



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

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

DATE: September 3, 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” (copy attached).

This resolution was enacted in response to concerns expressed by members of 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 is requesting an amendment to the Zoning Ordinance to add Section IX-10, Interim Development Ordinance - Moratorium on Outdoor Advertising Sign Structures. The proposed Interim Development Ordinance (IDO) will limit the issuance of permits for new Outdoor Advertising Sign Structures (OASS), commonly known as "billboards", for a period of 365 days while the existing regulations are reviewed. The moratorium created by the IDO will supersede the current zoning regulations for OASS but will not affect other sign regulations.

Issues

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 10 additional billboards have been erected or are in the process of being approved (see attached list). This represents a total increase of approximately 30% in a relatively short period of time. Billboard companies active in the area have stated that there are several additional leases pending in Urbana. 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.

In addition to the concern about proliferation, there has been an increase in the number of billboards that are placed or designed in such a manner as to pose access, visibility and redevelopment problems. Site plan approval for these billboards has been more difficult as they are being located on sites that are already constrained with respect to access, parking, and compliance with development regulations. Along Cunningham Avenue, proliferation of billboards is interfering with the ability of the City to implement the goals identified in the Cunningham Avenue Corridor Redevelopment Plan (TIF No. 4) adopted in 2001. Along University Avenue, billboard proliferation can interfere with the City's attempt to create a strong visual linkage between the downtown, the medical campuses, and the University, as supported by the Downtown Strategic Plan (2002) and TIF No. 3 Plan.

There have also been a number of complaints from the business community about the appearance and impact of specific billboards and concern expressed that their businesses are being blocked or impaired. For example, businesses along University Avenue have complained about the cluttered look along the corridor and view blockage for adjacent businesses and buildings. Along North Cunningham Avenue, the overlapping jurisdiction of the City's billboard regulation with relevant state statutes enforced by the Illinois Department of Transportation has resulted in specific problems related to billboards. Due to the overlapping jurisdiction within 660 feet of the Interstate right-of-way, a billboard located at 1710 North Cunningham Avenue was lowered in height so that it would not be visible from the interstate. The bottom of the subject billboard is only 8 or 9 feet above grade. It competes on the same visual plane with free-standing signs in the vicinity (which are limited in area to 50 square feet, as opposed to the 300 square feet allowable for billboards) and blocks visibility to and from nearby businesses. The short billboard has also posed an access issue for the site and a safety hazard for trucks that are unable to make the clearance below the billboard. Two additional short billboards are proposed at 1709 North Cunningham and 2410 North Cunningham. Complaints have been filed by several surrounding businesses and property owners and the assistance of State Representatives has been enlisted. The City is investigating the legality of this particular billboard and has filed an appeal of the height determination with the Illinois Department of Transportation.

Due to the above considerations, on August 16, 2004, the Urbana City Council passed Resolution 2004-08-018R, which directed the City staff and Plan Commission to adopt an Interim Development Ordinance regarding new OASS's and 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.

This study is proposed in order to ensure that the overall purpose and intent of the Comprehensive Sign Regulations continues to be met, which includes reducing congestion of land, air and space; preserving and protecting property values; establishing reasonable standards for the use of signs in order to maintain and encourage business activity and development; and protecting and enhancing the physical appearance of the community and the scenic value of the surrounding area.

Proposed Text Amendment and Discussion

Upon Council direction, Staff has identified a number of goals that should be addressed in undertaking a review of the current OASS regulations. These goals are recited in the proposed Text Amendment for the Interim Development Ordinance (IDO), which is attached to this memorandum. 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:

- The potential for “cap and replace” type restrictions and/or limitations on the total number of allowable OASS
- Changes to the spacing limits for OASS
- Imposition of a minimum height for OASS in certain locations
- Resolution of issues posed by overlapping Illinois Department of Transportation sign regulations
- Consideration of new technologies for OASS display, including tri-vision messaging.
- Consistency of OASS regulations with the City's Comprehensive Plan and Redevelopment Plans
- Possible treatment of OASS as principal uses
- Permitting procedures
- Improvements to existing landscape and appearance regulations for OASS
- Impact of OASS placement on business visibility, site development potential, and other zoning regulations

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. For this reason, the City's special counsel will be assigned to assist on the case along with the Zoning Administrator and planning staff. 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 on the part of the Plan Commission and City Council review.

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 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:

Under Review/Previously Approved

Those OASS that are currently under review, have been previously approved but not yet erected, and/or 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 10 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. A number of additional OASS leases are pending.
2. Several of the billboard placements appear to be in more marginal locations and circumstances, resulting in an increase in complaints from adjacent and nearby businesses.
3. The proliferation and placement of certain OASS are affecting 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 for Council action to impose a moratorium on the issuance of permits for OASS due to the considerations cited above.
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 Plan Commission has the following options for recommendations to the Urbana City Council. In Plan Case 1907-T-04, the Plan Commission may:

- a. forward this case to City Council with a recommendation for approval of the proposed text amendment to the Zoning Ordinance, as presented herein; or
- b. forward this case to City Council with a recommendation for approval of the proposed 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 text amendment to the Zoning Ordinance.

Staff Recommendation

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 text amendment to the Zoning Ordinance, as presented herein.

Prepared by:

Paul Lindahl, Planner

Attachments: Resolution Imposing a Temporary Moratorium on Permitting OASS's
Listing of OASS Permit Status
Proposed Interim Development Ordinance Text

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

Proposed Interim Development Ordinance to Amend Article IX by adding Section IX-10 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 of the Zoning Ordinance or with the implementation of the City’s comprehensive plans and adopted redevelopment plans or programs.
2. Review the advisability, 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 billboard regulation with respect to relevant legislation and case law.
 - c. Consider the impacts upon vested rights and property rights of any moratorium and subsequent amendments.
 - d. Review the influence of billboard regulation of other communities.
3. Review potential amendments to the current regulations such as:
 - a. The potential 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 certain locations
 - d. Possible treatment of OASS as principal uses.
 - e. Improvements to existing landscape and appearance regulations for OASS
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 potential 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 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 during the length of the IDO. Under the proposal, permits for OASS may be allowed under the following circumstances:

1. Under Review/Previously Approved

Those OASS that are currently under review, have been previously approved but not yet erected, and/or 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.

**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?