



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Plan Commission

FROM: Robert Myers, AICP, Planning Manager

DATE: April 13, 2006

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

Introduction

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

The Urbana City Council adopted a moratorium on new billboard construction which is set to expire on July 17, 2006. Follow City staff research and input, the Committee of the Whole expressed their support for a two-phased approach to dealing with billboards in Urbana: (1) increase the standards in the Zoning Ordinance to improve the placement, design, and safety; and (2) work toward removal of the most problematic billboards. Plan Case No. 1988-T-06 represents the first step in this approach.

If adopted, the attached draft text amendment to the Zoning Ordinance would heighten the design standards and require that billboards obtain a Special Use Permit. This is intended to help mitigate the negative aspects of billboards in a context-sensitive manner while continuing to allow OASS as an effective medium of communication.

Background

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

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

- Preserve and protect the health, safety, and welfare of the citizens of the City by preventing the erection of new OASS which conflict with the intent and purposes of the Comprehensive Sign Regulations of the Zoning Ordinance or with the implementation of the City's comprehensive plans and adopted redevelopment plans and programs.
- Review the advisability, details, and ramifications of potential revisions to the number, placement, and development regulations pertaining to OASS.
- Review potential amendments to the current regulations such as: the advantages and disadvantages for "cap and replace" type restrictions and/or limitations on the total number of allowable OASS.
- Seek resolution of issues posed by overlapping Illinois Department of Transportation sign regulations.
- Review potential application of new technologies for OASS display, including tri-vision messaging.
- Review consistency of OASS regulations with the City's Comprehensive Plan and Redevelopment Plans.
- Review impacts of OASS placement on business visibility, site development potential, and other zoning regulations.
- Consider changes to permitting procedures.
- Review the impact of existing OASS's on downtown and methods of reducing the impact of future development of OASS's on the downtown business area.

In August 2005, the City Council approved a 300-day extension of this Interim Development Ordinance, thus extending the moratorium to July 17, 2006.

Pertinent City Policies

2005 Comprehensive Plan.

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

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

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

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

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

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

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

Goal 17.0 Minimize incompatible land uses.

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

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

Goal 24.0 Enhance Urbana’s commercial areas.

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

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

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

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

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

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

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

Downtown Strategic Plan.

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

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

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

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

Plan:

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

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

Tax Increment Financing (TIF) Plans.

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

Pertinent City Regulations

Urbana Zoning Ordinance

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

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

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

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

- a. The "30 sheet poster panel" or painted bulletin, whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately twelve (12) feet by twenty-five (25) feet, containing approximately three hundred (300) square feet of total display area;
- b. The "Junior panel" whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately six (6) feet by twelve (12) feet, containing approximately seventy-two (72) square feet of total display area.
- c. For the purpose of defining the height and width of an OASS, the term "approximately" shall permit the approval of an OASS containing lineal dimensions which deviate from the standardized dimension by no more than 20%.

Urbana's requirements for billboards are provided in Table IX-5 of the Zoning Ordinance. Under the City's current ordinance, freestanding OASS can be located along interstate and primary highways (I-74 and portions of U.S. Route 45, University Avenue, and Lincoln Avenue) in areas zoned B-3, B-4E, and IN and which are within 660 feet of these rights-of-way. Two display faces are permitted per structure with a maximum size of 300 square feet per face; a minimum distance requirement of 300 feet from any other OASS on the same side of the street; and a minimum distance of 50 feet from any Residential, CRE or AG zoning district. Urbana does have a number of OASS which predate these regulations and are considered to be legally nonconforming uses.

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

Legal Framework

Federal Laws & Regulations

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

State Laws & Regulations

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

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

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

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

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

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

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

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

Significant Court Cases.

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

Central Hudson Gas and Electric v. Public Service Commission. U.S. Supreme Court decided 1980. The Central Hudson case is important because it provides a test for the constitutionality of government restrictions on commercial speech. This case also laid the basis for the Metromedia case discussed below which helped determine an important lawsuit against the City of Urbana by a local billboard company. This case established the following criteria in determining when government regulation of commercial speech is unconstitutional.

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

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

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

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

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

C & U Poster Advertising Company vs. City of Urbana. Decided by 6th Judicial Circuit Court, Champaign County, Illinois in 1982. Closely following the arguments in *Metromedia vs. City of San Diego*, C & U Poster Advertising Company sued both the cities of Champaign and Urbana concerning billboard regulations. At that time, C & U Poster owned 43 billboards in the City of Urbana. Enforcement of Urbana's Comprehensive Sign Regulations on C & U's billboards would have rendered all but three of them as nonconforming, meaning they would have to be removed under the City's amortization of nonconforming sign requirements. The court's findings in this case included:

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

In 1986, the City of Urbana and C & U Poster signed a settlement agreement which included removal of some OASS.

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

Discussion

Proliferation and visual impact of billboards are two major concerns leading to the enactment of Urbana's interim development ordinance (moratorium). As it has often been stated, Champaign-Urbana has few natural amenities and therefore we are totally dependant on the quality of our built environment to provide a sense of character and unique quality. Our community's built environment not only impacts our quality of life but is an important economic factor. The University of Illinois' national ranking places Champaign-Urbana in direct competition with our peer university host cities: University of California at Berkeley, University of California at Los Angeles, University of Michigan at Ann Arbor, University of Texas at Austin, and the University of Wisconsin at Madison. To succeed, Champaign-Urbana must be able to compete with these cities. Because our community does not have the oceans, bays, lakes, and hill country of the peer cities, our built environment is a paramount factor in defining our surroundings and quality of life.

Most people form their visual impressions of Urbana from their cars while on the city's roadways. Roadway corridors such as I-74, Cunningham Ave., Lincoln Ave., and University Ave. are Urbana's entryways. They form the first and arguably most lasting impressions about Urbana. Although billboards can be a very effective medium of communication in the community, poorly designed and placed billboards can contribute to negative images of our most traveled corridors. Additionally, outside of these major roadway corridors, urban design and the visual qualities of our neighborhoods are also major components of our quality of life.

Proliferation of billboards is another important issue. In 2002, there were approximately 28 billboard structures in Urbana. By September 2004, permits for an additional nine billboards had been issued by the City. Using geographic information system (GIS) analysis, the Planning Division has determined that approximately **122 new billboards** could be constructed in Urbana under the City's existing Zoning Ordinance. As our city grows and new areas are developed, pressures will mount to construct billboards in these areas. Should this happen, an element lowering the overall visual quality of these new planned areas would be introduced.

In addition to aesthetics, billboard construction often presents practical difficulties.

- Billboards can be insensitive to the context in which they are constructed. This is primarily in terms of height, structure, placement on the lot, and relationship to other structures and business signage.
- Billboards can be impediments to development and redevelopment of Urbana's corridors as they can block development of a lot to a higher economic use and block signage for existing businesses.
- When not properly located, billboards can be safety hazards if they encroach into trafficways and private driveways and parking areas.
- Jurisdictional overlap between the City of Urbana and Illinois Department of Transportation leaves the door open for construction of noncompliant billboards.

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

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

Alternative Visions

City staff sees three alternative visions for how Urbana might deal with billboards generally. At a February 13, 2006 Committee of the Whole meeting, these alternate visions were discussed to gauge which approach the Council wished to follow.

- Decrease (oppose) billboards

- Maintain (tolerate) billboards
- Increase (encourage) billboards

At their February 13th meeting, the Committee of the Whole expressed their support for a two-phased approach to dealing with billboards in Urbana: (1) increase the standards in the Zoning Ordinance to improve the placement, design, and safety; and (2) work toward removal of the most problematic billboards. Plan Case No. 1988-T-06 represents the first step in this approach.

Overview of proposed ordinance

You will find attached a proposed billboard text amendment to the Urbana Zoning Ordinance. This draft reflects the current ordinance adopted at this time. Should the City Council adopt the Omnibus Zoning Ordinance amendment now being reviewed by them, a few minor adjustments to the proposed billboard ordinance may be necessary. In the attached draft ordinance, proposed new wording is underlined, and proposed deletions are ~~struck out~~.

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

- *Separation distance.* The minimum separation distance between billboards would be increased from 300 feet to 1,500 feet. The primary purpose of this change is reduce the potential for billboard proliferation. Under the City’s existing Zoning Ordinance, approximately 122 new billboards could be constructed.
- *Rows of billboards per corridor.* Currently one row of billboards is allowed on each side of a roadway. A new standard for measuring billboard separation distances would essentially mean that only one row would be allowed. This does not mean that all billboards would have to be located on one particular side of a roadway as the new standard would allow them to alternate between sides as long as they maintain the minimum 1,500 separation distances.
- *Downtown billboards.* Currently billboards are allowed in the B-4, Central Business Zoning District and along Vine Street downtown. The new ordinance would remove these options. Large advertising structures such as billboards are reasonable in areas with higher travel speeds. But downtown has low travel speeds whether people are traveling by car, bicycle, or on foot. Also, billboards are incompatible with the heightened aesthetic concerns of traditional “Main Street” areas. Downtown business districts have their own special needs critical for their promotion and development. Large advertising structures in Urbana’s downtown are incompatible in this respect. And finally, allowing billboards downtown is incompatible with the goals and policies expressed in our

Comprehensive Plan, Downtown Strategic Plan, and Downtown Tax Increment Finance Plan.

- *Maximum height.* Currently billboards within 2,000 feet of I-74 and oriented toward the interstate are allowed an increased height up to 75 feet tall. Although this increases visibility of the billboard from the interstate, this allows extremely tall sign structures which are not only incompatible with adjoining uses but unfairly places on-site business signage at a competitive disadvantage. For on-premise signs, freestanding business signs are limited to 25 feet in height while freestanding shopping center signs are limited to 40 feet.
- *Building Encroachment.* Currently billboards can encroach up to nine feet into the airspace above buildings so long as the billboard is no closer than three feet to the roof. The revised ordinance would no longer allow billboards to encroach over the roofs. The purpose of this change is primarily for aesthetic purposes. Rooftop signs and billboards are prohibited, and a nine foot encroachment essentially allows a partial rooftop sign.
- Billboards currently have to comply with all the setback requirements for buildings in its respective zoning district, except that they can encroach in an otherwise required side yard setback in B-3 zoning districts. This exception would be eliminated as there seems to be no acceptable rationale for an exception for new billboards. In terms of enforcement
- *Minimum height.* The ordinance currently has a maximum height but no minimum. For safety purposes, a minimum height is necessary in cases where billboards would overhang driveways and parking lots where they may be hit by vehicles or impede traffic circulation. Additionally, billboards placed too low can block the view of businesses and business signage. The minimum height should fit the context of the particular site. Consequently, this aspect of billboards should be determined as part of the Special Use Permit approval process.
- *Special Use Permit.* The proposed ordinance would for the first time require that billboards obtain a Special Use Permit through the City Council. Although admittedly this requires more work on the part of the City, City staff believes it well worth the additional effort in terms of outcome. Billboards need to be context sensitive. In addition to following certain standards, new billboards should meet specific criteria such as being consistent with its architectural setting, staying clear of vehicular traffic, and not blocking further development and redevelopment of business corridors.
- *Measurement standards.* The ordinance needs to maintain precise standards for measuring the area of billboards, and these standards need to be located in the ordinance with the rest of the OASS standards. Currently area measurement standards are located in the definitions section of the zoning ordinance. As a rule, standards should not be included within the definition sections of zoning ordinances.

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

Summary of Staff Findings

1. The proposed Zoning Ordinance text amendment fulfills the intent of the Outdoor Advertising Sign Structures Moratorium.
2. The proposed amendment will further the City of Urbana’s goals, policies, and implementation strategies concerning outdoor advertising sign structures as expressed through the Comprehensive Plan, Zoning Ordinance, Downtown Strategic Plan, Tax Increment Finance District Plan, and other pertinent documents.
3. The proposed amendment addresses the goal of limiting billboard proliferation. Under the existing Zoning Ordinance, approximately 122 new billboards could be constructed in Urbana.
4. The proposed amendment addresses aesthetics. New standards and processes for billboard approval will require context sensitive design and better landscaping standards.
5. The proposed amendment includes new safety measures in terms of billboard placement and enactment of a vehicular clear zone.
6. The proposed amendment is intended to insure that billboards will not be a nuisance to existing businesses nor be an impediment to further development or redevelopment of business corridors.
7. The proposed amendment is intended to further economic development of Urbana by protecting and enhancing the community’s quality of life.

Options

The Plan Commission has the following options for recommendation to the Urbana City Council. In Plan Case 1988-T-06, the Plan Commission may:

- a. forward this case to City Council with a recommendation for approval of the proposed OASS text amendment to the Zoning Ordinance, as presented herein;
- b. forward this case to City Council with a recommendation for approval of the proposed OASS text amendment to the Zoning Ordinance, as modified by specific suggested changes; or
- c. forward this case to City Council with a recommendation for denial of the proposed OASS text amendment to the Zoning Ordinance.

Staff Recommendations

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Commission recommend **APPROVAL** of the proposed OASS text amendment to the Zoning Ordinance in its entirety, as presented herewith.

Prepared by:

Robert Myers, AICP
Planning Manager

Attachments: Exhibit A: Existing OASS Map
 Exhibit B: Detailed OASS Inventory
 Exhibit C: Proposed Zoning Ordinance text amendment

H:\Planning Division\001-ALL CASES\02-PLAN Cases\2006\1988-T-06, OASS Zoning Ordinance text amendment

cc: Adams Outdoor Advertising
 Redfish Advertising

Section II-3. Definitions

~~Sign:~~^[cddb21] Any name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business. Refer to Article IX for sign regulations.

1. *Freestanding Sign and Freestanding Outdoor Advertising Sign Structure:* Any sign or outdoor advertising sign structure completely or principally self-supported by posts or other supports independent of any building or other structures.
2. *Wall or Wall-Mounted Sign and Wall Mounted Outdoor Advertising Sign Structure:* A sign displayed on or visible through a wall of a building or structure so as to be seen primarily from the direction facing the wall. A wall sign or outdoor advertising sign structure attached to the exterior wall of a building or structure, which (in a plane parallel to the plane of said wall) does not extend or project more than 18 inches.
3. *Roof Sign:* A sign erected, constructed, or maintained upon or over a roof, and more than half of whose height is above the building height. A sign mounted on a roof, which does not qualify as a roof sign, shall be considered a wall sign.
4. *Permanent Sign:* A sign that is permanently affixed or anchored to the ground, building, or other structure.
5. *Projecting Sign:* A sign, other than a wall sign, which projects from and is supported by, or attached to, a wall of a building or structure.
6. *Portable Sign:* A freestanding sign not permanently anchored or secured to either a building or structure.
7. *Shopping Center/Commercial PUD Sign:* A sign designed for the purpose of advertising an entire shopping center. Individual businesses may list but an individual listing may not exceed 50% of the area of any face of the sign.
8. *Temporary Sign:* A sign intended for a limited or intermittent period of display which is readily movable and is not permanently anchored to the ground, building or other structure. Such sign is not a portable sign.
- ~~9. *Outdoor Advertising Sign Structure (OASS):* A standardized outdoor advertising display, including the permanent framework, structural members, support or supports, foundation, scaffolding and illumination, facing or panels, and message, which is intended and whose customary use is to mount periodically changing commercial or noncommercial displays and which is made generally available for display to the public by an outdoor advertising sign company on a short term basis. Such OASS's shall be limited to two standardized structures.~~
 - ~~a. The "30 sheet poster panel" or painted bulletin, whose outside dimensions, including trim, if any, but excluding the base, apron, supports, and other structural members is approximately 12 feet by 25 feet, containing 300 square feet of total display area;~~
 - ~~b. The "Junior panel" whose outside dimensions, including trim, if any, but excluding the base, apron, supports, and other structural members is approximately six feet by 12 feet, containing 72 square feet of total display area.~~

- c. ~~For the purpose of defining the height and width of an OASS, The term “approximately” shall permit the approval of an OASS containing lineal dimensions which deviate from the standardized dimension by no more than 20%. (Ord. No. 2001-05-044, 06-04-01)~~

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

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

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

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

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

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

ARTICLE IX. COMPREHENSIVE SIGN REGULATIONS^{*}

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

Section IX-1. Legislative Intent and Findings

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

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

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

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

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

intended to result in ~~OASS~~ OASS's that have an acceptable commercial, as opposed to industrial, appearance. (Ord. No. 2001-05-044, 06-04-01) ~~These~~ The sign regulations recognize the basic guaranteed right of freedom of speech and therefore are not intended to control the content of any message displayed ~~nor on signs or outdoor advertising sign structures and do not discriminate between on-premise and off-premise~~ messages signs.

Section IX-2. General Prohibition

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

Section IX-3. Measurement Standards

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- A. *Noncommercial Signs Not Subject to Section IX-6.* Noncommercial signs not subject to Section IX-6 shall be permitted in all zoning districts without a permit, subject to certain regulations. In the AG, CRE, and Residential zoning districts, noncommercial signs may be freestanding or wall signs; they shall be limited to six square feet in area and, if freestanding, shall not exceed a height of five feet. Further, in Residential zoning districts no permanent noncommercial sign shall be located in any required yard nor be illuminated.
- B. *Signs Allowed in All Districts Subject to Certain Regulations.* The signs specified in the following subsections are allowed in all zoning districts without a permit but are subject to the conditions and limitations set forth herein.
 1. *Official Signs:* Signs of a public, noncommercial nature erected by or on order of a public officer in the performance of a public duty. Such signs shall include but not be limited to safety signs, danger signs, traffic signs, memorial plaques, or signs indicating a scenic or historical point of interest.
 2. *Flags:* Flags bearing the official design of a nation, state, municipality, or noncommercial organization or institution.
 3. *Identification Signs:* Signs which identify the business, owner, manager, or resident and set forth the address of the premises where the sign is located, and which contain no other material; there may be two such signs per premise, in accordance with Section IX-5 B.12, and the total height of such a sign, if freestanding, shall not exceed five feet.
 4. *Integral Signs:* Names of buildings, dates of construction, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the building or structure.

5. *Institutional Signs:* Any sign or bulletin board setting forth and denoting the name of or simple announcement for any public, charitable, educational, or religious institution, when located on the premises of such institution, provided such sign or bulletin board or both shall not exceed a total of 20 square feet in display surface. If building mounted, these signs shall be flat wall signs, and shall not project above the roofline or front façade of the building. If freestanding, the total height shall not exceed six feet.
6. *Private Traffic Direction Signs and Related Signs:* Signs directing traffic movement onto a premise or within a premise, when such signs are located on the premise, do not exceed five square feet in area for each sign and, if freestanding, do not exceed five feet in total height. Such signs are considered to include parking directions, exit or entrance signs, drive-up window signs, restroom signs, and the like. Horizontal directional signs on the flush with paved areas are exempt from these standards.
7. *Individual Property Sale or Rental Signs:* Any sign announcing the name of the owner, manager, realtor, or other person directly involved in the sale or rental of the property, or announcing the purpose for which it is being offered. Such signs may be freestanding or wall-mounted only. Signs may not emit direct illumination, and must be removed within 14 days after the sale or rental of the property. Property sale or rental signs shall be subject to the standards and provisions specified in Table IX-7.
8. *Home Occupation Signs:* Home occupation signs, either wall-mounted or freestanding, not to exceed one per premise, and not to exceed one square foot in area.
9. *Subdivision Sign:* Any sign announcing the names of architects, engineers, contractors, or other individuals or firms, involved with the subdivision of property (but not including any advertisement of any product) or announcing the character of the subdivision or the purpose for which it is intended.
 - a) These signs shall be confined to the site of the subdivision, and shall be permitted for one year from the date of erection of the first of such signs. If development of the subdivision is not completed within one year after erection of the signs, the sign shall be permitted to exist an additional period, not to exceed one year.
 - b) Subdivision signs shall be subject to the provisions and standards specified in Table IX-8.
10. *Construction Signs:* Any sign announcing the names of architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a building (but not including any product) or announcing the character of the building enterprise or the purpose for which the building is intended, or to indicate the presence of underground public utility structures to avoid damage to structures by excavation.
 - a) Such signs shall be confined to the site of the construction, alteration, or repair, and shall be removed within 21 days after completion of the work.
 - b) Signs shall conform to the standards provided for individual property sale or rental signs in paragraph 7, above.
11. *Underground Public Utility Warning Signs:* Standard types of warning signs marking the routes of underground public utility pipes, conduits, and cables.

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

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

- A. Permanent noncommercial signs shall be permitted in all commercial and industrial zoning districts in accordance with the established sign standards by district and by sign type specified in Tables IX-1 through IX-4 and IX-6 and shall require a sign permit. However, with the exception of time and temperature signs up to 26 square feet in area, the erection of such signs authorized by this section waives the right to erect any permitted commercial signs of the same type authorized by this Article.
- B. Temporary noncommercial signs may be erected without a permit and without affecting the right to erect any permitted commercial sign or permanent noncommercial sign. Such temporary noncommercial sign shall be limited to six square feet in area.
- C. *Community Event Signs Requiring a Permit:*
 1. No community event sign shall be erected or maintained on or over any property owned or controlled by the City or public right-of-way by any person without first obtaining a permit issued by the Zoning Administrator, who shall observe the requirements and restrictions of this subsection of this Article in approving or disapproving the method of display, location, number and sizes of signs. The Zoning Administrator shall require submission of evidence as to general liability insurance or its equivalent which names the City as an additional insured in amounts of no less than combined property damage and personal injury limits of \$200,000.00 prior to issuance of a permit.
 2. *Zoning Districts Allowed:*
 - a) B-4, Central Business
 - b) B-4E, Central Business-Expansion
 3. *Numbers and Sizes of Signs:*
 - a) Permits shall be granted for no more than ten community event signs to be displayed on any day. Where approved applications are received from more than one organization for such signs to be displayed on the same day, and the total number exceeds the maximum provided in this section, each organization shall receive a permit for a pro rate number of such signs.
 - b) Community event signs shall be no larger than 50 square feet in display area.
 4. *Length of Time of Display:*
 - a) Community event signs shall be displayed for not more than a consecutive 30 day period.

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

5. *Electronic Display Sign:*

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

- a) The sign must display a preponderance of community event messages in volume, number, and frequency;
- b) Illumination from the sign will not cause a nuisance to any nearby residential district or use;
- c) The sign will not blink, flash, or otherwise display electronic messages in a manner that may cause a traffic or safety hazard; and
- d) The sign shall not be located within 450 feet of another community event electronic display sign.

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

Section IX-7. Prohibited Signs

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

1. Any sign which, by reason of its size, location, movement, content, coloring, or manner of illumination, constitutes an obvious traffic hazard or a detriment to traffic safety by obstructing or detracting from the visibility of any official traffic control device;
2. Any sign which contains or is an imitation of an official traffic sign or signal, except for private traffic direction signs specifically permitted in Section IX-5-B(6);
3. Any sign which moves or rotates in any way provided, however, that a sign which revolves 360° degrees but does not exceed eight revolutions per minute is permitted, except within 50 feet of any public street or where the nearest lot contains a residential dwelling unit, public school, park, hospital, or nursing home;

4. Any sign which contains blinking, flashing lights, unless such lights are permitted in Section IX-5 or IX-6; (Ord. No. 2002-02-011, 02-04-02)
5. Any sign which contains or consists of banners, pennants, ribbons, streamers, strings of light bulbs, spinners, or similar devices, unless such signs are permitted in Sections IX-4, IX-5 and IX-6;
6. Any sign which for 30 consecutive days has directed attention to a product, place, activity, person, institution, or business which was formerly but is no longer in operation or existence on the premises;
7. Any sign not in compliance with the requirements of Section IX-4, IX-5, or IX-6.
8. Any portable sign. (Ord. No. 9495-81, 3-6-95)

B. *Removal of Prohibited Signs:*

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

Section IX-8. Permits for Signs

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

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

- B. *Application for a Permit.* Application for a sign permit shall be filed by the owner of the sign or an outdoor advertising sign structure, or by his/her agent, with the Zoning Administrator of the City of Urbana. The application shall contain the following information:

1. Name, address and telephone number of the owner of the sign or outdoor advertising sign structure and agent, if any;
2. Location of building, structure, or lot to which or upon which the sign or outdoor advertising sign structure is to be attached or erected;
3. Position of the sign or outdoor advertising sign structure in relation to nearby buildings or structures;

4. Two prints or ink drawings of the plans and specifications indicating the method of construction and attachment to the buildings or in the ground. No such prints or ink drawings shall be required for Section IX-5 signs, unless such signs require a permit, for temporary signs permitted in Section IX-4, for signs the fair market value of which is less than \$500.00 and which are erected in compliance with a standard method, the plans for which are now with the City, or for signs or outdoor advertising sign structures where drawings are already on file with the Zoning Administrator;
 - 4.
 5. Name of person, firm, corporation, or association erecting sign or outdoor advertising sign structure;
 6. Evidence of written consent of the owner of the building, structure, or land to which or on which the sign or outdoor advertising sign structure is to be erected;
 7. A copy of any necessary permits from the Illinois Department of Transportation, including permits to construct OASS along Federal and State highways. Where both City and State permits are required for any OASS, the City shall issue no permit for said OASS before issuance of the State permit.
 8. In the case of applications for OASS, a completed Special Use Permit application form with exhibits required to show compliance with the standards in Table IX-5 and other applicable zoning standards.
- ~~7.9.~~ Such other information as the Zoning Administrator shall require to show full compliance with this and all other laws and ordinances of the City. (Ord. No. 9495-81, 3-6-95)
- C. *Inspection upon Completion.* The applicant who has been issued a permit for construction, installation, erection, relocation, or alteration of a sign or outdoor advertising sign structure shall, upon completion of the work, notify the Zoning Administrator, who shall inspect the ~~condition of~~ the sign or outdoor advertising sign structure as constructed for compliance with City requirements with respect to its safety and location, and, if he/she finds that the same has been constructed in compliance with the ordinances of the City, he/she shall then issue such applicant a permit in writing, authorizing such applicant to operate and maintain the sign or outdoor advertising sign structure as permitted.
- D. *Nullification.* If the work authorized under a permit to build has not been substantially completed within six months after the date of its issuance, the permit shall become void.
- E. *Permit Exceptions.* The following operations shall not be considered as "installing, constructing, erecting, altering, reconstructing, relocating," or creating a sign or outdoor advertising sign structure and shall not require a permit, notwithstanding the foregoing requirements of Section IX-8-A:
1. The changing of the advertising copy, face ~~facial~~ panel or panels, or message on an outdoor advertising sign structure, painted, ~~or printed,~~ or electronic sign or on changeable letter panels or bulletin boards specifically designed for the use of replaceable copy.
 2. Painting, repainting, cleaning and other normal maintenance and repair of a sign, sign structure, or outdoor advertising sign structure.
 3. ~~Existing OASS's (other than those to be removed by Settlement Agreement arising out of litigation in Case No. 76-C-1070) may continue to be maintained in all respects; may be rebuilt for any reason; but may not be enlarged.~~

- F. *Issuance of Permit.* The permit shall be issued by the Zoning Administrator within 30 days of application once all of the above requirements are met.
- G. OASS permit priority. OASS permit applications shall be reviewed and approval granted in the chronological order of receipt of complete applications. OASS Special Use Permit applications lacking any necessary permits issued by the Illinois Department of Transportation shall be deemed incomplete.

Section IX-9. Enforcement and Penalties

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

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

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

If a temporary sign is displayed in violation of this Ordinance, the Zoning Administrator or his/her duly authorized representative shall issue a written warning to any person reasonably believed to be an employee of the business at the location of the illegal sign display if the individual or business that is responsible for said sign has not violated the regulations pertaining to temporary sign displays within the preceding 365 days. The warning shall require that either the offending sign be removed or that a permit for said sign be obtained within 24 hours of receipt of the warning. If the offending temporary sign is not removed or a permit for said sign is not obtained within that 24 hour period, or if the business or individual responsible for said sign has violated the regulations pertaining to temporary sign displays within the preceding 365 days, then that individual or business shall be subject to fines pursuant to Section XI-9 of the Ordinance.

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

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

- C. The owner of the sign shall remove it if such a sign identifies the location of a product, place, activity, person, institution, or business that no longer exists at that location. If the owner or lessee fails to remove the sign, the Zoning Administrator shall notify the owner or lessee, in writing, and allow fifteen days for removal. Upon failure of the owner or lessee to comply with the notice, the Zoning Administrator may remove the sign at cost to the owner or lessee.
- D. Signs and outdoor advertising sign structures may be inspected periodically by the Zoning Administrator for compliance with this Ordinance and with other ordinances of the City. All signs, sign structures, and outdoor advertising sign structures and their component parts are to be kept in good repair and in safe, sanitary condition.

~~Section IX-10. Outdoor Advertising Sign Structures Moratorium~~

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

- ~~1. To preserve and protect the health, safety, and welfare of the citizens of the City by preventing the erection of new OASS which conflict with the intent and purpose of the Comprehensive Sign Regulations of the Zoning Ordinance or with the implementation of the City's comprehensive plans and adopted redevelopment plans or programs.~~
- ~~2. Review the advisability, the details, and ramifications of potential revisions to the number, placement, and development regulations pertaining to OASS. In doing so, consider the following:~~
 - ~~a) Review issues of potential benefits and costs to the community.~~
 - ~~b) Review the ramifications of OASS regulation with respect to relevant legislation and case law.~~
 - ~~c) Review the ramifications of OASS regulation with respect to relevant legislation and case law.~~
 - ~~d) Consider the impacts of any moratorium and subsequent amendments upon vested rights and property rights.~~
 - ~~e) Review the influence of OASS regulation of other communities.~~
- ~~3. Review potential amendments to the current regulations such as: The advantages and disadvantages for "cap and replace" type restrictions and/or limitations on the total number of allowable OASS.~~
 - ~~a) Increase in the spacing requirement between OASS~~
 - ~~b) Imposition of a minimum height for OASS in several or certain locations and/or introduce limitations on the permitted deviation in the requested versus actual built heights.~~
 - ~~c) Treatment of OASS as principal uses.~~
 - ~~d) Improvements to existing landscape and appearance regulations for OASS~~
 - ~~e) Review of maximum permitted sign face area for OASS. (As recommended by Plan Commission)~~
- ~~4. Seek resolution of issues posed by overlapping Illinois Department of Transportation sign regulations.~~

- ~~5. Review potential application of new technologies for OASS display, including tri-vision messaging.~~
 - ~~6. Review consistency of OASS regulations with the City's Comprehensive Plan and Redevelopment Plans.~~
 - ~~7. Review impacts of OASS placement on business visibility, site development potential, and other zoning regulations.~~
 - ~~8. Consider changes to permitting procedures.~~
 - ~~9. Review the impact of existing OASS's on downtown and methods of reducing the impact of future development of OASS's on the downtown business area.~~
- ~~B. *Boundaries.* The Interim Development Ordinance (IDO) would apply to all property within the Urbana City limits (and any property that may be annexed during the period of the moratorium) that permit the construction and operation of an OASS. These areas are along FAP or FAI routes in areas zoned B-3 (General Business), B-4E (Central Business Expansion) and IN (Industrial) and within 660 feet of either side of such FAP/FAI routes; in B-3, and IN districts along Lincoln Avenue north of Bradley Avenue; and in B-3, B-4, B-4E and IN districts along Vine Street between Main Street and University Avenue, as set forth in the Urbana Zoning Ordinance.~~
- ~~C. *Use Regulations.* The IDO will prevent the issuance of all permits for OASS, other than those that meet the requirements for the variations and exceptions listed below. The IDO would not apply to other types of signs.~~
- ~~D. *Duration.* The IDO will be in effect for 365 calendar days from the date of adoption by the City Council.~~
- ~~E. *Variation or Exception.* The proposed amendment allows some exceptions to the moratorium on permits to accommodate special circumstances that may occur while the IDO is in effect. Under the proposal, permits for OASS may be allowed under the following circumstances:~~
- ~~1. *Previously Approved* - Those OASS that have been previously approved but not yet erected, for which substantially completed applications were received prior to the adoption of Resolution 2004-08-018R, and/or which are referenced as a part of a previously approved development agreement or annexation agreement shall not be covered by the moratorium.~~
 - ~~2. *Replacement* - The Zoning Administrator may authorize issuance of a permit to replace an existing OASS if said OASS is damaged, through no fault of the owner, to the extent that complete removal and replacement is required.~~
 - ~~3. *Repair* - The Zoning Administrator shall allow permits for repair and maintenance of existing OASS, particularly where issues of safety or blight are present.~~
 - ~~4. *Hardship* - The Zoning Administrator may authorize the issuance of a permit for a new OASS when the owner of the property can demonstrate that disallowing such a permit would eliminate any reasonable use of the property.~~

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

TABLE IX-1. STANDARDS FOR FREESTANDING SIGNS

Districts Permitted	Maximum Number Permitted	Maximum Area Of Sign	Maximum Height Of Sign	Location of Sign
B-1 Neighborhood Business (Ord. No. 2004-03-029, 04-30-04)	Each business is permitted one freestanding sign except that no freestanding sign is permitted if a projecting or roof sign exists on the lot. In the case where a lot has two frontages, one sign per frontage is permitted provided the cumulative square footage of both freestanding signs does not exceed 32-square feet in area.	32 square feet	15 feet at minimum setback line and 1 foot per 2 feet additional setback, up to 25 maximum.	Signs shall not extend over the public right-of-way, and shall conform to the setback requirements for structures in the applicable district. No freestanding signs permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.
B-2 Neighborhood Business Arterial	Each business is permitted one sign per business frontage up to 300 feet, and one additional sign for up to each 300 feet of business frontage thereafter; except that no free-standing sign is permitted if a projecting or roof sign exists on the same frontage.	32 square feet	15 feet at minimum setback line and 1 foot per 2 feet additional setback, up to 25 maximum.	Signs shall not extend over the public right-of-way, and shall conform to the setback requirements for structures in the applicable district. No freestanding signs permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.
B-3 General Business B-4 Central Business		50 square feet	25 feet at minimum setback line and 1 foot per 2 feet additional setback, up to 25 feet maximum	
IN Industrial		150 square feet	25 feet at minimum setback line and 1 foot per 2 feet additional setback, up to 40 feet maximum (See note below)	
B-4E Central Business Expansion	Each business is permitted one sign per frontage up to 300 feet, and one additional sign for each 300 feet of frontage thereafter; except that no freestanding sign is permitted if a projecting or roof sign exists on the same frontage.	50 square feet	5 feet within front setback; 19 feet at minimum setback line and 1 foot per 2 feet additional setback up to a maximum of 30 feet.	Signs shall not extend over the public right-of-way. No freestanding signs permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.
B-3U General Business (University)	Each business is permitted one sign per frontage, except that no free-standing sign is permitted if a projecting sign exists on the same frontage.	32 square feet	8 feet	Signs shall not extend within 5 feet of any property line.
MOR – Mixed Office Residential			5 feet	Signs shall not extend within one foot of any property line nor constitute a traffic hazard as determined by the Development Review Board or any city ordinance.

NOTE: If a sign in the B-3, General Business, or IN, Industrial, zone is: (1) directed primarily toward the users of an interstate highway; (2) within two thousand feet (2,000') of the center line of an interstate highway; and (3) more than five hundred feet (500') from any residential district, school, park, hospital, or nursing home, it may rise only to such a height as to be visible from within one-half (1/2) mile away along the highway, but not to exceed a height of seventy-five feet (75') and an area of one hundred fifty (150) square feet.

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

District Permitted	Maximum Number Permitted	Total Maximum Area Of Wall Signs per Frontage	Maximum Height and Location of Signs
R-6B Restricted Business B-1 Neighborhood Business B-2 Neighborhood Business-Arterial B-3U General Business-University	No Limit	10% of wall area, not to exceed 150 sq. ft. maximum	Signs shall not extend beyond the top or ends of the wall surface on which they are placed. In the B-1, Neighborhood Business Zoning District, no wall signs are permitted when the wall immediately faces a residential use or zone and is not separated by a right-of-way. (Ord. No. 2004-03-029, 04-30-04)
B-3 General Business B-4 Central Business B-4E Central Business Expansion		10% of wall area, not to exceed 175 sq. ft. maximum	
IN Industrial		15% of wall area, not to exceed 200 sq. ft. maximum	
MOR Mixed Office Residential		10% of wall area, not to exceed 75 sq. ft. maximum	

TABLE IX-3. STANDARDS FOR PROJECTING SIGNS

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

Footnote 1. Projecting signs extending over the right-of-way shall not be lit internally; the dimension between the two principal faces (i.e., the thickness or depth) shall not be greater than six (6) inches; and a minimum separation of twenty feet (20) must be maintained between such signs; however in no case should more than one such sign per business frontage be permitted.
 (Ord. No.2002-09-111, 06-17-02)

TABLE IX-4. STANDARDS FOR ROOF SIGNS

District Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Sign	Location of Sign
B-4 Central Business B-4E Central Business Expansion	One per premise, except no roof sign is permitted if a freestanding sign or projecting sign exists on the same frontage.	75 square feet	9 feet as measured from that part of roof immediately below sign, but in no case shall the height exceed maximum height authorized in zoning district.	Sign must be located wholly within the roof area of structure.
B-3 General Business		50 square feet		
IN Industrial		100 square feet	11 feet as measured from that part of roof immediately below sign, but in no case shall height exceed maximum height authorized in zoning district.	

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

<u>OASS Type</u>	<u>Zoning Districts Permitted</u>	<u>Maximum Number of Sign Faces Permitted</u>	<u>Maximum Area of OASS per Sign Face²</u>	<u>Maximum Height Requirements for OASS</u>	<u>Location of OASS and Separation of OASS</u>	<u>Special Use Permit Requirements Design Criteria</u>
<p><u>Wall mounted</u></p>	<p><u>B-3 General Business</u> <u>B-4E Central Business Expansion</u> <u>IN Industrial</u></p> <p>Such new OASS's shall be allowed only along FAP or FAI routes, as designated by IDOT as of March 1, 1981, in areas zoned B-3 (General Business), B-4E (Central Business Expansion) and IN (Industrial) and within 660 feet of either side of such FAP/FAI routes; in B-3, and IN districts along Lincoln Avenue north of Bradley Avenue; and in B-3, B-4, B-4E and IN districts along Vine Street between Main Street and</p>	<p>One per wall provided no other exterior wall signs are displayed on the same wall. on display.</p>	<p>300 sq. ft.</p>	<p>Shall not Not to project above the roofline or edges of wall upon which the OASS is mounted.</p>	<p>No OASS shall be permitted farther than 660 feet of the right-of-way of any of the following roadways: Interstate 74; University Avenue; Cunningham Avenue north of University Avenue; U.S. Route 150; and Lincoln Avenue north of Bradley Avenue. [same corridors as currently except for Vine Street]</p> <p><u>Separation. The location of each AOSS shall comply with the following minimum separation requirements:</u></p> <p>1. <u>No less than 1,500 feet from any other billboard, as measured using the standards provided in Section IX-3.C;</u></p> <p>2. <u>No less than 300 feet from any Residential, AG, or CRE zoning district, including those of other governmental jurisdictions; and</u></p> <p>3. <u>No less than 300 feet to any historic landmark or historic district as designated by the City of Urbana.</u></p> <p>OASS shall conform to the setback requirements for buildings in the IN, B-3 and B-4E zoning districts¹². No OASS shall be permitted within 50 feet of any Residential, CRE or AG Zoning District. Further, such OASS's shall not be located within 300 feet of any free-standing or wall mounted OASS.³</p>	<p>See footnote 8,9,13</p> <p><u>Approval of OASS shall be allowed by approval of a Special Use Permit by the City Council. Special Use Permits may be revoked by the City Council if not erected or maintained in accordance with the terms of the SUP or this Zoning Ordinance. Applications shall demonstrate compliance with the following standards:</u></p> <p>All visible structural elements (excluding the changeable portion of the display) shall be compatible with the surrounding area in terms of architectural design and/or color, by the zoning Administrator based on the Comprehensive Sign Regulations. [moved from footnotes]</p> <p><u>Billboard lighting shall be effectively shielded so as to prevent light from being directed at roadways.</u></p> <p><u>No billboard shall overhang a public or private right-of-way.</u></p>

	<u>University Avenue</u> ^{2,4,5}					
<u>Roof or marquee mounted</u>	<u>Expressly prohibited in all zoning districts</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>
<u>Free-standing</u>	<p><u>B-3 General Business</u></p> <p><u>B-4E Central Business Expansion</u></p> <p><u>IN Industrial</u></p>	<p>2 per OASS</p> <p>("back-to-back" displays shall be deemed to be a single structure)¹ [moved from adjacent column]</p>	<p>300 sq. ft.</p> <p>("back-to-back" displays shall be deemed to be a single structure)¹ [moved to adjacent column]</p>	<p><u>Maximum height by zoning district:</u></p> <p>B-3, B-4 – 35 feet,</p> <p>B-4E – 35 feet¹⁴</p> <p>IN – 40 feet²</p> <p><u>Minimum height: 14 feet as measured in Section IX-3.B.</u></p>	<p><u>Same as for wall-mounted OASS.</u></p> <p><u>Same as wall OASS's.</u></p>	<p><u>See footnote 7,8,9,10,13</u></p> <p><u>Approval of OASS shall only be allowed through approval of a Special Use Permit by the City Council, applications for which shall demonstrate compliance with the following minimum standards:</u></p> <p><u>OASS shall conform to the setback requirements for buildings within its zoning district.</u></p> <p>All visible structural elements (excluding the changeable portion of the display) shall be compatible with the surrounding area in terms of architectural design and/or color, by the zoning Administrator based on the Comprehensive Sign Regulations. [moved from footnotes]</p> <p>OASS shall not include ladders as an element thereof, except those ladders that are contained entirely in the area behind the display area(s). [moved from footnotes]</p> <p>OASS shall not be cantilevered, other than the "flag" design. That is, the structure shall not use an offset beam to support the display area(s). [moved from footnotes]</p> <p>No portion of a freestanding OASS shall encroach more than nine feet into the airspace created by the outline of a roofline projected upward. Any OASS encroaching into a roofline shall have a minimum clearance of three feet over the building above which it is located. [moved from footnote]</p> <p><u>A landscaped area shall be provided at the base of each freestanding OASS with a minimum size of half a square foot of planting area per one square foot of aggregate sign face area. At least one shrub shall be planted per each 15 square feet of landscape area, or fraction thereof, as provided in Table VI-3 of this Zoning Ordinance, and maintained at a minimum height of 48 inches.</u></p>

						<p><u>One evergreen, planted and maintained with minimum height of six feet, may be substituted per two shrubs listed in Table VI-3.</u></p> <p><u>Billboard lighting shall be effectively shielded so as to prevent light from being directed at roadways.</u></p> <p><u>No billboard shall overhang a public or private right-of-way.</u></p>
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Notes: ~~No outdoor advertising sign structure shall be erected on a roof or marquee. Further, these regulations must be interpreted consistent with the injunction issued in Champaign County Circuit Court 76-C-1060, C-U Poster versus Urbana. [first portion moved to table]~~

- 1 "Back-to-back" shall mean faces erected at a parallel plane separated by no greater than three feet, or faces erected at no greater than a 45 degree angle to each other.
2. ~~If an OASS is: (1) directed primarily towards users of a highway in the National Interstate and Defense Highway System, (2) within 2,000 feet of the center line of such highway, and (3) more than 500 feet from any residential district, school, park, hospital, nursing home or other OASS, then the sign may be erected to such height as to be visible from a distance of one-half mile on the highway or a maximum height of 75 feet, whichever is less, and the sign may have an area not greater than 300 square feet. Said regulations apply only to OASS's facing Interstate Highway 74; they do not apply to OASS's facing Federal Aid Primary Highways.~~
3. ~~For purposes of determining separation measurements, the following shall apply:

 - a. ~~Separation measurements between OASS's shall be measured along same side of a street.~~
 - b. ~~Measurements from wall OASS's shall be made from the closest edge or projection of the OASS to the OASS which it is being separated.~~
 - c. ~~Measurements from freestanding OASS's shall be made from the closest ground projection or support of the structure to the structure from which it is being separated.~~~~
4. ~~Said FAI and FAP areas include Routes 45, 150, and 10 (University Avenue from Wright Street to I-74); all of Route 45 (Cunningham Avenue) north of University Avenue; and I-74. For purposes of future OASS erection, South Philo Road shall not be included as FAP, although it may be or may have been so designated by the Illinois Department of Transportation.~~
5. ~~OASS's along Vine Street between Main Street and University Avenue shall be located within one hundred feet (100') of the centerline of Vine Street. [deleted without moving to table]~~
6. ~~This table sets standards for future outdoor advertising structures. Except for those outdoor advertising sign structures which are to be removed pursuant to the Settlement Agreement arising out of the litigation in 76-C-1070, existing outdoor advertising sign structures in the City of Urbana are expressly permitted and in compliance with this Article.~~
7. ~~Structural members of an OASS attached to the ground shall be encompassed by landscaping for a minimum horizontal radius of five feet from the center of the structural element. Landscaping must be planted and maintained according to the standards of Section VI-5.G.2.h, i, j, k, l, and n. OASS's may also be approved which contain, as a component of the OASS, a geometric shape enclosure around the supporting pole(s) with a vertical dimension twice that of its horizontal dimensions and an architectural design consistent with the intent of the Comprehensive Sign Regulations, or another design feature consistent with these regulations, as defined in Section IX-1., Legislative Intent and Findings. All supporting poles, such as I-beams, must be enclosed. [deleted with new landscape requirements in the table]~~
8. ~~All visible structural elements (excluding the changeable portion of the display) shall be compatible with the surrounding area in terms of architectural design and/or color, as determined by the zoning Administrator based on the Comprehensive Sign Regulations. [moved to table]~~

- ~~9. OASS shall not include ladders as an element thereof, except those ladders that are contained entirely in the area behind the display area(s).~~
- ~~10. OASS shall not be cantilevered, other than the "flag" design. That is, the structure shall not use an offset beam to support the display area(s).~~
- ~~11. No portion of a freestanding OASS shall encroach more than nine feet into the airspace created by the outline of a roofline projected upward. Any OASS encroaching into a roofline shall have a minimum clearance of three feet over the building above which it is located. [deleted]~~
- ~~12. In the B-3 Zoning District, OASS may encroach five feet into the ten side yard setback if the property on which the OASS is proposed is adjacent to another property zoned B-3. [deleted and not moved]~~
- ~~13. OASS are limited to two standard structures, as indicated in the definition.

 - ~~a. The "30 sheet poster panel," or painted bulletin, whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately 12 feet by twenty five 25 feet, containing 300 square feet of total display area;~~
 - ~~b. The "junior panel" whose outside dimensions, including trim, if any but excluding the base, apron, supports and other structural members is approximately six feet by 12 feet, containing 72 square feet of total display area.~~
 - ~~c. For the purpose of defining the height and width of an OASS sign face, the term "approximately" shall permit the approval of an OASS containing lineal dimensions that deviate from the standardized dimension by no more than 20%. [moved to Section IX-3 and Table IX-6].~~~~

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

Districts Permitted		Maximum Number Permitted	Maximum	Maximum Height of OASS	Location of OASS and Separation	Design Criteria

<p>Such new OASS's shall be allowed only along FAP or FAI routes, as designated by IDOT as of March 1, 1981, in areas zoned B-3 (General Business), B-4E (Central Business Expansion) and IN (Industrial) and within 660 feet of either side of such FAP/FAI routes; in B-3, and IN districts along Lincoln Avenue north of Bradley Avenue; and in B-3, B-4, B-4E and IN districts along Vine Street between Main Street and University Avenue^{2,4,5}</p>		<p>One per wall + provided ed ne oth er ext eri or wal l sig ne are on dis pla y-</p>	<p>300</p>	<p>Not to p r o j e c t a b o v e r e o ff i n e o r e d g e s e f w a ll u p o n w h i c h O A</p>	<p>OASS shall conform to the setback requirements for buildings in the IN, B-3 and B-4E zoning districts⁴². No OASS shall be permitted within 50300 feet of any Residential, CRE or AG Zoning District, or within 300 feet of any historic landmark or historic district. Further, such OASS'</p>	<p>See fo ot n ot e s, 9, 1 3 1 4</p>
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Editor's note – Ord. No. 8485-73, § 2, enacted Apr. 15, 1985, repealed in its entirety Article IX, §§ IX-1 – IX-9, comprising the City's comprehensive sign regulations, and enacted in lieu thereof similar materials designated as Art. IX, §§ IX-1 – IX-9. Prior to enactment of said Ord. No. 8485-73, Art. IX was derived from Ord. No. 7980-68, adopted Dec. 17, 1979; Ord. No. 8283-43, §§ 6, 7, adopted Jan. 17, 1983; and Ord. No. 8485-54, § 1, adopted Feb. 4, 1985.

					<p>S S i s m e u n t e d -</p>	<p>s shall not be located within 300 1500 feet of any free- standin g or wall moun te d OASS.3</p>	
		<p>2 per QA SS</p>	<p>300</p>	<p>IN 4 0 f e e t 2 B 3, B 4 1 3 5 f e e t, B 4E 1 3 5 f e e t + + 3</p>	<p>Same as wall OASS: s.</p>	<p>See fo ot n ot e 7, 8, 9, 4 0, 4 3 4 4</p>	

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

- ~~1. "Back-to-back" shall mean faces erected at a parallel plane separated by no greater than three feet, or faces erected at no greater than a 45-degree angle to each other.~~
- ~~2. If an OASS is: (1) directed primarily towards users of a highway in the National Interstate and Defense Highway System, (2) within 2,000 feet of the center line of such highway, and (3) more than 500 feet from any residential district, historic landmark or historic district, school, park, hospital, nursing home or other OASS, then the sign may be erected to such height as to be visible from a distance of one-half mile on the highway or a maximum height of 75 feet, whichever is less, and the sign~~

~~may have an area not greater than 300 square feet. Said regulations apply only to OASS's facing Interstate Highway 74; they do not apply to OASS's facing Federal Aid Primary Highways.~~

- ~~3. For purposes of determining separation measurements, the following shall apply:
 - a. Separation measurements between OASS's shall be measured horizontally along same side the center line of a street or highway to which the sign is directed as set for in the attached picture.
 - b. Measurements from wall OASS's shall be made from the closest edge or projection of the OASS to the OASS which it is being separated.
 - c. Measurements from freestanding OASS's shall be made from the closest ground projection or support of the structure to the structure from which it is being separated.~~
- ~~4. Said FAI and FAP areas include Routes 45, 150, and 10 (University Avenue from Wright Street to I-74); all of Route 45 (Cunningham Avenue) north of University Avenue; and I-74. For purposes of future OASS erection, South Philo Road shall not be included as FAP, although it may be or may have been so designated by the Illinois Department of Transportation.~~
- ~~5. OASS's along Vine Street between Main Street and University Avenue shall be located within one hundred feet (100') of the centerline of Vine Street.~~
- ~~6. This table sets standards for future outdoor advertising structures. Except for those outdoor advertising sign structures which are to be removed pursuant to the Settlement Agreement arising out of the litigation in 76-C-1070, existing outdoor advertising sign structures in the City of Urbana are expressly permitted and in compliance with this Article.~~
- ~~7. Structural members of an OASS attached to the ground shall be encompassed by landscaping for a minimum horizontal radius of five feet from the center of the structural element. Landscaping must be planted and maintained according to the standards of Section VI-5.C.2.h, i, j, k, l, and n. OASS's may also be approved which contain, as a component of the OASS, a geometric shape enclosure around the supporting pole(s) with a vertical dimension twice that of its horizontal dimensions and an architectural design consistent with the intent of the Comprehensive Sign Regulations, or another design feature consistent with these regulations, as defined in Section IX-1., Legislative Intent and Findings. All supporting poles, such as I beams, must be enclosed.~~
- ~~8. All visible structural elements (excluding the changeable portion of the display) shall be compatible with the surrounding area in terms of architectural design and/or color, as determined by the zoning Administrator based on the Comprehensive Sign Regulations.~~
- ~~9. OASS shall not include ladders as an element thereof, except those ladders that are contained entirely in the area behind the display area(s).~~
- ~~10. OASS shall not be cantilevered, other than the "flag" design. That is, the structure shall not use an offset beam to support the display area(s).~~
- ~~11. No portion of a freestanding OASS shall encroach more than nine feet into the airspace created by the outline of a roofline projected upward. Any OASS encroaching into a roofline shall have a minimum clearance of three feet over the building above which it is located.~~
- ~~12. In the B-3 Zoning District, OASS may encroach five feet into the ten side yard setback if the property on which the OASS is proposed is adjacent to another property zoned B-3.~~
- ~~_____ OASS shall be constructed at the lowest height possible; however, OASS shall not block the public visibility of any on-premise signs or the visibility for motorists of any official traffic sign, signal, or device.~~
- ~~13. OASS are limited to two standard structures, as indicated in the definition:
 - a. The "30 sheet poster panel," or painted bulletin, whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately 12 feet by twenty five 25 feet, containing 300 square feet of total display area;
 - b. The "junior panel" whose outside dimensions, including trim, if any but excluding the base, apron, supports and other structural members is approximately six feet by 12 feet, containing 72 square feet of total display area.
 - c. For the purpose of defining the height and width of an OASS, the term "approximately" shall permit the approval of an OASS containing lineal dimensions that deviate from the standardized dimension by no more than 20%.~~

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

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

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

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

Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Free-standing Sign (See Note 2)	Location of Sign
R-1 and R-2 Single-Family & R-3 Single & Two-Family Residential	One per dwelling	3 square feet	5 feet	10-foot minimum setback from curb line but wholly upon the premises.
R-4, R-5, & R-6 Multiple Family Residential R-6B, Restricted Business & R-7 University Residential	One per apartment building or dwelling	10 square feet	10 feet	10-foot minimum setback from curb line but wholly upon the premises.
AG Agriculture	One per 660 foot frontage	32 square feet	15 feet	Signs shall conform to the setback requirements for structures in the applicable districts.
B-1 Neighborhood Business B-2 Neighborhood Business Arterial B-3U General Business University MOR Mixed Office Residential	One per frontage			
B-3 General Business B-4 Central Business B-4E Central Business Expansion	One per frontage (See Note 1)	50 square feet	25 feet	
IN Industrial		150 square feet		

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

TABLE IX-8. STANDARDS FOR SUBDIVISIONS SIGNS

Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Sign	Location of Sign
R-1 & R-2 Single-Family & R-3 Single- & Two-Family Residential	One sign per street bordering or entering the subdivision	50 square feet	10 feet	10-foot minimum setback wholly upon the premises.
R-4, R-5, R-6 Multiple Family Residential R-6B, Restricted Business & R-7, University Residential				Signs shall conform to the setback requirements for structures in applicable district.
AG Agriculture B-1 Neighborhood Business B-2 Neighborhood Business Arterial B-3 General Business B-3U General Business University				
MOR Mixed Office Residential				
B-4 Central Business B-4E Central Business Expansion		75 square feet	15 feet	
IN Industrial		100 square feet	20 feet	

TABLE IX-9. FREESTANDING SHOPPING CENTER SIGNS

Class of Shopping Center/PUD	Districts Permitted	Maximum Number Permitted	Maximum Area¹	Maximum Height	Location	Individual³ Business May List
General Shopping Center	R-6B – S B-2 – S B-3 – S B-3U – S B-4 – S B-4E – S IN – S	Two signs per frontage	150 sq. ft., for shopping center located on lots greater than five (5) acres, 50 additional sq. ft. may be permitted for use as a directory	30 feet at minimum setback line plus one additional foot per 2 feet additional setback thereafter up to 40 feet maximum	Signs shall not extend over the public right-of-way, and shall conform to the setback requirements for structures in the applicable district. No freestanding signs permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.	Yes
Convenience Shopping Center	R-6B – S B-1 – S B-2 – S B-3 – S B-3U – S B-4 – S B-4E – S IN – S		75 square feet ²			

Notes:

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

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

³Individual businesses may list, but an individual listing may not exceed 50% of the area of any face of the sign.

Section X-9. Nonconforming Signs

- A. Signs that do not conform to the provisions of Article IX as of January 6, 1980, or thereafter, are nonconforming uses.
- B. Unless otherwise authorized by the Board of Zoning Appeals, a nonconforming sign or outdoor advertising sign structure may not be:
 - 1. Changed to another nonconforming sign;
 - 2. Structurally altered so as to prolong the life of the sign;
 - 3. Expanded;
 - 4. Re-established after its removal for 90 days;
 - 5. Re-established after damage or destruction, if the estimated expense of reconstruction exceeds 50% of the appraised replacement cost at the time of the damage or destruction;
 - 6. Relocated unless such relocation brings the sign into conformance with all the requirements of this Ordinance, except that where a nonconforming sign is located within a right-of-way taken or acquired by a public body for street improvement purposes, then the relocation of such a sign is permitted, provided that the relocation of such a nonconforming sign shall not extend the requirements for removal as set forth in Section X-9.C.1 and Section X-9.C.2.
- C. All nonconforming signs shall be removed or brought into conformity with this Ordinance within the following time periods:
 - 1. For all nonconforming signs: five years from the effective date of annexation or five years from the effective date of an ordinance redistricting a parcel or lot through a zoning map change or five years from the effective date of an ordinance amending the Zoning Ordinance text; however, no sign controlled by this Article need be removed sooner than ten years from the date the sign permit authorizing the erection of the sign was issued.
 - 2. For all signs existing prior to January 7, 1980, rendered nonconforming as a result of the 1979 Comprehensive Amendment to this Ordinance No. 7980-68; upon voluntary removal or sudden damage or sudden destruction or other Act of God where the cost of damage exceeds 60% of the replacement cost of the sign. Further, where any on-premise, freestanding sign has been made nonconforming due to increased yard requirements as a result of Ordinance No. 7980-68, and where on the same property a building was constructed under prior development regulations which required no front yard, at such time said building or structure is damaged and the same is reconstructed or is voluntarily reconstructed to comply with the yard requirements of this Ordinance, such nonconforming on-premise freestanding sign shall also either be removed or brought into conformity with this Ordinance.

- ~~3. In light of the final Judgment Order rendered by Circuit Court of the Sixth Judicial Circuit, Champaign County, Illinois, in the suit entitled "C & U Poster Advertising Co., Inc., et al vs. City of Urbana, et al", No. 76-C-1070, and in light of the Settlement Agreement entered into between the parties, which requires the removal of certain (otherwise nonconforming) outdoor advertising sign structures, outdoor advertising sign structures are not subject to amortization or removal under this section.~~