



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, City Planner/Director

DATE: September 16, 2004

SUBJECT: Plan Case No. 1907-T-04: Request by the Zoning Administrator to amend Article IX of the Zoning Ordinance by adding Section IX-10, Interim Development Ordinance - Moratorium on Outdoor Advertising Sign Structures

Introduction

On August 16, 2004 the Urbana City Council passed Resolution 2004-08-018R entitled “A Resolution to Impose a Temporary Moratorium on Permitting Outdoor Advertising Sign Structures (OASS’s)”, and subtitled: “Until an Interim Development Ordinance can be adopted to impose a moratorium on OASS permit issuance while the review of the number, placement, and development standards of OASS’s is being completed”.

This resolution was enacted in response to concerns expressed by members of the Urbana City Council, the business community, and staff regarding the potentially negative impacts that may result from the over-proliferation of OASS and the placement of OASS in locations and in such a manner that may be harmful to the community.

Pursuant to this directive, the Zoning Administrator initiated Plan Case No. 1907-T-04 and on September 9, 2004 the Plan Commission conducted a public hearing on the Zoning Administrator's request to amend the Zoning Ordinance to add Section IX-10, Interim Development Ordinance - Moratorium on Outdoor Advertising Sign Structures.

Background

The City of Urbana has previously reviewed its OASS regulations through a similar IDO and moratorium procedure during the period of 2000 to 2002. This review resulted in amendments to the relevant regulations of the Zoning Ordinance that addressed the structural and aesthetic appearance of OASS. However, due to the then applicable provisions of a settlement agreement with C&U Poster, issues related to location, spacing and number of OASS were not addressed. The settlement agreement expired in January 2004.

Since this previous amendment effort, the City has received an increasing number of applications for OASS. At the time of the previous moratorium in 2002, there were a total of approximately 28 billboard structures in

Urbana. Since the conclusion of that moratorium, a total of 9 additional billboards have been erected or are in the process of being approved. This level of activity represents a proliferation of billboards in the City and indicates the need for a comprehensive re-evaluation of the permitted locations, number, and spacing for these structures within Urbana.

For more information, please refer to the September 3, 2004 staff memorandum to the Plan Commission and to the minutes of the September 9, 2004 Plan Commission meeting.

At the September 9th meeting the Plan Commission considered and approved an amendment to the text presented by Staff. The Plan Commission added the requirement that the study of OASS regulations during the proposed IDO moratorium include a review of the maximum permitted area (square footage) for an OASS sign face.

On September 9, 2004 the Plan Commission voted unanimously 5 to 0 to recommend approval of the request for an amendment to the Zoning Ordinance to create the Interim Development Ordinance with the addition that OASS sign face area requirements be included in the scope of review.

Text of Proposed IDO Moratorium

The complete text of the proposed amendment is contained in the Draft Ordinance attached to this memorandum.

This new section of the sign regulations (Section IX-10 of the Zoning Ordinance) will significantly limit the issuance of permits for OASS for a period of 365 days while the comprehensive review is conducted. The moratorium will take precedence over the current regulations for OASS.

Discussion of Scope of Review During the IDO Moratorium

Upon Council direction, Staff has identified a number of goals that should be addressed in undertaking a review of the current OASS regulations. They include the preservation and protection of the health, safety, and welfare of the citizens of the community; upholding of the overall intent and purpose of the comprehensive sign regulations; consistency with the City's other pertinent policy documents, including its comprehensive plan and redevelopment plans; and recognition of relevant case law and vested property rights interests.

The IDO also contains a statement of purpose, boundaries, use regulations, duration, and provisions for variations or exceptions. During the term of the IDO, specific amendments to the Zoning Ordinance as it pertains to regulation of OASS will be considered, including but not limited, to the following:

1. The advantages and disadvantages for "cap and replace" type restrictions and/or limitations on the total number of allowable OASS.
2. Changes to the spacing limits for OASS.
3. Imposition of a minimum height for OASS in several or certain locations and/or introduction of limitations on the permitted deviation in the requested versus actual built heights.
4. Resolution of issues posed by overlapping Illinois Department of Transportation sign regulations

5. Consideration of new technologies for OASS display, including tri-vision messaging.
6. Consistency of OASS regulations with the City’s Comprehensive Plan and Redevelopment Plans.
7. Treatment of OASS as principal uses.
8. Permitting procedures.
9. Improvements to existing landscape and appearance regulations for OASS.
10. Impact of OASS placement on business visibility, site development potential, and other zoning regulations.
11. **Review of maximum permitted sign face area.** *(As recommended by Plan Commission)*

No specific permanent text amendments to the Zoning Ordinance are being proposed at this time. Future permanent text amendments will come before the Plan Commission after a review is conducted during the moratorium. In reviewing the above considerations, staff proposes to take a highly technical approach with careful attention to current legislative and case law limits. Staff will also seek the input of outside experts in the field of outdoor advertising and will coordinate with IDOT officials to the extent possible.

It is anticipated that the plan case will involve extensive public input as a part of the Plan Commission and City Council review.

Effect of Implementation During IDO Moratorium

Boundaries

The areas affected by this proposed IDO include all property within the Urbana City limits (and any property that may be annexed during the period of the moratorium) that permit the construction and operation of an OASS. These areas are along FAP or FAI routes in areas zoned B-3 (General Business), B-4E (Central Business Expansion) and IN (Industrial) and within 660 feet of either side of such FAP/FAI routes; in B-3, and IN districts along Lincoln Avenue north of Bradley Avenue; and in B-3, B-4, B-4E and IN districts along Vine Street between Main Street and University Avenue, as set forth in the Urbana Zoning Ordinance.

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.

Duration

The IDO will be in effect for up to 365 calendar days from the date of adoption by the City Council.

Variation or Exception

The proposed amendment allows some exceptions to the moratorium on permits to accommodate special circumstances that may occur during the duration of the IDO. Under the proposal, permits for OASS may be allowed under the following circumstances:

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. (See attached listing of OASS under review; recent agreements encompass replacement of the OASS at the former dog club training facility on Willow View Road and I-74).

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.

Repair

The Zoning Administrator shall allow permits for repair and maintenance of existing OASS, particularly where issues of safety or blight are present.

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.

Summary of Findings

1. The City has received an increasing number of applications for OASS. A total of 9 permits have been issued or requests received since the conclusion of the previous moratorium in 2002, resulting in a potential increase of approximately 30% to the number of OASS in Urbana.
2. Several of the billboard placements appear to be in marginal locations and placements, resulting in an increase in complaints from adjacent and nearby businesses.
3. The proliferation and placement of certain OASS may affect the ability of the City to implement provisions of its comprehensive plan and redevelopment plans in certain locations.
4. The overlapping jurisdiction with IDOT in some locations has resulted in billboard heights that are problematic with respect to visual plane competition with free-standing sign allowances, blockage of business views, and safety and access concerns.
5. The City Council has directed that City staff prepare and Plan Commission review an Interim Development Ordinance (IDO) for Council action to impose a moratorium on the issuance of permits for OASS due to the considerations cited above. Plan Commission has recommended approval of the IDO.

6. City Staff is directed by Council to initiate the study and review of the advisability, details, and ramifications of potential revisions to the number, placement, and development regulations pertaining to OASS, with such study to include consideration of potential benefits and costs to the community, relevant legislation, relevant case law, action of other communities, and impacts upon vested rights and property rights.

Options

The City Council has the following options in Plan Case 1907-T-04:

- a. Approve the proposed text amendment to the Zoning Ordinance, as presented herein; or
- b. Approve the proposed text amendment to the Zoning Ordinance, as modified by specific suggested changes; or
- c. Deny the proposed text amendment to the Zoning Ordinance.

Recommendation

For the reasons articulated above, the Plan Commission and staff recommend that the City Council **APPROVE** the proposed text amendment to the Zoning Ordinance as presented herein **with the Plan Commission's recommended addition of maximum permitted sign face area to be** included in the scope of review.

Prepared by:

Paul Lindahl, Planner

Attachments: Ordinance Draft
Minutes from September 9, 2004 Plan Commission meeting
Resolution Imposing a Temporary Moratorium on Permitting OASS's
Listing of OASS Permit Status

Cc: Ron Naples, Adams Outdoor Advertising
Dax Neal, Redfish
Dave Clark, IDOT, District Engineer

ORDINANCE NO. 2004-09-126

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

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

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

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

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

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

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

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

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

1. To preserve and protect the health, safety, and welfare of the citizens of the City by preventing the erection of new OASS which conflict with the intent and purpose of the Comprehensive Sign Regulations of the Zoning

Ordinance or with the implementation of the City's comprehensive plans and adopted redevelopment plans or programs.

2. Review the advisability, the details, and ramifications of potential revisions to the number, placement, and development regulations pertaining to OASS. In doing so, consider the following:
 - a. Review issues of potential benefits and costs to the community.
 - b. Review the ramifications of OASS regulation with respect to relevant legislation and case law.
 - c. Consider the impacts of any moratorium and subsequent amendments upon vested rights and property rights.
 - d. Review the influence of OASS regulation of other communities.
3. Review potential amendments to the current regulations such as:
 - a. The advantages and disadvantages for "cap and replace" type restrictions and/or limitations on the total number of allowable OASS.
 - b. Increase in the spacing requirement between OASS
 - c. Imposition of a minimum height for OASS in several or certain locations and/or introduce limitations on the permitted deviation in the requested versus actual built heights.
 - d. Treatment of OASS as principal uses.
 - e. Improvements to existing landscape and appearance regulations for OASS
 - f. Review of maximum permitted sign face area for OASS. (As recommended by Plan Commission)
4. Seek resolution of issues posed by overlapping Illinois Department of Transportation sign regulations.
5. Review potential application of new technologies for OASS display, including tri-vision messaging.
6. Review consistency of OASS regulations with the City's Comprehensive Plan and Redevelopment Plans.
7. Review impacts of OASS placement on business visibility, site development potential, and other zoning regulations.
8. Consider changes to permitting procedures.

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

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

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

Section IX-10. Outdoor Advertising Sign Structures Moratorium

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

1. To preserve and protect the health, safety, and welfare of the citizens of the City by preventing the erection of new OASS which conflict with the intent and purpose of the Comprehensive Sign Regulations of the Zoning Ordinance or with the implementation of the City's comprehensive plans and adopted redevelopment plans or programs.
2. Review the advisability, the details, and ramifications of potential revisions to the number, placement, and development regulations pertaining to OASS. In doing so, consider the following:
 - a. Review issues of potential benefits and costs to the community.
 - b. Review the ramifications of OASS regulation with respect to relevant legislation and case law.
 - c. Consider the impacts of any moratorium and subsequent amendments upon vested rights and property rights.
 - d. Review the influence of OASS regulation of other communities.
3. Review potential amendments to the current regulations such as:
 - a. The advantages and disadvantages for "cap and replace" type restrictions and/or limitations on the total number of allowable OASS.
 - b. Increase in the spacing requirement between OASS

- c. Imposition of a minimum height for OASS in several or certain locations and/or introduce limitations on the permitted deviation in the requested versus actual built heights.
 - d. Treatment of OASS as principal uses.
 - e. Improvements to existing landscape and appearance regulations for OASS
 - f. Review of maximum permitted sign face area for OASS. (As recommended by Plan Commission)
4. Seek resolution of issues posed by overlapping Illinois Department of Transportation sign regulations.
 5. Review potential application of new technologies for OASS display, including tri-vision messaging.
 6. Review consistency of OASS regulations with the City's Comprehensive Plan and Redevelopment Plans.
 7. Review impacts of OASS placement on business visibility, site development potential, and other zoning regulations.
 8. Consider changes to permitting procedures.

B. Boundaries

The Interim Development Ordinance (IDO) would apply to all property within the Urbana City limits (and any property that may be annexed during the period of the moratorium) that permit the construction and operation of an OASS. These areas are along FAP or FAI routes in areas zoned B-3 (General Business), B-4E (Central Business Expansion) and IN (Industrial) and within 660 feet of either side of such FAP/FAI routes; in B-3, and IN districts along Lincoln Avenue north of Bradley Avenue; and in B-3, B-4, B-4E and IN districts along Vine Street between Main Street and University Avenue, as set forth in the Urbana Zoning Ordinance.

C. Use Regulations

The IDO will prevent the issuance of all permits for OASS, other than those that meet the requirements for the variations and exceptions listed below. The IDO would not apply to other types of signs.

D. Duration

The IDO will be in effect for 365 calendar days from the date of adoption by the City Council.

E. Variation or Exception

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

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

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

Section 3. The provisions of this Ordinance shall take precedence and be interpreted as superseding any other Ordinance (including but not limited to Table

IX-5, Standards for Future Outdoor Advertising Sign Structures) in conflict with the provisions of this Ordinance.

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

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

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

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 2004, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (To add Section IX-10, Interim Development Ordinance, Creating a 365 Day Moratorium on Outdoor Advertising Sign Structures - Plan Case 1907-T-04)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2004, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2004.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: September 9, 2004
TIME: 7:30 P.M.
PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Christopher Alix, Lew Hopkins, Michael Pollock, Bernadine Stake, Don White

MEMBERS EXCUSED: Laurie Goscha, Randy Kangas, Marilyn Upah-Bant

STAFF PRESENT: Libby Tyler, Director of Community Development Services; Rob Kowalski, Planning Manager; Paul Lindahl, Planner; Teri Andel, Planning Secretary

OTHERS PRESENT: Bob Dean, JaeHong Kim, DongJun Lim, Barbara Morgan, Paul Tatman, Elizabeth Wirt, Charles Zukoski

Plan Case # 1907-T-04: Request by the Zoning Administrator to amend Article IX of the Zoning Ordinance to add Section IX-10, Interim Development Ordinance – 12-month Moratorium on issuance of permits for Outdoor Advertising Sign Structures (billboards).

Libby Tyler, Director of Community Development Services, gave the staff report for this case. She explained that this was the second phase of a four-part process that started with a resolution from the City Council directing the preparation of the proposed Interim Development Ordinance (IDO). The third step would be the actual text amendment, and the final step would be implementation.

Ms. Tyler explained how the proposed case came about. She talked about the proposal and noted that staff was asking for a period of 365 days or one year in which to complete the review. They wanted to have enough time to properly study and bring it back to the Plan Commission and the City Council in the form of a text amendment. Staff felt that they needed more time than they were allowed in 2002 with a similar case.

She discussed the previous text amendment and noted that it had pertained to the structural and aesthetic appearance of Outdoor Advertising Sign Structure(s) (OASS). As a result, the City now has landscape provisions and color-matching provisions along with some other structural

parameters that were not previously in the Zoning Ordinance. She pointed out that the larger issues of the number of billboards, the spacing that was permitted, and locations of billboards were constrained by a then existing settlement agreement from several years ago. The settlement agreement recently expired in January 2004.

Ms. Tyler noted that staff had seen a significant increase in the number of applications for OASS. Another concern that City staff had experienced was with the difficulty in the actual placement of the billboards, so they would not interfere with other operations such as parking, access, and visibility. The third concern that City staff had was how some of the billboards could interfere with some of the goals of the City, particularly along the North Cunningham Avenue Corridor Plan, which was a Tax Increment Finance (TIF) Plan that was adopted in 2001. The plan addressed how to get the older commercial area to redevelop and look at lot consolidation, driveway closures, and improved levels of development and activity. The City was also looking at University Avenue as an important corridor that linked the downtowns of the City of Urbana and the City of Champaign, two important medical campuses of Carle and Provena, and the University of Illinois.

She talked about some of the billboards that had been placed within the jurisdiction that the Illinois Department of Transportation (IDOT) holds within 660 feet of the interstate. IDOT reviews many of the billboard applications. In some cases, depending on the land use history, IDOT will prohibit any visibility of a billboard from the highway. One example was at 1710 North Cunningham Avenue, where the AAA Storage business is located. There was a proposal for a billboard at the normal height of 22 feet or so above the ground, which is what is usually seen along Cunningham Avenue or University Avenue. However, IDOT would not allow the billboard to be placed at that height because it might be visible from the highway. Because the billboard company was not able to prove that the site had been in continuous commercial existence since 1959, IDOT would not allow a billboard to be built over about 8 or 9 feet above grade. Therefore, the appearance engendered a number of complaints from neighboring properties. The complaints related to the view blockage of businesses, access points and signage, inequitable sizing of a billboard relative to a freestanding sign, the competition within the visual plane, and the competitive situation of all the locations being approached for leasing for billboards sites. These issues created an unhealthy environment for businesses, especially when the City was trying to look at doing redevelopment in the area.

City staff would like the IDO to establish a mechanism where staff could look over the OASS regulations without the constraint of the previous settlement agreement. Ms. Tyler reviewed the goals and specific amendments to the Zoning Ordinance that would be addressed during the term of the IDO. She pointed out the exceptions to the moratorium on permits to accommodate special circumstances that may occur during the duration of the IDO.

She read the options of the Plan Commission and noted that staff recommended the Plan Commission recommend approval of the text amendment to the Urbana City Council.

Mr. Alix wondered who owned the land in the example that Ms. Tyler had given. He commented that it seemed like a matter between the landowner and the lessee rather than something that the City would be expected to intervene in. Ms. Tyler remarked that it was an

observation that the billboard did not function well on that site. It was an illustration of poor placement. The leases were relatively lucrative and added income to the property.

Mr. Alix stated that the Plan Commission recently reviewed a text amendment regarding OASS regulations in 2002. He asked if there was any significant reason to believe that the regulatory or legal climate in the State of Illinois had changed significantly since the original settlement agreement was reached. The City of Urbana had a history of trying to restrict billboards and a history of the courts saying, "No". If they approve the moratorium and craft a new ordinance, would they have any more flexibility in terms of the wording of the ordinance? Ms. Tyler replied by saying that the settlement agreement was a long time ago, and there had been many changes. It was probably more difficult to restrict billboards overall; however, there were ways to do it that would be defensible. There was pending legislation that could affect how the City of Urbana approached the changes to the Zoning Ordinance. Communities all over the country successfully restrict billboards. However, the outdoor advertising lobby industry is very strong, vigilant and aggressive in promoting legislation and litigation to protect their interests. Where the City of Urbana fits in this, remained to be seen.

Mr. Alix pointed out that every time a text amendment regarding OASS comes up, there was considerable citizen interest raised; because it appeared that the vast majority of citizens would rather that the City of Urbana have no billboards. He believed that every time the City raised the issue of billboards, those citizens would get hopeful that the City would do something about billboards, and each time the City did not do anything. It was difficult for him to accept that things had changed much since the last time they approved a text amendment regarding OASS. He was curious as to what the justification was by the City Council or City staff to say why we need to go through this process again. Ms. Tyler stated that the significant change was that the settlement agreement had expired. While some people may want to go the route of eliminating all billboards, staff is trying to find good "middle of the road" approaches, where the City would determine how many billboards would be enough. The City was currently not hampered with the settlement agreement as they were in 2002 and were working with different people, who have different goals and needs.

Mr. Alix was concerned that more restrictive regulations might open the City up for being sued again. Ms. Tyler pointed out that the players have changed, the settlement agreement had changed, case law had changed, and the community had changed. It was a whole different landscape. The City Attorney felt that it was a good time to reevaluate the issue. It was a big commitment of time, and City staff would work on this at the expense of other things. But, City Council felt it was important and directed staff to do this.

Mr. White moved that the Plan Commission forward the case to the City Council with a recommendation for approval. Ms. Stake seconded the motion.

Mr. Pollock asked if it was a local rule or state regulation that there was a maximum 300 square feet allowed for the size of billboards? Ms. Tyler responded by saying that the rule was in the Urbana Zoning Ordinance. There were communities that have much wider spacing differences. Mr. Pollock wondered if there had been any consideration at reducing the maximum size allowed for a billboard. Ms. Tyler mentioned that staff had talked previously to Kip Pope about this issue, and he told staff that they were no longer manufacturing some of these sizes. She stated

that this was something that this review could certainly cover. Staff would be looking at any and all regulations that pertain to OASS. She recommended an amendment to the motion that would explicitly include reviewing the maximum size allowed for an OASS or billboard.

Mr. Alix remarked that he would be extremely disappointed if the City imposed a year-long moratorium, which would be a significant hardship, and after a year of significant effort by staff and by the Plan Commission and the City Council, the City ends up with an ordinance that was substantially similar to the existing ordinance with some minor changes. He hoped that those who were entering into this and requesting this at the Council level and the staff level had reason to believe that there was some additional regulatory leeway in terms of modifying the ordinance. Mr. Pollock offered a counter-view to Mr. Alix's statement by saying that when this issue came up last time about two or three years ago, it was because members of the City Council wanted to address this problem based on public complaints. The suggestion at that time was that the City should wait until they were out from under the settlement agreement, because it had been a very long time since that court decree was made. In his opinion, the expiration of the settlement agreement significantly changed the possibilities and the atmosphere in which the City could take a look at the regulations.

Ms. Tyler noted that Plan Commission would see all the changes, and what would get forwarded to the City Council would rest with the Plan Commission. She felt that given the pattern of applications for billboards and OASS, it did indicate somewhat of an emergency situation. If City staff, the Plan Commission and the City Council could address the issue in less than a year, they certainly would. There is a current staffing shortage, and she believed the term for the moratorium recognized that.

Mr. White accepted Ms. Tyler's suggested amendment to the motion to explicitly add a review of size limits. Ms. Stake agreed as the seconder. The roll call was as follows:

Mr. Pollock	-	Yes	Mr. Hopkins	-	Yes
Mr. Alix	-	Yes	Mr. White	-	Yes
Ms. Stake	-	Yes			

The motion was passed by unanimous vote. The case would be brought to the City Council on September 20, 2004.

**A RESOLUTION TO IMPOSE A TEMPORARY MORATORIUM ON PERMITTING
OUTDOOR ADVERTISING SIGN STRUCTURES (OASS'S)**

(Until an Interim Development Ordinance can be adopted to impose a moratorium on OASS permit issuance while the review of the number, placement, and development standards of OASS's is being completed)

WHEREAS, members of the City Council are concerned about the placement of outdoor advertising sign structures (OASS's, commonly referred to as billboards) in the City of Urbana and its effect upon the general welfare of the community and are desirous of investigating the feasibility of revisions to the spacing, development and placement regulations pertaining to OASS's, including the potential for "cap and replace" type restrictions; and

WHEREAS, it is desirable to thoroughly study the details and effects of any further restriction of OASS number, placement and design in the City of Urbana through proper public notice, technical review by staff and other interested parties, public input, and review and recommendation by the Plan Commission with respect to any potential revisions to the Sign Regulations of the Urbana Zoning Ordinance; and

WHEREAS, an Interim Development Ordinance is proposed to be employed to place a moratorium on the issuance of permits for OASS's pending adoption of amendments to the Zoning Ordinance with respect to the number, placement, and design of OASS's; and

WHEREAS, a zoning text amendment shall be developed to address the goals of the Interim Development Ordinance, through proper development and review by staff and the Plan Commission, with subsequent review by Council for action prior to the expiration of the moratorium on OASS permits; and

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

Section 1. The City Council does hereby place a moratorium on the issuance of permits for OASS, as defined by the Zoning Ordinance, until adoption or rejection of an Interim Development Ordinance designed to study this issue OR adoption or rejection of a zoning text amendment related to the number and placement of OASS, whichever comes first.

Section 2. The City Council does hereby further direct that City staff and Plan Commission adopt an Interim Development Ordinance

regarding new OASS's and initiate the study and review of the advisability, details, and ramifications of potential revisions to the number, placement, and development regulations pertaining to OASS, with such study to include consideration of potential benefits and costs to the community, relevant legislation, relevant case law, action of other communities, and impacts upon vested rights and property rights.

PASSED by the City Council this ____ day of _____, 2004.

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this ____ day of _____, 2004.

Tod Satterthwaite, Mayor

ID	Status	App. Rec'd.	Permit Iss'd	Sign Co.	Host Business	Address	Land Owner	Zoning	Style	Faces	Panels
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Recent OASS applications and construction since last moratorium:

1	cmplt'd		1/23/2002	C-U Poster	moved from Elite Diner	212 E. Main	C-U Poster - Kip Pope	B4	Pole	2	2
2	cmplt'd		3/2/2004	Redfish	Lumber Yard Supply Co.	1201 E. University	James Burch	IN	Pole	2	2
3	cmplt'd		3/3/2004	Redfish	Red's Muffler	102 W. University	James Burch	B4	Pole	2	2
4	cmplt'd		4/10/2004	Adams	Mikos Restaurant	407 W. University	Barry & Janet Bubin	B3	Flag Pole	2	2
5	cmplt'd		4/10/2004	Adams	AAA Storage	1710 N. Cunningham	Frank Muhich	B3	Flag Pole	2	2
6	<i>pending</i>		4/10/2004	Adams	The Car Lot	1709 N. Cunningham	Richard & Patricia Hays	B3			
7	<i>pending</i>		6/29/2004	Adams	Alliance Auto	703 N. Cunningham	Issacs & Seten	B3			
8	<i>pending</i>		Aug-04	Redfish	Manor Hotel	1102 N. Cunningham	Bhupendra Naik (c/o Pravin Patel)	B3			
9	<i>pending</i>		Aug-04	Adams	vacant outlot	2410 N. Cunningham	Edward Dessen	B3			

<u>Notes on Status</u>		<u>Host Business</u>	<u>Issues</u>
2	Completed	Lumber Yard Supply Co.	To be Landscaped
3	Completed	Red's Muffler	To be Landscaped
5	Completed	AAA Storage	- Short height
6	Approved not started	The Car Lot	- Potential short height?
7	Approved not started	Alliance Auto	- delayed pending site clean up
9	Approved not started	vacant - 2410 N. Cunningham	- Potential short height?