



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Plan Commission

FROM: Jeff Engstrom, AICP, Interim Manager

DATE: January 2, 2015

SUBJECT: Plan Case 2242-T-14: An amendment to Articles IX and XI of the Urbana Zoning Ordinance to establish regulations for Digital Outdoor Advertising Sign Structures, Urbana Zoning Administrator, applicant.

Introduction

At the December 18, 2014 meeting of the Urbana Plan Commission, the Commission held a public hearing on Plan Case 2242-T-14, regarding Digital Outdoor Advertising Sign Structures (OASS). The Commission asked staff to address several issues and present their findings at the next Plan Commission meeting. Staff has researched these issues and has addressed them below. In addition, some issues have resulted in slight changes to the proposed text amendment, as attached in Exhibit A.

3D/Optical Illusions

Members of the Plan Commission were concerned that Digital OASS might evolve to include distracting features such as 3D displays, optical illusions, or other advances in technology. Staff has revised the text of proposed Section IX-6 to address this concern.

Brightness Level and Pedestrian Safety

Plan Commission members had concerns related to Digital OASS distracting drivers or impairing their vision by being too bright and too close to pedestrian crossings. The Commission asked if other cities require a buffer from pedestrian crossings or require brighter billboards to be set back farther from the street. Staff researched these questions and found that very few municipalities address these two issues. Some cities do require billboards to be set back greater distances from pedestrian crossings. Exhibit B contains a table with various provisions related to this question. These setbacks vary from 50 to 200 feet.

Staff is unable to find an example of a city that varies the allowed brightness of a billboard based on its setback, or vice versa. Most cities have a single brightness limit for all digital billboards. Cities

also have limits on how traditional bill boards are lit in terms of placement of lighting; many require overhead and prohibit lighting from below. Some cities have limits on the amount of light that may fall onto a traditional billboard. These levels are generally very high, in the 50 to 70 footcandle range. The light that is then reflected off of the billboard is at a much lower level. It should be noted that Urbana's Zoning Ordinance contains provisions to protect passersby and nearby properties from light pollution from OASS. Section IX-6.D.11 requires light from OASS to be shielded from roadways and residential uses. Additionally, Section VI-8.D limits lighting such that it shall not be a hazard for motorists, bicyclists, or pedestrians and shall not be a nuisance to the public or nearby properties. The proposed illuminance limits of 0.3 footcandles above ambient light levels are well tested and are supported by the Illumination Engineering Society (IES). The IES also notes that light from digital billboards is projected in a particular direction, namely at vehicles approaching the sign from a distance. As vehicles approach the billboard, their angle of view is such that less light is directed toward them.

Staff recommends against adopting an additional buffer for signs near pedestrian crossings or based on brightness. Additional set back requirements from the right of way would reduce the amount of developable space on a parcel. Adding a buffer from pedestrian crossings would not eliminate distractions entirely, as there could potentially be digital OASS further down the road that are visible to drivers. However, the proposed Section IX-6.E.7 will ensure digital OASS are not interfering with traffic signal visibility and will help keep them out of the line of sight of drivers.

OASS Violation Fines

Another topic of discussion was the proposed change to Section XI-9.C, which would specify the amount of administrative fines for violations of the Zoning Ordinance. Staff is proposing to add administrative fines for electronic displays on regular business signs and for Digital OASS. Members of Plan Commission were concerned that the proposed fines for Digital OASS violations were too low, and also asked for the references to the regulating sections to be clarified. Staff has made the requested clarification in the text, and has broadened the language to encompass violations of any brightness, animation, hold time, or other requirement of proposed Section IX-6. In regards to fine amounts, staff has consulted with the City Attorney. The City Attorney believes that the currently proposed fine, \$100 per violation, is sufficient, and that a higher fine could be considered unreasonable from a constitutional standpoint. He confirmed that each day that the violation occurs is considered a separate violation.

Image Hold Time at Intersections

Plan Commission had questions about how the proposed image hold time relates to existing traffic signal cycle times, especially near certain busy intersections. Staff has consulted with the Engineering Division, and learned that signal cycle times top off at 110 seconds for the intersections of Cunningham and University and for University and Lincoln. Signal timing is controlled by IDOT along the Cunningham and University Avenues. During non-rush hour times, signals are constrained by minimum green times, so the longest a vehicle would wait at an intersection would be one minute

for vehicles on side streets a about 16 seconds for vehicles on University or Cunningham Avenue. The City Engineer supports a digital OASS image hold time of 3 minutes, as this is much longer than the wait time of a typical vehicle at an intersection, even during rush hour. Staff could find no examples of ordinances that have different hold times for digital billboards near intersections. Given these facts, staff recommends staying with the proposed three minute hold time in order for consistency for all electronic signs in Urbana's Zoning Ordinance.

Annual Licenses and Fees

Staff found two cities in Illinois that charge an annual license fee for billboards. Rockford charges \$550 per year for digital billboards and \$110 per year for each traditional billboard. The City of Chicago charges an annual fee of \$400 for digital billboards. According to Urbana's City Attorney, the city is legally able to establish a license program and annual fee for billboards, but he cautions that any such fees should be set at a reasonable level so as not to be "construed as an unconstitutional chill on free speech." Such a licensing program would be separate from the Zoning Ordinance. Staff can investigate the possibility of such a fee during Council's annual review of licenses and fees if so directed.

Plan Commission also asked about the requirement for METCAD to have access to display emergency alerts on digital OASS. Could METCAD charge the billboard owner for this service that would be required by ordinance? The City Attorney has reviewed the Intergovernmental Agreement that establishes the METCAD system, and has determined that member agencies cannot charge billboard operators for the service of providing emergency alerts. The City Attorney proposed additional language regarding the emergency override clause in order to narrow the scope of potential alerts. This additional language has been added to the draft ordinance in Exhibit A.

Interstate vs. Local Roads

The Commission asked whether it is possible to have separate standards for digital OASS that are oriented toward the interstate rather than local streets. Staff's research of other communities' ordinances indicates that this is possible, but rare. Most cities have one set of rules for all digital billboards, but some have different standards for different cases. Usually those cases are based on zoning district or proximity to residential uses. It would be possible to allow different image display hold times for signs oriented toward the interstate, but this could be difficult to administer, as some signs might be visible from both the interstate and local streets.

Buffer Distances

Plan Commission members asked for staff to present different buffer options to show where new Digital OASS would be allowed. Exhibit C contains maps of different buffer configurations. The dark blue areas that are visible on these maps shows where new signs could be placed under each buffer option. A smaller buffer would allow more options for conversion of existing OASS to digital OASS. However, many of the downtown OASS would be ineligible because they do not meet zoning district requirements. An interactive version of this map is available online at <http://bit.ly/1K6J6Xy>

Staff does not recommend changing the existing language in the Zoning Ordinance that states signs are allowed in certain locations and districts within 660 feet of an interstate. This language conforms to state and national regulations and should be maintained for consistency.

Staff Recommendation

Based on the additional research presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the continued public hearing, staff recommends that the Plan Commission recommend **APPROVAL** of the proposed text amendment to the Zoning Ordinance as presented in Exhibit A.

cc: Cain Kiser, Adams Outdoor Advertising

Attachments:

Exhibit A: Revised Digital Billboard Ordinance Proposed Text Amendments

Exhibit B: Table of Setback Requirements from Intersections

Exhibit C: Maps of Potentially Eligible Locations for Digital OASS

Section IX-2:

F. Digital Outdoor Advertising Sign Structure (Digital OASS): An OASS with an electronic display capable of displaying changeable copy, controlled by programming or electronic communications.

Section IX-6:

E. Digital OASS. Digital OASS shall be allowed only in conformance with the following provisions:

1. Permit Required. Digital OASS, including those where the Digital OASS is replacing the display area of a previously existing OASS, shall meet all requirements for a new OASS and shall require issuance of a new OASS permit in conformance with Section IX-6.C and IX-6.D.
2. Existing Sign Removal. New Digital OASS shall only be allowed upon removal of existing OASS display area. OASS to be removed shall be identified at the time of the application and removed prior to installation of the new Digital OASS. Existing signage to be removed shall be credited toward the new Digital OASS under one of the following provisions, at the following proportions. Where more than one of the following cases apply, the replacement provisions shall not be cumulative.
 - a. For every two square feet of OASS display area removed from properties in the B-4, Central Business district, one square foot of Digital OASS display area may be installed.
 - b. For every two square feet of OASS display area removed from lots containing a cluster of more than one OASS face, one square foot of Digital OASS display area may be installed. A lot with only one set of back-to-back OASS faces shall not qualify for this provision. The cumulative area of all faces shall count towards the replacement.
 - c. For every three square feet of OASS display area removed from OASS that do not meet other requirements of Section IX-6.D, one square foot of Digital OASS display area may be installed.
 - d. For every four square feet of OASS display area removed from any other OASS, one square foot of Digital OASS display area may be installed.
3. Animation, Effects and Image Change Time. Digital OASS shall not contain video, animated transitions, or otherwise be animated as defined by Section IX-2. Display images shall have a change frequency of no more than once every three minutes. Displays shall not utilize 3-D effects, optical illusions, or any other technology intended to give the appearance of motion or depth.
4. Illumination. Digital OASS shall conform to the illumination requirements of Section IX-4.C.4. Digital OASS shall be controlled by a dimmer switch to automatically reduce the level of brightness to no more than 0.3 footcandles above ambient light levels at any time of day, measured from 150 feet away.
5. Emergency Override. Digital OASS shall be directly connected to the Metropolitan Computer-Aided Dispatch system (METCAD) in order to allow emergency dispatchers to override the programmed message and display an emergency bulletin. The Director of METCAD or the Director's designee shall have authority to authorize such an override. Examples of an emergency justifying such override would be broadcasting from the Statewide "Yellow Alert" system regarding abducted children or imminent weather bulletins where the other aspects of the emergency broadcast system (sirens, cable override) are activated.

6. Malfunctioning Digital OASS. All Digital OASS shall contain a mechanism that will display a default message at a lowered brightness level In the event of a malfunction.
7. Traffic Signal Visibility. Digital OASS shall not be placed such that they interfere with motorist visibility of traffic signal as determined by the City Engineer.

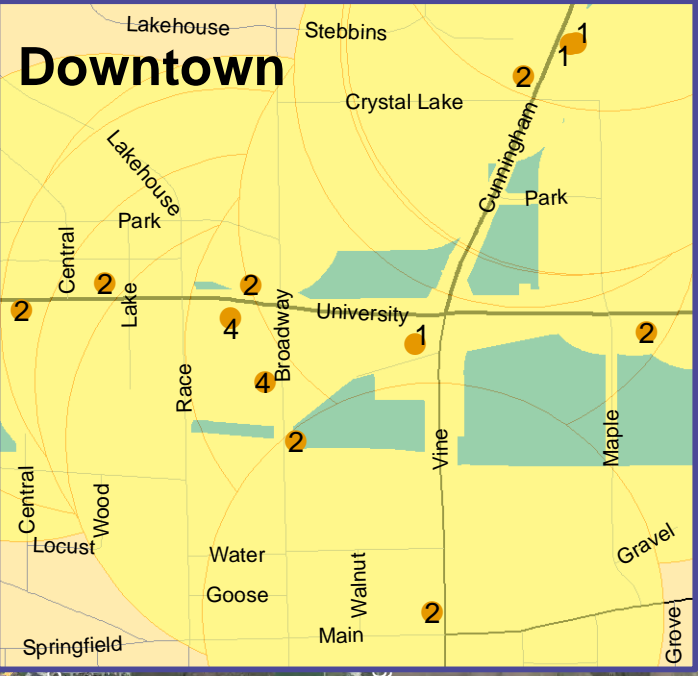
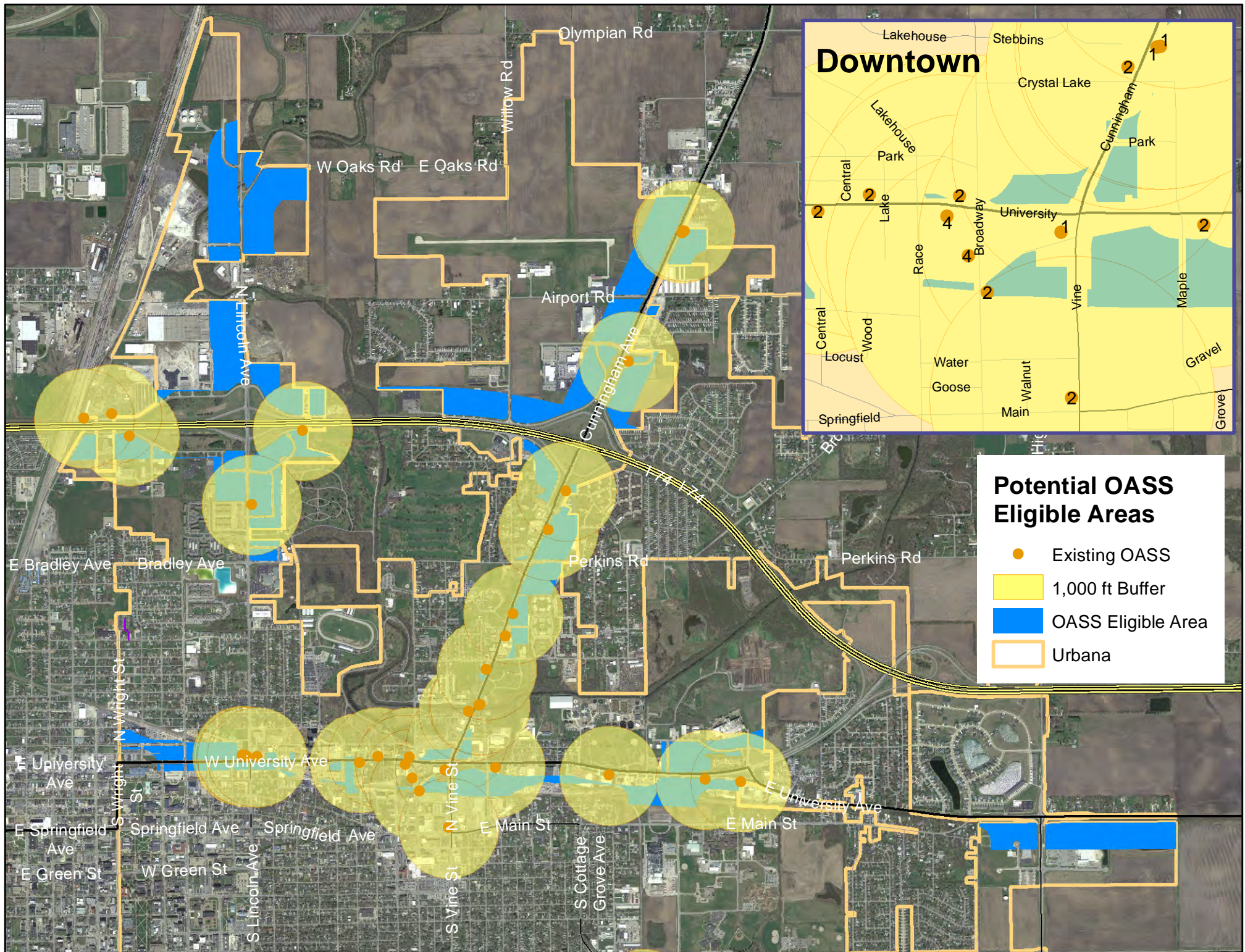
Section XI-9:

C. *Minimum Fine Schedule for Certain Violations*

1. The minimum fine for parking in violation of Section VIII-4 is \$25.
2. The minimum fine for displaying a temporary sign in violation of Section IX-7 is \$25.
3. The minimum fine for displaying an electronic sign that is animated as defined in Section IX-2 or changes display more frequently than allowed by Section IX-4 is \$50.
4. The minimum fine for displaying a digital OASS that is animated as defined in Section IX-2, or otherwise does not comply with the brightness, hold time, or any other requirement of Section IX-6 is \$100.

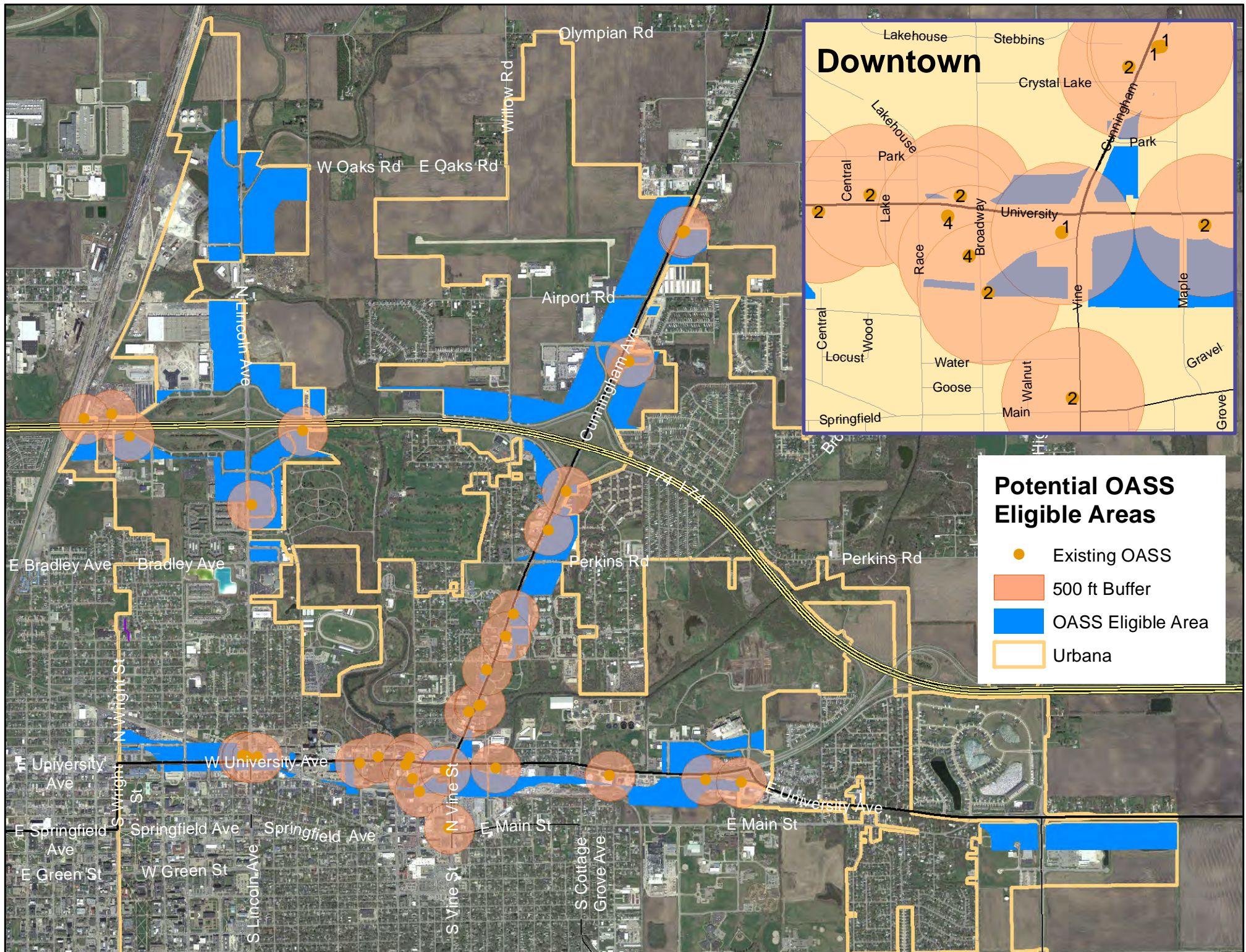
Exhibit B: Table of Setback Requirements from Intersections

City/Governmental Level	Distance to Intersection Restrictions for Digital Billboards
Bentonville, AK	Signs allowed at intersections, but only one per intersection.
IDOT	Not within 500 feet of an interchange.
Johnson, AK	Digital billboards allowed behind setbacks of individual districts.
Kansas City, KA	No billboards allowed in "site triangles" at intersection.
Normal, IL	At any intersection, it will be unlawful to erect a billboard at a right angle facing traffic within 200 feet of similarly positioned billboard (that is visible).
Phoenix, AZ	Not within 100 feet from crosswalks or traffic signals.
Springfield, IL	Not within 20 feet of a zoning lot corner formed by the intersection of any two street lines.
State of Michigan	Not within 500 feet of an interchange.
Victoria, Texas	Not within 200 feet of an intersection.
West Bradford, PA	Not within 200 feet of an intersection that possesses a traffic signal.
Weyburn, Canada	Not within 23 meters (about 75 feet) of an intersection.
Winnipeg, Canada	Not within 100 feet from crosswalks or traffic signals.



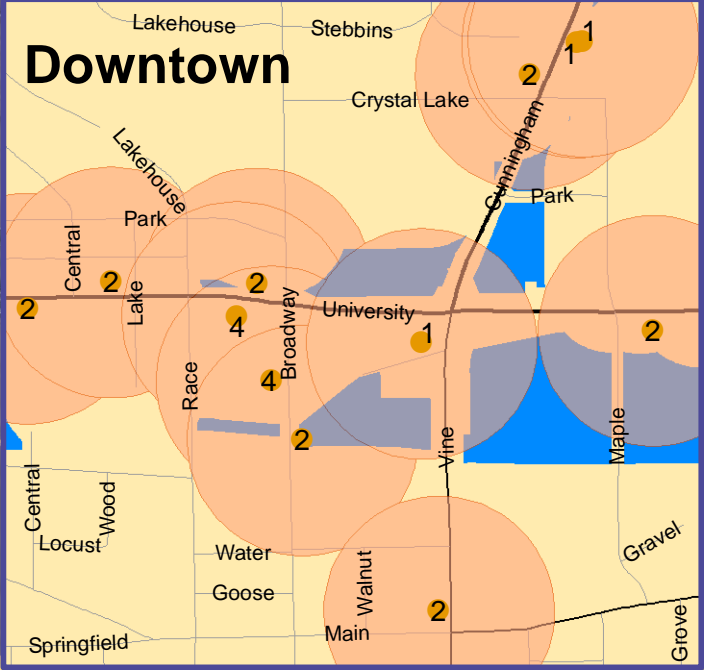
Potential OASS Eligible Areas

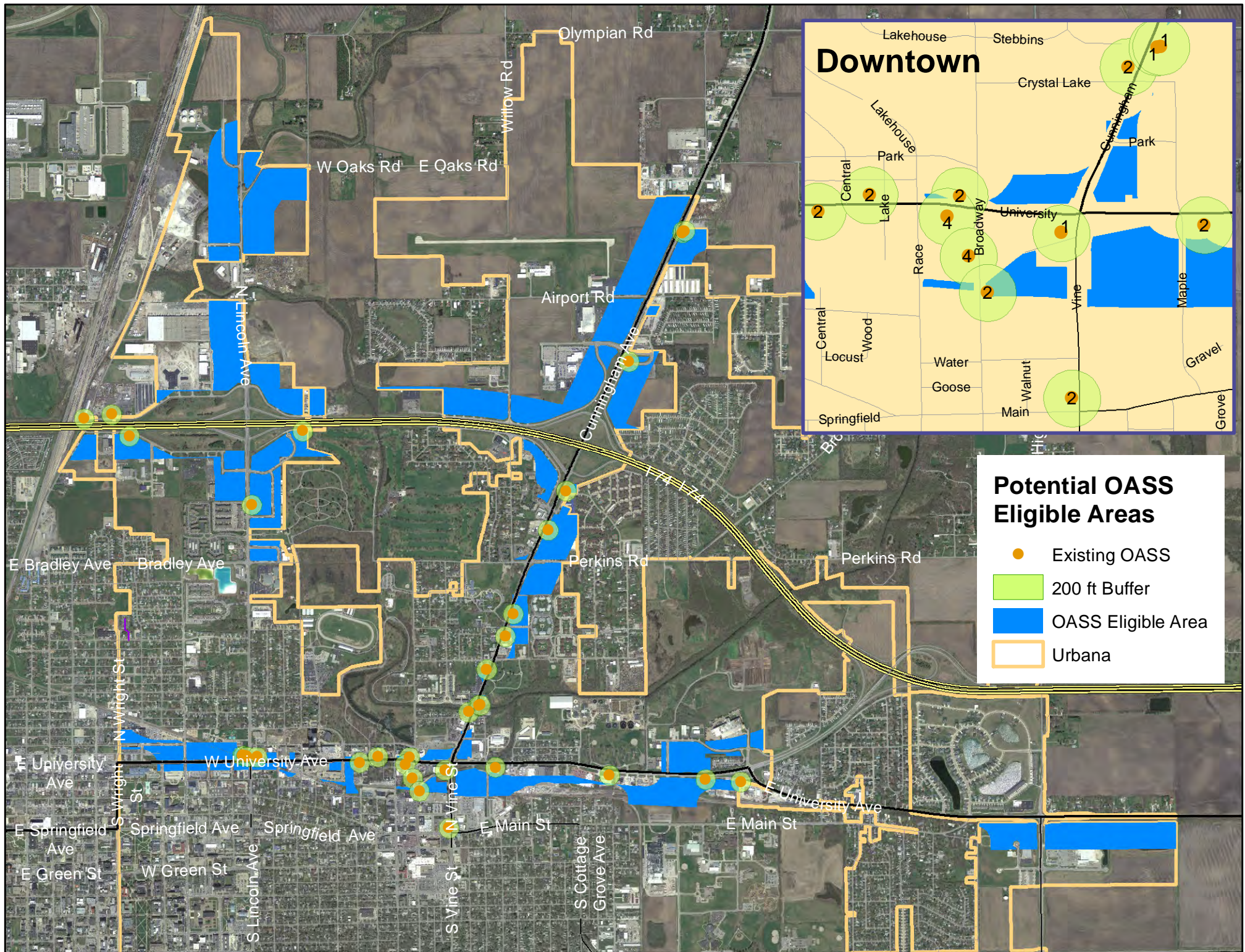
- Existing OASS
- 1,000 ft Buffer
- OASS Eligible Area
- Urbana



Potential OASS Eligible Areas

- Existing OASS
- 500 ft Buffer
- OASS Eligible Area
- Urbana





Potential OASS Eligible Areas

- Existing OASS
- 200 ft Buffer
- OASS Eligible Area
- Urbana