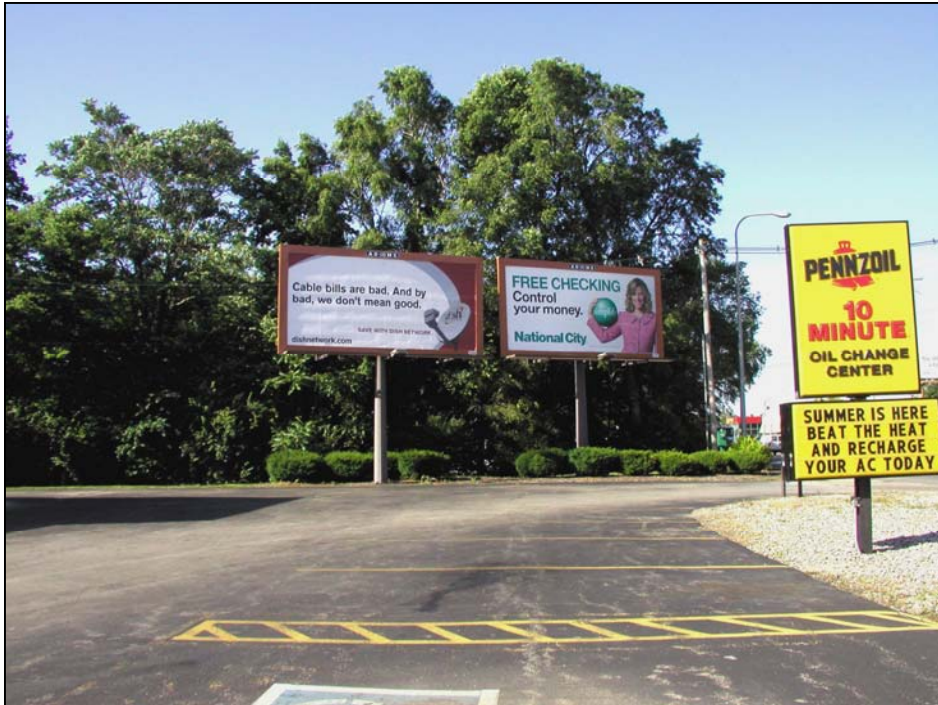
Height: medium

Permit date: 6/29/04

Current owner: Adams

Status: CONFORMING





Location: **712 N. Cunningham Ave.** (2 Structures)

Zoning: B3, General Business

of faces: 2

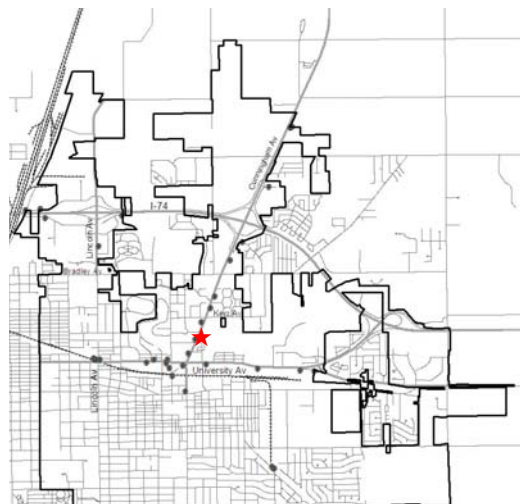
Size: 12' X 25'

Height: medium

Permit date: 9/24/86

Current owner: Adams

Status: **NONCONFORMING**
(spacing)



Location: **909 N. Cunningham Ave.** (1 Structure)

Zoning: B3, General Business

of faces: 2

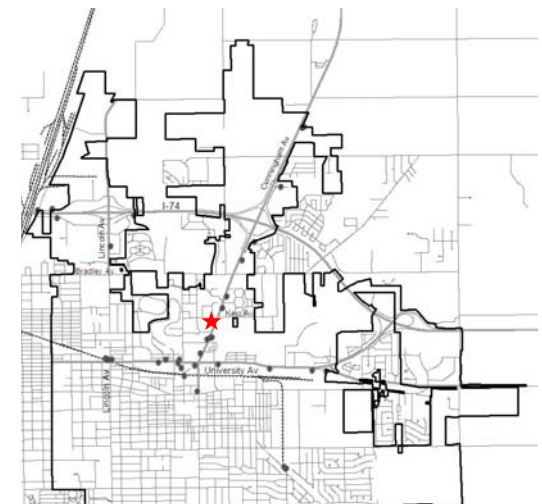
Size: 12' X 25'

Height: medium

Permit date: 9/26/94

Current owner: Adams

Status: **CONFORMING**





Location: **1102 N. Cunningham Ave.** (1 Structure)

Zoning: B3, General Business

of faces: 2

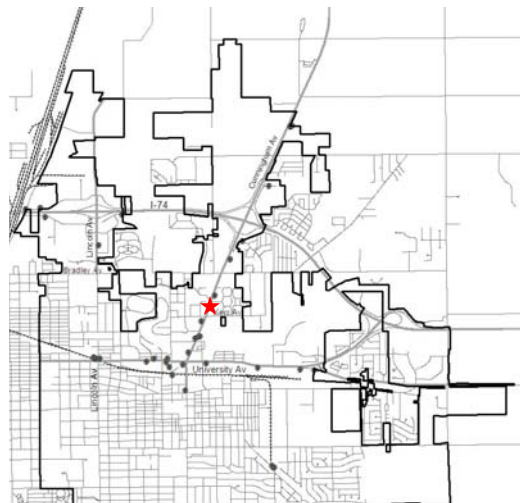
Size: 10' X 30'

Height: medium

Permit date: 8/27/04

Current owner: Redfish

Status: CONFORMING



Location: **1206 N. Cunningham Ave.** (1 Structure)

Zoning: B3, General Business

of faces: 4

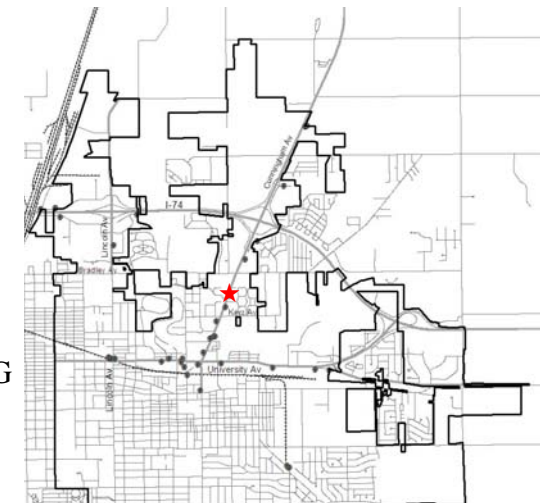
Size: 12' X 25'

Height: medium

Permit date: 12/23/86

Current owner: Adams

Status: NONCONFORMING
(# of faces)





Location: **1710 N. Cunningham Ave.** (1 Structure)

Zoning: B3, General Business

of faces: 2

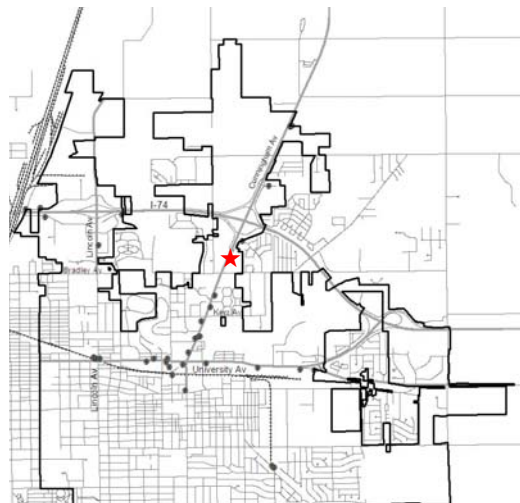
Size: 12' X 25'

Height: low

Permit date: 4/10/03

Current owner: Adams

Status: CONFORMING
(poses problems for future development)



Location: **2410 N. Cunningham Ave.** (1 Structure)

Zoning: B3, General Business

of faces: 2

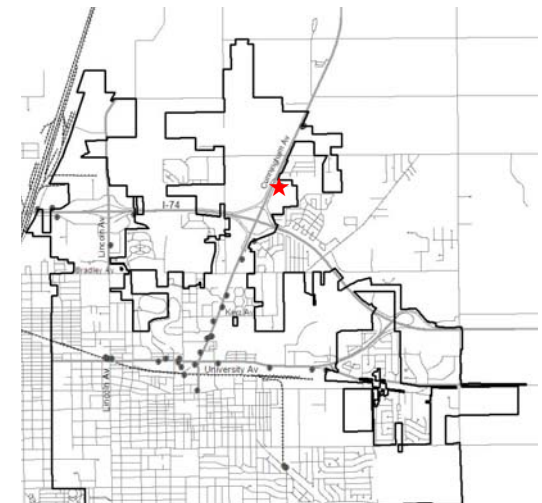
Size: 10' X 30'

Height: low

Permit date: 8/20/04

Current owner: Adams

Status: CONFORMING
(poses problems for future development)





Location: **3008 N. Cunningham Ave.** (3 Structures)

Zoning: B3, General Business

of faces: 3

Size: 12' X 25'

Height: low

Permit date:

Current owner: Adams

Status: NONCONFORMING (spacing)

 A street map showing the location of 3008 N. Cunningham Ave. marked with a red star. The map includes labels for University Av., Linn St., and Adams St.

Location: **3605 N. Cunningham Ave.** (2 Structures)

Zoning: B3, General Business

of faces: 4

Size: 12' X 25'

Height: low

Permit date:

Current owner: Adams

Status: outside of city limits

 A street map showing the location of 3605 N. Cunningham Ave. marked with a red star. The map includes labels for University Av., Linn St., and Adams St.



Location: **601 W. Killarney** (1 Structure)

Zoning: B3, General Business

of faces: 1

Size: 10' X 30'

Height: low

Permit date:

Current owner: Adams

Status: CONFORMING



Location: **1405 W. Kenyon Rd.** (1 Structure)

Zoning: B3, General Business

of faces: 4

Size: 12' X 25'

Height: medium

Permit date:

Current owner: Adams

Status: NONCONFORMING (style)



Location: **2002 N. Lincoln Ave.** (1 Structure)

Zoning: B3, General Business

of faces: 2

Size: 12' X 25'

Height: medium

Permit date: 6/11/03

Current owner: Adams

Status: CONFORMING



Location: **1206 Philo Rd.** (3 Structures)

Zoning: R5, Medium High Density Multiple Family Residential

of faces: 3

Size: 12' X 25'

Height: low

Permit date:

Current owner: Adams

Status: NONCONFORMING (spacing, zoning, and location)



Location: **501 E. University Ave.**

(1 Structure)

Zoning: B3, General Business

of faces: 2

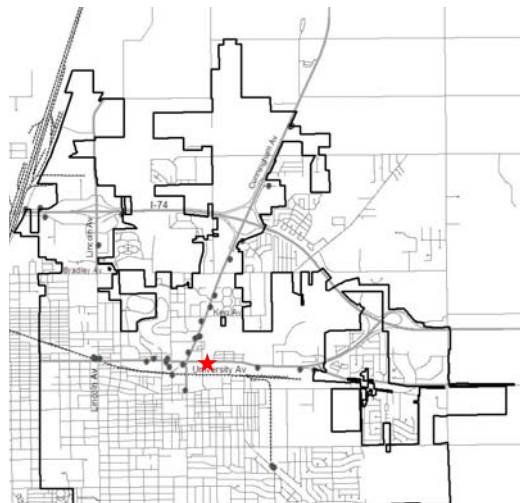
Size: 12' X 25'

Height: medium

Permit date: 12/16/94

Current owner: Adams

Status: CONFORMING



Location: **1201 E. University Ave.**

(1 Structure)

Zoning: B3, General Business

of faces: 2

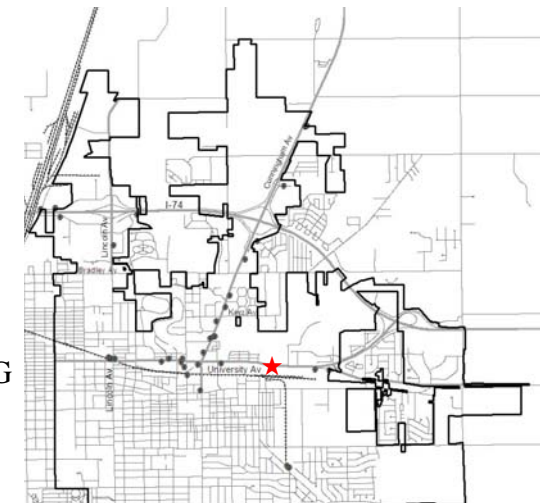
Size: 10' X 30'

Height: medium

Permit date: 3/2/04

Current owner: Adams

Status: NONCONFORMING
(Landscaping requirement
never completed—never
approved)





Location: **1509 E. University Ave.** (1 Structure)

Zoning: B3, General Business

of faces: 2

Size: 12' X 25'

Height: low

Permit date: 11/23/99

Current owner: Adams

Status: CONFORMING



Location: **1801 E. University Ave.** (1 Structure)

Zoning: B3, General Business

of faces: 2

Size: 12' X 25'

Height: medium

Permit date:

Current owner: Adams

Status: not within city limits



Location: **N. Cunningham Ave. /I-74**

(1 Structure)

Zoning: B3, General Business

of faces: 1

Size: 12' X 25'

Height: medium

Permit date:

Current owner: Adams

Status: **NONCONFORMING**
(Within 50 ft buffer of residential)



~~Urbana Zoning Ordinance~~ Published May 2005

Section II-3. Definitions

Sign: Any name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business. Refer to Article IX for sign regulations.

1. *Freestanding Sign and Freestanding Outdoor Advertising Sign Structure:* Any sign or outdoor advertising sign structure completely or principally self-supported by posts or other supports independent of any building or other structures.
2. *Wall or Wall-Mounted Sign and Wall Mounted Outdoor Advertising Sign Structure:* A sign displayed on or visible through a wall of a building or structure so as to be seen primarily from the direction facing the wall. A wall sign or outdoor advertising sign structure attached to the exterior wall of a building or structure, which (in a plane parallel to the plane of said wall) does not extend or project more than 18 inches.
3. *Roof Sign:* A sign erected, constructed, or maintained upon or over a roof, and more than half of whose height is above the building height. A sign mounted on a roof, which does not qualify as a roof sign, shall be considered a wall sign.
4. *Permanent Sign:* A sign that is permanently affixed or anchored to the ground, building, or other structure.
5. *Projecting Sign:* A sign, other than a wall sign, which projects from and is supported by, or attached to, a wall of a building or structure.
6. *Portable Sign:* A freestanding sign not permanently anchored or secured to either a building or structure.
7. *Shopping Center/Commercial PUD Sign:* A sign designed for the purpose of advertising an entire shopping center. Individual businesses may list but an individual listing may not exceed 50% of the area of any face of the sign.
8. *Temporary Sign:* A sign intended for a limited or intermittent period of display which is readily movable and is not permanently anchored to the ground, building or other structure. Such sign is not a portable sign.
9. *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 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 12 feet by 25 feet, containing 300 square feet of total display area;~~

~~Urbana Zoning Ordinance – Published May 2005~~

- ~~b. The “Junior panel” whose outside dimensions, including trim, if any, but excluding the base, apron, supports, and other structural members is approximately six feet by 12 feet, containing 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%. (Ord. No. 2001-05-044, 06-04-01)~~

[Moved to Section IX-3, Sign Measurement Standards, and Table IX-5]

- 10. *Outdoor Advertising Sign Company:* A commercial enterprise which owns, maintains, erects, and manages outdoor advertising sign structures which are designed, intended, and customarily used to mount periodically changing commercial or noncommercial messages, such standardized signs and sign space to be made generally available to the general public.
- 11. *Commercial Sign:* A sign which directs attention to or identifies a commodity, service, or entertainment to be sold or offered for sale. Any sign displaying the name of a business enterprise shall be conclusively presumed to be a commercial sign.
- 12. *Noncommercial Sign:* Any sign not defined as a commercial sign.
- 13. *Community event Sign:* A sign advertising or announcing a special community event or activity conducted by or sponsored by or on behalf of a unit of local government, institution of an educational, philanthropic, or eleemosynary nature, a charitable organization, or a not-for-profit corporation. A special community event or activity is one which occurs not more than twice in any twelve-month period and which seeks to attract donations, participants, customers, or an audience throughout the community. (Ord. No. 8283-43, § 2, 1-17-83; Ord. No. 8485-73, § 1, 4-15-85)
- 14. *Grand opening Sign:* A temporary sign used to announce the opening of a new business or the change of ownership of a business. (Ord. No. 9495-81, 3-6-95)

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Section VII-11. Special Use Requirements for Outdoor Advertising Signs Structures (OASS)

In meeting the Special Use Permit procedural requirements of Article VII of the Zoning Ordinance, in addition to the OASS standards provided in Article IX, Comprehensive Sign Regulations applications for Outdoor Advertising Sign Structures (OASS) shall be reviewed by the Plan Commission and City Council using the following criteria:

- A. The proposed OASS shall be designed and maintained so as to be aesthetically compatible with and sensitive to its context, both in terms of the specific site and district in which it is located;
- B. The proposed OASS shall not interfere with existing businesses or development or redevelopment of the site and district in which it is located; and
- C. The proposed OASS will not interfere with traffic or vehicular circulation in terms of roadways, driveways, parking areas, or loading docks.

No Special Use Permit application for Outdoor Advertising Sign Structures shall be approved should the City Council find that the application fails to comply with all of the criteria provided in this Section.

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ARTICLE IX. COMPREHENSIVE SIGN REGULATIONS*

- Section IX-1. Legislative Intent and Findings**
- Section IX-2. General Prohibition**
- Section IX-3. Measurement Standards**
- Section IX-4. General Sign Provisions for Signs and Outdoor Advertising Sign Structures Allowed in Specific Districts with a Permit**
- Section IX-5. Signs Allowed Without a Permit Subject to Certain Regulations**
- Section IX-6. Use of Noncommercial Signs in Business and Industrial Zoning Districts**
- Section IX-7. Prohibited Signs**
- Section IX-8. Permits for Signs**
- Section IX-9. Enforcement and Penalties**
- Section IX-10. Outdoor Advertising Sign Structures Moratorium**

Section IX-1. Legislative Intent and Findings

The purposes of this Article ~~are~~ is to establish regulations and controls which promote the goals, objectives, and policies of the City of Urbana Comprehensive Plan; and to permit and regulate signs and outdoor advertising sign structures (OASS) ~~so in such a manner as to support and complement the land use policies set forth in Article I, Section I-1 of this Ordinance. To these ends, this Article regulates the size, number, and spacing of signs and OASS in order to which is intended to:~~ aid in traffic safety by avoiding uncontrolled proliferation of signs and OASS 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 and OASS in order to maintain and encourage business activity and development; protect and enhance the physical appearance of the community and the scenic value of the surrounding area; and regulate signs located near to or visible from public property such as streets, highways, parks, and schools where such signs could jeopardize the public’s investment in these facilities.

~~These~~ The sign regulations expressly distinguish between “signs” and “outdoor advertising sign structures (OASS)” based on the specific finding that outdoor advertising sign structures represent a separate and unique communication medium available to the general public for the periodic display of signs ~~for announcements of both a commercial and noncommercial information nature, utilizing nationally standardized sign panels designed to allow relatively frequent changes in message signs or painted panels.~~ At the same time, ~~these~~ the regulations recognize that limiting a limitation upon the size, number, and spacing of such structures is consistent with and will further the purposes and policies goals expressed herein.

Recognizing that OASS ~~OASS’s~~ and other signage can be constructed to varying degrees of architectural compatibility or incompatibility with their surroundings, these regulations require that certain design standards be implemented when constructing OASS ~~OASS’s~~. Further recognizing that the zoning districts in and routes along which OASS ~~OASS’s~~ may be erected are mainly commercial, rather than industrial, these provisions are intended to result in a minimum baseline of architectural features, and are intended to result in OASS ~~OASS’s~~ that have an acceptable commercial, as opposed to industrial,

* ~~Editor’s note – Ord. No. 8485-73, § 2, enacted Apr. 15, 1985, repealed in its entirety Article IX, §§ IX-1 – IX-9, comprising the City’s comprehensive sign regulations, and enacted in lieu thereof similar materials designated as Art. IX, §§ IX-1 – IX-9. Prior to enactment of said Ord. No. 8485-73, Art. IX was derived from Ord. No. 7980-68, adopted Dec. 17, 1979; Ord. No. 8283-43, §§ 6, 7, adopted Jan. 17, 1983; and Ord. No. 8485-54, § 1, adopted Feb. 4, 1985.~~

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~~appearance. (Ord. No. 2001-05-044, 06-04-01) These The sign regulations recognize the basic guaranteed right of freedom of speech and therefore are not intended to control the content of any message displayed nor on signs or outdoor advertising sign structures and do not discriminate between on-premise and off-premise messages signs.~~

~~Recognizing that OASS's and other signage can be constructed to varying degrees of architectural compatibility or incompatibility with their surroundings, these regulations require that certain design standards be implemented when constructing OASS's. Further recognizing that the zoning districts in and routes along which OASS's may be erected are mainly commercial, rather than industrial, these provisions are intended to result in a minimum baseline of architectural features, and are intended to result in OASS's that have an acceptable commercial, as opposed to industrial, appearance. (Ord. No. 2001-05-044, 06-04-01) The sign regulations recognize the basic guaranteed right of freedom of speech and therefore are not intended to control the content of any message displayed on signs or outdoor advertising sign structures and do not discriminate between on-premise and off-premise signs.~~

Section IX-2. General Prohibition

~~Any sign or outdoor advertising sign structure not expressly permitted by or in compliance with this Article is prohibited in the City of Urbana. (Ord. No. 8458-73, 4-15-85)~~

Section IX-3. Measurement Standards

A. *Measurement of Area of Sign.* The area of a sign shall be computed as:

1. *Flat Sign:* The area of the smallest convex geometric figure encompassing the sign; or
2. *Volumetric Sign:* The area of the smallest convex geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the sign, including any frame, structural trim, or other material forming an integral part of the display as used to differentiate such sign from the background against which it is placed. Such measurement shall exclude the necessary supports or uprights on which the sign is placed, unless the supports or uprights constitute part of the display.
3. Outdoor Advertising Sign Structure (OASS) measurements: This Article limits OASS to standard "30 sheet poster panels" or "junior panels" and which shall be measured as follows: Such OASS's shall be limited to two standardized structures.
 - a. 30 sheet poster panels or painted bulletins are approximately 12 feet by 25 feet and contain no more than 300 square feet of total display area;
 - b. Junior panels are approximately six feet by 12 feet and contain no more than 72 square feet of total display area;
 - c. Height and width measures for 30 sheet poster panels and junior panels shall include outside dimensions, including any trim, but excluding the base, apron, supports, and other structural members; and

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- d. For the purpose of defining the height and width of an OASS, The term “approximately” shall permit the approval of an OASS containing lineal dimensions which deviate from the standardized dimension by no more than 20%.

[paragraph 3 has largely been moved from the Definitions section of the zoning ordinance.]

B. ~~Height Measurement of Freestanding Signs and Outdoor Advertising Sign Structures.~~

The ~~maximum allowable~~ height of freestanding signs and ~~OASS outdoor advertising sign structures~~ shall be measured as the distance from the top of the highest portion of the sign or structure to:

1. The grade at the foundation of the sign or outdoor advertising sign structure; or
2. The average grade of the lot, whichever is less.

The minimum required height of OASS shall be measured as the distance from the bottom of the lowest portion of the sign or sign structure to:

1. The grade at the foundation of the sign or outdoor advertising sign structure; or
2. The average grade of the lot, whichever is less.

C. ~~Other OASS Measurements. Measurement of Outdoor Advertising Sign Structure Surface Display Area.~~

1. Display Area: The surface area of a sign or surface display area of an outdoor advertising sign structure shall be the area of the smallest convex geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the surface display area of writing, representation, emblem, advertising embellishment, or other figure of similar character or potential display area of an outdoor advertising sign structure, together with any material forming an integral part of the display or used to differentiate such sign or outdoor advertising sign structure from the background against which it is placed. Such measurement shall exclude the necessary supports or uprights on which the sign is placed, unless the supports or uprights constitute part of the display because of the predominant overall concept of the sign, and shall exclude the apron, if any, which itself covers structural members, supports or uprights. The lowest projection of the display area shall not be more than six inches above the lowest portion of any horizontal structural element of the OASS. (Ord. No. 2001-05-044, 06-04-01)

2. Distance: The separation distance between OASS shall be measured as follows:

- a. Separation distances between OASS shall be measured horizontally along the centerlines of the roadway(s) to which OASS faces are directed, and between points on said centerlines closest to each OASS.
- b. For free-standing OASS, the closest point on the roadway centerline shall be measured from the closest point of ground support for the structure.
- c. For wall-mounted OASS, the closest point on the roadway centerline shall be measured from the nearest edge or projection of the OASS.

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- D. *Measurement of Business Frontage.* Business frontage is the lineal footage of a lot, facing the public right-of-way, owned or rented by a person, business, or enterprise, and intended for business usage. (Ord. No. 8458-73, § 2, 4-15-85)

Section IX-4. General Sign Provisions for Signs and Outdoor Advertising Sign Structures Allowed in Specific Districts with a Permit

- A. Signs located within a Residential Planned Unit Development, or signs and/or outdoor advertising sign structures located within a Planned Unit Development, shall be subject to the provisions applicable to the zoning district in which the PUD is located.
- B. Signs shall be subject to the provisions and standards specified in Tables IX-1 through IX-4 and IX-6. OASS Future OASS's shall be subject to the standards specified in Table IX-5 and shall only be allowed through approval of a Special Use Permit by the City Council.
- C. Sign standards for permitted and conditional uses in the AG, Agriculture District, shall be identical to the standards for the same use in the most restrictive district within which the use is permitted by right.
- D. In lieu of paragraph B, above, Shopping Centers/Commercial PUD signs may alternatively comply with the standards set forth in Table IX-9. The erection of signs authorized under Table IX-9 precludes the erection of any freestanding signs authorized under Table IX-1.
- E. In the B-3, B-3U, B-4, B-4E, and IN Districts, in addition to the signs permitted as specified in Tables IX-1 through IX-4, IX-6 and IX-9, temporary commercial signs shall be allowed by permit in the following instances:
1. Each business shall be allowed to display one grand opening sign per business frontage, in the form of a banner securely fastened at both ends to a building or other structure, for a period not to exceed 30 consecutive days. Said display must occur within the first six months after either the opening of said business at that site or after there has been a change in ownership of the business.
 2. Within the first 30 days of operation of a new on-site business, in addition to the banner signs as permitted in Section IX-4E.1, a business having at least 50 feet of frontage shall be permitted to display additional grand opening signage in the form of inflatable signs and balloons for a period of no more than ten days.

An inflatable sign or balloon may not *itself* exceed 25 feet in height and shall not obstruct visibility necessary for safe traffic maneuvering. Such signs shall be set back from any property line a minimum distance equal to the height of the balloon plus five feet, and shall maintain a minimum 25 foot clearance *in all directions* from all electrical wires. No more than one such inflatable device shall be allowed on any premises. Any such sign or balloon must be securely fastened to manufacturers specifications and secured to minimize wind movement. The inflatable sign, if lighted, must be installed to a grounded outlet. Such inflatable signs must be installed by a

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commercial sign installer. Proof of liability insurance in a minimum amount of one million dollars must be shown before a permit for an inflatable sign may be issued. Such signs inflated with helium are strictly prohibited.

3. In addition to any grand opening signs permitted in paragraphs 1 and 2 above, each business shall be allowed up to four separate displays of a temporary commercial sign per business frontage per calendar year, also in the form of a banner securely fastened at both ends to a building or other structure. That means that if more than one business is located on a particular lot, then each business on that lot shall be allowed up to four separate temporary sign displays per calendar year for each portion of the lot that abuts a public street or alley. The total length of time for those four displays on a particular business frontage shall not exceed four weeks per calendar year.
4. The area of temporary banner signs shall be restricted to 100 square feet for wall banner signs or wall-mounted banner signs, and 50 square feet for freestanding banner signs.
5. A temporary banner sign shall be set back at least ten feet from the front property line, or shall be displayed so that the bottom edge of the sign is at least ten feet above grade level at all points.
6. A permit for a temporary sign shall specify the location of the sign and the period of time during which said sign may be displayed.
7. No fee shall be charged for a grand opening temporary sign. This fee language shall supersede the requirements of Chapter XIV of the City of Urbana Code of Ordinances governing fees for sign permits. The fees for other temporary commercial signs shall be as set forth in Chapter XIV for sign permits. (Ord. No. 9495-81, 3-6-95; Ord. No. 9697-154, 6-16-97)

~~Section IX-5. Signs Allowed Without a Permit Subject to Certain Regulations~~

~~A. Noncommercial Signs Not Subject to Section IX-6. Noncommercial signs not subject to Section IX-6 shall be permitted in all zoning districts without a permit, subject to certain regulations. In the AG, CRE, and Residential zoning districts, noncommercial signs may be freestanding or wall signs; they shall be limited to six square feet in area and, if freestanding, shall not exceed a height of five feet. Further, in Residential zoning districts no permanent noncommercial sign shall be located in any required yard nor be illuminated.~~

~~B. Signs Allowed in All Districts Subject to Certain Regulations. The signs specified in the following subsections are allowed in all zoning districts without a permit but are subject to the conditions and limitations set forth herein.~~

- ~~1. Official Signs: Signs of a public, noncommercial nature erected by or on order of a public officer in the performance of a public duty. Such signs shall include but not be limited to safety signs, danger signs, traffic signs, memorial plaques, or signs indicating a scenic or historical point of interest.~~
- ~~2. Flags: Flags bearing the official design of a nation, state, municipality, or noncommercial organization or institution.~~

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- ~~3. *Identification Signs:* Signs which identify the business, owner, manager, or resident and set forth the address of the premises where the sign is located, and which contain no other material; there may be two such signs per premise, in accordance with Section IX-5 B.12, and the total height of such a sign, if freestanding, shall not exceed five feet.~~
- ~~4. *Integral Signs:* Names of buildings, dates of construction, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the building or structure.~~
- ~~5. *Institutional Signs:* Any sign or bulletin board setting forth and denoting the name of or simple announcement for any public, charitable, educational, or religious institution, when located on the premises of such institution, provided such sign or bulletin board or both shall not exceed a total of 20 square feet in display surface. If building mounted, these signs shall be flat wall signs, and shall not project above the roofline or front façade of the building. If freestanding, the total height shall not exceed six feet.~~
- ~~6. *Private Traffic Direction Signs and Related Signs:* Signs directing traffic movement onto a premise or within a premise, when such signs are located on the premise, do not exceed five square feet in area for each sign and, if freestanding, do not exceed five feet in total height. Such signs are considered to include parking directions, exit or entrance signs, drive-up window signs, restroom signs, and the like. Horizontal directional signs on the flush with paved areas are exempt from these standards.~~
- ~~7. *Individual Property Sale or Rental Signs:* Any sign announcing the name of the owner, manager, realtor, or other person directly involved in the sale or rental of the property, or announcing the purpose for which it is being offered. Such signs may be freestanding or wall-mounted only. Signs may not emit direct illumination, and must be removed within 14 days after the sale or rental of the property. Property sale or rental signs shall be subject to the standards and provisions specified in Table IX-7.~~
- ~~8. *Home Occupation Signs:* Home occupation signs, either wall-mounted or freestanding, not to exceed one per premise, and not to exceed one square foot in area.~~
- ~~9. *Subdivision Sign:* Any sign announcing the names of architects, engineers, contractors, or other individuals or firms, involved with the subdivision of property (but not including any advertisement of any product) or announcing the character of the subdivision or the purpose for which it is intended.
 - ~~a) These signs shall be confined to the site of the subdivision, and shall be permitted for one year from the date of erection of the first of such signs. If development of the subdivision is not completed within one year after erection of the signs, the sign shall be permitted to exist an additional period, not to exceed one year.~~
 - ~~b) Subdivision signs shall be subject to the provisions and standards specified in Table IX-8.~~~~
- ~~10. *Construction Signs:* Any sign announcing the names of architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a building (but not including any product) or announcing the character of the building enterprise or the purpose for which the building is intended, or to indicate the presence of underground public utility structures to avoid damage to structures by excavation.~~

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a) ~~Such signs shall be confined to the site of the construction, alteration, or repair, and shall be removed within 21 days after completion of the work.~~

b) ~~Signs shall conform to the standards provided for individual property sale or rental signs in paragraph 7, above.~~

~~11. *Underground Public Utility Warning Signs:* Standard types of warning signs marking the routes of underground public utility pipes, conduits, and cables.~~

~~12. *House or Building Address:* Any sign that sets forth the house or building address, provided that the individual characters of the signs do not exceed six inches in height.~~

Section IX-6. Use of Noncommercial Signs in Business and Industrial Zoning Districts

~~A. Permanent noncommercial signs shall be permitted in all commercial and industrial zoning districts in accordance with the established sign standards by district and by sign type specified in Tables IX-1 through IX-4 and IX-6 and shall require a sign permit. However, with the exception of time and temperature signs up to 26 square feet in area, the erection of such signs authorized by this section waives the right to erect any permitted commercial signs of the same type authorized by this Article.~~

~~B. Temporary noncommercial signs may be erected without a permit and without affecting the right to erect any permitted commercial sign or permanent noncommercial sign. Such temporary noncommercial sign shall be limited to six square feet in area.~~

~~C. *Community Event Signs Requiring a Permit:*~~

~~1. No community event sign shall be erected or maintained on or over any property owned or controlled by the City or public right-of-way by any person without first obtaining a permit issued by the Zoning Administrator, who shall observe the requirements and restrictions of this subsection of this Article in approving or disapproving the method of display, location, number and sizes of signs. The Zoning Administrator shall require submission of evidence as to general liability insurance or its equivalent which names the City as an additional insured in amounts of no less than combined property damage and personal injury limits of \$200,000.00 prior to issuance of a permit.~~

~~2. *Zoning Districts Allowed:*~~

~~a) B-4, Central Business~~

~~b) B-4E, Central Business Expansion~~

~~3. *Numbers and Sizes of Signs:*~~

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~~a)Permits shall be granted for no more than ten community event signs to be displayed on any day. Where approved applications are received from more than one organization for such signs to be displayed on the same day, and the total number exceeds the maximum provided in this section, each organization shall receive a permit for a pro rate number of such signs.~~

~~b)Community event signs shall be no larger than 50 square feet in display area.~~

~~4.Length of Time of Display:~~

~~a)Community event signs shall be displayed for not more than a consecutive 30 day period.~~

~~b)No more than two days following the community event for which a sign permit is granted pursuant to this section, such special event signs shall be removed, and the area where such signs have been displayed shall be cleaned and restored to its condition prior to display of such signs.~~

~~5.Electronic Display Sign:~~

~~Permanent signs providing notice of community events on a continuous basis by means of electronic display may be permitted with Zoning Administrator approval, subject to the placement and size limitations contained within this subsection. Community events information and/or time/temperature announcement must constitute more than 50% of the sign content in order to be considered a noncommercial sign. Commercial related information may otherwise be displayed, but shall not exceed 49% of the sign content. The Zoning Administrator shall consider the following criteria in reviewing a permit application for electronic display signs:~~

~~a)The sign must display a preponderance of community event messages in volume, number, and frequency;~~

~~b)Illumination from the sign will not cause a nuisance to any nearby residential district or use;~~

~~c)The sign will not blink, flash, or otherwise display electronic messages in a manner that may cause a traffic or safety hazard; and~~

~~d)The sign shall not be located within 450 feet of another community event electronic display sign.~~

~~The sign shall not be located within 100 feet of a residential district or use. (Ord. No. 2002-02-011, 02-04-02)~~

Section IX-7. Prohibited Signs

~~A.The following signs are specifically prohibited by this Ordinance:~~

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1. ~~Any sign which, by reason of its size, location, movement, content, coloring, or manner of illumination, constitutes an obvious traffic hazard or a detriment to traffic safety by obstructing or detracting from the visibility of any official traffic control device;~~
2. ~~Any sign which contains or is an imitation of an official traffic sign or signal, except for private traffic direction signs specifically permitted in Section IX-5-B(6);~~
3. ~~Any sign which moves or rotates in any way provided, however, that a sign which revolves 360° degrees but does not exceed eight revolutions per minute is permitted, except within 50 feet of any public street or where the nearest lot contains a residential dwelling unit, public school, park, hospital, or nursing home;~~
4. ~~Any sign which contains blinking, flashing lights, unless such lights are permitted in Section IX-5 or IX-6; (Ord. No. 2002-02-011, 02-04-02)~~
5. ~~Any sign which contains or consists of banners, pennants, ribbons, streamers, strings of light bulbs, spinners, or similar devices, unless such signs are permitted in Sections IX-4, IX-5 and IX-6;~~
6. ~~Any sign which for 30 consecutive days has directed attention to a product, place, activity, person, institution, or business which was formerly but is no longer in operation or existence on the premises;~~
7. ~~Any sign not in compliance with the requirements of Section IX-4, IX-5, or IX-6.~~
8. ~~Any portable sign. (Ord. No. 9495-81, 3-6-95)~~

B. ~~Removal of Prohibited Signs:~~

1. ~~If a permanent sign shall become prohibited under Section IX-7-A(6), notice shall be given to the land owner, and business owner, under Section IX-9-C, and he/she shall have 15 days from the date of notice in which to remedy or remove the sign.~~
2. ~~All other signs prohibited by this section shall be brought into conformity as provided for in Section X-9. (Ord. No. 9697-154, 6-16-97)~~

Section IX-8. Permits for Signs

- A. *Requirements.* It shall be unlawful for any person to install, construct, erect, alter, reconstruct, or relocate any sign or outdoor advertising sign structure without first obtaining a valid permit, in writing, from the Zoning Administrator, and making payment of the fees required by Section XI-8 of this Ordinance, unless such signs or outdoor advertising sign structures are permitted without a permit by Section IX-5-B.

Relocation or reconstruction of signs ~~or outdoor advertising sign structures~~ to conform with the requirements of this Ordinance, when such signs ~~or outdoor advertising sign structures~~ existed on April 15, 1985, is excepted from the requirement for a permit as described, provided such signs and outdoor advertising sign structures conform to all requirements of this Ordinance thereafter. A permit is required for relocation of nonconforming signs and outdoor advertising sign structures as provided in Section X-9-B(6) of this Ordinance.

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- B. *Application for a Permit.* Application for a sign permit shall be filed by the owner of the sign or an outdoor advertising sign structure, or by his/her agent, with the Zoning Administrator of the City of Urbana. The application shall contain the following information:
1. Name, address and telephone number of the owner of the sign or outdoor advertising sign structure and agent, if any;
 2. Location of building, structure, or lot to which or upon which the sign or outdoor advertising sign structure is to be attached or erected;
 3. Position of the sign or outdoor advertising sign structure in relation to nearby buildings or structures;
 4. Two prints or ink drawings of the plans and specifications indicating the method of construction and attachment to the buildings or in the ground. No such prints or ink drawings shall be required for Section IX-5 signs, unless such signs require a permit, for temporary signs permitted in Section IX-4, for signs the fair market value of which is less than \$500.00 and which are erected in compliance with a standard method, the plans for which are now with the City, or for signs or outdoor advertising sign structures where drawings are already on file with the Zoning Administrator;
 4. Name of person, firm, corporation, or association erecting sign or outdoor advertising sign structure;
 6. Evidence of written consent of the owner of the building, structure, or land to which or on which the sign or outdoor advertising sign structure is to be erected;
 7. A copy of any necessary permits from the Illinois Department of Transportation, including permits to construct OASS along Federal and State highways. Where both City and State permits are required for any OASS, the City shall issue no permit for said OASS before issuance of the State permit.
 8. In the case of applications for OASS, a completed Special Use Permit application form with exhibits required to show compliance with the standards in Table IX-5 and other applicable zoning standards.
 - ~~7.9.~~ Such other information as the Zoning Administrator shall require to show full compliance with this and all other laws and ordinances of the City. (Ord. No. 9495-81, 3-6-95)
- C. *Inspection upon Completion.* The applicant who has been issued a permit for construction, installation, erection, relocation, or alteration of a sign or outdoor advertising sign structure shall, upon completion of the work, notify the Zoning Administrator, who shall inspect the ~~condition~~ of the sign or outdoor advertising sign structure as constructed for compliance with City requirements with respect to its safety and location, and, if he/she finds that the same has been constructed in compliance with the ordinances of the City, he/she shall then issue such applicant a permit in writing, authorizing such applicant to operate and maintain the sign or outdoor advertising sign structure as permitted.
- D. *Nullification.* If the work authorized under a permit to build has not been substantially completed within six months after the date of its issuance, the permit shall become void.

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~~E. Permit Exceptions.~~ The following operations shall not be considered as “installing, constructing, erecting, altering, reconstructing, relocating,” or creating a sign or outdoor advertising sign structure and shall not require a permit, notwithstanding the foregoing requirements of Section IX-8-A:

~~E.~~

- ~~1. The changing of the advertising copy, face ~~facial~~ panel or panels, or message on an outdoor advertising sign structure, painted, ~~or printed, or electronic~~ sign or on changeable letter panels or bulletin boards specifically designed for the use of replaceable copy.~~
- ~~2. Painting, repainting, cleaning and other normal maintenance and repair of a sign, sign structure, or outdoor advertising sign structure.~~
- ~~3. Existing OASS's (other than those to be removed by Settlement Agreement arising out of litigation in Case No. 76-C-1070) may continue to be maintained in all respects; may be rebuilt for any reason; but may not be enlarged.~~

~~F. Issuance of Permit.~~ The permit shall be issued by the Zoning Administrator within 30 days of application once all of the above requirements are met.

~~G. OASS permit priority.~~ OASS permit applications shall be reviewed and approval granted in the chronological order of receipt of complete applications. OASS Special Use Permit applications lacking any necessary permits issued by the Illinois Department of Transportation shall be deemed incomplete.

~~Section IX-9. Enforcement and Penalties~~

~~A. The Zoning Administrator is hereby authorized and directed to administer and enforce all the provisions of this Article. Whenever necessary, the officials of other departments of the City shall give such assistance as is consistent with the usual duties of their respective departments.~~

~~Upon presentation of proper credentials, the Zoning Administrator or his/her duly authorized representative may enter at reasonable times any premises when necessary to perform any duty imposed upon him/her by this Article.~~

~~B. Whenever it shall appear to the Zoning Administrator that any permanent sign or outdoor advertising sign structure has been constructed or erected, or is being maintained in violation of any of the terms of this Ordinance, or after a permit for a sign or outdoor advertising sign structure has been revoked or become void, or that a sign is unsafe or in such condition as to be a menace to the safety of the public, the Zoning Administrator shall issue a notice in writing to the owner or lessee of the sign or outdoor advertising sign structure or the owner of the premises upon which the sign or outdoor advertising sign structure is erected or maintained. Such notice shall inform such person of the violation and shall direct him/her to make such alteration, repair, or removal as is necessary to secure compliance with this Ordinance within a reasonable time limit, which shall not be less than 20 days nor more than 60 days.~~

~~If a temporary sign is displayed in violation of this Ordinance, the Zoning Administrator or his/her duly authorized representative shall issue a written warning to any person reasonably believed to be an employee of the business at the location of the illegal sign display if the individual or business that is responsible for said sign has not violated the regulations pertaining to temporary sign displays within the preceding 365 days. The warning shall require that either the offending sign be removed or that a~~

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~~permit for said sign be obtained within 24 hours or receipt of the warning. If the offending temporary sign is not removed or a permit for said sign is not obtained within that 24 hour period, or if the business or individual responsible for said sign has violated the regulations pertaining to temporary sign displays within the preceding 365 days, then that individual or business shall be subject to fines pursuant to Section XI-9 of the Ordinance.~~

~~Upon failure of the sign or outdoor advertising sign structure owner or the person or business responsible for the temporary sign display to comply with the terms of the notice of violation, the Zoning Administrator or his/her authorized representative is authorized and empowered to remove, alter, or repair the sign or outdoor advertising sign structure in question so as to make it conform with this Ordinance and charge the expenses for such work to the person named in the notice.~~

~~Except as otherwise provided, the Zoning Administrator or his/her authorized representative may remove or cause to be removed a sign or outdoor advertising sign structure immediately and without notice, if, in his/her opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. (Ord. No. 9495-81, 3-6-95)~~

~~C. The owner of the sign shall remove it if such a sign identifies the location of a product, place, activity, person, institution, or business that no longer exists at that location. If the owner or lessee fails to remove the sign, the Zoning Administrator shall notify the owner or lessee, in writing, and allow fifteen days for removal. Upon failure of the owner or lessee to comply with the notice, the Zoning Administrator may remove the sign at cost to the owner or lessee.~~

~~D. Signs and outdoor advertising sign structures may be inspected periodically by the Zoning Administrator for compliance with this Ordinance and with other ordinances of the City. All signs, sign structures, and outdoor advertising sign structures and their component parts are to be kept in good repair and in safe, sanitary condition.~~

Section IX-10. Outdoor Advertising Sign Structures Moratorium

~~A. Statement of Purpose—The purposes of the regulations contained in this Article are as follows:~~

- ~~1. 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 purpose of the Comprehensive Sign Regulations of the Zoning Ordinance or with the implementation of the City's comprehensive plans and adopted redevelopment plans or programs.~~
- ~~2. Review the advisability, the details, and ramifications of potential revisions to the number, placement, and development regulations pertaining to OASS. In doing so, consider the following:~~
 - ~~a) Review issues of potential benefits and costs to the community.~~
 - ~~b) Review the ramifications of OASS regulation with respect to relevant legislation and case law.~~
 - ~~c) Review the ramifications of OASS regulation with respect to relevant legislation and case law.~~
 - ~~d) Consider the impacts of any moratorium and subsequent amendments upon vested rights and property rights.~~
 - ~~e) Review the influence of OASS regulation of other communities.~~

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- ~~3. 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.
 - ~~a) Increase in the spacing requirement between OASS~~
 - ~~b) Imposition of a minimum height for OASS in several or certain locations and/or introduce limitations on the permitted deviation in the requested versus actual built heights.~~
 - ~~c) Treatment of OASS as principal uses.~~
 - ~~d) Improvements to existing landscape and appearance regulations for OASS~~
 - ~~d) —~~
 - ~~e) Review of maximum permitted sign face area for OASS. (As recommended by Plan Commission)~~~~
 - ~~4. Seek resolution of issues posed by overlapping Illinois Department of Transportation sign regulations.~~
 - ~~5. Review potential application of new technologies for OASS display, including tri-vision messaging.~~
 - ~~6. Review consistency of OASS regulations with the City’s Comprehensive Plan and Redevelopment Plans.~~
 - ~~7. Review impacts of OASS placement on business visibility, site development potential, and other zoning regulations.~~
 - ~~8. Consider changes to permitting procedures.~~
 - ~~9. 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.~~
- ~~B. *Boundaries.* The Interim Development Ordinance (IDO) would apply to all property within the Urbana City limits (and any property that may be annexed during the period of the moratorium) that permit the construction and operation of an OASS. These areas are along FAP or FAI routes in areas zoned B-3 (General Business), B-4E (Central Business Expansion) and IN (Industrial) and within 660 feet of either side of such FAP/FAI routes; in B-3, and IN districts along Lincoln Avenue north of Bradley Avenue; and in B-3, B-4, B-4E and IN districts along Vine Street between Main Street and University Avenue, as set forth in the Urbana Zoning Ordinance.~~
- ~~C. *Use Regulations.* The IDO will prevent the issuance of all permits for OASS, other than those that meet the requirements for the variations and exceptions listed below. The IDO would not apply to other types of signs.~~
- ~~D. *Duration.* The IDO will be in effect for 365 calendar days from the date of adoption by the City Council.~~

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~~E. *Variation or Exception.* The proposed amendment allows some exceptions to the moratorium on permits to accommodate special circumstances that may occur while the IDO is in effect. Under the proposal, permits for OASS may be allowed under the following circumstances:~~

- ~~1. *Previously Approved*—Those OASS that have been previously approved but not yet erected, for which substantially completed applications were received prior to the adoption of Resolution 2004-08-018R, and/or which are referenced as a part of a previously approved development agreement or annexation agreement shall not be covered by the moratorium.~~
- ~~2. *Replacement*—The Zoning Administrator may authorize issuance of a permit to replace an existing OASS if said OASS is damaged, through no fault of the owner, to the extent that complete removal and replacement is required.~~
- ~~3. *Repair*—The Zoning Administrator shall allow permits for repair and maintenance of existing OASS, particularly where issues of safety or blight are present.~~
- ~~4. *Hardship*—The Zoning Administrator may authorize the issuance of a permit for a new OASS when the owner of the property can demonstrate that disallowing such a permit would eliminate any reasonable use of the property.~~

~~(Ord. No. 2004-09-126, 09-28-04)~~

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TABLE IX-1. STANDARDS FOR FREESTANDING SIGNS

Districts Permitted	Maximum Number Permitted	Maximum Area Of Sign	Maximum Height Of Sign	Location of Sign
B-1 Neighborhood Business (Ord. No. 2004-03-029, 04-30-04)	Each business is permitted one freestanding sign except that no freestanding sign is permitted if a projecting or roof sign exists on the lot. In the case where a lot has two frontages, one sign per frontage is permitted provided the cumulative square footage of both freestanding signs does not exceed 32-square feet in area.	32 square feet	15 feet at minimum setback line and 1 foot per 2 feet additional setback, up to 25 maximum.	Signs shall not extend over the public right-of-way, and shall conform to the setback requirements for structures in the applicable district. No freestanding signs permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.
B-2 Neighborhood Business Arterial	Each business is permitted one sign per business frontage up to 300 feet, and one additional sign for up to each 300 feet of business frontage thereafter; except that no free-standing sign is permitted if a projecting or roof sign exists on the same frontage.	32 square feet	15 feet at minimum setback line and 1 foot per 2 feet additional setback, up to 25 maximum.	Signs shall not extend over the public right-of-way, and shall conform to the setback requirements for structures in the applicable district. No freestanding signs permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.
B-3 General Business		50 square feet	25 feet at minimum setback line and 1 foot per 2 feet additional setback, up to 25 feet maximum	
B-4 Central Business				
IN Industrial		150 square feet	25 feet at minimum setback line and 1 foot per 2 feet additional setback, up to 40 feet maximum (See note below)	
B-4E Central Business Expansion	Each business is permitted one sign per frontage up to 300 feet, and one additional sign for each 300 feet of frontage thereafter; except that no freestanding sign is permitted if a projecting or roof sign exists on the same frontage.	50 square feet	5 feet within front setback; 19 feet at minimum setback line and 1 foot per 2 feet additional setback up to a maximum of 30 feet.	Signs shall not extend over the public right-of-way. No freestanding signs permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.
B-3U General Business (University)	Each business is permitted one sign per frontage, except that no free-standing sign is permitted if a projecting sign exists on the same frontage.	32 square feet	8 feet	Signs shall not extend within 5 feet of any property line.

Exhibit C: OASS text amendment to the Zoning Ordinance, June 2006

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MOR—Mixed Office Residential		5 feet	Signs shall not extend within one foot of any property line nor constitute a traffic hazard as determined by the Development Review Board or any city ordinance.
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~~NOTE: If a sign in the B-3, General Business, or IN, Industrial, zone is: (1) directed primarily toward the users of an interstate highway; (2) within two thousand feet (2,000') of the center line of an interstate highway; and (3) more than five hundred feet (500') from any residential district, school, park, hospital, or nursing home, it may rise only to such a height as to be visible from within one-half (1/2) mile away along the highway, but not to exceed a height of seventy-five feet (75') and an area of one hundred fifty (150) square feet.~~

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TABLE IX-2. STANDARDS FOR WALL SIGNS AND WALL-MOUNTED SIGNS

District Permitted	Maximum Number Permitted	Total Maximum Area Of Wall Signs per Frontage	Maximum Height and Location of Signs
<p>R-6B Restricted Business</p> <p>B-1 Neighborhood Business</p> <p>B-2 Neighborhood Business Arterial</p> <p>B-3U General Business-University</p>	<p>No Limit</p>	<p>40% of wall area, not to exceed 150 sq. ft. maximum</p>	<p>Signs shall not extend beyond the top or ends of the wall surface on which they are placed.</p> <p>In the B-1, Neighborhood Business Zoning District, no wall signs are permitted when the wall immediately faces a residential use or zone and is not separated by a right of way. (Ord. No. 2004-03-029, 04-30-04)</p>
<p>B-3 General Business</p> <p>B-4 Central Business</p> <p>B-4E Central Business Expansion</p>		<p>40% of wall area, not to exceed 175 sq. ft. maximum</p>	
<p>IN Industrial</p>		<p>15% of wall area, not to exceed 200 sq. ft. maximum</p>	
<p>MOR Mixed Office Residential</p>		<p>40% of wall area, not to exceed 75 sq. ft. maximum</p>	

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TABLE IX-3. STANDARDS FOR PROJECTING SIGNS

Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height and Projection of Sign	Location of Sign
<p>B-1 Neighborhood Business</p> <p>B-2 Neighborhood Business-Arterial</p> <p>B-3U General Business-University</p> <p>MOR Mixed Office-Residential</p> <p>B-3 General Business</p> <p>B-4E Central Business Expansion</p> <p>B-4 Central Business</p>	<p>One per business frontage, except that no projecting sign is permitted if a free-standing sign, roof sign, or canopy sign exists on the same frontage. Projected signs are not allowed above the first story.</p> <p>See footnote 1. regarding spacing requirements for projecting signs extending over the right of way in the B-4 District.</p>	<p>32 square feet</p> <p>32 square feet</p> <p>32 square feet; 10 square feet if any portion extends over public right-of-way</p>	<p>8-foot minimum clearance above ground. No sign shall extend above that portion of the roof immediately adjacent to the sign. No sign shall project more than 5 feet from the face of the building to which it is attached.</p>	<p>Not to extend over any public right-of-way.</p> <p>In the B-4 District, projecting signs with a maximum area of 10 square feet may project a maximum of 5 feet from the face of the building to which it is attached, or to within two feet from the curb face, whichever dimension is smaller.¹</p>
<p>IN Industrial</p>		<p>75 square feet</p>		

Footnote 1. Projecting signs extending over the right of way shall not be lit internally; the dimension between the two principal faces (i.e., the thickness or depth) shall not be greater than six (6) inches; and a minimum separation of twenty feet (20) must be maintained between such signs; however in no case should more than one such sign per business frontage be permitted.

(Ord. No.2002-09-111, 06-17-02)

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TABLE IX-4. STANDARDS FOR ROOF SIGNS

District Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Sign	Location of Sign
B-4 Central Business	One per premise, except no roof sign is permitted if a freestanding sign or projecting sign exists on the same frontage.	75 square feet	9 feet as measured from that part of roof immediately below sign, but in no case shall the height exceed maximum height authorized in zoning district.	Sign must be located wholly within the roof area of structure.
B-4E Central Business Expansion		50 square feet		
B-3 General Business		400 square feet	11 feet as measured from that part of roof immediately below sign, but in no case shall height exceed maximum height authorized in zoning district.	
IN Industrial				

TABLE IX-5. STANDARDS FOR FUTURE OUTDOOR ADVERTISING SIGN STRUCTURES

<u>OASS Type</u>	<u>Zoning Districts Permitted</u>	<u>Maximum Number of Sign Faces</u>	<u>Maximum Area of OASS per</u>	<u>Maximum Height Requirements</u>	<u>Location of OASS and Separation of OASS</u>	<u>Special Use Permit Requirements Design Criteria</u>

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		Permitted	Sign Face ²	for OASS		
Wall mounted	<p><u>B-3 General Business</u></p> <p><u>B-4E Central Business Expansion</u></p> <p><u>IN Industrial</u></p> <p>Such new OASS's shall be allowed only along FAP or FAI routes, as designated by IDOT as of March 1, 1981, in areas zoned B-3 (General Business), B-4E (Central Business Expansion) and IN (Industrial) and within 660 feet of either side of such FAP/FAI routes; in B-3, and IN districts along Lincoln Avenue north of Bradley Avenue; and in B-3, B-4, B-4E and IN districts along Vine Street between Main Street and University Avenue^{2,4,5}</p>	<p>One per wall provided no other exterior wall signs are displayed on the same wall. on display.</p>	<p>300 sq. ft.</p>	<p>Shall not Not to project above the roofline or edges of wall upon which the OASS is mounted.</p>	<p>No OASS shall be permitted farther than 660 feet of the right-of-way of any of the following roadways: Interstate 74; University Avenue; Cunningham Avenue north of University Avenue; U.S. Route 150; and Lincoln Avenue north of Bradley Avenue. [same corridors as currently except for Vine Street]</p> <p><u>Separation. The location of each AOSS shall comply with the following minimum separation requirements:</u></p> <p><u>1. No less than 1,500 feet from any other billboard, as measured using the standards provided in Section IX-3.C;</u></p> <p><u>2. No less than 300 feet from any Residential, AG, or CRE zoning district, including those of other governmental jurisdictions; and</u></p> <p><u>3. No less than 300 feet to any historic landmark or historic district as designated by the City of Urbana.</u></p> <p>OASS shall conform to the setback requirements for buildings in the IN, B-3 and B-4E zoning districts¹². No OASS shall be permitted within 50 feet of any Residential, CRE or AG Zoning District. Further, such OASS's shall not be located within 300 feet of any free-standing or wall mounted OASS.³</p>	<p>See footnote 8,9,13</p> <p>Approval of OASS shall be allowed by approval of a Special Use Permit by the City Council. Special Use Permits may be revoked by the City Council if not erected or maintained in accordance with the terms of the SUP or this Zoning Ordinance. Applications shall demonstrate compliance with the following standards:</p> <p>All visible structural elements (excluding the changeable portion of the display) shall be compatible with the surrounding area in terms of architectural design and/or color, by the zoning Administrator based on the Comprehensive Sign Regulations. [moved from footnotes]</p> <p>Billboard lighting shall be effectively shielded so as to prevent light from being directed at roadways.</p> <p>No billboard shall overhang a public or private right-of-way.</p>

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<u>Roof or marquee mounted</u>	<u>Expressly prohibited in all zoning districts</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>
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Exhibit C: OASS text amendment to the Zoning Ordinance, June 2006

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<p>Free-standing</p>	<p><u>B-3 General Business</u> <u>B-4E Central Business Expansion</u> <u>IN Industrial</u></p>	<p>2 per OASS ("back-to-back" displays shall be deemed to be a single structure)¹ [moved from adjacent column]</p>	<p>300 sq. ft. ("back-to-back" displays shall be deemed to be a single structure)¹ [moved to adjacent column]</p>	<p><u>Maximum height by zoning district:</u> B-3, B-4 – 35 feet, B-4E – 35 feet¹⁴ IN – 40 feet² <u>Minimum height:</u> <u>14 feet as measured in Section IX-3.B.</u></p>	<p><u>Same as for wall-mounted OASS.</u> <u>Same as wall OASS's.</u></p>	<p><u>See footnote 7,8,9,10,13</u> <u>Approval of OASS shall only be allowed through approval of a Special Use Permit by the City Council, applications for which shall demonstrate compliance with the following minimum standards:</u> <u>OASS shall conform to the setback requirements for buildings within its zoning district.</u> All visible structural elements (excluding the changeable portion of the display) shall be compatible with the surrounding area in terms of architectural design and/or color, by the zoning Administrator based on the Comprehensive Sign Regulations. [moved from footnotes] OASS shall not include ladders as an element thereof, except those ladders that are contained entirely in the area behind the display area(s). [moved from footnotes] OASS shall not be cantilevered, other than the "flag" design. That is, the structure shall not use an offset beam to support the display area(s). [moved from footnotes] No portion of a freestanding OASS shall encroach more than nine feet into the airspace created by the outline of a roofline projected upward. Any OASS encroaching into a roofline shall have a minimum clearance of three feet over the building above which it is located. [moved from footnote] <u>A landscaped area shall be provided at the base of each freestanding OASS with a minimum size of half a square foot of planting area per one square foot of aggregate sign face area. At least one shrub shall be planted per each 15 square feet of landscape area, or fraction thereof, as provided in Table VI-3 of this Zoning Ordinance, and maintained at a minimum height of 48 inches. One evergreen, planted and maintained with minimum height of six feet, may be substituted per two shrubs listed in Table VI-3.</u> <u>Billboard lighting shall be effectively shielded so as to prevent light from being directed at roadways.</u> <u>No billboard shall overhang a public or private right-of-way.</u></p>
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Notes: ~~No outdoor advertising sign structure shall be erected on a roof or marquee. Further, these regulations must be interpreted consistent with the injunction issued in Champaign County Circuit Court 76-C-1060, C-U Poster versus Urbana. [first portion moved to table]~~

- ~~1. "Back-to-back" shall mean faces erected at a parallel plane separated by no greater than three feet, or faces erected at no greater than a 45 degree angle to each other.~~
- ~~2. If an OASS is: (1) directed primarily towards users of a highway in the National Interstate and Defense Highway System, (2) within 2,000 feet of the center line of such highway, and (3) more than 500 feet from any residential district, school, park, hospital, nursing home or other OASS, then the sign may be erected to such height as to be visible from a distance of one-half mile on the highway or a maximum height of 75 feet, whichever is less, and the sign may have an area not greater than 300 square feet. Said regulations apply only to OASS's facing Interstate Highway 74; they do not apply to OASS's facing Federal Aid-Primary Highways.~~
- ~~3. For purposes of determining separation measurements, the following shall apply:
 - a. Separation measurements between OASS's shall be measured along same side of a street.
 - b. Measurements from wall OASS's shall be made from the closest edge or projection of the OASS to the OASS which it is being separated.
 - c. Measurements from freestanding OASS's shall be made from the closest ground projection or support of the structure to the structure from which it is being separated.~~
- ~~4. Said FAI and FAP areas include Routes 45, 150, and 10 (University Avenue from Wright Street to I-74); all of Route 45 (Cunningham Avenue) north of University Avenue; and I-74. For purposes of future OASS erection, South Philo Road shall not be included as FAP, although it may be or may have been so designated by the Illinois Department of Transportation.~~
- ~~5. OASS's along Vine Street between Main Street and University Avenue shall be located within one hundred feet (100') of the centerline of Vine Street. [deleted without moving to table]~~
- ~~6. This table sets standards for future outdoor advertising structures. Except for those outdoor advertising sign structures which are to be removed pursuant to the Settlement Agreement arising out of the litigation in 76-C-1070, existing outdoor advertising sign structures in the City of Urbana are expressly permitted and in compliance with this Article.~~
- ~~7. Structural members of an OASS attached to the ground shall be encompassed by landscaping for a minimum horizontal radius of five feet from the center of the structural element. Landscaping must be planted and maintained according to the standards of Section VI-5.G.2.h, i, j, k, l, and n. OASS's may also be approved which contain, as a component of the OASS, a geometric shape enclosure around the supporting pole(s) with a vertical dimension twice that of its horizontal dimensions and an architectural design consistent with the intent of the Comprehensive Sign Regulations, or another design feature consistent with these regulations, as defined in Section IX-1., Legislative Intent and Findings. All supporting poles, such as I-beams, must be enclosed. [deleted with new landscape requirements in the table]~~
- ~~8. All visible structural elements (excluding the changeable portion of the display) shall be compatible with the surrounding area in terms of architectural design and/or color, as determined by the zoning Administrator based on the Comprehensive Sign Regulations. [moved to table]~~
- ~~9. OASS shall not include ladders as an element thereof, except those ladders that are contained entirely in the area behind the display area(s).~~
- ~~10. OASS shall not be cantilevered, other than the "flag" design. That is, the structure shall not use an offset beam to support the display area(s).~~
- ~~11. No portion of a freestanding OASS shall encroach more than nine feet into the airspace created by the outline of a roofline projected upward. Any OASS encroaching into a roofline shall have a minimum clearance of three feet over the building above which it is located. [deleted]~~
- ~~12. In the B-3 Zoning District, OASS may encroach five feet into the ten side yard setback if the property on which the OASS is proposed is adjacent to another property zoned B-3. [deleted and not moved]~~
- ~~13. OASS are limited to two standard structures, as indicated in the definition.
 - 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 12 feet by twenty five 25 feet, containing 300 square feet of total display area;~~

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- ~~b. The “junior panel” whose outside dimensions, including trim, if any but excluding the base, apron, supports and other structural members is approximately six feet by 12 feet, containing 72 square feet of total display area.~~
- ~~c. For the purpose of defining the height and width of an OASS sign face, the term “approximately” shall permit the approval of an OASS containing lineal dimensions that deviate from the standardized dimension by no more than 20%. [moved to Section IX-3 and Table IX-6].~~

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TABLE IX-5. STANDARDS FOR FUTURE OUTDOOR ADVERTISING SIGN STRUCTURES

Districts Permitted	Type	Maximum Number Permitted	Maximum Area of OASS	Maximum Height of OASS	Location of OASS and Separation	Design Criteria
Such new OASS's shall be allowed only along FAP or FAI routes, as designated by IDOT as of March 1, 1981, in areas zoned B-3 (General Business), B-4E (Central Business Expansion) and IN (Industrial) and within 660 feet of either side of such FAP/FAI routes; in B-3, and IN districts along Lincoln Avenue north of Bradley Avenue; and in B-3, B-4, B-4E and IN districts along Vine Street between Main Street and University Avenue ^{2,4,5}	Billboard	One per wall provided no other exterior wall signs are on display.	300 sq.ft.	Not to project above roofline or edges of wall upon which OASS is mounted.	OASS shall conform to the setback requirements for buildings in the IN, B-3 and B-4E zoning districts ¹² . No OASS shall be permitted within 50300 feet of any Residential, CRE or AG Zoning District, or within 300 feet of any historic landmark or historic district. Further, such OASS's shall not be located within 300-1500 feet of any free-standing or wall mounted OASS. ³	See footnote 8,9,1314
	Freestanding	2 per OASS	300 sq.ft. (back-to-back displays shall be deemed to be a single structure	IN— 40 feet ² B-3, B-4— 35 feet, B-4E— 35 feet ^{11, 13}	Same as wall OASS's.	See footnote 7,8,9,10,13 14

Editor's note – Ord. No. 8485-73, § 2, enacted Apr. 15, 1985, repealed in its entirety Article IX, §§ IX-1 – IX-9, comprising the City's comprehensive sign regulations, and enacted in lieu thereof similar materials designated as Art. IX, §§ IX-1 – IX-9. Prior to enactment of said Ord. No. 8485-73, Art. IX was derived from Ord. No. 7980-68, adopted Dec. 17, 1979; Ord. No. 8283-43, §§ 6, 7, adopted Jan. 17, 1983; and Ord. No. 8485-54, § 1, adopted Feb. 4, 1985.

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Notes: No outdoor advertising sign structure shall be erected on a roof or marquee. Further, these regulations must be interpreted consistent with the injunction issued in Champaign County Circuit Court 76-C-1060, C-U Poster versus Urbana.

1. "Back-to-back" shall mean faces erected at a parallel plane separated by no greater than three feet, or faces erected at no greater than a 45 degree angle to each other.

2. If an OASS is: (1) directed primarily towards users of a highway in the National Interstate and Defense Highway System, (2) within 2,000 feet of the center line of such highway, and (3) more than 500 feet from any residential district, historic landmark or historic district, school, park, hospital, nursing home or other OASS, then the sign may be erected to such height as to be visible from a distance of one-half mile on the highway or a maximum height of 75 feet, whichever is less, and the sign may have an area not greater than 300 square feet. Said regulations apply only to OASS's facing Interstate Highway 74; they do not apply to OASS's facing Federal Aid Primary Highways.

3. For purposes of determining separation measurements, the following shall apply:

a. Separation measurements between OASS's shall be measured horizontally along same side the center line of a street or highway to which the sign is directed as set for in the attached picture.

b. Measurements from wall OASS's shall be made from the closest edge or projection of the OASS to the OASS which it is being separated.

c. Measurements from freestanding OASS's shall be made from the closest ground projection or support of the structure to the structure from which it is being separated.

4. Said FAI and FAP areas include Routes 45, 150, and 10 (University Avenue from Wright Street to I-74); all of Route 45 (Cunningham Avenue) north of University Avenue; and I-74. For purposes of future OASS erection, South Philo Road shall not be included as FAP, although it may be or may have been so designated by the Illinois Department of Transportation.

5. OASS's along Vine Street between Main Street and University Avenue shall be located within one hundred feet (100') of the centerline of Vine Street.

6. This table sets standards for future outdoor advertising structures. Except for those outdoor advertising sign structures which are to be removed pursuant to the Settlement Agreement arising out of the litigation in 76-C-1070, existing outdoor advertising sign structures in the City of Urbana are expressly permitted and in compliance with this Article.

7. Structural members of an OASS attached to the ground shall be encompassed by landscaping for a minimum horizontal radius of five feet from the center of the structural element. Landscaping must be planted and maintained according to the standards of Section VI-5.C.2.h, i, j, k, l, and n. OASS's may also be approved which contain, as a component of the OASS, a geometric shape enclosure around the supporting pole(s) with a vertical dimension twice that of its horizontal dimensions and an architectural design consistent with the intent of the Comprehensive Sign Regulations, or another design feature consistent with these regulations, as defined in Section IX-1., Legislative Intent and Findings. All supporting poles, such as I-beams, must be enclosed.

8. All visible structural elements (excluding the changeable portion of the display) shall be compatible with the surrounding area in terms of architectural design and/or color, as determined by the zoning Administrator based on the Comprehensive Sign Regulations.

9. OASS shall not include ladders as an element thereof, except those ladders that are contained entirely in the area behind the display area(s).

10. OASS shall not be cantilevered, other than the "flag" design. That is, the structure shall not use an offset beam to support the display area(s).

11. No portion of a freestanding OASS shall encroach more than nine feet into the airspace created by the outline of a roofline projected upward. Any OASS encroaching into a roofline shall have a minimum clearance of three feet over the building above which it is located.

12. In the B-3 Zoning District, OASS may encroach five feet into the ten side yard setback if the property on which the OASS is proposed is adjacent to another property zoned B-3.

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~~OASS shall be constructed at the lowest height possible; however, OASS shall not block the public visibility of any on-premise signs or the visibility for motorists of any official traffic sign, signal, or device.~~

~~13. OASS are limited to two standard structures, as indicated in the definition.~~

~~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 12 feet by twenty five 25 feet, containing 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 feet by 12 feet, containing 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 that deviate from the standardized dimension by no more than 20%.~~

~~15. All OASS allowances shall be consistent with the plans for future development set out in the City of Urbana 2005 Comprehensive Plan.~~

~~TABLE IX-6. STANDARDS FOR SIGNS ATTACHED TO CANOPIES AND ENTRANCE STRUCTURES~~

Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Height of Sign	Location of Sign
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<p>R-6B Restricted Business</p> <p>B-1 Neighborhood Business</p> <p>B-2 Neighborhood Business Arterial</p> <p>B-3U General Business University</p> <p>MOR Mixed Office Residential</p>	<p>One sign per business frontage up to 100 feet. One additional sign for each 100 feet thereafter.</p>	<p>10 square feet</p>	<p>9 foot minimum clearance to ground</p>	<p>No sign may project more than 2 feet from any canopy, or other such structure.</p>
<p>B-3 General Business</p> <p>B-4 Central Business</p> <p>B-4E Central Business Expansion</p>		<p>15 square feet</p>		
<p>IN Industrial</p>		<p>20 square feet</p>		

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TABLE IX-7. STANDARDS FOR PROPERTY SALE AND RENTAL SIGNS

Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Free-standing Sign (See Note 2)	Location of Sign
R-1 and R-2 Single-Family & R-3 Single & Two-Family Residential	One per dwelling	3 square feet	5 feet	40-foot minimum setback from curb line but wholly upon the premises.
R-4, R-5, & R-6 Multiple Family Residential R-6B, Restricted Business & R-7 University Residential	One per apartment building or dwelling	40 square feet	40 feet	40-foot minimum setback from curb line but wholly upon the premises.
AG Agriculture	One per 660 foot frontage	32 square feet	15 feet	Signs shall conform to the setback requirements for structures in the applicable districts.
B-1 Neighborhood Business B-2 Neighborhood Business Arterial B-3U General Business University MOR Mixed Office Residential	One per frontage			
B-3 General Business B-4 Central Business B-4E Central Business Expansion	One per frontage (See Note 1)	50 square feet	25 feet	

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IN Industrial	150 square feet	
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~~Notes: 1. An apartment complex, shopping center, highway plaza, or industrial complex is permitted one sign per frontage, up to 200 feet, and one additional sign for each 300 feet thereafter. 2. Wall signs shall not extend beyond the top or ends of the wall surface on which they are placed.~~

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TABLE IX-8. STANDARDS FOR SUBDIVISIONS SIGNS

Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Sign	Location of Sign	
R-1 & R-2 Single-Family & R-3 Single & Two-Family Residential	One sign per street bordering or entering the subdivision	50 square feet	40 feet	40-foot minimum setback wholly upon the premises.	
R-4, R-5, R-6 Multiple Family Residential R-6B, Restricted Business & R-7, University Residential					
AG Agriculture				Signs shall conform to the setback requirements for structures in applicable district.	
B-1 Neighborhood Business					
B-2 Neighborhood Business Arterial					
B-3 General Business					
B-3U General Business University					
MOR Mixed Office Residential	One sign per street bordering or entering the subdivision	75 square feet	15 feet	Signs shall conform to the setback requirements for structures in applicable district.	
B-4 Central Business					
B-4E Central Business Expansion					
IN Industrial	One sign per street bordering or entering the subdivision	400 square feet	20 feet		Signs shall conform to the setback requirements for structures in applicable district.

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TABLE IX-9. FREESTANDING SHOPPING CENTER SIGNS

Class of Shopping Center/PUD	Districts Permitted	Maximum Number Permitted	Maximum Area ¹	Maximum Height	Location	Individual Business May List
General Shopping Center	R-6B	Two signs per frontage	150 sq. ft., for shopping center located on lots greater than five (5) acres, 50 additional sq. ft. may be permitted for use as a directory	30 feet at minimum setback line plus one additional foot per 2 feet additional setback thereafter up to 40 feet maximum	Signs shall not extend over the public right-of-way, and shall conform to the setback requirements for structures in the applicable district. No freestanding signs permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.	Yes
	S					
	B-2					
	S					
	B-3					
	S					
	B-3U					
Convenience Shopping Center	S	75 square feet ²				
	R-6B					
	S					
	B-1					
	S					
	B-2					
	S					
B-3						
S						
B-3U						
S						
B-4						
S						
B-4E						
S						
IN-S						

Notes:

¹Maximum area refers to combined area of both signs, or of one sign if there is only one.

²Size of sign may be increased to 150 square feet under special use procedures.

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~~Individual businesses may list, but an individual listing may not exceed 50% of the area of any face of the sign.~~

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DATE: April 20, 2006

APPROVED

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, James Ward, Don White

MEMBERS EXCUSED: Jane Burris, Laurie Goscha, Marilyn Upah-Bant

STAFF PRESENT: Jim Gitz, City Attorney; Elizabeth Tyler, Director of Community Development Services; Robert Myers, Planning Manager; Matt Wempe, Planner II; Paul Lindahl, Planner I; Teri Andel, Planning Secretary

OTHERS PRESENT: Walter Crackel, Robert DeAtley, Doug Delashmitt, Kathy Ekstrom, Fred Heinrich, Lorean Howard, Bob Lord, Lisa Denson-Rives, Larry Wood, Carl Webber

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:30 p.m., the roll call was taken, and a quorum was declared.

Plan Case 1988-T-06 – Text Amendment to the Urbana Zoning Ordinance changing the standards and procedures for outdoor advertising sign structures (billboards).

Robert Myers, Planning Manager, gave the staff presentation for this case. He began by talking about the history of the moratorium which will expire on July 17, 2006. He talked about the reasons for the moratorium. He reviewed the goals and objectives of the 2005 Comprehensive Plan and the Downtown Strategic Plan that related to the proposed text amendment. He presented the legal framework for the proposed billboard text amendment including the federal laws and regulations, state laws and regulations, and significant court cases. He discussed the two major concerns that led to the enactment of the existing moratorium, which are proliferation and visual impact. He showed pictures of different billboards located throughout Champaign-Urbana. He reviewed alternative visions for how Urbana might deal with billboards generally, which are 1) decrease (oppose) billboards, 2) maintain (tolerate) billboards and 3) increase (encourage) billboards.

Mr. Myers gave an overview of the changes to the billboard ordinance. He talked about the following changes: 1) Separation distance, 2) Rows of billboards per corridor, 3) Downtown billboards, 4) Maximum height, 5) Building Encroachment, 6) Minimum height, 7) Special Use Permit, 8) Measurement standards and 9) Landscaping standards. He summarized staff findings, read the options of the Plan Commission, and presented staff's recommendation, which was as follows:

Based on the evidence presented in the written staff report, and without the benefit of considering additional evidence that may be presented during the public hearing, staff recommended that the Commission recommend approval of the proposed Outdoor Advertising Sign Structure (OASS) text amendment to the City Council.

Mr. Myers mentioned that there were representatives in the audience from Adams Outdoor Advertising. They had a presentation to make, and it was important for them to have an opportunity to speak because the proposed ordinance would affect their business.

Mr. Pollock introduced Jim Gitz, City Attorney. He stated that if any of the Plan Commission members had questions for Mr. Gitz regarding the previous lawsuit or the legality or the constitutionality of what was being proposed, then he would be available to answer them.

Mr. Grosser commented that in looking at the summaries of the C & U Poster lawsuit and of the Metromedia lawsuit, he noticed in particular that the Metromedia case notes that the City of San Diego's interest in traffic safety and community aesthetics were enough to justify complete ban. There were a couple of problems with it in that it appears that the proposed ban was trying to ban commercial messages and not ban non-commercial messages. The C & U Post case appeared to have similar problems. So, given both of these cases and that some things seemed to have been seen as okay and others were not and given an ordinance that does not discriminate over what kind of speech is on a billboard, did Mr. Gitz see the same kinds of legal problems with this? Mr. Gitz responded by saying that the proposed ordinance seeks to be neutral in regards to commercial versus non-commercial speech. Now, it may end up being up to a judge as to whether the City of Urbana has succeeded in this or not.

There is a definite risk here, and there are two arguments that are frequently made. The Community Development Services Department has sought to taken into account these two arguments. One of the arguments is to what extent can the City regulate billboards. If the City treats private and billboard signage properly, then there are ways to thread the needle.

The second way that communities have gotten into legal trouble was because it is so expensive to condemn a sign and pay just compensation. It frequently runs into the millions of dollars in calculations.

Recently, there were a number of Appellate Court decisions in the State of Illinois that have said that they do not believe amortization to be an appropriate approach either. He stated that in his

opinion, this is an open question, because the Illinois Supreme Court has not weighed in on it, and he believed that they may very well do it shortly.

Therefore, there are some issues that the City needs to take into account. For this reason, he counseled the Plan Commission to not be in a hurry to pass the proposed ordinance. If the Plan Commission wants to take some more time and calculate some more questions or look at some exact cases, then they should do what they believe is appropriate to satisfy themselves on these issues.

Mr. Gitz went on to talk about a letter he received from Adam's attorney saying that the City was barred from this kind of regulation by the terms of the 1985 settlement agreement. While he felt that the Plan Commission should give careful attention to what the representatives from Adams Outdoor Advertising had to say, he does not agree with their position.

First off, the billboard company is maintaining that the 1985 settlement agreement is binding on the City essentially in perpetuity. If you accept their interpretation, then the Plan Commission and the City Council could change virtually any law, ordinance or zoning provisions that we have, but you could not possibly touch anything about billboards. He has trouble interpreting the settlement agreement this way, because the sign company will tell you that Section 1.B of the settlement agreement was all about attorney's fees. He then read Section 1.B of the settlement agreement between C & U Poster Advertising Company and the City of Urbana to the Plan Commission. He feels that a more realistic interpretation of this Section is that the sign company said that they wanted some stability in how the City was going to handle the issue for some time to come. The incentive was that the sign company would abate the attorney's fees providing they would not have to argue about more stringent controls up through January 1, 2004. So, he believes that attorneys' fees are part of the package and incentive for some stability. The 1985 settlement agreement settled particular litigation about a particular set of ordinances which were subsequently changed.

In January of 2004, the City Council adopted a moratorium. Why did they adopt a moratorium if the 1985 settlement agreement was binding upon the City in perpetuity? Clearly, his interpretation is that the City settled some litigation, acknowledged the error of the City's ways at the time, went forward and placed a moratorium in 2004, and now in 2006, the City is stating that we cannot adopt a continuing moratorium forever. The courts frown upon that, and they want the City to do something. The something in this case is to take into account the litigation that has taken place and to take into account the Constitution aspects of speech and state court judgments. What is it that we can do to balance the community's needs and equities for aesthetic and developmental reasons that would still meet the test of law? This is the delicate balance that the proposed ordinance was seeking to achieve.

What is interesting is that the proposed ordinance would not take away existing billboards. It is not prohibiting billboards under all circumstances. It is not treating different classes of signage in different ways. He feels that these are three critical elements for the City to go about our business in a legal way.

He realized that the billboard company may have a different view of this. He felt that the Plan Commission and City Council should listen carefully to what the billboard company has to say. There may even further adjustments to the proposed ordinance that would meet some of the billboard company's needs. However, he did not think that anyone would realistically believe that a settlement agreement made in 1985 meant in 2006 that the City could not do anything to take into account recent litigation and make adjustments to our own Zoning Ordinance to try to handle these issues in a responsible way.

Mr. Grosser asked for clarification that the proposed ordinance would make new billboards not allowable in the B-4 Zoning District. Mr. Myers said that was correct. It essentially covers Downtown Urbana and does not include any of the major corridors.

Mr. Grosser questioned if all of the existing billboards in the B-4 Zoning District would become legally non-conforming. Mr. Myers said yes. Mr. Grosser inquired as to what happens to a non-conforming billboard over time. What would happen if the sign was blown over during a storm? Mr. Myers answered by saying that the Zoning Ordinance details what happens in cases like that. If it is non-conforming, a billboard could essentially be maintained as long as the property owners maintain it. If it should be destroyed, then the Zoning Ordinance provides different scenarios and what would happen based on the specific circumstances.

Mr. Grosser asked Mr. Gitz if it was the cases that he had alluded to not having been decided by the Supreme Court that could provide further case law to guide us on questions of what would happen to billboards in the B-4 Zoning District. Mr. Gitz replied yes. He thought it would be appropriate to focus on non-conforming uses and what kind of issues could arise from it.

Mr. Grosser inquired as to how City staff chose 1,500 feet. Mr. Myers responded by saying that distance deals with the issue of proliferation. Mr. Grosser asked why not 2,000 feet. Mr. Myers stated that City staff had carried out GIS analysis, and 1,500 feet seemed to be most appropriate. Staff wanted a reasonable distance between billboards. Under the proposed ordinance, about three or four more billboards could theoretically be constructed.

Mr. Grosser wondered where it is stated in the Zoning Ordinance that billboards would not be allowed in the B-4 Zoning District. Mr. Myers said that it was in Table IX-5. Standards for Outdoor Advertising Sign Structures.

Mr. Grosser questioned if there is any fee associated with billboards. Mr. Myers replied that there was a fee as with all sign applications. Mr. Grosser inquired if the fee was recurring in any way. Mr. Myers said no.

Mr. White asked if there was a condition or scenario mentioned where a non-conforming billboard falls down or if it is not used as a billboard for a certain period of time, then it would have to be removed. Mr. Myers remarked that these were two different scenarios. Ms. Tyler stated that these scenarios are covered under Article X of the Zoning Ordinance. Specifically, Section X-4 of the Zoning Ordinance would give staff some guidance in this scenario. If the City felt that there was abandonment, then the sign company could lose the ability to continue as a non-conformity.

Mr. Pollock wanted to know if this would be an administrative decision. Ms. Tyler said yes. As Zoning Administrator, she would review Section X-4, consult with the City Attorney, and yield an interpretation which could then be appealed potentially to the Zoning Board of Appeals. She mentioned that Section X-9 deals specifically with non-conforming signs.

Mr. Pollock asked Mr. Gitz if he saw any particular liability in adding a requirement for a special use permit for the construction of new billboards. Mr. Gitz stated that he would need additional time to think about it before responding.

Mr. White stated that he did not see where Section X-9 would take care of a billboard that had not been used for a period of time. He did find it curious that billboards could not be altered to prolong their lives. How does this fit in with maintenance? Ms. Tyler answered by saying that maintenance would be like painting. Adding a second support would extend the life of the sign and would not be allowed. Mr. Myers noted that if sign companies replace a wood post with a wood post, then it would be considered routine maintenance. Mr. White suggested that City staff change the wording to clarify this.

Mr. White stated that the problem would be that it would take away the right of the owner of the property to continue to make money by having a sign located on it. Ms. Tyler stated that if it was a properly platted lot, then it would have many other uses available to it. Mr. White commented that many of the parcels where billboards are located look like little slivers of land next to what was the railroad right-of-way.

In looking at Section X-9.C.1, Mr. Grosser understands this to say that all non-conforming signs shall be removed or brought into conformity of the Zoning Ordinance within five years of an amendment of the Zoning Ordinance text. Therefore, if the Plan Commission and City Council pass the proposed amendment, wouldn't downtown billboards have to be removed within five years? Mr. Gitz believes that this might need some modification in order to meet the legal requirements, because if the City has a provision for non-conforming signs, then the City could make billboards non-conforming. But if the City requires removal, separate and apart from any settlement agreement, then there may be Constitutional issues about requiring removal if you do not have compensation for doing so.

Mr. Myers pointed out that sign amortization provisions were enacted into the Zoning Ordinance years ago. Since that time, there have been some court cases and even some changes in state law that deals with amortization of billboards in particular which change the landscape.

Mr. Pollock commented that if they are going to consider enacting an ordinance and the changes they make in the ordinance trigger other changes in different sections of the Zoning Ordinance, then they need to think about this as they consider the proposed text amendment. This does not have to be done at this meeting. This is a pretty complicated issue, and there are a lot of legalities. Therefore, he suggested that the Plan Commission continue to hear testimonies and review this, but do not plan on taking action on the proposed amendment at this meeting. He would like to take a closer look at some of the material that they received at this meeting.

Mr. Gitz stated that he could not guarantee that he would always be able to come to every one of the Plan Commission meetings, but he would invite as both as a Commission and individually that if there are questions being directed to the Community Development Services Department that have a legal context, then feel free to share them with City staff, and they will get the questions and concerns to him. If he has a list of the Plan Commission's concerns regarding different sections, then he could focus closely on them and get answers back to them.

Chair Pollock opened the public hearing up for public testimony.

Lisa Denson-Rives, of Adams Outdoor Advertising, approached the Plan Commission. She introduced Bob Lord, General Manager for Adams Outdoor Advertising, and Fred Heinrich, Legal Counsel for Adams Outdoor Advertising. She mentioned that Mr. Lord would begin by talking about their company and their business philosophy. Mr. Heinrich would then talk to the Plan Commission about some of the legal cases, which were mentioned by Mr. Gitz and Mr. Myers. She would then finish up with some comments about the Zoning Ordinance current and proposed.

Mr. Lord stated that he was accountable for the Champaign market. Adams Outdoor Advertising purchased C & U Poster from Kip Pope in 2001. Adams was very excited when they entered the billboard market in Champaign-Urbana. They are still excited to be part of the Champaign-Urbana area. Adams Outdoor Advertising is located in several other communities as well as in Champaign-Urbana. They are the fifth largest outdoor sign company in the country.

Adam's is a community-oriented company, and they are involved in the community. They serve on Boards and are involved with public service organizations. They take pride in their inventory and in the way that the billboards look. They want to be the media of choice in the outdoor area and want to be the employer of choice. It is a small company, and the Champaign-Urbana branch employs 15 full-time people. At the end of May, they will employ 16 full-time people. In 2005, Adam's incurred \$1.25 million in expenses to operate their business. \$625,000 was spent on payroll.

Adam's Outdoor Advertising wants to partner with the City of Urbana. They have visited with Ms. Tyler and Mr. Myers on several occasions. They want to do what makes sense for where the City wants to go. It was important to listen and get down to the truth of where we are and what we want to accomplish. There is no reason why there cannot be common ground between the City of Urbana and Adam's Outdoor Advertising.

Fred Heinrich, Counsel for Adam's Outdoor Advertising in Champaign-Urbana, talked about three legal concepts. First of all, the First Amendment is a very complex area of the law. The bottom line is that commercial and non-commercial messages carried on billboards are entitled to First Amendment protection. In the *Metromedia, Inc. versus the City of San Diego* case, the total ban language was dicta. Dicta is language that is unnecessary for the holding in the case, and that frankly is exactly what that language is, because the City of San Diego was not looking for a total ban in that case.

How the First Amendment principles apply in any given set of circumstances is impossible to predict until a set of facts are in front of you. It is very complicated because litigation can get very lengthy and also very expensive.

He used special use permits as an example of a place where a constitutional issue could very well come up. If for example, a special use permit was not required for an on-premise sign, meaning business owner on his own property puts a sign up, and a special use permit is required for an off-premise sign, then he believed there was makings for a great constitutional case under the First Amendment.

The other area where he thought special use permits are particularly vulnerable is in that exercise of judgment and discretion will always call into play the ability to claim arbitrary or capricious action or if there are inconsistencies in the application of the standards.

Secondly, Mr. Gitz read the language from the settlement agreement between C & U Poster Advertising Company and the City of Urbana. Adam's position is not saying that the City of Urbana cannot change their ordinance. Adam's is simply saying that the City can change it but there will be consequences. If the ordinance would have become more strict before January 1, 2004, then the consequence would have been that the deal would have been off in terms of waiving half of the attorney's fees that had been awarded in the court case by Judge Delamar.

Lastly, he spoke about just compensation. Mr. Gitz had mentioned that there were some recent cases regarding just compensation. In fact, there is a very recent case handed down March 24, 2006 in the Second District Appellate Court involving the City of Oak Brook Terrace. In this case, the Appellate Court specifically said that amortization is not equivalent to just compensation. This means that if an ordinance requires the take down of signs over time, then that is not enough to compensate the outdoor advertising company. He suggested that just compensation means fair market value. Fair market value is calculated based on highest and best use. The point of bringing up the Oak Brook Terrace case is that what just compensation is in any particular set of circumstances has to do with what exactly is being taken.

Adam's Outdoor Advertising, in many situations, has not only a lease for the ground, but a permanent easement as well. When the City talks about taking down an outdoor advertising structure, the actual cost of the structure and the investment in the capital improvement is only a small part that is being taken. What is really being taken away is an income stream. When you are talking about a permanent easement, then you are talking about an income stream that goes into perpetuity. In those cases, where we are talking about just compensation, the numbers are going to run very high.

Mr. Heinrich went on to say that Mr. Myers had opened his presentation by talking about the City's two main concerns. Adam's, during the conversations with City staff, have made suggestions on how to deal with the following issues: 1) Dealing with specific issues and signs and 2) adopting a Cap and Replace program.

Adam's wants to get the specific concerns about specific locations on the table and discuss them. Then, they could address an appropriate resolution.

Adam's understands that the City feels it needs to do something about billboards. However, there are alternatives out there to what is being considered right now that apparently are not on the table. When Mr. Myers was talking about either decrease (oppose), maintain (tolerate), or increase (encourage) billboards, he mentioned that the City was tolerating billboards through this ordinance change. Mr. Heinrich suggested that there is another way of tolerating billboards and in a way that Adams is willing to live with.

Ms. Denson-Rives re-approached the Plan Commission. She began her presentation by addressing some of the questions that the Plan Commission had asked of Mr. Myers earlier.

She talked about the Highway Beautification Act. The Act states that they must comply with an owner to receive full federal highway dollars. The reason this is important to the City of Urbana is because if the City were to amortize a sign or take a problematic sign down, then the State of Illinois could withhold federal highway money until such time that Urbana paid the just compensation. This is a very important point to remember as we talk about other things.

Regarding state and local compliance and the Fifth Amendment, she quoted that "No person shall be deprived of life, liberty or property without due process of law. Nor shall private property be taken for public use without just compensation." She stated that in 1971, the State of Illinois implemented the Highway Advertising Control Act, which says that if 50% of a structure is damaged due to natural causes, then the company cannot replace the sign. As Mr. Heinrich had stated under Illinois law, just compensation for the removal of any signs would be required. Therefore, compensation would be due to both the land owner and the sign company for lost revenue.

On the topic of legally non-conforming issues, Ms. Denson-Rives stated that typical new land use rules and regulations affect the future use of land. Under the same definition, "legal non-conforming billboards" are billboards that do not conform to land use rules that have been enacted since the billboard had been erected at the site. In this case, the billboard has the right to be maintained as long as it does not become more non-conforming. Therefore, Adam's Outdoor Advertising would have the right to maintain any signs that are legally non-conforming.

She referred to a poster that showed where they were allowed to have signs and where Mr. Pope had previously agreed to not construct any billboards. Since IL Route 130 and US Route 150 are state highways, Adam's Outdoor Advertising should be allowed by right to build more billboards along these roads. However, they continue to honor the settlement agreement between Mr. Pope and the City of Urbana and to not build in those corridors.

According to her calculations, there are approximately 32 locations in the City of Urbana where new possible signs could be constructed due to zoning classification. However, zoning classification alone does not determine whether or not Adam's constructs a sign. They determine when a sign will be located in an area based on clear view, building setback, landscape in the right-of-way, if it would be an appropriate location to the traffic, and what makes sense in building Adam's business. Another thing that Adam's look at is the ability to negotiate a favorable lease for a site.

In looking at the 32 possible locations, immediately 10 of these locations would be taken out because of building setback, landscaping, or some other obstruction on the site. This leaves about 22 locations, half of which would not be favorable to lease. Therefore, there would be about 5 new locations in the City of Urbana to build new billboards on unless the City of Urbana expands their boundaries. This would not be anywhere near 122 possible sites as mentioned in the City staff report.

Ms. Denson-Rives referred to a poster that showed billboard locations under the existing ordinance and a poster that showed billboard locations if the proposed text amendment is approved. She mentioned that while the intent of the proposed text amendment is to enact an ordinance that would stop the proliferation of billboards, the proposed ordinance would basically stop any new sign structures.

Special use permits and the landscape standards mentioned in the proposed text amendment are problematic for Adam's Outdoor Advertising. The current proposed ordinance calls for 150 square feet of landscaping at any new site. In the 150 square feet of landscaping, she understood that they would have to plant 10 shrubs or 5 evergreens. This is a very large burden on a property owner to give up 150 square feet of land to landscape to offset for a billboard.

Adam's Outdoor Advertising has spoken with City staff and to the City Council in length about a cap and replace ordinance. This would allow Adam's to cap the number and have a one to one replacement ratio. So, they would not be allowed to build any additional new billboards. There are currently 39 existing billboards with 66 faces. They would be allowed to build a replacement billboard in exchange for taking a billboard down that is problematic for the City of Urbana.

Under a cap and replace ordinance, Adam's would be looking to partner with the City of Urbana. They believe this is an important aspect as they move forward. Adam's and the City of Urbana need to find ways to work together.

She discussed a couple of the problematic billboard sites for the City of Urbana. The first is located at the corner of Lincoln and University Avenues. She showed an illustration of how they could improve the aesthetics of the site. If the City of Urbana would be willing to take on some of the responsibility of the structure and Adam's would be willing to maintain the landscaping, they could basically present a very nice entryway into the City of Urbana.

The second problematic billboard site is at the corner of Vine Street and University Avenue. She admitted that the sign was not very attractive. Adam's has approached the City about redeveloping the site. They ran into some difficulty finding where the right-of-way lies in the Boneyard.

In closing, Ms. Denson-Rives stated that Adam's Outdoor Advertising recommends that the Plan Commission not accept the proposed text amendment and that they ask the Community Development Services Department to partner with Adam's and to craft a cap and replace ordinance. This would be the best use of time and resource for both parties involved.

Mr. Grosser asked if a cap and replace ordinance was implemented, would Adam's be willing to remove the existing billboard at the corner of Vine and Main Street. Ms. Denson-Rives said no.

Mr. Grosser inquired as to what she meant by cap and replace. Ms. Denson-Rives answered by saying that if Adam's were to find a location that made sense to relocate this billboard to, then they would look to do that. They would not, however, voluntarily take billboards down that people found unattractive. Their goal would be to maintain 39 billboard sites in Urbana at all times.

Chair Pollock closed the public input portion of the hearing.

Ms. Tyler commented that the City of Urbana has other signs that require special use permits so she did not feel that it would be discriminatory to have billboards require special use permits. The City is able to review special use permits by using good criteria as a guideline so there is some precedent there. City staff feels that requiring a special use permit for new billboards is very important to get the context sensitive treatment that would work in a location. Another reason to require a special use permit is that because of the high monetary value placed on specific sites it is important to get it right because a billboard could potentially be located in a site for a very long time. Therefore, they feel that special use permits are a valuable tool in addressing billboards.

In the period of proliferation that the City experienced, there were some problematic placements that a special use permit review could have detected, and the City's administrative review was not able to. This also showed City staff that our landscaping requirements were not effective. There have been some dangerous billboards erected, and they still stand today. There has been mitigation, but they have certainly harmed nearby properties. If the City would have had a chance to visualize the height, clear zone, surroundings, etc., then they could have made improvements through a special use permit process.

Regarding cap and replace, City staff has talked with the Plan Commission and City Council about this idea previously. Staff presented all the different alternatives. Cap and replace is not a path that City Council was ready to follow and this is known by Adams Outdoor. As a result, City staff has come back with a two-tiered approach as directed by the City Council.

Chair Pollock suggested that the Plan Commission continue this case at this time to the next scheduled meeting to be held on May 4, 2006. The Plan Commission agreed.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: May 4, 2006

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Jane Burris, Laurie Goscha, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, James Ward, Don White

MEMBERS EXCUSED: Marilyn Upah-Bant

STAFF PRESENT: Jim Gitz, City Attorney; Elizabeth Tyler, Director of Community Development Services; Robert Myers, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: Lisa Denson-Rives, Fred Heinrich, Susan Taylor

Plan Case 1988-T-06 – Text Amendment to the Urbana Zoning Ordinance changing the standards and procedures for outdoor advertising sign structures (billboards).

Elizabeth Tyler, Director of Community Development Services, stated that at the previous meeting City staff had finished their presentation, and representatives from Adams Outdoor Advertising had made a short statement. Due to the meeting running late, Plan Commission had not had an opportunity to discuss the case. With the exception of the folder of information handed out from Adams Outdoor Advertising prior to the start of this meeting, City staff had not received any other communications.

Robert Myers, Planning Manager, began by handing out a staff memo illustrating some billboard examples. He mentioned that he had shown the illustrations in the memo on the overhead screen at the previous meeting. He felt that these illustrations showed some of the issues that the City staff is concerned about.

In terms of billboards, the City is concerned with several aspects including aesthetics, economic development and safety. The first photo, located on page 1, incorporates these issues. The existing billboard, located on North Cunningham Avenue, has been problematic in the City's economic development efforts for North Cunningham Avenue, as well as with traffic safety and issuance of permits (overlapping jurisdiction between state and city permits).

The height of the billboard blocks the view of the neighboring business. The Longhorn Smokehouse had been relocated there using Tax Increment Financing (TIF) money. The City has been trying to encourage this local business to grow and has been trying to help the redevelopment of the North Cunningham Avenue corridor. Shortly after the Longhorn Smokehouse moved to this location, the billboard was constructed which blocks the view of their sign for cars driving south from the interstate. After the billboard was constructed, it was discovered that it could be seen from Interstate 74, which is not allowed under the state's standards for billboards. Therefore, Adams lowered the billboard. Since then, the billboard has created many problems including traffic safety. Approximately six cars have hit the billboard structure because it is located in a parking lot. Finally, parking spaces underneath were taken out and a curb was constructed in front of the billboard.

The second photo, located on page 2, is of a billboard located on Neil Street in Champaign. It illustrates an issue of interfering with traffic circulation and parking for a future business building currently under construction.

The third and fourth photos, located on page 3, illustrated several principles of good design and represents what City staff would like to see with new and existing billboards. He pointed out that attached to the staff memo are a copy of a *News-Gazette* article and a copy of the letter from the Illinois Department of Transportation (IDOT) regarding the billboard on North Cunningham Avenue.

In giving a brief overview, Mr. Myers explained that City staff was concerned that the current Zoning Ordinance is inadequate in terms of dealing with aesthetics, economic development and safety. Staff is also concerned about proliferation as well. Theoretically, staff calculated that there could be 122 new billboards constructed under our current regulations. However as a practicality, there could not be that many built because this does not take into account factors such as property owners who may not wish to lease for a billboard. One of the ways the City staff proposes to deal with proliferation is to increase the amount of distance required between billboards. Staff proposes to increase it from 300 feet to 1,500 feet.

Mr. White questioned how many companies there were that owned billboards in Urbana. Mr. Myers answered by saying until recently that there were two companies, Adams Outdoor Advertising and Redfish Advertising. Adams Outdoor Advertising just purchased Redfish Advertising.

Mr. White inquired about billboards within Urbana's extra-territorial jurisdiction (ETJ) area. Mr. Myers did not know if Redfish sold all of their billboard sites in the ETJ to Adams. Mr. White was concerned about the billboard along Windsor Road near the entrance to Stone Creek Subdivision. He mentioned that the sign was located near the road in a cornfield. If a developer comes along and wants to build a housing development, then the billboard would present an obstacle.

Champaign County Zoning Ordinance requires 1,000 feet between billboards. The City needs to work out something so that we don't end up with billboards that are being constructed in the County being annexed into the City and becoming non-conforming structures that are located too

close together, obstruct views and potentially impact economic development. Mr. Myers commented that Champaign County has its own standards. Within the ETJ, the City has subdivision review; however, subdivision review does not include billboard standards. So, in order to accomplish the goal Mr. White recommended, the City would need to work with Champaign County to change their standards for billboards.

Ms. Stake wondered if the City had a definition for “abandonment”. Mr. Myers asked if she was thinking in terms of a billboard not being used or in terms of a billboard having been removed. Ms. Stake said that she was talking about an existing billboard that was not being used or maintained. Mr. Myers stated that City staff did not include any such definition in the proposed text amendment. Conversely, the section in the Zoning Ordinance regarding non-conforming uses does deal with the question of abandonment. He pointed out that the issue of billboard faces not being used might have been resolved when Adams purchased the inventory of Redfish Advertising. Redfish did not have their billboard faces rented, and he was not aware of any of Adam’s billboard faces that are not rented. Ms. Tyler noted that it was Article X of the Zoning Ordinance that talks about non-conforming uses. Section X-9 speaks about non-conforming signs. There are tests for billboards and buildings for when to consider them to be non-conforming or abandoned.

Mr. Grosser referred to a previous question asked of Jim Gitz, City Attorney, in the last meeting regarding whether Section X.9.C.1 requires removal of non-conforming signs after five to ten years. He asked Mr. Gitz if he had a chance to review this. Mr. Gitz asked for a moment.

Mr. Ward remarked that the billboard on North Cunningham Avenue appeared to create a major detriment to local business development in a TIF zone. He asked if the billboard was allowed under the existing Zoning Ordinance, because the Zoning Ordinance did not have a minimum height. Mr. Myers said that is correct. City staff believes that the existing Zoning Ordinance was inadequate to do what the community would like to achieve in terms of billboards. Mr. Ward commented that the billboard on North Cunningham Avenue was a blatant example of where the City should be able to deal with the situation because it is a detriment to local business and therefore a detriment to the general welfare of the community.

Mr. Ward went on to ask if the minimum height being proposed in the text amendment would deal with a similar situation should it occur again. Mr. Myers replied yes. City staff was trying to achieve billboards that are sensitive to their context. So in terms of blocking businesses and sites, safety, and impediments for circulation of traffic underneath and around a sign, the height of a sign would need to be set in the context of its neighboring businesses.

Mr. Ward stated that he liked the City memo because it showed an example of a billboard that was clearly problematic, and it shows examples of other billboards that meet the City’s requirements. It was not a matter of being against billboards or a matter of being against a particular company. It is a matter of obtaining a design that meets the City’s requirements. What in the proposed text amendment would prevent the design of the billboard on North Cunningham Avenue from occurring again? Mr. Myers responded by saying that City staff was proposing a minimum height for traffic safety and also a special use permit process be required for all new billboards. The purpose of requiring a special use permit process would be so that

the City would have a chance to review plans for building future billboard structures and make sure their design is context sensitive.

Mr. Ward understood that with some fairly minor changes in the Zoning Ordinance, the City would be able to set some minimal standards that would meet the City's needs and would be able to provide flexibility for future billboards to be congruent with the context. He did not feel that the City would be setting a hard and fast rule that would be unchangeable. Through the special use permit process, the City would look at the context of a future billboard. Mr. Myers pointed out that there would be some hard standards involved in the special use permit process, but in addition to that there would be criteria to serve as a guideline to meet public interest.

Mr. Myers continued by saying that this would be an additional process for billboard applications than what exists currently. Therefore, it would take additional time to go through the special use permit process. Mr. Ward commented that it would not be something that would take up a lot of time for City staff because he didn't anticipate very many billboard applications each year.

Ms. Tyler mentioned that City staff continues to monitor the billboard on North Cunningham Avenue. Staff had requested abatement as a safety hazard. If it becomes a safety hazard again or if not all of the issues have been dealt with, then staff would continue to abate the sign structure under the provisions of the Zoning Ordinance.

She went on to say that City staff believes that if a special use permit would have been required, then staff would have had the information to detect the problem that emerged. As it was staff was not able to detect any problems. As a result, staff got into a jurisdictional issue with IDOT. What was built was not what the City anticipated. City staff had to come in after the fact and abate the situation, which was not ideal. She was not 100% satisfied that all issues with this sign have been remedied, although it is getting there.

Regarding questions asked of him at the last meeting, Mr. Gitz stated that he was in the process of preparing a written memo to the Plan Commission on two aspects. The first aspect is a special use permit question, and the second was in terms of variance. He mentioned that a special use permit and a variance request are treated differently in terms of the law.

He commented that he has some concerns about Section X-9, and he preferred to relay these concerns in a specific communication to the Plan Commission. Section X-9 relates to non-conforming signs. He felt the key would be how non-conformity signs would work in practice. He stated that if the City would use the Zoning Ordinance to establish a sign structure as being legally non-conforming and then end up applying it in a way that would basically eliminate the sign as opposed to bringing it into conformance, then he felt there were some issues to be concerned about. On the other hand, if the City utilizes the Zoning Ordinance in a manner where it fits an entire zoning scheme without trying to abolish the existing signs, but rather bring about compliance, then they could do so without any difficulties.

Mr. Pollock asked if it was Mr. Gitz's recommendation that the Plan Commission delay making a decision until they received the memo from Mr. Gitz. Mr. Gitz replied that it was the choice of

the Plan Commission. Ms. Tyler noted that the Plan Commission could continue the case till the next scheduled meeting. However, after the next scheduled meeting, there may be competition from other cases with construction season starting. Therefore, it would be great to complete the case at the next Plan Commission meeting. This would allow the City Council two meetings to address the issue before the moratorium expires.

Mr. White inquired as to how many signs existed that are considered non-conforming uses because they did not conform to the provisions of Article IX as of January 6, 1980 as mentioned in Section X-9.A. Ms. Tyler replied that there were a lot of older signs. The way you tell an older sign is if it is in the setback. A newer sign would be 50 square feet and out of the setback. She guessed that 30% of the billboard signs were not fully conforming.

Mr. White stated that he believed there would be two classes of non-conforming signs if the City approves the proposed text amendment. One class would be the signs that did not conform to the provision of Article IX as of January 6, 1980, and the second class of non-conforming signs would be the signs that becoming non-conforming because of the proposed text amendment. Would both classes of non-conforming signs be treated the same in terms of how they could be repaired and replaced? Ms. Tyler commented that there would be more classes than the two. The other classes are not addressed in Section X-9 specifically and discreetly. The City has recently made changes to the Sign Ordinance that would create nonconformities. The City would possibly create more nonconformities for the property signs. They have made changes to projecting signs that may have created nonconformities. Mr. Myers added that it was even more complicated than this. After the Zoning Ordinance provisions concerning nonconforming signs was adopted, there have been some changes in state law. There is a provision in state law that says that cities requiring billboards to be removed through eminent domain must provide just compensation. This is a state law that deals specifically with billboards. Whether or not amortization is just compensation is still up in the air as court cases have ruled both ways. There may be state laws and case laws since the Section X-9 was adopted that would affect how signs are treated in terms of non-conformities.

Mr. White understood that the City of Urbana had regulations in force in 1980 on billboards. So, there were signs that became non-conforming because of these regulations. Then the State of Illinois passed legislation that indicated that just because a non-conforming sign fell into disrepair, it did not mean that the billboard would have to be removed. Did these legislations apply to billboards built from that time forth or did the City's regulations that were adopted in 1980 have any weight? Which law applies and when?

Mr. Gitz stated that in 1993 there was an amendment to the state laws regarding compensation. It specifically indicated that billboards fell within the eminent domain statute for just compensation. He was not aware of any court decision in the State of Illinois or any other jurisdiction that distinguishes between different kinds of billboards and when they were originally installed. The argument that has been in light of that is a number of different jurisdictions in the Chicago area and down state have begun to look at amortization as a way of providing just compensation. However, about two years ago, there was the Lamar case which indicated that amortization was not enough. A more recent case involving Oak Brook Terrace, there is a question of whether it will be appealed to the Illinois Supreme Court. He believed it

would. This case was even clearer on the issue that amortization would not constitute just compensation. Mr. Gitz has not observed to date that there was any distinction made to the age of signs. A more proper question would be whether one could have a continuing legally non-conforming variance.

Mr. Myers stated that the intent of the proposed text amendment is to be prospective and look toward future billboards rather than existing ones. City staff's goal is to try to bring reasonable standards in place for future billboards.

Mr. Grosser recalled that billboards were not allowed along the Route 130 and Route 150 corridors as part of the C & U Poster settlement agreement. Adams Outdoor Advertising is contending that the City of Urbana is in violation of the agreement. Should the City be worrying about billboards popping up on Route 130 and Route 150? Mr. Gitz stated that this was a legitimate concern. The City could not argue on one hand that the settlement agreement resolved the issues and they are gone, then turn around and say that there is an agreement in place for these routes. The City needs to declare itself one way or another on the settlement agreement. We need to make provisions in our Zoning Ordinance as to how we will approach those issues or we have to agree with Adams that the settlement agreement is binding.

Mr. Grosser inquired if the Zoning Ordinance said anything about Route 130 and Route 150. Mr. Myers answered that billboards are not currently allowed on Route 130 and City staff is not proposing to change that.

Mr. Myers went on to say that City staff is trying to get through the moratorium and move forward. The longer we have to extend the moratorium, the less defensible it is. A moratorium is not supposed to be forever. It is suppose to meet certain needs and goals and then be removed.

The moratorium specifically mentions the advisability of a cap and replace program. Basically, a cap and replace program would allow non-conforming billboards to be replaced with new billboards meeting the new standards in other locations of the City. The negative side would be that it would allow billboards in new places where they are not currently allowed. Is this acceptable? He believes that the City Council does not find a cap and replace program acceptable because it would allow billboards in new areas.

The proposed text amendment would continue to prohibit billboards on Route 130. And the new ordinance would omit any future billboards from being allowed in the segment on Vine Street between downtown and University Avenue. City staff also proposed to remove new billboards from being constructed in the B-4 Central Business Zoning District.

Mr. Grosser questioned whether staff had considered when looking at the map to disallow billboards east of Smith Road. Mr. Myers said that this is something that had not been discussed.

Mr. Hopkins wondered where the official statement of acceptable corridors is located. Ms. Tyler pointed out that the acceptable zoning districts were listed in Table IX-5. Standards for Outdoor Advertising Sign Structures found on page 169 of the Zoning Ordinance under Location and Separation of OASS.

Mr. Hopkins expressed concern about 660 feet, which is equivalent to 1/8 of a mile. Mr. Myers stated 660 feet is the standard used by IDOT, and City staff tried to dovetail IDOT's standards because that is where IDOT's jurisdiction lies principally in that area. IDOT has certain standards for billboards within and beyond 660 feet. Mr. Hopkins stated that would include Downtown Urbana. Mr. Meyers pointed out that there would be other standards as well, such as what zoning district billboards are allowed in. There would be a layering of requirements. There would be certain corridors that billboards would be allowed along, plus billboards would only be allowed in certain zoning districts, plus billboards could be no closer than "X" number of feet from a residential zoning district.

Mr. White asked if there would be no increase in the number of billboards with a cap and replace program. Mr. Myers replied that there were several different ways a cap and replace program could be written. It could be written so that it would allow an increase or a decrease or with no increase or decrease at all. Adams Outdoor Advertising is suggesting a cap and replace program so that there would be no additional billboards built in the community. Billboards could be relocated throughout the community and the old ones which were being replaced would be removed.

Mr. White stated that under a cap and replace program, if a property owner leases the land to Adams, and if Adams then removes their billboard from the property, the property owner would not be allowed to lease their property to another billboard company. Therefore, the property owner's right to the income stream would be taken away by the cap and replace ordinance. Mr. Myers remarked that he did not know the details of a lease between a property owner and a billboard company such as Adams Outdoor Advertising. He thought that there might be provisions in a lease for buyout of leases, etc. Mr. White pointed out that the billboard company would not be the ones changing the Zoning Ordinance to a cap and replace program. So the City would be the responsible party for the land owner from allowing another billboard company to come in and have a sign there. Mr. Pollock clarified that this argument was that property owners would be negatively affected more than the billboard company by a cap and replace program.

Mr. White remarked that if Adams Outdoor Advertising owns all of the billboards in the community, then another billboard company could not build any additional billboards under the cap and replace program. Adams Outdoor Advertising would have a monopoly on the billboard business. Mr. Myers agreed that it would be a side-effect of a cap and replace program.

Mr. Gitz commented that a monopoly could be created by limiting the absolute number of signs. He was not aware of any court that has ruled that there was an absolute right to be in the billboard sign business and have many signs simply in the interest of commerce. Courts from the Supreme Court to every jurisdiction have recognized that there are First Amendment issues. Billboards are a form of speech that poses its own special problems as a medium and whether or not there is a legitimate right for local regulations.

Mr. White remarked that he found the free speech argument for billboards is seriously flawed. He could decide not to buy a newspaper or not to pick up a magazine. However, he has to drive by billboards. Mr. Gitz stated that he would not necessarily disagree with this. However, the recent Supreme Court cases in the last twenty years have steadily expanded the reach of the First

Amendment into commercial speech. Although the courts still recognize legitimate rights to regulate, commercial speech has been elevated in terms of its command of some protection in the public medium.

Mr. Hopkins understood this conversation was brought up as a response to whether the City pass a cap and replace program without being challenged for creating a monopoly. Because of the First Amendment arguments, the City could probably pass a cap and replace program. Mr. Gitz said that he did not feel that the Plan Commission did not to be much concerned about the effect of a cap and replace program and limiting the absolute number of billboard signs and facing some type of a legal challenge to that form of commerce.

Mr. Hopkins asked if City staff knew anything in general terms about the market for outdoor advertising signs. Does City staff know about the nature of leases, options, rights to continue or stop a lease? How long are the leases? How much are the leases? These properties affect tremendously how the world would respond to the kind of ordinances that they were talking about writing. Ms. Tyler responded by saying that City staff does not have a lot of this information which is a handicap for the City. Much of the information of this type that the City staff does have has come from land owners wanting to get input from the City as to whether or not they should lease out their property for another term. City staff really does not have good data on the form of the different leases. Mr. Hopkins stated that he had forgotten about the Planning Advisory Service Report that deals with this issue. Ms. Tyler replied that there was definitely continuing advice to planners on how to deal with the issues of billboards, which are going on all over the country. The stakes are escalating and the strategies are changing almost daily.

Mr. Gitz suggested that the Plan Commission pose this question to Adams Outdoor Advertising. He mentioned that the just compensation law for billboards was brought to the legislature for amendment. It was brought in response to the fact that many municipalities have wanted to limit or eliminate signs. Because there is an issue that amortization may or may not qualify for compensation, billboard companies are entering into long-term leases with property owners. This way if a municipality is required to do a full buyout by the traditional terms of compensation, then it becomes hugely expensive and almost prohibitive to do so, which is part of the intended strategy to begin with.

Mr. Ward asked if in a compensation issue would the compensation legislation deal with both the land owner and the sign company. If the City of Urbana adopted a cap and replace program, would we be creating an economic loss for the land owner if an existing sign were replaced and relocated to another site for which the City would have any exposure for compensation? Mr. Gitz stated that he wanted to spend more time researching this before answering this question.

Chair Pollock opened the hearing up for public testimony.

Lisa Denson-Rives, representative of Adams Outdoor Advertising, and Fred Heinrich, Attorney for Adams Outdoor Advertising, approached the Plan Commission.

Ms. Denson-Rives mentioned that Adams recently had an acquisition, and they now own the Redfish inventory. She hopes that the City notices a great change in the inventory since Adams took control of it in that it is now being utilized.

She went on to talk about the proposed spacing of 1,500 feet between billboards. She referred to a map in the folder of information that Adams had passed out prior to the start of this meeting. The map shows what 1,500 feet spacing would allow. The proposed spacing change will make it so that there will be no new locations where billboards could go into the market place. There are approximately 22 locations where billboards could currently be constructed. These places would only be possible if a lease could be obtained, Adams could meet all the setbacks and requirements, and go through the special use permit process. So basically there were not any properties to put new billboards on.

Mr. Pollock inquired as to how they went from 22 potential properties to none. Ms. Denson-Rives remarked that the possibility of getting a lease for the 22 potential properties would be difficult. They might get leases for 10%, which would be 2 properties. These two properties would have to meet the setback requirements and still provide clear view from the street, so there probably would not be any properties to place new billboards on. This is based on Adams professional opinion and what they have seen happen in the market place.

Mr. Heinrich spoke about Adams purchasing the Redfish inventory. He felt this is a significant development for the City of Urbana's perspective. Many of the complaints that he has heard has been in regards to the lack of use of the Redfish sign faces and lack of responsiveness in some cases to the City's requests or concerns. Adams has demonstrated for a number of years that it has attempted to be very responsive to concerns brought up by both the City of Urbana and the City of Champaign.

Mr. Pollock inquired if the billboard sign shown in photo #1 of the current staff memo was a sign previously owned by Redfish Advertising or has Adams always owned the sign. Ms. Denson-Rives mentioned that it has always been an Adams sign. Mr. Heinrich added that everyone sees situations differently. The sign on North Cunningham was used as an example of something that has been problematic in terms of economic development. He commented that Hickory River Smokehouse is booming. So in terms of the sign affecting the business, he found it hard to believe. He could believe that the owners of Hickory River Smokehouse do not like the sign.

He went on to say that Adams would have left the sign at the normal height of a billboard sign, but in order to meet the regulations of IDOT they had to lower it. It was never Adam's intention for the sign to be built at the height it is now. But he did not want anyone to believe that it is somehow an illegal sign. Adams has been talking with City staff about resolving the issues that the City has with the sign. Although the issues may not have been resolved as quickly as the City would like, but efforts have been made to try to resolve the issues. Ms. Denson-Rives noted that Adams has put in an additional \$4,000 of landscaping into the site to rectify the problems with the height of the billboard.

Regarding the second photo of a billboard sign on North Neil Street, Mr. Heinrich said that City staff had been used as an example of how a sign can affect economic development. He

submitted that developers were not in the business of losing money. Real estate development is a high stakes game. The developer responsible for constructing the new building behind the sign would not be constructing the building if he thought the existing billboard sign would be a major impediment to his development. So he looks at the photo and sees a different picture.

Adams has been responsive to concerns on behalf of the City, which are proliferation, context of the area in which a sign structure is built, and design elements. The cap and replace concept would generally meet these concerns. Adams has indicated again and again its willingness to deal with specific issues and specific signs. Adams is the only player in the billboard market place right now, and they are willing to try to resolve issues as they come up. There are other ways of resolving the political issue without going to the lengths that the proposed text amendment does.

Ms. Denson-Rives pointed out that the routes that are listed in the current Zoning Ordinance are routes that came out of the C & U Settlement Agreement. By right in the State of Illinois, a billboard company has the ability to build on any state route. If Adams and the City of Urbana go away from the settlement agreement to a new ordinance, then it would be opening up Route 150, Route 130, Route 10, and Route 45 to future OASS development.

She stated that in the folder of information, there is a copy of the sign ordinance from Cincinnati, Ohio. This ordinance has worked well for them. It covers the number of signs and the square footage that would be required. It would allow for a one-to-one replacement.

Under the cap and replace program, Adams would be able to do two things. One of the first goals of the City Council as presented in a meeting with them was that the Council would like to not see any more billboards being built in the City of Urbana. The other thing that the Council would like to achieve is beautification in the City of Urbana and to talk about the removal of specific signs. By enacting a cap and replace ordinance, Adams could look specifically at the signs that the City of Urbana has deemed problematic, and they could negotiate how those might be redeveloped at other locations that have similar DECs and similar revenue streams so that they could work together in a partnership agreement.

Mr. Heinrich addressed a question from Mr. White regarding whether or not a cap and replace ordinance might leave the City open to a claim by a property owner. From a practical standpoint, he suspected that a billboard company would not remove or suggest moving a sign structure to another location unless it was at the end of a lease term or at a point in time at which they had to exercise an option and chose not to exercise that option. In terms of causation, it would be a stretch for someone to claim that the City's ordinance caused them economic damage. He had a difficult time seeing how a land owner at the end of a lease term or before an option to renew the lease was exercised could claim damages as a result of the City's ordinances.

Ms. Denson-Rives mentioned that she also added some information to the folder regarding non-conforming signs and sign structures. This information came from the Illinois Administrative Code. This is important because billboards are protected differently under the IDOT Administrative Code in the State of Illinois. Even though a billboard is non-conforming or becomes non-conforming because of a text amendment to the sign ordinance, it still has the right

to remain at the location indefinitely. The only time that a billboard would be required to come down is if through an act of nature it was damaged beyond 50%. 50% means 50% of the uprights were damaged. Then, Adams would be required to remove a billboard if it were on a state route. If the City requires a billboard to be taken down, then Adams would look at how they would be compensated for the income stream that they would lose.

With exception to a few other billboard companies that have come and gone, Adams has been the major billboard company in Champaign-Urbana. They have always tried to have a very good partnership with both the City of Champaign and the City of Urbana. Adams tries to run their business in a way that the employees try to do what is best for the community. Their goal to always partner with the City is never going to leave as long as Adams is located here. This is why a cap and replace ordinance is a win-win situation for both the City of Urbana and for Adams Outdoor Advertising. This is the best way to approach development as the city grows and moves forward.

Mr. Ward understood the petitioner to say that if Adams has a lease with a property owner in the City of Urbana that expires and Adams decides not to renew the lease, under cap and replace the land owner cannot lease the property to any other billboard company because Adams owns all of the allowable billboards, then the land owner has not suffered an economic loss. Ms. Denson-Rives responded by saying that Adams retains the ownership of an entire sign structure placed on a land owner's property. At the end of a lease term, if the land owner and Adams cannot agree on a new lease term or Adams chooses not to enter into a new lease agreement, then Adams would remove the sign structure at their cost and either relocate it to a new site or retire the sign structure.

Mr. Ward understood what she said. However, a land owner could no longer earn income from leasing to another billboard company because of the cap and replace program. As a result, the land owner has lost the previous use of the property. It would seem to him that the land owner would suffer an economic loss. Would the land owner have any recourse against the City in terms of economic lost because of the cap and replace program? Mr. Heinrich replied that the land owner would not be in a different position than any other land owner under the proposed ordinance that does not have a right to put a billboard on his or her property because of spacing requirements or any other requirements. It would be totally speculative to say that something has been removed from a land owner, which they do not have. The land owner has a potential right to get a new lease with perhaps another billboard company. Once a billboard is removed, then nothing would be taken from the land owner that exists at that time.

Mr. Hopkins said that it seemed to him that something else was going on with the cap and replace program. Normally eminent domain takes the property and not the lease rights. He recalled that Mr. Heinrich had stated that a billboard company would not take action, except at the end of an option or at the end of a lease period. If Adams is at the end of a lease period, then the eminent domain payment for the right for the billboard goes to the land owner, not to Adams Outdoor Advertising. In other words, the land owner could go to the City of Urbana and say the lease with Adams is up. Rather than take what might be offered from Adams to renew their lease agreement, the land owner might chose to take an offer from the City of Urbana and allow the City to buy them out. Under a cap and replace program, Adams would have essentially

captured the right, since they are a monopoly, to relocate signs and to keep the number of signs that they have. So, if the City wanted to buy any of the signs out, then the City would have to buy it from Adams. It seems to him to be a taking of property that otherwise would belong to the property owner at that point. It would also be a bad idea from a market point-of-view for the City of Urbana because it would force us to bargain with the only sign owner who has a monopoly that the City created.

Mr. Heinrich did not see the monopoly that the City felt they were creating any different under a cap and replace program than it would be under the proposed text amendment. The proposed ordinance would provide very few new buildable sites. From a practical standpoint, either scenario would create a monopoly for Adams.

He did not look at “monopoly” as being a pejorative term. He looks at Adams ability to interact. He has not heard any negative comments about Adams or about Adams flexing its monopolistic muscles anywhere in the City. Mr. Hopkins agreed that a monopoly was not inherently bad. He is only trying to do the analysis of what the effect is on the market. He also agreed that the property owner does not have any more right under a regulation based on spacing. But the City is in a very different position in terms of the market it is in to buy out the rights to have signs through eminent domain. So, he could not see a reason why the City on its own initiative would create an ordinance against its own economic interest. He suggested that the City regulate and regulate in particular ways for particular purposes. The City’s choice among regulations actually affects how the City would be able to bargain with whom and whom has what rights at what points at times when leases are up and options are up. The City is going to regulate somehow. It is a question of how and what the benefits are.

Mr. Heinrich remarked that if a cap and replace program was in place and it was not at the end of a lease term, if an alternative location is available and acceptable to Adams and they remove a sign from an existing location, then Adams has a duty to fulfill its lease obligations. It would not be the City’s obligations. Adams would have to structure a buyout with the lessor. Whether it would come to a present cash value of the future income stream or whether they would continue to pay rent over a period of time, that lessor would have to be compensated by Adams. Mr. Hopkins stated that was his point. The City would have no opportunity to enter the market with both of the other parties to either acquire property either from a voluntary willing seller or through eminent domain. Just as Mr. Heinrich said, Adams has taken on all of the responsibility for paying for, managing and shifting from one place to another all of the rights to outdoor advertising signs in the City.

Mr. White pointed out that the discussion on cap and replace is not necessary. He suggested that they end all conversation regarding cap and replace.

Chair Pollock interjected by saying that this is an opportunity for members of the public to address the Plan Commission on the proposed ordinance. If the interested party would like to explain their alternative vision of the proposed ordinance, then they should be allowed to do so.

Mr. Grosser clarified that under the cap and replace program that Adams suggested there would only be 39 billboards. He felt that there was a contradiction, because with the proposed

ordinance, Adams claims to only be able to have 39 signs. So, the total number of signs would be the same. The difference is that some of the signs might potentially be relocated under a cap and replace program. He wondered what it is about the proposed ordinance that Adams did not like. Ms. Denson-Rives replied that under the proposed text amendment 1,500 foot spacing would make it impossible to find another location for a new billboard in the City. Cap and replace would offer Adams the ability to work with the City of Urbana to move the signs that the City finds problematic, such as the one at Blockbuster at the intersection of Vine Street and University Avenue. Adams would look to possibly relocate the sign at 1710 North Cunningham Avenue if they could find a compatible location. They have talked about becoming partners with the City of Urbana to beautify the entry known at the corner of Lincoln and University Avenues. Under the proposed ordinance, there is no incentive for Adams to do anything but maintain the inventory that they have. Adams is trying to show the City an alternative way that this could be a win-win situation for Adams and for the City of Urbana rather than have an adversarial relationship forever.

Mr. Grosser questioned if Adams would be looking at a different amount of income because of relocating a sign. Ms. Denson-Rives said yes. Locations in new commercial development would be more profitable for Adams than some of the locations that they currently hold.

Mr. Pollock commented that the City could write a cap and replace ordinance in a lot of different ways. Would Adams prefer that the City write an ordinance so that the decision to move a sign from one spot to another would be a joint decision between the City and Adams Outdoor Advertising? Or would Adams assume that it should be their right to move signs based on business decisions as long as the total number of billboards do not increase? Ms. Denson-Rives stated that Adams would expect an ordinance to be on the books that would allow Adams to develop by right, but Adams would entertain additional landscape requirements to move a sign to a new location in order that those would be attached to the relocation. As she mentioned before at the previous meeting, Adams would maintain an inventory with the City of Urbana that would be a 1 to 1 replacement. When a sign was relocated, Adams would have 30 days after the time that the new site was placed to remove an old sign structure, so that the total number of billboards would always be 39. Mr. Heinrich stated that the City would still have some permitting requirements, which would be in place for a new location. So the City would always have some say. Chair Pollock added that there was the possibility that the City could have a cap and replace program along with a special use permit process requirement.

Mr. Grosser clarified that Adams believes 1,500 feet is objectionable in the proposed ordinance because it makes it so they think that they could not build any additional signs. Ms. Denson-Rives stated that it would basically leave no place to build a sign. Every available corridor that they could build on is taken with the exception of Route 130 and Route 150. Mr. Grosser asked if there would be a number of feet that Adams would be happier with. Ms. Denson-Rives said that Adams would accept 600 feet.

Mr. Grosser inquired if there was anything else in the proposed ordinance other than the number of feet required between billboards that Adams opposed. Ms. Denson-Rives stated that it depends on what the outcome of the ordinance is. If the special use permit process stays as a portion of the permitting process, then that leaves Adams with a lot less predictability and a lot

less enthusiasm about accepting some stricter guidelines. If Adams and the City could come to some agreement about what the guidelines would be and not have to go through the special use permit process, then Adams would be willing to talk about a lot more stringent guidelines in an ordinance that would be published. The special use permit process is so subjective. There really are no rules. Mr. Grosser pointed out that there are specific criteria for how the City evaluates special use permit requests. Ms. Denson-Rives commented that every time the Plan Commission or the City Council turns over, then Adams is dealing with a whole new set of criteria based on how a group of people interpret what special use means. Chair Pollock said that was correct. In essence, a special use permit gives the City Council and the Plan Commission the right to impose certain restrictions based on what they feel is the best community. Ms. Denson-Rives noted that if Adams is found in non-conformance of a special use permit, then the City could require Adams to remove the sign. Who determines what is out of conformance? If the grass is two inches too long, then would they be out of conformance and would they lose their permit? If the City does not like the sign color, would Adams lose their permit?

Ms. Tyler defended special use permits by saying that there are so many uses in the City that are permitted with conditional or special uses, and the City is not in the business of yanking these permits. Conditional and special use permits are granted reasonably with reasonable conditions monthly by the City. The process works very well. There is hardly a case where the project is not improved with a special use permit. It is a way for the City to examine what is being proposed and to let the neighbors know what is going on. There are many communities where essentially every use and every development is a special type of use, because it gives the municipalities that public opportunity to review things and make sure that they are the best that they can be. Many times it is for the petitioner's advantage as well. So, it is a very valuable tool, and it is not abused.

Ms. Tyler went on to comment on the business of Hickory River. While it may very well be that Hickory River Smokehouse is successful in business, they were very distressed by the placement of the billboard on the neighboring property. One of their points is that Adam's billboard is 300 square feet. Hickory River was only permitted a 50 square foot sign, and they feel that the billboard blocks their business. And even though they may be doing well, we have no way of knowing how super fantastically they might have been doing if that sign did not block visibility. So there is a very obvious equity issue that Hickory River felt. In looking at our goals in the City of Urbana, we have our redevelopment plans that we are trying to bring forward on Cunningham Avenue, University Avenue and Downtown Urbana. To the extent that these signs interfere with that redevelopment, it is not assisting those larger efforts.

The City had a battle on North Cunningham Avenue. It was an issue with the business owners too as the City worked with the neighborhood business group in that the billboard company was approaching neighboring businesses saying, "Who wants the lease? If you don't get the lease, then your neighbors are going to get it, and the billboard will block your business." It was a crazy situation. How can the City ever redevelop Cunningham Avenue when we cannot consolidate lots because lots cannot be combined because there is an impediment where there was not? There is a solution that will help to protect these redevelopment opportunities and to protect the property owners' rights. When a property owner leases land to Adams for a billboard site, then the 300 feet kicks in and no one else has the opportunity. One possible solution is to

say that billboards are a business unto themselves. They do not pay property tax. They do not participate and bring customers in the way Hickory River does. A property owner is looking for income on your property, so your property can only be used for a billboard with no other principal use. This is a tool that the City could use to approach these issues in terms of property owner rights and redevelopment opportunities.

Mr. Gitz did not want the Plan Commission to get the impression that the special use permit process would somehow allow arbitrary and capricious decision making. If the City tries to evoke someone's special use permit because of the length of the grass or the color of the sign, then they have a real problem. Also this is not an arbitrary process. There are criteria. Admittedly, there could be some subjectivity as to how the criteria are applied. To shorten the amount of distance between signs would actually increase the advisability of having a special use permit process, not decrease it.

Ms. Stake wondered if the photo of the billboard on North Lincoln Avenue had been taken before Adams invested an additional \$4,000 on landscaping. Ms. Denson-Rives stated that the photo included the additional landscaping. Ms. Stake commented that she did not see much landscaping. Ms. Denson-Rives pointed out that the bottom of the sign originally was not bordered by a concrete border. The grass area under the billboard is additional landscaping that Adams planted in order to direct traffic flow in the parking lot around the board and to create a buffer around the board to resolve the safety issues. Ms. Stake said that she thinks of landscaping as being trees and bushes. Ms. Denson-Rives pointed out that Adams had installed bushes on the west side of the billboard, which was required as part of their permit application.

Mr. Pollock closed the public portion of the hearing. He inquired if the Plan Commission wanted to open the case up for Plan Commission discussion or to continue the case to the next scheduled meeting.

Mr. Grosser stated that he asked Adams about whether or not they could place billboards along Route 130, and their reply was that state law would allow them to build there. If the proposed ordinance says that they cannot build on Route 130, then which rules is Adams suppose to follow? Mr. Gitz responded by saying that it depends on the interplay with home rule and whether it gives way to the state law that Adams cited under the Illinois Administrative Code. He would like to research this further.

Mr. Hopkins commented in that interpretation presumably where there are already state routes in the City, then the City must have the right to regulate them or there would be no reason why we would be talking about the proposed ordinance. The proposed ordinance talks about regulating billboards on Route 45 and Route 150.

He went on talk about billboards being considered primary use, secondary use, and OASS as land use. Are the leases actually of parcels? Ms. Tyler said that the parcels were not subdivided lots. They are just descriptions and lease arrangements for the most part. Some of the older billboards are remnant pieces and might stand on their own with some pre-existing semi-legitimate land holding. Most of the recent ones would be just a lease agreement with a land owner and just part of a lot. Earlier she was talking about principal use with connote the creation

of a stand alone lot. Mr. Hopkins stated then that the ones along Philo Road north of Florida Avenue might be sitting on a parcel that has no other primary use.

He asked when the City defines the set of use categories in which billboards would be permitted, rather than by saying these are the categories of land use zones in which billboards are permitted could the City do that definition by defining billboards as a primary or a secondary use in those zones? Ms. Tyler answered by saying that the City could in theory place OASS in our Table of Uses as a principle use. This is one suggestion that had been discussed early on in this process. It had been put forward by the former City Attorney. They had discussed the pros and cons associated with this.

Mr. Hopkins questioned whether there was some simple summary as to why staff is not proposing to do it this way now. Ms. Tyler replied that it may be that Mr. Gitz wants to study it further. At the time, City staff felt that there could be some unintended consequences in terms of peculiar subdivisions being brought forward and perhaps some other situation where we could in fact have a subdivision of billboards. It is possible. It would all depend on what the highest and best use is in the market, and there may be some locations where billboards could be built on a lot. These are improvements that are not taxed the way other improvements are. Mr. Hopkins remarked that they could also be subject to special use permit as use categories.

Ms. Stake inquired since billboards are a business, then why aren't they taxed like other businesses? Mr. Myers responded by saying that the answer may lie in whether a billboard is considered to be real property or personal property. Ms. Stake asked if the parcel of land is taxed. Mr. Myers replied yes.

Chair Pollock questioned whether the Plan Commission wanted to proceed with the public hearing or continue the meeting to the next scheduled Plan Commission meeting. Mr. Grosser stated that it made sense for the Plan Commission to wait for further communications from Mr. Gitz because his communications will affect the Plan Commission's discussion. Ms. Stake agreed. With no objections from the other Plan Commission members, Chair Pollock carried this case over to the next scheduled meeting on May 18th.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: May 18, 2006

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Don White

MEMBERS EXCUSED: Jane Burris, Laurie Goscha, Marilyn Upah-Bant, James Ward

STAFF PRESENT: Jim Gitz, City Attorney; Elizabeth Tyler, Director of Community Development Services; Robert Myers, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: Stevie Bean, Lisa Denson-Rives, Daron Utley

Plan Case 1988-T-06 – Text Amendment to the Urbana Zoning Ordinance changing the standards and procedures for outdoor advertising sign structures (billboards).

Robert Myers, Planning Manager, presented the staff report. He began by addressing a question that was asked by the Plan Commission at the previous meeting regarding minimum spacing requirements for outdoor advertising sign structures (OASS). He referred to the written communication which was handed out prior to the meeting.

He stated that a 1,500 foot spacing requirement was being proposed for any new billboards. This distance was chosen because it would prevent the proliferation of billboards without being more restrictive than necessary to serve the governmental interest. When you review what other communities have been requiring in Champaign County, you will find that 1,500 feet is not unique or arbitrary. Table A of the written communication shows what other communities and Champaign County require for billboard spacing. Champaign County requires a one mile spacing between billboards for properties along interstates zoned Agricultural and no more than three billboards per mile along other Federal highways. He mentioned there are about 57 communities in the State of Illinois that actually prohibit billboards, but most of these communities had different circumstances as to why they prohibit billboards. For example, some of the suburbs of Chicago might only encompass a square mile and it might be easier for a billboard company to pass over the city for the next community. He reviewed the billboard spacing requirements of other jurisdictions in the State of Illinois. Mr. Myers contended that

1,500 feet is not unique or unreasonable, especially given that other communities in the State and county have the same requirement.

Jim Gitz, City Attorney, talked about the issue of the impact on nonconforming uses. He feels that there are some issues with the existing ordinance dealing with nonconformities in the Zoning Ordinance. The newly updated and republished 2006 Zoning Ordinance still presents some issues regarding nonconformities. He has discussed with City staff that they simply eliminate Article X-9 until the problems with this section have been resolved. City staff intends to work through these problems and bring a text amendment for Article X-9 to the Plan Commission and City Council in the new future.

He mentioned that there were other issues that were raised in the previous two meetings. He stated that he has already answered questions about amortization, whether special use permits are a reasonable tool, and whether the previous Urbana litigation settlement is still binding upon the City.

Chair Pollock inquired if Mr. Gitz was suggesting that there was an amended staff recommendation that the Plan Commission proceed as recommended with the exception of Article X-9. Mr. Gitz said that this was correct.

Chair Pollock asked if Article X-9 would be coming back fairly quickly or would Mr. Gitz envision that Article X-9 come back to the Plan Commission as a completely separate case. Mr. Gitz replied that future proposed revisions to Article X.9 would come back as a completely separate case; however, the time period he envisioned would not be very long.

Mr. Myers pointed out that Article X-9 dealt with nonconforming signs generally and included nonconforming billboards. Mr. Gitz added that City staff needs to take into account judicial trends as they apply to OASS, and as Mr. Myers pointed out Article X-9 applies to much more than simply billboards. It applies to all signs.

Lisa Denson-Rives, of Adams Outdoor Advertising, talked about Table A of the City staff memo dated May 18, 2006. She noted that regarding the spacing requirements set for billboards in Champaign County, Adams Outdoor Advertising has to meet the "Rule of 59", which means that they have to prove that a potential property was a commercial use back to September 21, 1959. So, while the spacing mentioned in Table A for Champaign County is accurate, there are also more stringent regulations that have to be met to obtain an Illinois Department of Transportation (IDOT) permit.

She went on to say that the Village of Mahomet does allow billboards, but billboards are only allowed of a 150 square foot area. The Village of Savoy is an Adams Outdoor Advertising market. Adams negotiated the existing ordinance with the Village of Savoy. Savoy has a 1,500 foot spacing requirement, but they are under a cap and replace ordinance as well. Monticello, Illinois is also an Adams market. Adams also negotiated with Monticello for a 1,000 foot spacing requirement with a cap and replace ordinance.

Chair Pollock opened the public hearing up for public testimony.

Ms. Denson-Rives talked about the 2005 Goals of the Urbana City Council. From Goal 5 (Implement the 2005 Comprehensive Plan) of the 2005 Council Goals, she read "Update the sign ordinance for the city, setting new guidelines for commercial signs along main arteries and traffic corridors designated for redevelopment or beautification. Establish a time table for the replacement or phasing out of billboards and tall pole signs along designated traffic corridors." She read from the original staff memo for this case, where Mr. Myers had wrote, "(1) increase the standards in the Zoning Ordinance to improve the placement, design and safety; and (2) work toward removal of the most problematic billboards." She mentioned the reason she read these two excerpts were because her job as Real Estate Manager for Adams Outdoor Advertising is to maintain their inventory to the best of her ability the same way Adams does for all 22 markets that they are located in and to work with the community as a good corporate citizen. Adams has the responsibility to work with municipalities to make sure that Adam's inventory is maintained in a safe manner that looks well and to ensure that they have minimal disruption to landowners in the community. Adams is doing this in the City of Urbana.

She stated that the proposed ordinance is important, but she has to focus on the bigger picture. The stated goals of the City Council are to take down some of the inventory that Adams currently owns in the City of Urbana. Adams will take whatever steps necessary to protect their inventory in either a pro-active or reactive manner. Adams Outdoor Advertising would like to partner with the City of Urbana and help meet the goals published by the City Council. If the City would adopt a cap and replace program, Adams would be willing to work with the City on some of the beautification efforts that the City would like to implement. Adams has talked about the corner of University and Lincoln Avenues and about the relocation of the sign at the corner of University Avenue and Vine Street as well as the relocation of other problematic signs.

If the City of Urbana were to adopt a cap and replace ordinance, then the subject of replacement or phasing out of billboards goes away. At this point, Adams and the City could talk about the possible locations where redevelopment and relocation could make sense for both parties involved.

The City of Urbana has visited this issue once before in a settlement agreement between C & U Poster and the City of Urbana. The City of Urbana was forced to pay out a settlement to C & U Poster. Why would the City of Urbana put themselves in a position where they would pay for the removal of billboards when Adams Outdoor Advertising has offered to work with the City to meet the goals specified by the City Council?

With no further members of the audience wishing to speak, Chair Pollock closed the public testimony portion of the hearing and opened it up for Plan Commission discussion.

Ms. Stake inquired as to how much of the ordinance would they not be dealing with. Mr. Pollock replied that they would eliminate Article X-9 from any recommendation to City Council.

Ms. Stake moved that the Plan Commission forward the proposed text amendment to the City Council with a recommendation for approval with the deletion of the proposed changes to Article X-9 as recommended by Mr. Gitz, City Attorney. Mr. Hopkins seconded the motion.

Mr. Grosser moved for a friendly amendment to Section VII-11. Special Use Requirements for Outdoor Advertising Sign Structures (OASS) by adding a clause D, which would read as follows: "The proposed OASS shall not conflict with the City of Urbana's goals as expressed in the Comprehensive Plan, the Downtown Strategic Plan, Tax Increment Finance Plans, and other pertinent planning documents." Mr. Pollock seconded the motion.

Mr. Grosser explained the reason for his friendly amendment is because Section VII-11 is about Special Use Permit requirements, and it talks about a variety of criteria by which requests for special use permits should be evaluated. It did not specifically mention the planning documents listed in the friendly amendment. His attempt is to make sure that when a special use permit request is evaluated for all new billboards that the City looks at the Comprehensive Plan and the Downtown Strategic Plan to see what they might say about a proposed location for a billboard.

Chair Pollock suggested that the Plan Commission treat this as a regular amendment rather than a friendly amendment to the original motion. Mr. Grosser agreed.

Elizabeth Tyler, Director of Community Development Services, stated that the Special Use Permit Procedure is listed on Page 64 of the 2006 Zoning Ordinance. Section VII-4. Special Use Procedures lists criteria that they have for special uses. There are some broader standards that are applied, which are not listed in Section VII-4. However, in Section IX-4. Comprehensive Sign Regulations Legislative Intent and Findings on Page 96 of the Zoning Ordinance, we talk about the 2005 Comprehensive Plan. So, it seemed to her that there is some reference, but it is not very direct or explicit.

Mr. Hopkins expressed his concern about where the proposed amendment would belong in order to appropriately apply to special use considerations. The criterion being expressed could readily be argued to apply to any special use permit request. Therefore, he felt the proposed amendment should be made to Article VII-4 and not in the sign ordinance, particularly because it raises a question of treating signs differently in special use considerations. For this reason, he opposed the amendment. He went on to say that he felt the principle idea is good. However, he did not feel it would be appropriate to amend a different section of the Zoning Ordinance on the floor. He suggested that it be brought back as a suggested amendment to Section VII-4. Mr. White agreed. Mr. Pollock agreed as well and whereas that type of a statement may be very appropriate, it probably would be appropriate for every special use permit request and not simply the billboard special use. The more you detail the special uses, the more liability there is in terms of having a system that is not completely fair.

Mr. Grosser agreed with this sentiment. It made sense to him, so he would be happy to suggest to City Staff to pursue this in a future Plan Commission meeting. He withdrew his motion for an amendment. Chair Pollock approved as seconder of the amendment motion.

Mr. Grosser commented that while the proposed text amendment would bar future development of billboard sign structures in the downtown zone, it would not phase out billboards. It would keep the same number of billboards and actually allow a few more. This would potentially be

May 18, 2006

better than the cap and replace ordinance requested by Adams Outdoor Advertising because it would be less restrictive.

A roll call vote was taken on the original motion, and the motion was passed by unanimous vote. Ms. Tyler noted that this case would go before the City Council on June 5, 2006.