



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Rebecca Guest, Planning Intern

DATE: July 15, 2005

SUBJECT: Study Session to consider possible text amendments to Article IX, Comprehensive Sign Regulations, of the Urbana Zoning Ordinance. The study is specifically concerned with the restrictions on Outdoor Advertising Structures (OASS), also known as “billboards.”

Introduction

On September 20th, 2004, the City Council passed Ordinance No. 2004-09-126: “An Ordinance Amending The Zoning Ordinance of the City of Urbana (To Add Section IX-10, Interim Development Ordinance, Creating a 365 Day Moratorium on Outdoor Advertising Sign Structures – Plan Case 1907-T-04).” The reason for the moratorium was to consider potential benefits and costs to the community, relevant legislation, relevant case law, actions of other communities, effects on previous settlement agreement, and impacts upon vested rights and property rights. The 365 Calendar day moratorium will expire on September 20, 2005. It is anticipated that this moratorium will be extended up to an additional 180 days in order to allow sufficient time for staff preparation and Plan Commission and City Council review of any proposed amendments to the regulations.

The purpose of this study session is to review the possible revisions to the Urbana Sign Ordinance concerning OASS, and to choose an appropriate method of billboard regulation that will be further analyzed and proposed as a text amendment to the Urbana Comprehensive Sign Regulations.

Current Regulations

An OASS is distinguished from other types of signage and are defined as follows in the Urbana Zoning Ordinance:

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%.*

Table IX-5 of the Zoning Ordinance (attached as Exhibit A) regulates the development of OASS's in Urbana. In general, OASS are only allowed to be erected on certain roadways that receive federal funding (i.e., portions of U.S. Route 45, University Avenue, and Lincoln Avenue), must not exceed 300 square feet in area, and may be no closer than 300 feet from another OASS. Additional distance restrictions apply for certain land uses Landscaping and architectural requirements are detailed in the footnotes to the table. Urbana does contain a number of OASS's that predate these regulations and may not fully comply as legally nonconforming uses.

Background

The City of Urbana has recently reviewed OASS regulations through a similar Interim Development Ordinance (IDO) and moratorium procedure during the period of 2000-2002. This review resulted in amendments to the relevant regulations of the Zoning Ordinance that addressed the structural and aesthetic appearance of OASS. However, the result of a settlement agreement reached in 1985 between the City and CU Poster (whose rights have since been transferred to Adams Outdoor Advertising), essentially prevented the City of Urbana from taking desired actions in billboard regulation. Any amendment that was more restrictive as to 'size, number, height, spacing, set-back, lighting, amortization, or definition of outdoor advertising sign structures' would give Adams the right to assert that the remaining attorney's fees were due. This agreement was in effect for ten years and expired on January 1, 2004. The provisions of that agreement are no longer applicable.

The inability to restrict OASS in the desired manner coupled with the restrictions imposed by the agreement resulted in a large number of OASS permits in a short period of time. According to local industry representatives, this permitting activity was also prompted by local competition among OASS providers for remaining leasing locations, realtor promotion, and a fear that the City would further restrict the number of OASS allowed. At the time of the previous moratorium in 2002, there were a total of approximately 28 billboard structures in Urbana. In less than two years between the previous amendment effort in 2002 and the commencement of the current IDO on September 20, 2004, the City issued a total of 9 permits, a thirty percent increase in the total amount of OASS. This level of activity represented a proliferation of billboards in the City which indicated the need for a comprehensive re-evaluation of the permitted locations, number, and spacing for these structures within Urbana.

In addition to the concern about proliferation, there has been an increase in the number of OASS's that are placed or designed in such a manner as to pose access, visibility and redevelopment problems. Site plan approval for these OASS's has been more difficult as they are being located on sites that are already constrained with respect to access, parking, and compliance with development regulations. Along Cunningham Avenue, proliferation of OASS's may be interfering with the ability of the City to implement the goals identified in the Cunningham Avenue Corridor Redevelopment Plan (TIF No. 4) adopted in 2001.

Along University Avenue, OASS proliferation can interfere with the City's attempt to create a strong visual linkage between the downtown, the medical campuses, and the University, as supported by the Downtown Strategic Plan (2002) and TIF No. 3 Plan.

There have also been a number of complaints from the business community about the appearance and impact of specific OASS's. For example, businesses along University Avenue have complained about the cluttered look along the corridor and view blockage for adjacent businesses and buildings. Along North Cunningham Avenue, the overlapping jurisdiction of the City's OASS regulation and state statutes enforced by the Illinois Department of Transportation (IDOT) has resulted in specific problems. An OASS located at 1710 North Cunningham Avenue was lowered in height so that it would not be visible from the Interstate, because it was within IDOT's jurisdiction of 660 feet of the Interstate right-of-way. The bottom of the subject OASS is only 8 or 9 feet above grade. It competes on the same visual plane with free-standing signs in the vicinity (which are limited in area to 50 square feet, as opposed to the 300 square feet allowable for OASS's) and blocks visibility to and from nearby businesses. The short OASS has also posed an access issue for the site and a safety hazard for trucks that are unable to make the clearance below the OASS. Upon direction by the Zoning Administrator, this safety hazard has been abated through construction of barriers and redesign of the access area.

Two additional short OASS's were proposed at 1709 North Cunningham and 2410 North Cunningham. The permit was issued for 1709 North Cunningham, but the structure has never been constructed. The OASS at 2410 North Cunningham is only 6 feet above grade and located on a concrete slab. The 2005 Comprehensive Plan future land use map designates this area as Regional Business; yet, the billboard would be incompatible with any other land use. Like the billboard at 1710 North Cunningham, it would compete on the same visual plan as free-standing signs and may even block visibility of future adjacent businesses. These location and design controversies indicate that re-evaluation of the City's OASS regulations is necessary in terms of numbers, location, appearance, and placement of OASS within the community in a manner that is consistent with relevant plans and policies.

Issues and Discussion

The current Interim Development Ordinance (IDO) was adopted on September 20, 2004 to address the issue of problematic billboards, as well to discuss issues such as permitted locations, number, and spacing of OASS in Urbana. These issues were previously restricted under the settlement agreement that was in effect from 1994 to January 1, 2004. Now that the settlement agreement has expired, Urbana is able to make any lawful desired changes necessary to the Comprehensive Sign Regulations. As described above, previous changes to the ordinance have been largely ineffective in appropriately regulating OASS in Urbana. City staff has been working to produce a text amendment to ensure that the goals of the Comprehensive Sign Regulations as well as the City's Comprehensive Plan and other relevant plans and policies are met.

City of Urbana Goals

Upon Council direction, Staff has identified a number of goals that should be addressed in undertaking a review of the current OASS regulations. These goals are recited in the current Interim Development Ordinance (IDO), which is attached to this memorandum as Exhibit B. They include the preservation and protection of the health, safety, and welfare of the citizens of the community; upholding of the overall intent and purpose of the comprehensive sign regulations; consistency with the City's other pertinent policy documents, including its comprehensive plan and redevelopment plans; and recognition

of relevant case law and vested property rights interests. In addition, any new text amendments should be consistent with the City of Urbana's 2005 Comprehensive Plan.

Goals from the Comprehensive Sign Regulations

The intention of the current billboard moratorium is to create sustainable regulation for signage, to produce a legally defensible action, and to allow for healthy commercial activity. The Comprehensive Sign Regulations outline the following goals:

- Reducing congestion of land, air and space
- Preserving and protecting property values
- Establishing reasonable standards for the use of signs in order to maintain and encourage business activity and development
- Protecting and enhancing the physical appearance of the community and the scenic value of the surrounding area

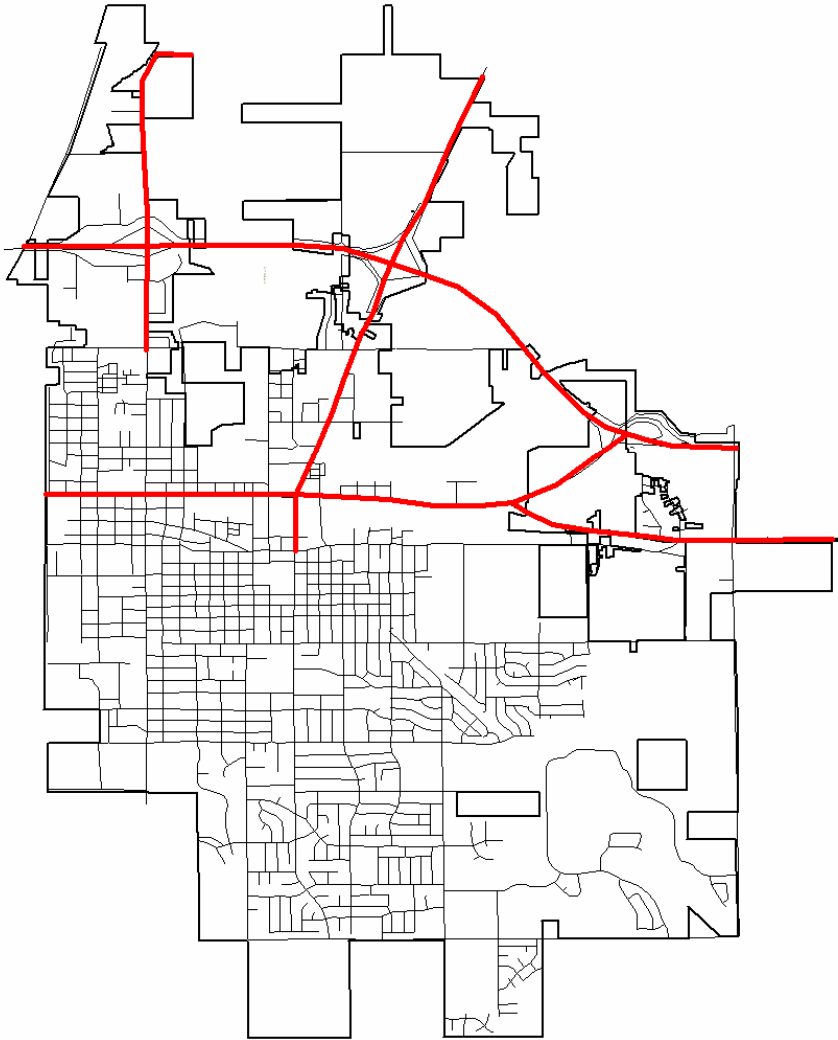
Goals from the 2005 Comprehensive Plan

- *Goal 2.4* – Promote development that residents and visitors recognize as being of high quality and aesthetically pleasing
- *Goal 3.1* – Encourage an urban design for new development that will compliment and enhance its surroundings
- *Goal 6.5* – Encourage development that protects and enhances an area's natural features, such as wooded areas, creeks, and hilly terrain.
- *Goal 17.1* – Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.
- *Goal 17.2* – Where land use incompatibilities exist, promote development and design controls to minimize concerns
- *Goal 22.6* - Continue to improve the public infrastructure of parking lots and streetscapes
- *Goal 24.2* – Encourage the beautification of entryway corridors and major transportation corridors in Urbana
- *Goal 26.2* – Promote the beautification of commercial areas especially along University Avenue, Cunningham Avenue, and Philo Road

Boundaries

The areas affected by the IDO include 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.

Corridors where OASS's are currently allowed



Relevant Legislation and Case Law

The lawsuit in 1976 is a large factor in the decision for current regulation amendments. Although there are many cases where the decision to enforce strict regulations or even to ban construction of new billboards has been upheld, there is concern that if the City of Urbana took such action a legal battle could ensue. The research of past and current legislation is helpful in discerning which actions are legally defensible. Descriptions of relevant legislation and case law, along with the legislative intent of the Comprehensive Sign Ordinance, are attached to this memorandum as Exhibit D.

Fiscal Impacts

Restriction on OASS should have no direct fiscal impacts upon the City of Urbana. While OASS's represent an economic benefit to the outdoor advertising company and to the landowner through a land lease, such benefits do not result in tax benefits to the community. In some cases, placement of OASS also interferes with the potential for improvements to or redevelopment of commercial sites. However,

it should be noted that the City of Urbana does make occasional use of outdoor advertising to promote certain events and programs, such as the Market at the Square. The availability of such marketing opportunities also represents a positive economic potential for the advertiser, many of which are Urbana-based businesses.

Benefits and Costs to Billboard Regulation

There are diverse opinions on the value of billboards. Among clients who utilize billboards are nonprofit organizations, government entities, local businesses, and national franchises. Logically these clients who pay for billboard space feel outdoor advertising is an important and effective medium to communicate a certain message. Some users feel that outdoor advertising is an important component of free speech. On the other hand, proliferation of outdoor advertising sign structures in undesirable areas, quantities, or densities contributes to visual clutter and, together with on-premise freestanding and other signs, can weaken the charm of our community.

Benefits of regulating Outdoor Advertising

- Reduces blight
- Enhances impact of on-site business signs
- Limits one venue for national/off-site advertising, potentially increasing the effect of local advertising efforts
- Eliminates potential hindrance of site redevelopment
- Prevents visual clutter and confusion

Costs of regulating Outdoor Advertising

- Loss of a relatively inexpensive form of advertising
- Potential legal battles
- Potential loss to local advertising agencies
- Potential reductions in local sales due to OASS inspired shopping

Alternative Amendments

There are multiple alternatives for effective billboard regulation. Some may be used solitarily, while others may be most effective in combination with other alternatives. These alternatives are further described and compared in the accompanying tables.

1. Do nothing – Let IDO expire

Under this alternative, the City would not amend its OASS regulations and would simply allow the current IDO to expire. This alternative would not result in any improvement in regulations, however current restrictions on location and placement would remain. It could be anticipated that any additional available locations along the permitted roadways would be pursued.

- When the agreement expired in 2004 billboard companies immediately applied for permits. The billboards that went up were incompatible with surrounding uses and are currently considered problematic.
- We can assume similar problems will arise if we approve this option.

2. Improve Existing Regulations

Under this alternative, the City would improve its OASS regulations by promoting more careful placement, design, and review of the structures. Approaches could include re-evaluation of permitted locations and possible allowance of new technologies that help to maximize message use for OASS structures. This alternative could be used in conjunction with some of the other alternatives.

- Improving regulations would not explicitly limit the number of billboards constructed, although some regulations may restrict and hinder new construction.
- The following considerations could improve billboard development in Urbana
 - Design
 - Restrictions on height, size, lighting, spacing, etc.
 - Special use
 - New billboards could be considered a Special Use, which allows the city to regulate on a case-by-case basis
 - New billboards will fit more appropriately within context of surrounding area
 - Spacing – corridors
 - Increasing required space between billboards may reduce visual clutter.
 - Non-conforming will have to move. Difficulty is in deciding which stay and which move without causing a lawsuit.
 - Principal use
 - Considering billboards as a principal use limits the possibility of where they could be located based on the willingness of landowner to rent the land and the willingness of billboard companies to pay the cost of renting the land.
 - Must consider regulations for existing non-conforming billboards after this regulation is passed.
 - Tri-Vision Messaging
 - Adams Outdoor Advertising has asked the City to consider allowing tri-vision technology to be used on certain OASS. This technology flips the message on an OASS thereby providing additional messaging on one structure. This could be less to a more optimal, but perhaps more distracting use of a limited resource.

3. Cap and Replace

This alternative would essentially limit the total number of OASS in the community to the number that are currently in existence today. Replacement would be allowed for repairs, upgrades and possibly relocations. Adams Outdoor Advertising has indicated that they may be able to support such an alternative. However, competing OASS companies with fewer structures could object.

- Cap and Replace would limit the total number of billboards to 35 (our current total). As billboards are taken down or destroyed, another may be constructed in its place.
- We may consider the following options under a cap and replace regulation:
 - Restricted Cap and Replace
 - As billboards are torn down or destroyed, a permit may be issued to reconstruct a billboard at the same location.
 - If landowners are no longer willing to lease, the total number of OASS within the city will decrease over time.

- Transfer Development Rights (TDR)
 - TDR will allow billboards to move around the city.
 - May also incorporate a ratio requirement, which will allow a billboard company to put up a billboard in a new location in exchange for removing multiple structures elsewhere
 - May also consider billboards a Special Use, which would allow the city to regulate the new construction of billboards on a case-by-case basis
 - Billboard as Principal Use
 - Only one billboard will be allowed per lot as the only principal use
 - Billboards will be allowed if the market allows
 - The City can specify setbacks and other requirements

4. Prohibition

Under this alternative, no new OASS permits would be issued and no replacement for upgrades, safety, or relocation would be allowed. Prohibition of new permits and replacement of OASS can also be accompanied by a sunset goal by which time all OASS must be removed. Such sunset terms must consider the ability to properly amortize the investment made in the OASS structure.

- Prohibiting billboard construction would cause the total number of billboards to decrease over time.
- The process of eliminating billboards through prohibition can happen in two ways:
 - Existing OASS become nonconforming
 - Existing billboard may only be repaired if the cost of repair is less than 50% of its current fair market value
 - Sunset/Amortization of existing billboards
 - If structures are not gone by a certain date, they will have to be removed so that no OASS exists within city limits after a specified time period
 - The City must determine the appropriate length of time necessary for billboard companies to receive the fair value of their structures(s).

PROHIBITION VS. CAP AND REPLACE							
	Description	Immediate Results	Future Results	Examples	Positives	Negatives	Notes
Cap and Replace							
<i>Restrictive Cap and Replace</i>	Billboards may be reconstructed in existing locations, but may not be constructed elsewhere	some new construction and destruction of old structures (possibly)	the total number of billboards will eventually decrease if landowners decide not to renew the lease		will prevent any new construction of billboards, eliminating future visual clutter	unwanted billboards will remain in current locations for as long as possible	desirable action: will remove billboards slowly
<i>Transfer Development Rights (TDR)</i>	Billboards may be constructed in new locations as long as the total number of structures does not go above current number (35)	some new construction and destruction of old structures (possibly)	billboards will continue to move around the city to the most prominent locations available	Columbia, SC - allowed transfers on and FAP route; Colorado Springs, Co - transfers are limited to specific streets; credit system (amortized structures downtown)	problematic billboards may move	still may have unwanted billboards and new structures may become problematic; Columbia-only unused or deteriorating billboards moving to new locations.	desirable option if billboards are considered a desired land use in Urbana
<i>Ratio Requirement (Cap and Replace and Reduce)</i>	billboards can move but must remove certain number of old structures to construct one new structure	some may move - depending on where new location specifications are	the number of billboards will decrease over time and will eventually fall to zero	(one source said Springfield, IL required a ratio of 4-1, but their ordinance does not specify that requirement)	allows billboards to move to potentially better locations as they slowly disappear	new billboards may still be problematic and old may never disappear	Desirable action if billboards do not fit with future plans and should be removed slowly over time.
<i>Special Use</i>	as a special use, new billboards will have to go through the plan commission and city council for approval	new proposals - those that go through will be well regulated	if done with enough foresight will have billboards that work well. Some billboards ok at the time will become problematic	Colorado Springs, Co - all billboards are conditional use. Cap was set about 20% higher than the current # of existing billboards.	can place restrictions on height, size, etc on a case by case basis so that billboard will fit better in context with surrounding area	billboards ok at the time of the proposal may become problematic later.	desirable action, but must to be consistent in decision making and construct findings carefully (avoid subjectivity)
<i>Principal use</i>	billboard is considered principal use of a lot and cannot be on a lot with other principal uses	all billboards considered non-conforming	fewer billboards. total number will depend on landowners willingness to rent and billboard company's willingness to pay		Billboards will be less likely to be obstructive of buildings, signs, and views	could cause irregular lot sizes in the future; Currently there are not enough lots available for the 35 existing structures	need lot size restrictions to prevent irregular lot divisions. Would we be encouraging proper land use?
Prohibit Billboard Construction							
<i>Amortization (Sunset)</i>	No new construction is allowed and existing structures have a certain number of years before they must be removed	none	all billboards gone within specified number of years	Village of Prairie Grove - 3 yrs Huntly, IL - time is based on cost of structure	finalization: we know when all billboards will be gone	may lose the positive effects of billboards within our community; the appearance of OASS would decline as they age and are not replaced	Desirable action: Best option to ensure billboards are gone within a specified time period
<i>Non-conformities</i>	Existing structures become nonconformities and may only be repaired if costs of repair are less than 50% of the current value	none	billboards will disappear slowly	Washington, IL - maintenance cannot exceed 15% Loves Park, IL - standard 50%	more incentive for companies to maintain the billboard if it will prolong the life of the structure	same as above	Desirable action: Best option if billboards do not fit with future plans and should be removed slowly over time.
<i>Ratio Replacement</i>	No new construction is allowed unless a certain number of others are taken down	some immediate change possible	billboards will be gone eventually. Billboards will still move to more prominent locations if many of the old locations are no longer suitable.		Allows billboards to move to more appropriate locations while also speeding up the process of removing unwanted billboards	same as above	Desirable action: Best option if billboards do not fit with future plans and other locations may be more appropriate for City and OASS.

REGULATION AMENDMENTS

	Description	Current Regulations	Immediate Results	Future Results	Examples	Possitives	Negatives
Design	height, size, lighting, etc can all be changed to create less obtrusive billboards	multiple regulations (see zoning ordinance)	current billboards may become non-conforming	there will be more billboards constructed, but with new design requirements	Urbana Zoning Ordinance, and many others		doesn't take into consideration the context (see photo examples)
Special Use	all billboards are considered a special use and must have PC and CC approval before construction	permit required for construction - no PC or CC approval necessary	new billboard permit applications	likely to be more billboards, but will fit better into the context of the surrounding area	Savoy, IL - allowed in I-2 and required SUP in any other district Galena, IL - must prove a special need for a sign	can regulate based on context	demanding of staff time
Spacing	specify distance between billboards	300 ft apart	many billboards will become nonconforming	billboards will be more evenly dispursed on specified roads or in specified areas	Savoy, IL - 1500' Gurnee, IL - 1000' for permitted use, 500' for special use Monticello, IL - 1000'	more dispersal, less blight in one area	initially challenging to say which structures may stay and which must go elsewhere; dispersed billboards may not be desirable
Principal Use	billboard is considered the principal use of a lot and current zoning only allows one principal use per lot	billboards are considered accessory uses	all billboards considered non-conforming	fewer billboards. Total number will depend on the market	Elburn, IL Springfield, IL	reduces the chance of conflicts/obstruction of buildings, signs, etc	may cause strange lot divisions; a large lot with only one billboards may not be aesthetically pleasing

Recommendations

At this point, Staff recommends that the Plan Commission discuss the various alternatives, identify concerns, make suggestions, and choose which alternatives should be studied further for the purpose of preparing a text amendment. Following this direction from the Plan Commission, Staff will conduct a similar study session to gain City Council input.

Attached

Exhibit A: Current Regulations

Exhibit B: Copy of Current IDO

Exhibit C: Summary of Billboard Moratorium and regulation

Exhibit D: Legislation

Exhibit E: Map of Billboard Locations

Cc: Adams Outdoor Advertising
Redfish

Exhibit C: Summary of Past Billboard Moratoria and Amendments

- In 1976, a local billboard company—CU Poster—filed suit challenging the billboard ordinances of both Champaign and Urbana. After an extensive trial, the court ruled that both ordinances were invalid and awarded CU Poster attorney’s fees as well. Rather than further effort being spent on appeals, the parties found a middle ground to settle their differences. The middle ground was a new ordinance which accommodated the concerns of both sides. For its part, CU Poster was promised to forgive one half of the attorney’s fees awarded by the court if the Cities did not further amend the agreed ordinance prior to January 1, 2004. The Settlement Agreement is dated April 23, 1985.
- On December 18, 2000, the Urbana City Council passed Ordinance No. 2000-11-136 to add Section IX-10, Interim Development Ordinance, Moratorium on Outdoor Advertising Structures, to the Urbana Zoning Ordinance. Under the moratorium, staff was directed to establish aesthetics criteria for OASS including placement, landscaping, dimensions of appurtenances, and color and design in context of surrounding properties.
- On June 4, 2001 the Urbana City Council passed Ordinance No. 2001-05-044 to amend various portions of Section IX, Comprehensive Sign Regulations, to the Urbana Zoning Ordinance, which increased architectural compatibility requirements for OASS’s.
- On June 4, 2001, the Urbana City Council passed Resolution No 2001-06-019R: A Resolution to Request Plan Commission Review of OASS Placement and to Impose a Temporary Moratorium on Permitting OASS’s Until an Interim Development Ordinance can be adopted to Impose a Moratorium on OASS Permit Issuance While Such Review is Completed.
- On July 16, 2001 the Urbana City Council passed Ordinance No. 2001-07-078 to add Section IX-10, Interim Development Ordinance, Moratorium on Outdoor Advertising Structures, to the Urbana Zoning Ordinance, effective until January 14, 2002. Staff was directed to investigate a “cap and replace” police as well as review alternative, such as an increase in spacing requirement that may be appropriate in concert with a cap and replace limitation.
- On November 5, 2001, the Urbana City Council passed Ordinance No. 2001-11-140: An Ordinance Amending Section IX-10 of the Zoning Ordinance, Interim Development Ordinance, and Moratorium on Outdoor Advertising Sign Structures (Plan Case 1799-T-01). This amendment allowed for the relocation of the billboard previously located at Elite Diner to the Eliot Building Property.
- On August 16, 2004, the Urbana City Council passed Resolution 2004-08-018R entitled “A Resolution to Impose a Temporary Moratorium on Permitting Outdoor Advertising Sign Structures (OASS’s)”, and subtitled: “Until An Interim Development Ordinance Can Be Adopted To Impose A Moratorium On OASS Permit Issuance While The Review Of The Number, Placement, And Development Standards Of OASS’s Is Being Completed”.
- On September 20, 2004, the Urbana City Council passed Ordinance No. 2004-09-126. The proliferation of billboard applications at the time indicated a need for a comprehensive re-evaluation of the permitted locations, number, and spacing for OASS in Urbana. The purpose of the IDO was to ensure that the overall purpose and intent of the Comprehensive Sign Regulations continues to be met.

Exhibit D: Legislation

Legislative Intent (from the Comprehensive Sign Regulations)

Section IX-1 of the Urbana Zoning Ordinance sets forth the Legislative Intent and Findings for the Comprehensive Sign Regulations. This section of the Ordinance sets the goals of the sign regulations in general, as well as those specifically related to OASS's. While differentiating between signs and OASS's, the intent of the Comprehensive Sign Regulations includes as a goal the preservation of the physical appearance of the community. The legislative intent is as follows:

*The purpose of this Article 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 in such a manner as to support and complement the land use policies set forth in Article I, Section I-1. To these ends, this Article regulates the size, number and spacing of signs which is intended 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 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 or visible from public property such as streets, highways, parks and schools where such signs could jeopardize the public's investment in these facilities.***

*The sign regulations expressly distinguish between "signs" and "outdoor advertising sign structures" 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 nature**, utilizing nationally standardized signs or painted panels. At the same time, the regulations recognize that **a limitation upon the size, number and spacing of such structures is consistent with and will further the goals expressed herein.***

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 compatibility between OASS's and their surroundings with respect to structural color, landscaping, and architectural features, and are intended to result in OASS's that have an acceptable commercial, as opposed to industrial, appearance.

These 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. [emphasis added]

Relevant Legislation

- Highway Beautification Act (HBA)
 - Allows the federal government to control outdoor advertising along Federal-Aid Primary, Interstate and National Highway System roads.
 - Also allows states and localities to enforce stricter laws than those stated in the HBA

- First Amendment of the US Constitution
 - may require municipalities to pay compensation, but generally is not the case if an amortization schedule is in place
- Article VII, Section 6 of the Illinois Constitution of 1970
 - Allows home rule municipalities the right to “exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt.”

Relevant Case Law

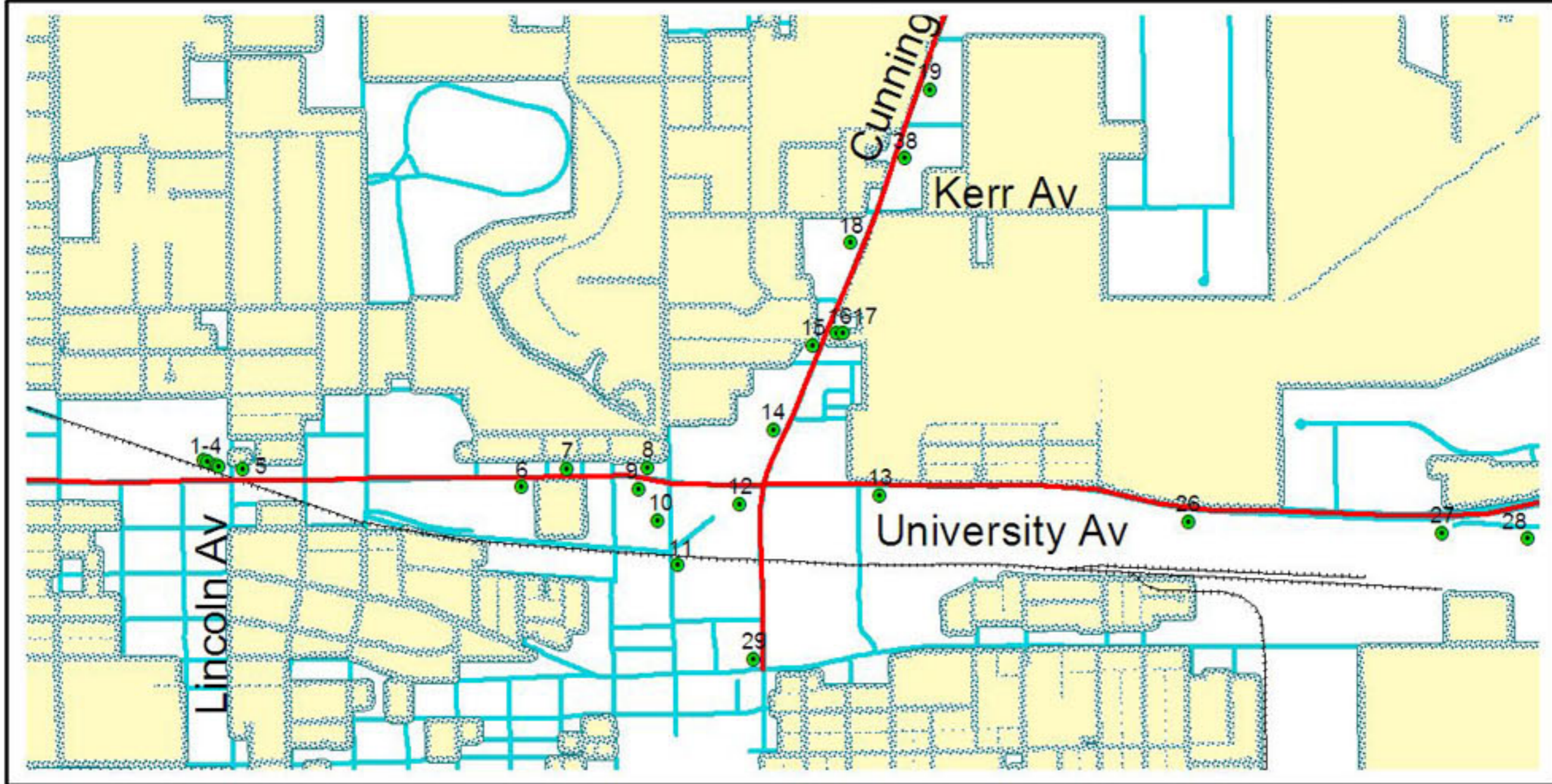
- *Members of City Council of City of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984)
 - City took down cardboard political signs attached to utility poles. The question was whether or not the prohibition of such signs abridges freedom of speech.
 - “While the First Amendment does not guarantee the right to employ every conceivable method of communication at all times and in all places, a restriction on expressive activity may be invalid if the remaining modes of communication are inadequate.”
- *Major Media of the Southeast, Inc. v. City of Raleigh*, 621 F. Supp. 1446, (U.S. Dist. Ct., Eastern District of N.C., 1985); upheld in 792 F. 2d 1269, (4th Circuit Ct. App., 1986); cert. Denied 479 US 1102, 1987
 - “the city has no intention of seizing non-conforming billboards, and plaintiff will be able to salvage at least parts of those structures and use them elsewhere”
- *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992)
 - Not a taking if property has always been subject to nuisance and property law - “in the case of personal property, by reason of the State’s traditionally high degree of control over commercial dealing, [the property owner] ought to be aware of the possibility that new regulation might even render his property economically worthless”¹
 - Upheld by *Outdoor Graphics v. City of Burlington*, 103 F.3d 690, (U.S. 8th Cir. App. 1996) and *Barton Wilson v. City of Louisville*, 957 F. Supp. 948 (U.S. Dist. Western Ky. 1997)
- *Adams Outdoor v. City of East Lansing*, 581 N.W.2d 402, (Michigan Ct. of App., 1998)
 - Upheld home rule statutory authority, but not zoning authority. Considered forcibly eliminating billboards (amortization) unconstitutional.
- *Adams Outdoor v. City of Holland*, 463 Mich. 675 N.W.2d 377
 - New billboards and advertising signs were not permitting, but existing non conforming signs could be maintained
 - Upheld in courts because it was not considered total prohibition under the city and village zoning enabling act.
- American Planning Association offers a list of 37 cases where amortization was upheld in the courts

¹ Floyd, Charles F, AICP. « The Takings Issue In Billboard Control. » 2000 APA proceedings

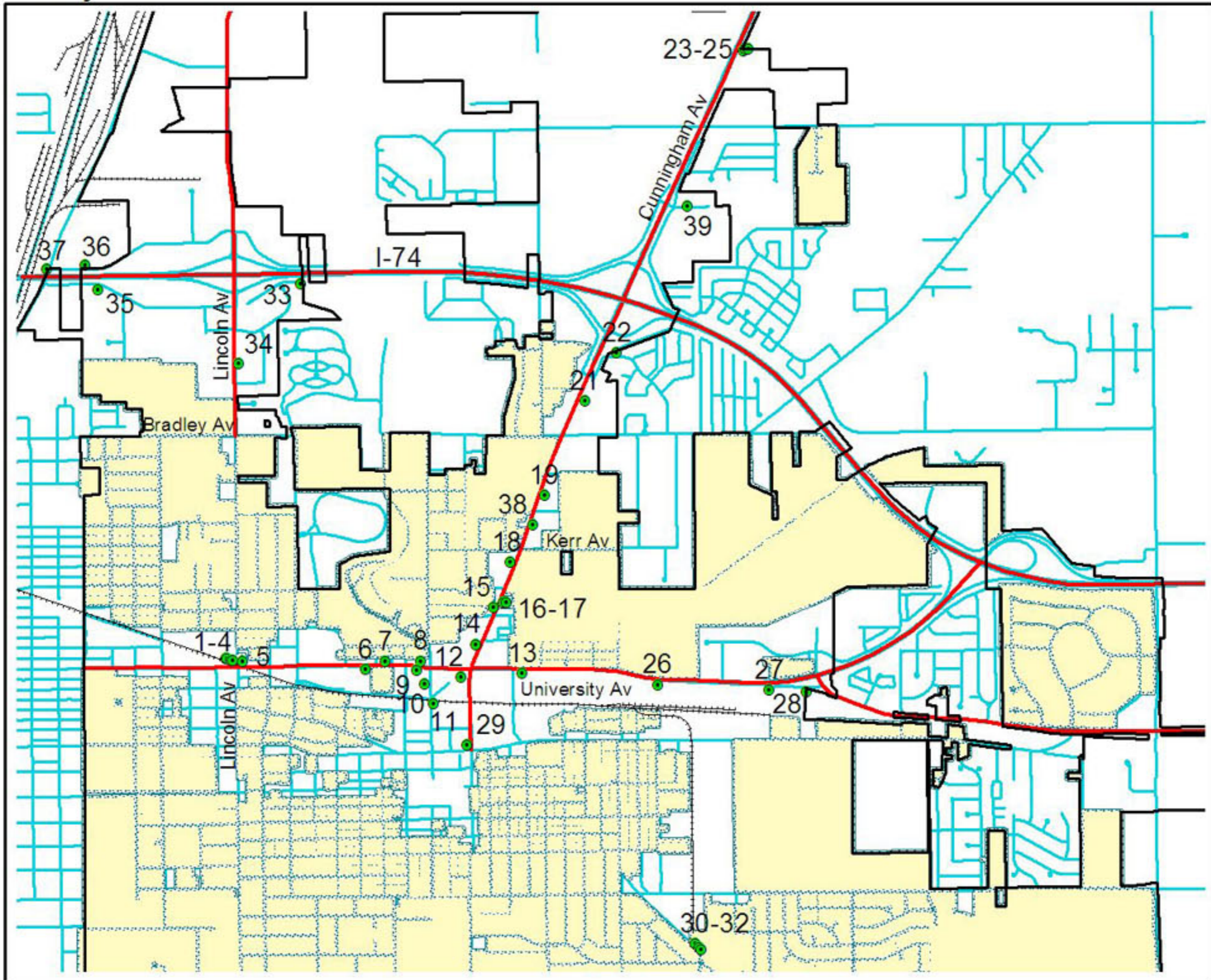
Locations of Existing OASS 2005

Near Downtown Area

Prepared 7/14/2005 by Community Development Staff - pal



City Wide



- City Limits
- Streets
- OASS Allowed in Corridor
- ✱ Billboard Location
- Zoning Prohibits OASS
- 50 foot buffer from Prohibited Zoning

Image Set # 1

33

601 W. Killarney St.



34

2002 N. Lincoln



15

703 N. Cunningham Ave.



18

909 N. Cunningham Ave.



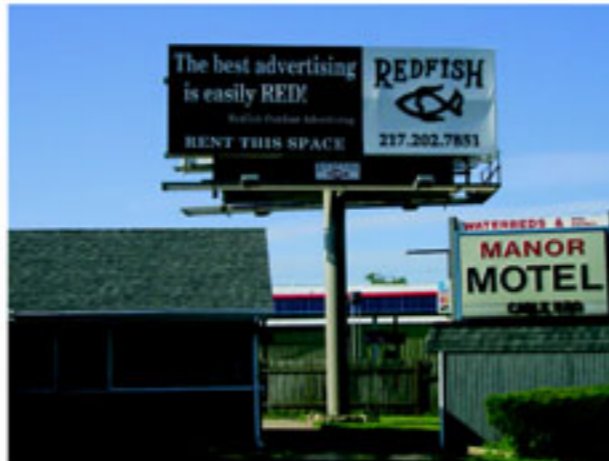
35

1405 W. Kenyon Rd.



38

1102 N. Cunningham Ave.



****8****

102 W. University Ave.



14

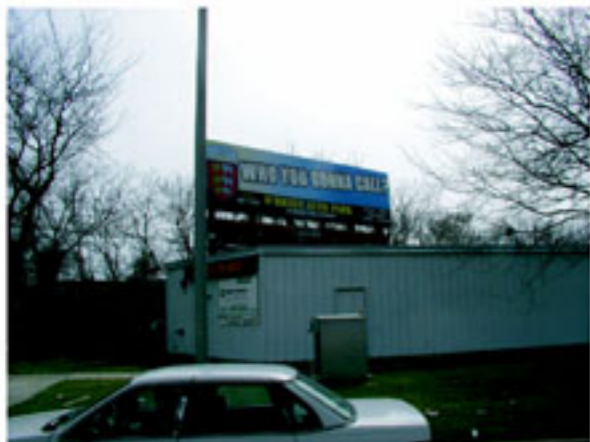
505 N. Cunningham Ave.



Image Set # 2

12

105 W. University Ave.



6

407 W. University Ave.



9

101 W. University Ave.



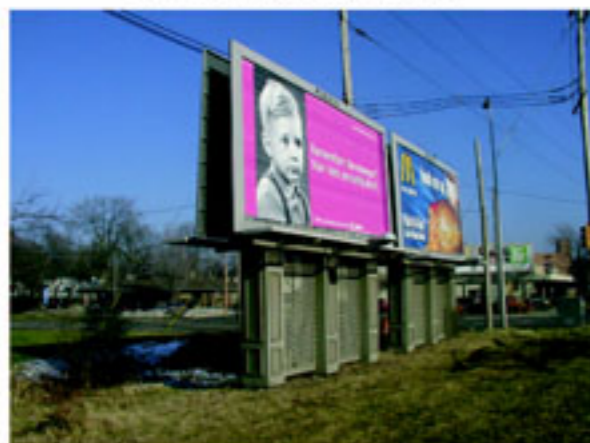
11

222 N. Broadway Ave.



1-5

503 N. Lincoln Ave.



7

304 W. University Ave.



10

405 N. Broadway Ave.



29

202 E. Main St.



Image Set # 3

19

1206 N. Cunningham Ave.



27

1509 E. University Ave.



30-32

1206 S. Philo Rd.



13

501 E. University Ave.



16-17

712 N. Cunningham Ave.



28

1801 E. University Ave.



26

1201 E. University Ave.



****21**

1710 N. Cunningham Ave.



Image Set # 4

****39****

2410 N. Cunningham Ave.



23-25

3008 N. Cunningham Ave.

