

ORDINANCE NO. 9495-81

**AN AMENDMENT TO THE ZONING ORDINANCE  
OF THE CITY OF URBANA, ILLINOIS**

(Amendment of the Sign Ordinance to Permit Temporary Commercial Sign Displays)

(Plan Case #1548-T-94)

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance #9293-124 on June 21, 1993 which adopted the 1993 Comprehensive Amendment to the 1979 Zoning Ordinance of the City of Urbana which is also known as the Urbana Zoning Ordinance; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case #1548-T-94; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Plan Commission held a public hearing to consider the proposed amendment on November 10, 1994 and February 9, 1995; and

WHEREAS, the Urbana Plan Commission voted at its regular meeting on February 9, 1995 to forward Plan Case #1548-T-94 and the proposed amendments to the Urbana City Council with a recommendation for approval with revisions recommended at that hearing; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to amend the text of the Urbana Zoning Ordinance as described herein for the following reasons:

1. Temporary commercial sign displays are an important means of promotion for commercial businesses in the City.
2. The absolute prohibition against temporary commercial sign displays in the City's Zoning Ordinance puts the City at a competitive disadvantage with other communities in the area in attempts to attract and retain businesses.
3. Allowing a limited number of temporary commercial sign displays for each business during a calendar year will not unduly compromise the City's objectives related to the regulation of sign displays.

THIS ORDINANCE CONSISTS OF 6 PAGES.

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4. The text of the Zoning Ordinance needs to be clarified to convey the intent of the Zoning Ordinance to require the expeditious removal of illegal temporary signs and to strictly prohibit portable commercial sign displays.
5. A ticketing system to provide for the payment of a minimum fine for a violation of the sign ordinance without the need for a court appearance or the filing of a formal complaint will help Staff efficiently enforce the regulation of temporary signs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS that the Zoning Ordinance of the City of Urbana, Illinois is hereby amended as follows:

Section 1. Article II is amended to add the following paragraph under the definition of the term "sign", following the definition of "Community event sign":

14. Grand opening sign: A temporary sign used to announce the opening of a new business or the change of ownership of a business.

Section 2. Section IX-4 is amended to add paragraph E as indicated:

E. In the B-3, B-3U and B-4, B-4E and IN Districts, in addition to the signs permitted as specified in Tables IX-1 through IX-4, IX-6 and IX-9, temporary commercial signs, in the form of banners securely fastened at both ends to a building or other structure, shall be allowed by permit in the following instances:

1. Each business shall be allowed to display one grand opening sign per business frontage for a period not to exceed thirty consecutive days. Said display must occur within the first six months after either the opening of said business at that site or after there has been a change in ownership of the business.
2. In addition to any grand opening signs permitted in paragraph 1 above, each business shall be allowed up to four separate displays of a temporary commercial sign per business frontage per calendar year. That means that if more than one business is located on a particular lot, then each business on that lot shall be allowed up to four separate temporary sign displays per calendar year for each portion of the lot that abuts a public street or alley. The total length of time for those four displays on a particular business frontage shall not exceed four (4) weeks per calendar year.
3. The area of temporary signs shall be restricted to 100 square feet for wall or wall-mounted signs, and fifty (50) square feet for freestanding signs.

4. A temporary sign shall be set back at least ten (10) feet from the front property line, or shall be displayed so that the bottom edge of the sign is at least ten (10) feet above grade level at all points.

5. A permit for a temporary sign shall specify the location of the sign and the period of time during which said sign may be displayed.

6. No fee shall be charged for a grand opening temporary sign. This fee language shall supersede the requirements of Chapter XIV of the City of Urbana Code of Ordinances governing fees for sign permits. The fees for other temporary commercial signs shall be as set forth in Chapter XIV for sign permits.

Section 3. Section IX-7 is amended, modifying paragraph A-5 and adding paragraph A-8 as indicated:

5. Any sign which contains or consists of banners, pennants, ribbons, streamers, strings of light bulbs, spinners, or similar devices, and unless such signs are permitted in Sections IX-4, IX-5 and IX-6;

8. Any portable signs.

Section 4. Section IX-8 is amended, modifying paragraph B-4 as indicated:

4. Two (2) prints or ink drawings of the plans and specifications indicating the method of construction and attachment to the buildings or in the ground. No such prints or ink drawings shall be required for Section IX-5 signs, unless such signs require a permit, for temporary signs permitted in Section IX-4, for signs the fair market value of which is less than five hundred dollars (\$500.00) and which are erected in compliance with a standard method, the plans for which are now with the City, or for signs or outdoor advertising sign structures where drawings are already on file with the Zoning Administrator;

Section 5. Section IX-9 is amended, modifying paragraph B as indicated and deleting paragraph E:

B. Whenever it shall appear to the Zoning Administrator that any permanent sign or outdoor advertising sign structure has been constructed or erected, or is being maintained in violation of any of the terms of this Ordinance, or after a permit for a permanent sign or outdoor advertising sign structure has been revoked or become void, or that a permanent sign is unsafe or in such condition as to be a menace to the safety of the public, the Zoning Administrator shall issue a notice in writing to the owner or lessee of the sign or outdoor advertising sign structure of the owner of the premises upon which the sign or outdoor advertising sign structure is erected or maintained. Such notice shall inform such person of the violation and shall direct him/her to make such alteration, repair or removal as is

necessary to secure compliance with this ordinance within a reasonable time limit, which shall not be less than twenty (20) days nor more than sixty (60) days.

If a temporary sign is displayed in violation of this Ordinance, the Zoning Administrator or his/her duly authorized representative shall issue a written warning to any person reasonably believed to be an employee of the business at the location of the illegal sign display if the individual or business that is responsible for said sign has not violated the regulations pertaining to temporary sign displays within the preceding 365 days. The warning shall require that either the offending sign be removed or that a permit for said sign be obtained within twenty four (24) hours of receipt of the warning. If the offending temporary sign is not removed or a permit for said sign is not obtained within that twenty-four hour period, or if the business or individual responsible for said sign has violated the regulations pertaining to temporary sign displays within the preceding 365 days, then that individual or business shall be subject to fines pursuant to Section XI-9 of the Ordinance.

Upon failure of a permanent sign or outdoor advertising sign structure owner or the person or business responsible for a temporary sign display to comply with the terms of a notice of violation, the Zoning Administrator, or his/her authorized representative is authorized and empowered to remove, alter or repair the sign or outdoor advertising sign structure in question so as to make it conform with this Ordinance and charge the expenses for such work to the person named in the notice.

Except as otherwise provided, the Zoning Administrator or his/her authorized representative may remove or cause to be removed a sign or outdoor advertising sign structure immediately and without notice, if, in his /her opinion, the condition of the sign is such as to present an immediate threat to the safety of the public.

Section 6. Section XI-9 is amended by deleting all of the current text of that section and replacing it with the following text:

#### Section XI-9. Fines

##### A. General penalty; continuing violations

1. In all cases where the same offense is made punishable or is created by different clauses or sections of the Urbana Zoning Ordinance, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided that the revocation of a permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

2. Whenever the Urbana Zoning Ordinance authorizes a minimum but not a maximum fine or penalty, the court may in its discretion fine the offender

any sum equal to or greater than the minimum fine or penalty but not exceeding five hundred dollars (\$500.00).

3. Whenever in the Urbana Zoning Ordinance the doing of any act or omission to do any act constitutes a violation, and the section violated is listed in XI-9(C), any person who shall be convicted of any such violation shall be fined not less than the minimum fine set forth in XI-9(C) nor more than five hundred dollars (\$500.00) for each offense.

4. In case of an amendment of any section of the Urbana Zoning Ordinance containing provisions for which a penalty is provided in another section, the penalty so provided in such other section shall relate to the section so amended or the amending section, whether re-enacted in the amendatory ordinance or not unless such penalty is specifically repealed therein.

5. A separate offense shall be deemed committed on each day during or on which a violation of the Urbana Zoning Ordinance occurs or continues.

6. No provision of the Urbana Zoning Ordinance designating the duties of any officer or employees shall be construed as to make such officer or employee liable for any fine or penalty provided in the Urbana Zoning Ordinance for a failure to perform such duty, unless the intention of the Council to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

B. Settlement of violations prior to suit being filed; minimum fines.

1. A person accused of violating a section of the Urbana Zoning Ordinance set forth in paragraph C of this section may be permitted to pay the minimum fine which is set forth in paragraph C of this section as settlement of such violation if payment is made in the following manner:

Payments shall be made within fourteen (14) days after the date that the Notice to Appear was issued to the person accused of such violation. A payment shall be considered made within said fourteen (14) days if the payment is actually received by the City's Finance Department by 5:00 p.m. on the fourteenth (14th) day following the date the Notice to Appear was issued.

2. If a person pays the minimum fine pursuant to this section, then no Complaint charging the person with the particular violation shall be filed by the City Attorney.

3. The minimum fine for those violations listed in paragraph C of this Section shall be as set forth in paragraph C of this section in lieu of the minimum fine set forth in other provisions of the Urbana Zoning Ordinance.

C. Minimum fine schedule for certain violations.

1. The minimum fine for parking in violation of Article VIII is twenty five dollars (\$25.00).

2. The minimum fine for displaying a temporary sign in violation of Section IX-7 is twenty-five dollars (\$25.00).

Section 7. 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).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 6th day of March, 1995.


PASSED by the City Council on this 6th day of March, 1995.

AYES: Hayes, Patt, Pollock, Ryan, Singer, Taylor, Whelan

NAYS:

ABSTAINED:

APPROVED by the Mayor this 15<sup>th</sup> day of March

  
Phyllis D. Clark  
Phyllis D. Clark, City Clerk  
By Deborah J. Pollock, Deputy Clerk  
Tod Satterthwaite  
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 6th day of March, 1995, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9495-81, entitled "AN AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (AMENDMENT OF THE SIGN ORDINANCE TO PERMIT TEMPORARY COMMERCIAL SIGN DISPLAYS (PLAN CASE #1548-T-94)" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9495-81 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 8th day of March, 1995, 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 8th, day of March, 1995.

(SEAL)



*Phyllis D. Clark*  
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Phyllis D. Clark, City Clerk  
*by Deborah J. Roberts, Deputy Clerk*