



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 30, 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 case was continued to the January 8, 2015 meeting of Plan Commission and then to the January 22, 2015 meeting. At the January 22, 2015 meeting, the Commission asked staff to address additional 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 modifications to the proposed text amendment, as attached in Exhibit A.

Billboard Ownership

At the last Plan Commission meeting there was some confusion about the ownership of existing billboards within the City. It was brought to staff's attention at that meeting that two of the billboards shown on an exhibit are not owned by Adams Outdoor Advertising. However, it was later discovered that these two billboards are not within City limits. These billboards are located around 1500 West Anthony Drive and around 2200 North Oak Street. Because they are outside of the City, these billboards are not subject to City zoning regulations and would not be affected by the proposed Zoning Ordinance amendments. Staff has confirmed that Adams Outdoor Advertising owns all of the existing OASS within City limits.

Impacts on Residences

Plan Commission members asked for staff to provide additional analysis on the impact of digital billboards on residences, especially as they relate to nuisance lighting and flicker from changing messages. Under the proposed ordinance amendment, new digital billboards would be required to conform with existing OASS requirements, including a 300 foot buffer distance from properties

zoned R-1, R-2, R-3, and CRE (Section IX-6.D.1.a). There is no buffer requirement between billboards and multi-family residential zoning districts or other residential uses. OASS are only allowed in business and industrial zoning districts, but apartments are allowed as a special use in the B-3 district. Plan Commissioners were concerned that light from digital OASS could impact nearby residences, including higher density residential zoning districts that do not have a buffer requirement.

Staff researched how many residences are near areas that would be allowed to have digital billboards installed. A very small percentage of the City's residences are near these billboard-eligible areas. About 244 residences (of over 16,000 housing units in the City) are within 200 feet of an area where billboards would be allowed and within 400 feet of the street centerline. Exhibit B shows potentially affected units in a selected area along University Avenue. The majority of these units are set back more than 100 feet from the road, and any digital billboard built near them would be directed toward the road and away from the residences.

In order to address potential future conflicts between these residences and digital billboards there are some additional restrictions that could be implemented with the proposed Zoning Ordinance amendment. These include setback requirements from additional residential zones, time restrictions on operation of digital billboards, and protections against nuisance lighting. Regarding zoning district restrictions, one potential solution is to require a buffer from all residential districts, not just from the R-1, R-2, and R-3 districts. Staff does not recommend this course of action, because applying a 300-foot buffer from all residential zoning districts would remove much of the University Avenue and Cunningham Avenue corridors from eligibility, as shown in Exhibit C. These corridors are commercial in nature and have long been designated as eligible for OASS.

Adams Outdoor Advertising has indicated that all of their digital billboards are turned off from midnight to 6:00 AM. Staff research has shown that some other communities have implemented a time restriction on the operation of digital billboards, with blackout hours typically beginning between 10:00 PM and midnight and ending between sunrise and 7:00 AM. Staff recommends regulating the times that digital billboards are allowed to operate as a way to ensure nearby residents are not negatively affected. This could be accomplished with a city-wide time limit, or by limiting operational hours of billboards within a certain distance of a residence. It would be possible to codify this time limit into proposed Section IX-6.E.4 by adding the following sentence: “Digital OASS shall not operate between the hours of 12:00 AM and 6:00 AM.”

Finally, the Zoning Ordinance currently contains restrictions against nuisance lighting. These restrictions have been successfully used in the past to require that certain lights be moved or shielded. Staff proposes to continue to rely on this language, and proposes to reinforce its application to digital OASS by repeating it in proposed Paragraph IX-6.E.4.

Light Direction

A Plan Commission member pointed out that Section IX-6.D.1.11 states that lights shall be shielded from roadways. Digital OASS project light directly from the face of the billboard onto the road, so

this provision would effectively prohibit their use. Staff has proposed a change of language to address this concern.

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 revised and presented here in Exhibit A.

cc: Cain Kiser, Adams Outdoor Advertising

Attachments:

Exhibit A: Revised Digital Billboard Ordinance Proposed Text Amendments

Exhibit B: Map of Residential Uses Near OASS Eligible Areas on University Avenue

Exhibit C: Map of OASS Eligible Areas Near High-Density Residential Zoning Districts

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:

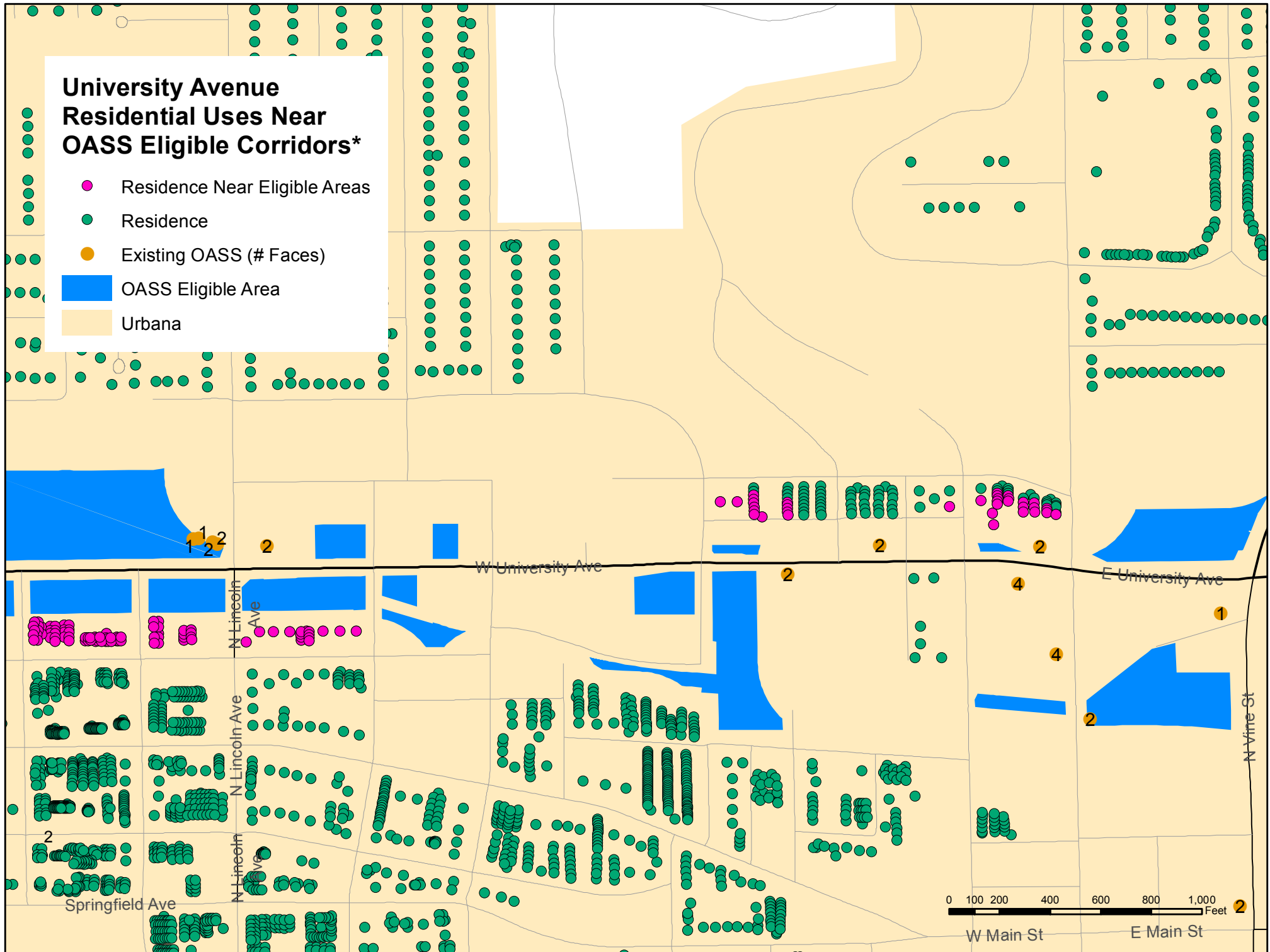
1. *Permit Required.* Digital OASS, including those where the Digital OASS is replacing the display area of a previously existing OASS, shall meet all requirements for a new OASS except for the requirements of Paragraph IX-D.1.11, and shall require issuance of a new OASS permit in conformance with Section 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. Digital OASS shall not shine directly onto any residence and shall not comprise a nuisance or hazard to residences or roadway users. Digital OASS shall not operate between the hours of 12:00 AM and 6:00 AM.
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. Each day which the violation occurs or continues shall be considered a separate violation.
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. Each day which the violation occurs or continues shall be considered a separate violation.



* Residence locations are approximate.

OASS Eligible Corridors Within 300 Feet of High Density Residential

- Existing OASS
- OASS Eligible Area
- OASS Eligible Area Near High Density Zones
- Urbana

