



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

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

DATE: April 9, 2015

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

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

Introduction

At the March 9, 2015 meeting of the Urbana City Council Committee of the Whole, staff presented Plan Commission’s recommendation for adopting a Zoning Ordinance amendment to allow Digital OASS. This amendment was accompanied by a City Code amendment to establish an annual license for Digital OASS. Council members had questions about the proposed amendments and directed staff to provide additional analysis regarding the proposed amendments. Following is staff’s analysis in response to Council’s questions. Staff has attached a revised proposed ordinance amendment with changes from the original proposal highlighted in yellow.

Light Levels, Times, and Residential Zoning Buffers

Council members had some concerns regarding the impact of light from digital OASS on drivers and nearby residents. One question concerned the proposed maximum brightness level of 0.3 footcandles above ambient light levels. It was mentioned that the brightness level demonstrated to Council members earlier this year was about 0.25 footcandles above ambient levels. Council asked if the brightness limit can be changed to 0.25 footcandles instead of 0.30 footcandles. This level is consistent with some other jurisdictions and the practice for digital OASS in the Champaign area, and staff has provided a revised ordinance that would adopt this limit.

Council members also had concerns about the required buffer from residential zoning districts. The proposed ordinance would follow the OASS restrictions of the existing Zoning Ordinance: all

billboards must be 300 feet away from properties zoned R-1, R-2, R-3, or CRE. Council members asked if that 300-foot buffer should also include properties zoned R-4, Medium Density Multiple Family Residential, as it is possible that district could contain townhomes or other low density residences. Staff has conducted an analysis of how adding the R-4 district to the list of buffered properties from digital OASS would affect the available locations for their installation. As shown in Exhibit B, this change would remove some areas along the corridors where OASS are allowed, and would have a small but potentially significant impact. Two of the existing fully conforming OASS structures would not be allowed to convert to digital if this change is adopted. These OASS are located at North Lincoln (near Kettering Park Drive) and East University Avenue (near Illini FS).

Plan Commission had recommended that digital billboards be shut off from the hours of 12:00 AM to 6:00 AM. Council members have asked if this time should be expanded to begin at 11:00 PM. Adams Outdoor Advertising has expressed that they prefer to keep the prohibited hours at 12:00 AM to 6:00 AM in order to be consistent across the Champaign-Urbana market.

Number of Billboards

Council members have asked if Urbana has more or fewer existing billboards than other similar sized cities. Staff asked Adams Outdoor Advertising how many billboards they had in other markets, and it appears Urbana has fewer billboards than other peer communities. The following table shows how many billboards Adams Outdoor Advertising owns in four similar-sized communities. It should be noted that Adams owns the majority of billboards in these markets, but there are other companies with billboards in all of these communities except for Urbana. Therefore the density numbers shown below may be low estimates for all cities outside of Champaign and Urbana.

City	Population	Billboards	Billboards per 1000 Residents	Area (Square Miles)	Billboards per Square Mile
Urbana	41518	72	1.73	11.65	6.18
Champaign	83424	232	2.78	22.43	10.34
East Peoria, IL	23500	51	2.17	19.96	2.56
Portage, MI	47500	50	1.05	32.23	1.55
Battle Creek, MI	51848	205	3.95	42.62	4.81

Urbana has a density of 1.73 billboard faces per 1,000 residents. Portage Creek, Michigan has a density as low as 1.05 faces per 1,000 residents. All other cities have higher densities than does Urbana. Measuring by area, Urbana has 6.18 billboards per square mile of land (excluding bodies of water). This is lower than Champaign, which has over ten billboards per square mile. However, other surveyed cities have lower densities, but are more sprawling in general, with population densities around one third of that of Urbana and Champaign.

Traffic Safety Issues

Council asked for staff to clarify the requirement that Digital OASS not interfere with traffic signals. This requirement is unique to Urbana’s proposed regulations and there are no other examples upon which to model this requirement. One possible clarification would be to specify the distance in which digital billboards shall not be in the line of sight for drivers approaching a given intersection. However, these distances would vary based on traffic conditions such as speed, traffic volume, intersection dimensions and traffic signal placement. Instead of taking a one-size-fits-all approach, the City Engineer recommends that each proposed digital OASS be evaluated on a case by case basis. This could require reports from a traffic or lighting engineer to assess safety for traffic, pedestrians and bicyclists. The proposed ordinance has been modified to require the applicant to demonstrate the safety of the OASS placement to the City Engineer’s satisfaction, which could include the submittal of technical reports.

Below is an example of what a driver sees approaching the intersection of University and Lincoln Avenues from the South. In this case the driver is making a northbound to westbound turn. The existing billboard immediately to the left of the intersection is in the line of sight of the driver, and would not be allowed to be converted to digital format. Any digital OASS at this intersection would need to be set back far enough west such that it would not be within this line of sight.



In addition to digital OASS placement near intersections, Council members asked about the required hold time for images near intersections. Members noted that digital OASS along long stretches of arterials could be less distracting than those near intersections, and that it may be prudent to require those near intersections to have longer hold times. Staff researched other cities’ ordinances to see if they contained this requirement. None of the ordinances we found contained a separate hold time requirement for digital billboards near intersections. However, some did require larger setbacks from intersections. One city (Danville, Illinois) also requires a larger distance between electronic signs if

the sign uses flashing red or green lights. Staff has prepared a placeholder change in the attached ordinance amendment which would accommodate different change times for lights near intersections.

Special Use Permits

City Council asked if the City could require a Special Use Permit for each digital OASS. The City Attorney has researched this issue and determined that this could possibly be allowed. However, given the history of litigation with outdoor advertisement companies, it is not recommended to impose this requirement. The City had adopted ordinance language requiring a Special Use Permit for all OASS in the year 2006, and was sued over the adopted language. After agreeing to remove the SUP requirement, the suit was dropped. Additionally, the potential for require a Special Use Permit and changes to Article VII of the Zoning Ordinance was not included in the legal advertisement regarding this case and was not considered in Plan Commission's deliberations.

Public Service Announcements

City Council members whether the City could require digital OASS to display a public service announcement (PSA). Staff recommends against this requirement, as it could be seen as an infringement upon the First Amendment rights of the billboard owner. Secondly, deciding which entities are worthy of a PSA would be challenging. Additional questions include whether the entity would be required to pay for the advertising and whether the billboard operator would be required to discount the advertising rate? Local nonprofits could purchase advertisement space as any other entity would. Additionally, Adams Outdoor Advertising currently provides space for PSAs on its static billboards throughout the City.

Identifying Specific Billboards

One last item of interest for Council members was the potential for targeting key billboards for removal. Relying on the proposed removal and replacement incentives may not result in removal of the billboards that the City is most concerned about. It may be helpful to identify the specific billboards Council has concerns about and to work with Adams Outdoor Advertising to identify locations where they propose to add Digital OASS. If any specific tradeoffs can be identified, these can be explicitly listed in the ordinance under Section IX-6 as a part of this text amendment or a future text amendment.

Options

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

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

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

Recommendation

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

cc: Cain Kiser, Adams Outdoor Advertising

Attachments:

Exhibit A: Map of Eligible Billboard Locations with R-4 Buffer

ORDINANCE NO. 2015-03-022

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Urbana Plan Commission on February 5, 2015 voted 4 ayes to 3 nays to recommend approval of the proposed Zoning Ordinance amendment as presented and amended, with the proviso that Council should first adopt a license fee to fund impacts and enforcement of Digital OASS;

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

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

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

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

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

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

may be installed. A lot with only one set of back-to-back OASS faces shall not qualify for this provision. The cumulative area of all faces shall count towards the replacement.

- c. For every three square feet of OASS display area removed from OASS that do not meet other requirements of Section IX-6.D, one square foot of Digital OASS display area may be installed.
 - d. For every four square feet of OASS display area removed from any other OASS, one square foot of Digital OASS display area may be installed.
3. *Animation, Effects and Image Change Time.* Digital OASS shall not contain video, animated transitions, or otherwise be animated as defined by Section IX-2. Display images shall have a change frequency of no more than once every 90 seconds for digital OASS within 200 feet of a signalized intersection. All other OASS shall have a change frequency of no longer than once every ___ seconds. Displays shall not utilize 3-D effects, optical illusions, or any other technology intended to give the appearance of motion or depth.
 4. *Illumination.* Digital OASS shall conform to the illumination requirements of Section IX-4.C.4. Digital OASS shall be controlled by a dimmer switch to automatically reduce the level of brightness to no more than 0.25 footcandles above ambient light levels at any time of day, measured from 150 feet away. Digital OASS shall not shine directly onto any residence and shall not comprise a nuisance or hazard to residences or roadway users. Digital OASS shall not operate between the hours of 12:00 AM and 6:00 AM.
 5. *Emergency Override.* Digital OASS shall be directly connected to the Metropolitan Computer-Aided Dispatch system (METCAD) in order to allow emergency dispatchers to override the programmed message and display an emergency bulletin. The Director of METCAD or the Director's designee shall have authority to authorize such an override. Examples of an emergency justifying such override would be broadcasting from the Statewide "Yellow Alert" system regarding abducted children or imminent weather bulletins where the other aspects of the emergency broadcast system (sirens, cable override) are activated.
 6. *Malfunctioning Digital OASS.* All Digital OASS shall contain a mechanism that will display a default message at a lowered brightness level in the event of a malfunction.
 7. *Traffic Signal Visibility.* Digital OASS shall not be placed such that they interfere with motorist visibility of traffic signal as determined by the City Engineer. The applicant shall provide evidence demonstrating compliance with this requirement in the form of technical drawings and/or engineering reports as may be required by the City Engineer.

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

C. *Minimum Fine Schedule for Certain Violations*

1. The minimum fine for parking in violation of Section VIII-4 is \$25.
2. The minimum fine for displaying a temporary sign in violation of Section IX-7 is \$25.
3. The minimum fine for displaying an electronic sign that is animated as defined in Section IX-2 or changes display more frequently than allowed by Section IX-4 is \$50. Each day which the violation occurs or continues shall be considered a separate violation.

4. The minimum fine for displaying a digital OASS that is animated as defined in Section IX-2, or otherwise does not comply with the brightness, hold time, or any other requirement of Section IX-6 is \$100. Each day which the violation occurs or continues shall be considered a separate violation.

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

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the _____ day of _____, 2015.

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

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

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

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ____ day of _____, 2015, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (Revising Article IX and Article XI Regarding Digital Outdoor Advertising Sign Structures / Plan Commission Case No. 2242-T-14)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____, including all of its attachments, was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 2015, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this ____ day of _____, 2015.

ORDINANCE NO. 2015-03-021

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 14

(Establishing a License for Digital Outdoor Advertising Sign Structures)

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

WHEREAS, the City Council finds that a need exists to regulate the locations and impacts of digital outdoor advertising sign structures (digital OASS) within the City; and

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

WHEREAS, the City Council heretofore did enact Urbana City Code Chapter 14 to establish requirements for licenses and permits for the maintenance, operation, or conduct of certain business in the City; and

WHEREAS, the City Council finds that amending Chapter 14 to regulate digital OASS as herein provided will protect the health, safety, and welfare of the public and assure compliance with the Urbana Zoning Ordinance; and

WHEREAS, the City Council heretofore did adopt Urbana City Code Section 14-7, establishing a schedule of fees for the various licenses, permits, fines, and other fees required under the Code; and

WHEREAS, the City Council finds that the best interests of the City are served by making a limited amendment to that schedule of fees, pursuant to Urbana City Code Section 14-7(b), to establish a new license fee for digital OASS.

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

Section 1.

Urbana City Code Chapter 14, "Licenses and Permits," is hereby amended by adding the following new Section 14-20, "Digital Outdoor Advertising Sign Structures" thereto, with the underlined text indicating new language as follows:

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

- (a) License required. No person shall operate a digital outdoor advertising sign structure in the city without a valid license. For purposes of this section, "digital outdoor advertising sign structure" shall have

the same definition as provided in the Urbana Zoning Ordinance, as amended.

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

Section 2.

Urbana City Code Chapter 14, "Licenses and Permits," Section 14-7, "Schedule of fees," Subsection (B), "General," is hereby amended by adding a new Part 13, "Digital Outdoor Advertising Sign Structures," thereto, with the underlined text indicating new language as follows:

13. Digital Outdoor Advertising Sign Structures:

Digital outdoor advertising sign structure license (per face). . . \$1,500.00

Section 3.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 4.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

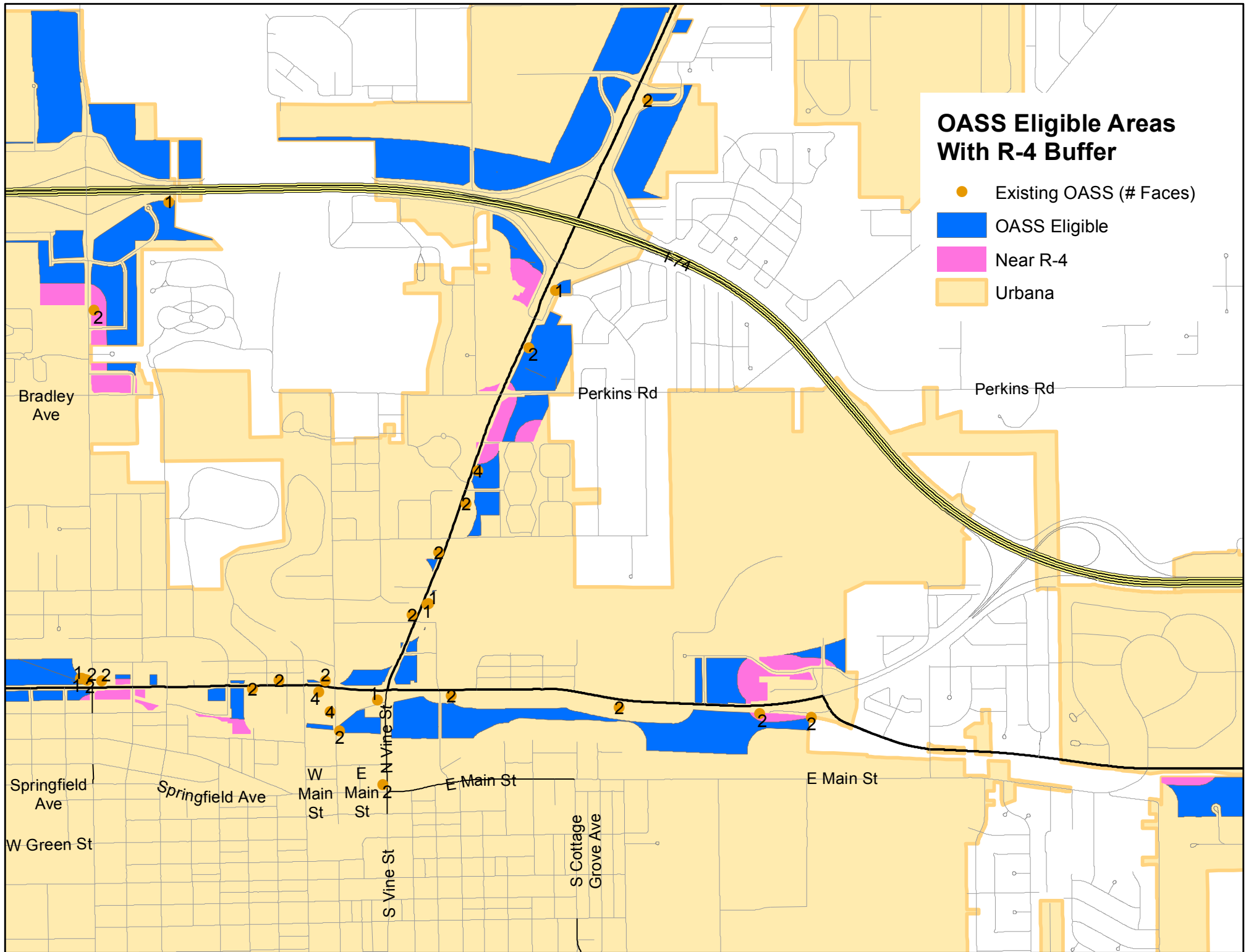
ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor



Bradley Ave

Perkins Rd

Perkins Rd

Springfield Ave

Springfield Ave

W Main St

E Main St

S Vine St

E Main St

E Main St

S Cottage Grove Ave

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