



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Elizabeth Tyler, AICP, Director

DATE: July 29, 2005

SUBJECT: Plan Case 1944-T-05: A Request to Amend the Zoning Ordinance of the City of Urbana Section IX-10, Outdoor Advertising Sign Structures Moratorium, Creating a 300-day Extension of the 365 Day Moratorium on OASS – Plan Case 1907-T-04

Introduction

On September 20th, 2004, the City Council passed Ordinance No. 2004-09-126: “An Ordinance Amending the Zoning Ordinance of the City of Urbana (To Add Section IX-10, Interim Development Ordinance, Creating a 365 Day Moratorium on Outdoor Advertising Sign Structures – Plan Case 1907-T-04).” A proliferation of billboard applications and construction between the conclusion of the previous moratorium in 2002 and the start of the current moratorium in 2004 indicated a need for a comprehensive re-evaluation of the permitted locations, number, and spacing for OASS in Urbana. The purpose of the IDO was to ensure that the overall purpose and intent of the Comprehensive Sign Regulations continues to be met.

Discussion

The Interim Development Ordinance, (IDO), adopted on September 20, 2004 allowed for the study of additional restrictions on OASS in Urbana, including improved regulations, potential “cap and replace” restrictions, and/or a permanent ban on new billboards. This IDO is set to expire on September 20, 2005.

Throughout the period of the moratorium, the City has experienced staff vacancies in the relevant areas of the planning and legal divisions. Of the three permanent staff planning positions, there has been at least one vacancy since July 2004 (first Senior Planner and now Planning Manager). Full staffing of the planning division (with a Planning Manager and two Planner I positions) is now anticipated to occur by October 2005. Progress on the OASS case was also impeded by the need to complete the Urbana Comprehensive Plan Update, which was adopted in April 2005.

During this past summer, Planning Intern Rebecca Guest has been able to devote a concentrated effort to this case and has prepared extensive background information for review by the Plan

Commission at a Study Session that was held on July 21, 2005. A similar Study Session is planned to be held at City Council on August 15, 2005.

Based on the delays in progress to date, the extensive comments made by Plan Commission at the Study Session and the complexity of the issue, it is clear that much additional time will be necessary to fulfill the goals of the IDO in improving Urbana's OASS regulations. Further, it is essential that interested members of the public and industry be allowed sufficient time to review the City's recommendations and provide their comments for the best possible, defensible legislation.

Further study and deliberation of OASS issues is necessary in order to complete a text amendment that will fulfill the goals of the Comprehensive Sign Regulations as well as the City's Comprehensive Plan and other relevant plans and policies. Therefore, it is necessary to extend the existing moratorium. Initially staff had recommended that this moratorium be extended for a period of up to one hundred and eighty days. But following the productive Study Session held by the Plan Commission on July 21, 2005, it appears that additional time will be necessary to fully explore the suggestions offered by the Commission. Staff now recommends that the moratorium be extended an additional 300 days.

Proposed Text Amendment

The Urbana Zoning Ordinance will be amended to read:

Section IX-10. D. *Duration*

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

Added text –

The IDO which began September 20, 2004 shall, without interruption in effect, be extended for an additional period of up to 300 calendar days.

Options

The Plan Commission has the following options for recommendations to the Urbana City Council. In Plan Case 1944-T-05, 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, for an extension of the Interim Development Moratorium, for a period of up to three hundred (300) days, as presented herein.

Prepared by:

Rebecca Guest, Planning Intern

Attachment:

Ordinance No. 2004-09-126 (Plan Case 1907-T-04)

Cc:

Redfish Advertising, LLC
Attn: Dax Neal
Post Office Box 52275
Tulsa, OK 74152

Adams Outdoor Advertising
Attn: Lisa Denson-Rives
704 N. Neil Street
Champaign, IL 61820

ORDINANCE NO. 2004-09-126

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

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

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

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

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

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

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

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

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

1. To preserve and protect the health, safety, and welfare of the citizens of the City by preventing the erection of new OASS which conflict with the intent and purpose of the Comprehensive Sign Regulations of the Zoning Ordinance or with the implementation of the City's comprehensive plans and adopted redevelopment plans or programs.

2. Review the advisability, the details, and ramifications of potential revisions to the number, placement, and development regulations pertaining to OASS. In doing so, consider the following:

- a. Review issues of potential benefits and costs to the community.
- b. Review the ramifications of OASS regulation with respect to relevant legislation and case law.
- c. Consider the impacts of any moratorium and subsequent amendments upon vested rights and property rights.
- d. Review the influence of OASS regulation of other communities.

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

- a. The advantages and disadvantages for "cap and replace" type restrictions and/or limitations on the total number of allowable OASS.
- b. Increase in the spacing requirement between OASS
- c. Imposition of a minimum height for OASS in several or certain locations and/or introduce limitations on the permitted deviation in the requested versus actual built heights.
- d. Treatment of OASS as principal uses.
- e. Improvements to existing landscape and appearance regulations for OASS
- f. Review of maximum permitted sign face area for OASS. (As recommended by Plan Commission)

4. Seek resolution of issues posed by overlapping Illinois Department of Transportation sign regulations.

5. Review potential application of new technologies for OASS display, including tri-vision messaging.

6. Review consistency of OASS regulations with the City's Comprehensive Plan and Redevelopment Plans.

7. Review impacts of OASS placement on business visibility, site development potential, and other zoning regulations.

8. Consider changes to permitting procedures.

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

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

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

Section IX-10. Outdoor Advertising Sign Structures Moratorium

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

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

- e. Improvements to existing landscape and appearance regulations for OASS
 - f. Review of maximum permitted sign face area for OASS. (As recommended by **Plan Commission**)
4. Seek resolution of issues posed by overlapping Illinois Department of Transportation sign regulations.
 5. Review potential application of new technologies for OASS display, including tri-vision messaging.
 6. Review consistency of OASS regulations with the City's Comprehensive Plan and Redevelopment Plans.
 7. Review impacts of OASS placement on business visibility, site development potential, and other zoning regulations.
 8. Consider changes to permitting procedures:
 9. Review the impact of existing OASS's on downtown and methods of reducing the impact of future development of OASS's on the downtown business area.

B. Boundaries

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

C. Use Regulations

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

D. Duration

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

E. Variation or Exception

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

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

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

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

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

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

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

AYES: Chynoweth, Hayes, Otto, Patt, Wyman

NAYS:

ABSTAINS:

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

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

COPY
Tod Satterthwaite
Tod Satterthwaite, Mayor