



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

DATE: August 11, 2005

SUBJECT: **Study Session on Possible Text Amendments to the Comprehensive Sign Regulations (Article IX of the Zoning Ordinance) pertaining to Outdoor Advertising Sign Structures**

Description

Staff has scheduled a Study Session for City Council to consider possible text amendments to Article IX, Comprehensive Sign Regulations, of the Urbana Zoning Ordinance. The study is specifically concerned with the restrictions of Outdoor Advertising Structures (OASS), also known as “billboards.” Staff will use the council’s recommendations 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.

Issues

City Staff is working to produce a text amendment that satisfies the goals of the Comprehensive Sign Regulations as well as the City’s Comprehensive Plan and other relevant plans and policies. These goals, as well as the issues associated with billboard regulation, are outlined further in the attached memorandum, written for the July 21, 2005 meeting of the Urbana Plan Commission.

Background

Since the issuance of the current moratorium, effective September 20, 2004, City Staff have been researching potential options for billboard regulations in accordance with the goals and instructions described in the Interim Development Ordinance (IDO). The goals of the current IDO are contained in Exhibit B of the attached memorandum to the Urbana Plan Commission.

These goals 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, the IDO specifically requests review of the “cap and replace” restriction on OASS, increasing spacing requirement, minimum height and maximum sign face area

requirements, landscape and aesthetic improvements, limitation on locations, and changes to the permitting procedures.

The attached memo, which addresses the purposes and goals of the IDO and outlines a number of possible approaches to regulation of OASS, was presented before the Urbana Plan Commission on July 21, 2005 as a study session item. The Plan Commission discussed the information presented in the memorandum at length and offered several additional suggestions and requests for further research (see Plan Commission minutes attached). Although no clear consensus on approach or specific course of action was reached, several Plan Commissioners suggested combining various aspects of the proposed alternatives.

Options

At this point, there are multiple options for billboard regulation. The attached memo has outlined four main courses of action: prohibition, cap and replace, improvement of regulations, and doing nothing. Within these options there are secondary approaches, such as considering billboards a special use or principal use of a property, allowing transfer of development rights (TDRs) for billboards with specified ratios for replacement, or adding design restrictions to any form of billboard regulation.

The Plan Commission also suggested further research of appropriate locations for OASS. One commissioner felt that there are certain parcels of land that are well-suited for billboards, because they are incompatible with other land uses (i.e., the thin parcels of land along Philo Road). While the Plan Commission did not rule out the possibility of prohibition, they did want to see the current OASS investments pan out economically. Some Plan Commissioners were interested in discovering how OASS may become an amenity to the city. They also suggested involvement of the OASS business to find examples of billboard structures that work well. With respect to possible combinations of approaches, one example would be to have some portions of the City (such as the downtown) designated for prohibition of billboards with transfer of development rights to other locations and cap and replace restrictions elsewhere. Such an approach could be in combination with special use permit approval and improved design regulations.

Fiscal Impacts

While OASSs 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. Use of OASS is also important for local businesses and charities and to advertise special events. The availability of such marketing opportunities represents a positive economic potential for the advertiser, many of which are Urbana-based businesses.

Recommendations

Staff recommends that the City Council discuss the various alternatives, identify concerns, make suggestions, and offer guidance on which alternatives should be studied further for the purpose of preparing a text amendment. Staff will continue working with the Plan Commission and City Council throughout the process of constructing a proposal. Input from local industry representatives will also be sought.

Memorandum Prepared By:

Rebecca K. Bicksler
Planning Division Intern

Attached

Urbana Plan Commission Memo

July 21, 2005 Urbana Plan Commission minutes

Cc: Adams Outdoor Advertising

Redfish



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

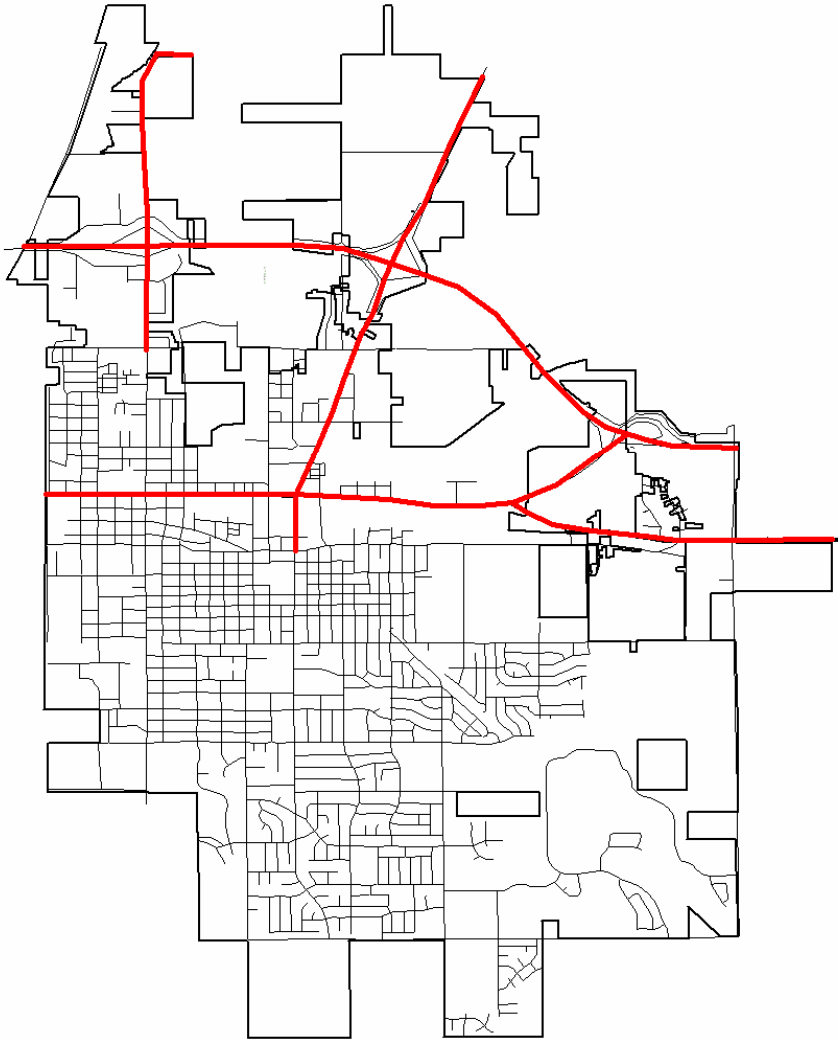
Goals from the 2005 Comprehensive Plan

- *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

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}	Wall	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 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	See footnote 8,9,13
	Free-standing	2 per OASS	300 sq.ft. (back-to-back displays shall be deemed to be a single structure) ¹	IN – 40 feet ² B-3, B-4 – 35 feet, B-4E – 35 feet ¹¹	Same as wall OASS's.	See footnote 7,8,9,10,13

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, 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.

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.
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.
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%.

ORDINANCE NO. 2004-09-126

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

(To add Section IX-10, Interim Development Ordinance, Creating a 365 Day Moratorium on Outdoor Advertising Sign Structures - Plan Case 1907-T-04)

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

WHEREAS, Article **IX** of the Urbana Zoning Ordinance, Comprehensive Sign Regulations, includes as an intent of regulating signs, to protect and enhance the physical appearance of the community and the scenic value of the surrounding area; and

WHEREAS, a number of Outdoor Advertising Sign Structures (OASS) have been constructed recently in the Champaign-Urbana area that call into question their compliance with the above stated intent of the Zoning Ordinance; and

WHEREAS, the City of Urbana intends to conduct a comprehensive review of OASS regulations to address these concerns; and

WHEREAS, the Urbana City Council on August 16, 2004 passed Resolution 2004-08-018R to authorize a temporary moratorium on **OASS** permits; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance in order to create a 365 day moratorium on the issuance of permits for Outdoor Advertising Sign Structures; and

WHEREAS, the Interim Development Ordinance submitted to the Urbana Plan Commission includes the following objectives:

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. Consider the impacts of any moratorium and subsequent amendments upon vested rights and property rights.
- d. Review the influence of OASS regulation of other communities.

3. Review potential amendments to the current regulations such as:

- a. The advantages and disadvantages for "cap and replace" type restrictions and/or limitations on the total number of allowable OASS.
- b. Increase in the spacing requirement between OASS
- c. 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.
- d. Treatment of OASS as principal uses.
- e. Improvements to existing landscape and appearance regulations for OASS
- f. 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.

WHEREAS, on September 9, 2004, the Urbana Plan Commission voted 5-0 to recommend approval of Plan Case 1907-T-04; and

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

Section 1. The Zoning, Ordinance of the City of Urbana is hereby amended by adding a new Section IX-10 to be titled "Outdoor Advertising Sign Structures Moratorium" which provides as follows:

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. Consider the impacts of any moratorium and subsequent amendments upon vested rights and property rights.
 - d. Review the influence of OASS regulation of other communities.
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.
 - b. Increase in the spacing requirement between OASS
 - c. 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.
 - d. Treatment of OASS as principal uses.

- e. Improvements to existing landscape and appearance regulations for OASS
 - f. 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.

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.

Section 2. If any section, paragraph, or provision of this Ordinance is held to be invalid or unenforceable, such invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance, or the provisions of the Code.

Section 3. The provisions of this Ordinance shall take precedence and be interpreted as superseding any other Ordinance (including but not limited to Table IX-5, Standards for Future Outdoor Advertising Sign Structures) in conflict with the provisions of this Ordinance.

Section 4. This Ordinance shall be effective September 20, 2004.

Section 5. 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).

PASSED by the City Council this 20th day of September, 2004.

AYES: Chynoweth, Hayes, Otto, Patt, Wyman

NAYS:

ABSTAINS:

COPY
Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 28th day of September,
2004.

COPY
Tod Satterthwaite
Tod Satterthwaite, Mayor

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

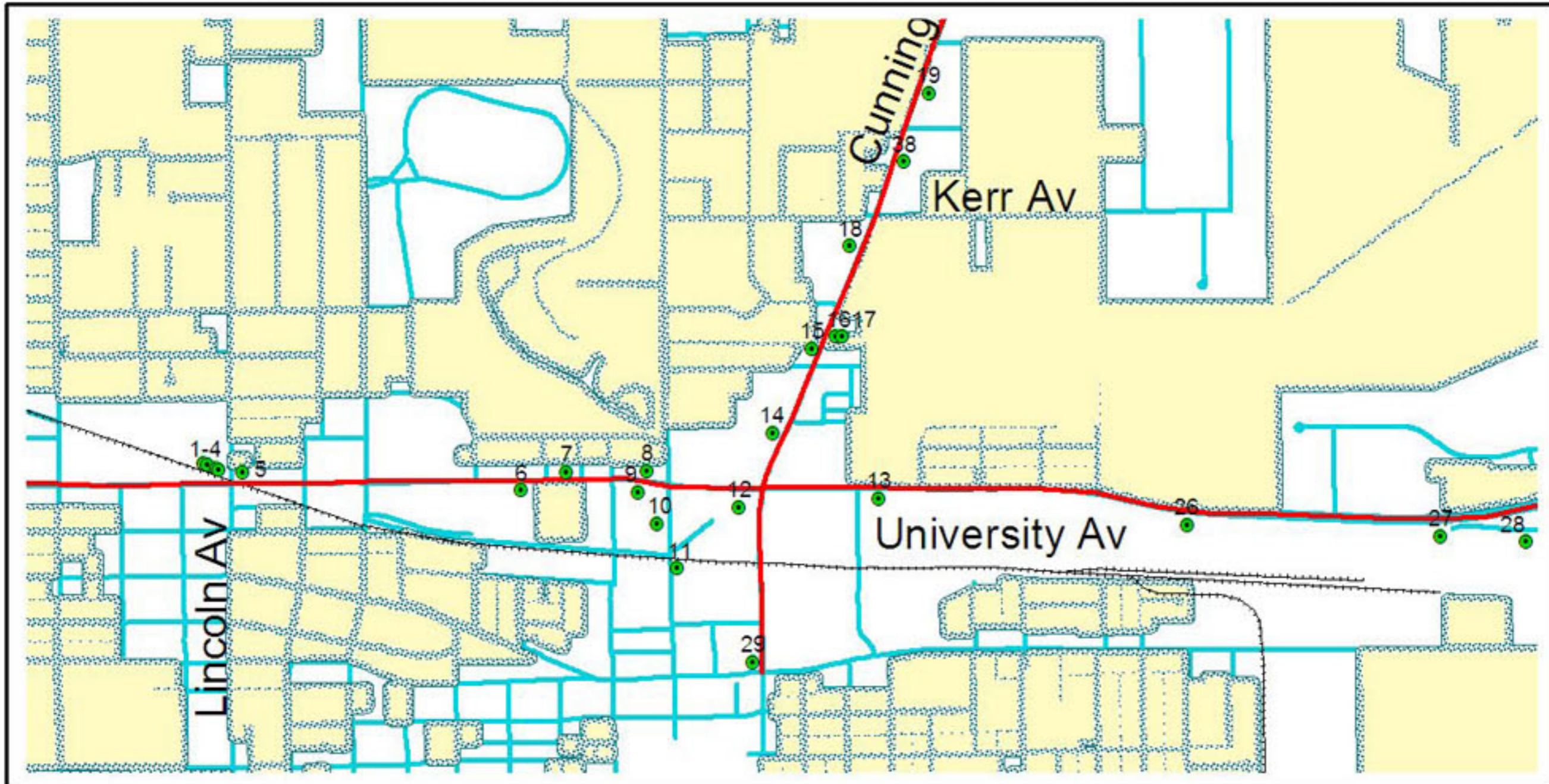
Inventory of OASS July 2005

ID	SIGN CO.	PIN	Host Business	Address	Zoning	STYLE
1	Adams		NW Corner Lincoln and University	503 N. Lincoln	IN	Ground
2	Adams		NW Corner Lincoln and University	503 N. Lincoln	IN	Ground
3	Adams		NW Corner Lincoln and University	503 N. Lincoln	IN	Ground
4	Adams		NW Corner Lincoln and University	503 N. Lincoln	IN	Ground
5	Adams		NE Corner Lincoln and University	502 N. Lincoln	B3	Wall
6	Redfish	91-21-08-403-010	Mikos Restaurant	407 W. University	B3	Flag Pole
7	Adams	91-21-08-329-005	Midas	304 W. University	B3	Pole
8	Adams	91-21-09-376-009	Red's Muffler	102 W. University	B4	Pole
9	Adams	91-21-08-455-014	Wendys	101 W. University	B4	Pole
10	Adams	91-21-08-455-012	Mall lot	405 N. Broadway	B4	Pole
11	Adams		Rail Row	2322 N. Broadway	IN	Pole
12	Adams		Blockbuster	105 W. University	B4	Tressel
13	Adams		Car Wash	501 W. University	B3	Pole
14	Adams		O'Brian Auto	505 N. Cunningham	B3	Pole
15	Adams	91-21-08-404-029	Alliance Auto	703 N. Cunningham	B3	Pole
16	Adams	91-21-08-429-004	Meineke	710 N. Cunningham	B3	Pole
17	Adams	91-21-08-429-004	Meineke	712 N. Cunningham	B3	Pole
18	Adams		Mall lot	909 N. Cunningham	B3	Pole
19	Adams	91-21-09-102-005	Benders mattress	1206 N. Cunningham	B3	Pole
21	Adams	91-21-04-352-021	AAA Storage	1710 N. Cunningham	B3	Flag Pole
22	Adams		vacant - ex Dog Club	1910 N. Cunningham	B4	Tressel
23	Adams		vacant - drive in	3008 N. Cunningham	IN	Ground
24	Adams		vacant - drive in	3008 N. Cunningham	IN	Ground
25	Adams		vacant - drive in	3008 N. Cunningham	IN	Ground
26	Redfish	91-21-09-376-009	Lumber Yard Supply Co.	1201 E. University	IN	Pole
27	Adams	91-21-09-451-007	Illini FS	1509 E. University	IN	Ground
28	County - Adams	90-21-09-477-003	Birkey's Farm Store	1801 E. University	IN	Pole
29	Adams	92-21-17-204-007	moved from Elite	212 E. Main	B4	Pole
30	Adams		East side of Philo	1206 S. Philo	R5	Ground
31	Adams		East side of Philo	1206 S. Philo	R5	Ground
32	Adams		East side of Philo	1206 S. Philo	R5	Ground
33	Adams		future Prairie Center?	601 W. Kilarney	B3	Ground
34	Adams		Sleep Inn	2002 N. Lincoln	B3	Pole
35	Adams		Ryder Truck	1405 W. Kenyon	IN	Pole
38	Redfish	91-21-09-151-009	Manor Hotel	1102 N. Cunningham	B3	Pole
39	Adams	91-21-04-201-017	Vacant Island lot at Park Inn	2410 N. Cunningham	B3	Pole

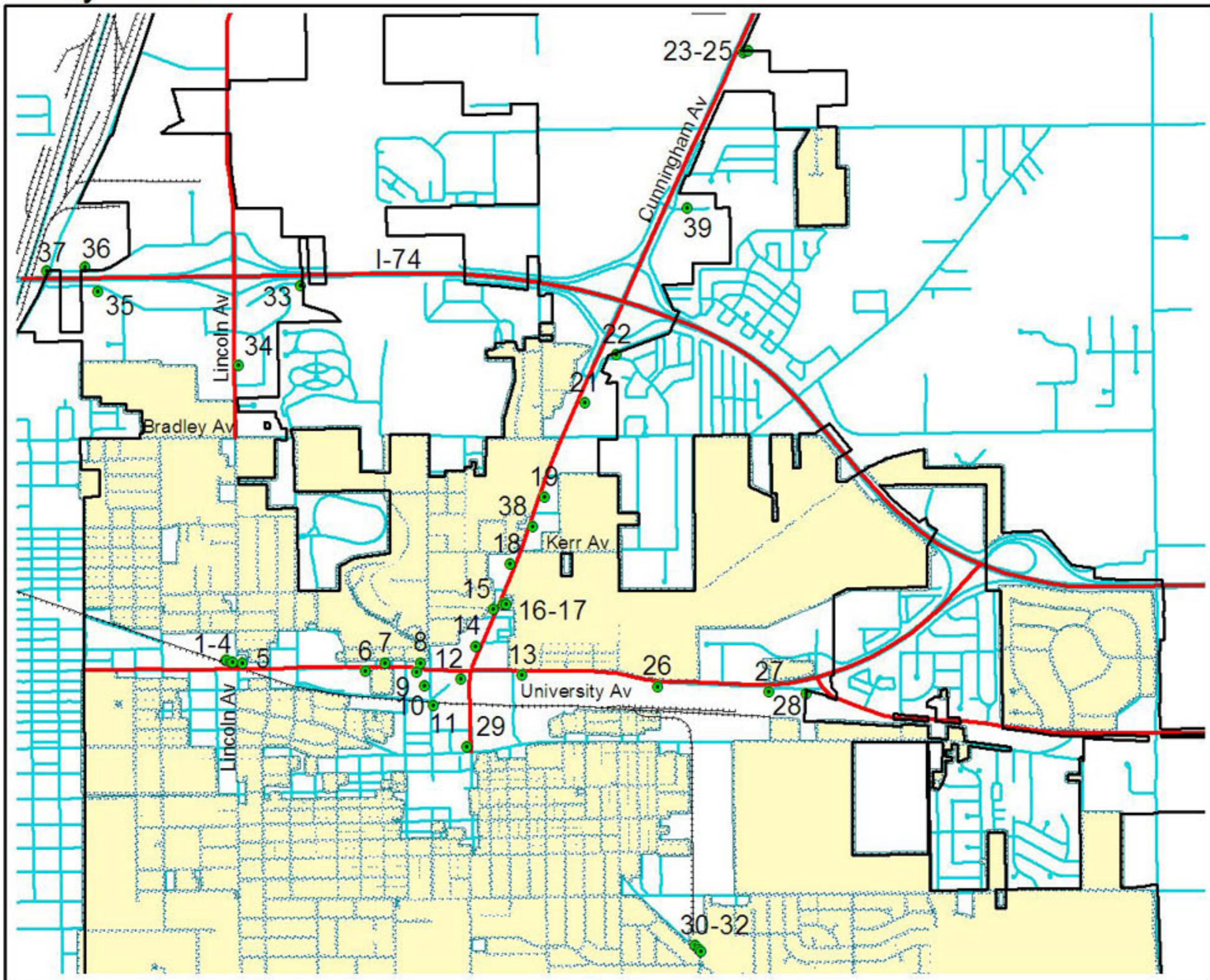
Locations of Existing OASS 2005

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.



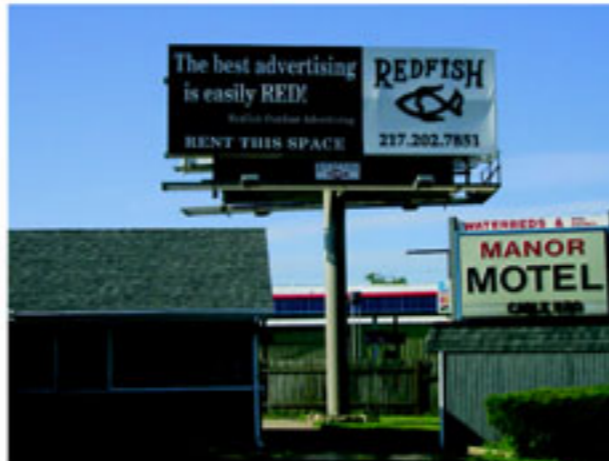
35

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.



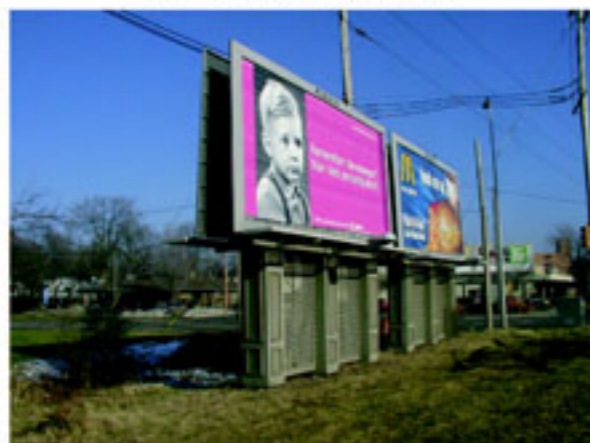
11

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.



MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: July 21, 2005

TIME: 7:30 P.M.

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

MEMBERS PRESENT: Benjamin Grosser, Lew Hopkins, Randy Kangas, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, James Ward, Don White

MEMBERS EXCUSED: Laurie Goscha

STAFF PRESENT: Elizabeth Tyler, Director of Community Development Services; Paul Lindahl, Planner I; Rebecca Guest, Planning Intern; Teri Andel, Secretary

OTHERS PRESENT: Dave Barr, Lisa Denson-Rives, April Getchius, Mark Henss, James Martinkus, Susan Taylor

STUDY SESSION

OASS/Billboards Study Session to consider possible text amendments to Article IX, Comprehensive Sign Regulations

Ms. Tyler introduced Rebecca Guest, Planning Intern. Ms. Guest presented the study session to the Plan Commission. She talked about the following:

- ❑ Brief History and Background
- ❑ Image Set 1: #8
- ❑ Image Set 3: #21
- ❑ City of Urbana Goals
- ❑ Goals from the Comprehensive Sign Regulations
- ❑ Goals from the 2005 Comprehensive Plan
- ❑ Relevant Legislation and Case Law
- ❑ List of Benefits and Costs to Billboard Regulation
- ❑ Alternative Options
 - ❑ Do Nothing – Let IDO expire
 - ❑ Improve Existing Regulations

- Design
- Special Use Permit
- Spacing - Corridors
- Principal Use
- Tri-Vision Messaging
- Cap and Replace
 - Restricted Cap and Replace
 - Transfer Development Rights (TDR)
- Prohibition
 - Existing OASS become nonconforming
 - Sunset/Amortization of existing billboards

Ms. Stake inquired if staff had any other ordinances from other cities that have been able to have a beautiful city with some billboards. Ms. Guest replied that she had looked into many other cities' ordinances; however, it was difficult to find pictures of the cities to go with the ordinances. There were definitely some cities that have incorporated restrictions where they consider aesthetics.

Ms. Stake wondered if there was a city where there was a balance. A city where there could be some billboards in appropriate places and in general not have very many. Ms. Guest believed it would be difficult to regulate OASS/billboards so there were be a specific number less than what the City currently has. She thought the City would have to use the cap and replace option and allow the TDRs to specific locations. When the billboards are moved to the new specific locations, the City could impose more aesthetic requirements. Ms. Stake stated that there was a way to have nonconformities where they could not be replaced.

Ms. Tyler stated that when traveling, if Ms. Stake or other commissioners visit a city that has achieved this balance, then they could let City staff know. City staff could then look up that City's regulations.

Mr. Grosser was curious about whether Ms. Guest had found other cities that use the sunset type of action and how many years do they allow sign owners to continue to use the billboards to get their fair value from the existing structures. Ms. Guest replied that it was generally between 5 and 10 years. Mr. Grosser asked if that was about the time structures were rebuilt or refurbished. Ms. Guest thought it was calculated on the amount of revenue that the sign company received off an existing structure and the amount of the cost to construct the structure. There was one example where she found that a city based the sunset on the cost of the structure when it was constructed. As a result, one structure might have a longer period than another.

Mr. Ward wondered about the fiscal impact. Say there was a piece of vacant land was assessed as vacant land, and if a billboard was placed on the piece of land, would it change the assessed value of the land? Ms. Tyler mentioned that OASS structures do not provide property tax for the City. Although OASS structures are expensive to build, it was not too significant as an improvement, so from a property tax perspective, the benefits of OASS structures go to the lease holder. It was an income that was not really taxed. That was one of the reasons why it is so valuable. It is a limited commodity as well. By only allowing this as a principal use, the City would force the landowners to make a decision whether they want the lease income from the

billboard or whether they want to develop the site and not allow the billboard structure on their property.

Ms. Tyler remarked that the City really needed to look at it from a zoning perspective, but also in terms of benefits to the City. On the fiscal side, it really was not something that would help the City of Urbana economically in the way that the City normally sees land uses contribute. It could be frustrating when a billboard stands in the way of redevelopment, which the City found in some of the North Cunningham Avenue properties. We do come up against our economic development goals in some situations. That was not to say that businesses do not benefit.

Mr. Ward commented that the state law does not provide the City the opportunity to assess the value of that improvement. A billboard structure is not considered an improvement on the tax law. He would be interested in knowing what the legal status of this would be. Ms. Tyler said that City staff could check with the assessor and get the citation.

Ms. Stake asked if a billboard structure could be taxed. Mr. Hopkins would guess that say billboards on Philo Road would be the only beneficial use of the property between what used to be the railroad tracks and the road. The opportunity to lease the property for a billboard creates a land market value that determines the assessment value of that land. So, even if the City could not assess as an improvement the billboard structure itself, which he imagined there were state regulations preventing it for reasons that have to do with industry structure, the City would want to be careful, because the kinds of properties where we might actually most effectively use billboards might be precisely the kinds of property of where the City would want to make sure they retain value in the property. Ms. Tyler said that City staff would research this more and try to find out more about this.

Mr. Hopkins went on to say that there was a lot of good information, and the representations help start them thinking about this. One of his reactions from looking at the map was that the City was already focusing on a particular set of permitted corridors. He thought they should revisit the set of corridors in terms of whether some parts should be included or not included. In particular, University Avenue, where it extends east to High Cross Road, should be removed from the corridors available for billboards given its developing pattern of uses. Beringer Commons and some commercial areas are located along this area, which was not consistent with billboards.

Another thing he thought the City should consider was corridor types. Philo Road, for example, should have different design criteria than billboards on North Cunningham Avenue. One could already see the difference. Billboards on Philo Road are on the ground and faced a particular way, which would be inappropriate up north. This becomes a way to think about billboards along University Avenue and Cunningham Avenue between Interstate 74 and University Avenue. This is where most of the activity is located, and if we want University Avenue to develop in a different way, it might be that we want billboards backed by buildings visually. Thinking about corridor types rather than thinking of one set of criteria would be better.

Another possibility is to think of those as becoming the criteria to drive special use permits. The possibility of making all the changes in billboards through special use permits might actually be

an interesting way to do it. He believed that billboards could be done well in appropriate places and in appropriate ways.

Ms. Upah-Bant asked if the Urbana Zoning Ordinance addressed illuminated billboards. Ms. Tyler said that the Zoning Ordinance has restrictions against animation, moving parts and internal illumination. Therefore, billboards with changing messages would not be allowed. If the Plan Commission and City Council changed this, then they would probably have to include restrictions on the speed by which the messages flip and how many times the message would be allowed to change.

Ms. Upah-Bant was concerned that people visiting Champaign-Urbana might not know when they cross over Wright Street. Therefore, the City of Urbana might be mixed in with the City of Champaign for having illuminated signs like the one by the Champaign Police Station. Ms. Tyler stated that she could tell when she crosses over into the City of Champaign, because the City of Urbana requires freestanding signs to be setback, which makes a dramatic difference in the appearance.

Mr. Pollock reminded the Plan Commission that they have a series of possible alternative options. The Plan Commission agreed that staff should continue to look at the possibilities and research this.

Mr. Pollock inquired if there were cities that had capped the number of billboards they had and then sunset the existing billboards for 15 to 20 years. Would this be legal to do? Ms. Guest responded by saying that would be legal. She referred to the tables that were at the end of the written staff report. She pointed out that the Village of Prairie Grove and Huntly have both done this here in the State of Illinois. Mr. Pollock remarked that he would be very tempted to look very seriously at doing this. He hoped that the City Council considered this as a possible option. It was possible to have billboards that were okay, but in general, he thought that they detract from the appearance of the City. He did not want to hurt businesses in town, but to be done with them at some point in the future might not be a totally bad thing to consider.

Mr. Grosser commented that when he looked at the Comprehensive Plan and the Downtown Strategic Plan, he was struck by the degree to which beautification was mentioned, specifically, in accordance with the corridors where billboards were currently allowed. Goal 26.2 in the Comprehensive Plan states, "Promote the beautification of commercial areas especially along University Avenue, Cunningham Avenue and Philo Road." When through the Downtown Plan, there was a lot of talk about visual interest, visible and attractive gateways, and in fact, every single drawing in the plan does not have a picture of a billboard in it.

He went on to say that he certainly saw billboards as a visual clutter. When looking at the efforts that have been undertaken so far and the intent to beautify the downtown Urbana area, specifically Broadway Avenue, he saw billboards as a visual blight. He would certainly not want the City of Urbana to open itself up to a lawsuit, but he was also favorable of looking at the option of amortization with a sunset. He also would not want to see billboard companies investments in their structures not pan out financially.

Mr. Hopkins reiterated that he believed billboards could actually be part of what creates interest and excitement if they were done well. If we think of it as a design problem and create development types in particular places that would be appropriate to those places, he did not believe that billboards were inherently bad. Mr. Pollock added that he would be interested to hear more about how billboards could be used in a positive way and how they could be an amenity rather than what most of them look like, which is visual blight.

Mr. Ward agreed with Mr. Hopkins. Clearly there was a demand for billboards. Most of the billboards seem to have something on them, and people pay for them. Many of them are local businesses. To do something to interrupt this would create an economic issue that should be well thought through. He would like to look at possibilities for improving the existing OASS regulations and look at different areas of the City. There may be billboards that meet the criteria that the Plan Commission and City Council would be willing to set for beautification. The idea of some sort of restriction or cap and replace may be an option, but he would prefer to look at some other options first.

Mr. Kangas agreed with everything said so far with the reminder that this an unusual town in that on football weekends or student week, etc., we might have 50,000 people who do not live in Champaign-Urbana coming into the community. Billboards may be useful for those people coming in when they are trying to figure out where to go for lunch. He would hate to hurt local businesses. Probably everyone who lives here hates billboards, but they must work economically. Ms. Tyler stated that it was fine to keep the options out there. Staff will continue to search through them.

Ms. Stake wondered how to make beautiful billboards, because she really hasn't seen any. Are there places that have beautiful billboards? Mr. Hopkins responded by saying that he thought some of the billboards in Champaign-Urbana looked quite well. He also believed that some of the billboards were located in very bad places visually. Billboards, such as the ones on Philo Road that are low to the ground and create part of a feel of a curve, provided an opportunity to convey information. Billboards that are backed well by buildings or on the sides of buildings create interest and texture in urban environment that blank walls of concrete don't. Mr. Pollock added that one of the ways to find out about this was to ask the professionals in the billboard business to give some examples of what type of billboard structures existed that works and give some ideas about how to rebuild the ordinance.

Mr. White mentioned that he would be interested in finding a way to reduce the light pollution that was sometimes associated with billboards. He believed that was what some people object to when looking at billboards, particularly at night. He noted that we need a light ordinance as well. Ms. Tyler replied that there were many things needed to improve in the Zoning Ordinance, and a lighting ordinance was one of them.

In response to Mr. Kangas' point, Mr. Grosser said that he agreed that billboards could advertise local businesses to visitors. His main objection is that as you approach downtown Urbana, billboards were not compatible with beautifying an entrance to the downtown area. He was less concerned with billboards near the interstate. We might say that the closer we get to the downtown area, the fewer billboards would be allowed.

Ms. Tyler stated that it was helpful to get a sense of what the Plan Commission thought about billboards. Some of these things we tried to previously review, but we were operating under some restrictions. One thing we did look at was the aesthetics and billboard zones. There are three or four alternatives listed in the written staff report; however, there may be some combination of the alternatives used, especially since there were different opinions. Ms. Guest felt that staff needed a little more consensus on which options and which parts of options that the Plan Commission wanted them to pursue.

Mr. Pollock inquired if it would be reasonable in trying to address that need to have City staff present this discussion to the City Council and bring it back to the Plan Commission to talk about what the City Council had come up with.

Mr. White mentioned that he would like to have a cap and replace with a transfer development right along with improving the existing regulations with some sense of corridors and regulations that would apply to certain corridors. Ms. Stake asked if billboards would require a special use permit. Mr. White said no.

Mr. Pollock stated that he was interested in the idea of billboards requiring special use permits, but then you also do not want to have cases coming before the Plan Commission every ten minutes for every single billboard or replacement. If we did some type of special use permit, there would need to be some criteria on how to judge each case. This would give review abilities, which is something to think about.

Mr. Hopkins did not feel that pursuing the idea of special uses would be inconsistent, so he would encourage doing both. If it was within a cap and replace framework, then the City would not be getting special use requests every week, because there would not be any new billboard structures going up.

Mr. Pollock asked if the Plan Commission was generally interested in seeing the cap and replace option used. Mr. Hopkins commented that he did not necessarily see it as necessary, but as long as it was included with the other things discussed, then it would be something reasonable to investigate. Mr. White remarked that a cap and replace option would allow the City to slowly, but surely, go through and improve the regulations, particularly zones and corridors.

Mr. Pollock questioned at what point would the Interim Development Ordinance (IDO) have to be redone legally and for how long would staff envision continue the moratorium. Ms. Tyler answered by saying that City staff would be presenting an extension of the IDO to the Plan Commission. At this point, staff would recommend extending the IDO for another six months. After hearing the Plan Commission discuss the alternative options, this amount of time may not be sufficient. There were also staffing reasons why they might need more time. She felt that this should be discussed at the next Plan Commission meeting when the extension of the IDO Moratorium would be presented. Staff may change their recommendation before the next meeting.

Ms. Tyler went on to say that she believed the Plan Commission had enough varied opinions that a consensus would probably not happen. They should let the process work. City staff would get a sense of City Council viewpoints and then try to craft some compromise or good-planning

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practice alternatives. Staff will continue to get more information for the Plan Commission and hear input from the billboard industry.