

ORDINANCE NO. 2001-07-078

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA

(To add Section IX-10, Interim Development Ordinance - Moratorium on Outdoor Advertising Sign Structures - Plan Case No. 1787-T-01)

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, the City Council has directed staff to investigate a "cap and replace" policy which would place a limitation on the number of new billboards; and

WHEREAS, to consider such a policy the City of Urbana intends to conduct a comprehensive review of OASS regulations through a Task Force that will consist of one Council member, representatives of the outdoor advertising industry, and appropriate City staff; and

WHEREAS, conducting such a review within a moratorium on OASS permits will prevent a disproportionate number of permit requests, which could occur in anticipation of changes to OASS regulations; and

WHEREAS, the Urbana City Council on June 4, 2001 approved Resolution #2001-6-019R 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 180 day moratorium on the issuance of permits for Outdoor Advertising Sign Structures; and

WHEREAS, the Urbana Plan Commission considered this petition as Plan Case 1787-T-01 on July 5, 2001 and voted 4-1 to recommend approval.

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:

1. To preserve and protect the health, safety, and welfare of the citizens of the City by preventing the erection of new OASS's which conflict with the intent of the Zoning Ordinance.

2. Consider a possible "cap and replace" policy for billboards. In doing so, consider the following:

- a. Review issues of vested rights and property rights in relation to billboard regulation.
 - b. Review relationship of billboard regulation with respect to First Amendment freedom of speech rights.
 - c. Consider the ramifications of any moratorium and subsequent amendments on the C&U Poster settlement agreement.
3. Review alternatives, such as an increase in the spacing requirement between OASS's, that may be appropriate in concert with a cap and replace limitation.
 4. Prevent disproportionate increase in OASS permit requests which could occur as a result of new billboard regulations approved by City of Champaign.

B. Boundaries - All property within the City limits in all zoning districts which currently permit the construction and operation of an OASS. As set forth in Table IX-5 of this Zoning Ordinance, 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.

C. Use Regulations - All permitted or provisional uses as currently allowed by the Zoning Ordinance are permitted, except OASS. Any permit application for an OASS, other than those meeting the exception criteria listed under Section IX-10.E shall be denied.

D. Duration - 180 calendar days from July 16, 2001

E. Variation or Exception

1. 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.
2. Hardship - The Zoning Administrator will 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 July 16, 2001.

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 16th day of July,
2001 .

AYES: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, Wyman

NAYS:

ABSTAINS:

APPROVED by the Mayor this 30th day of July,
2001 .


Phyllis D. Clark
Phyllis D. Clark, City 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 16th day of July, 2001, the
Corporate Authorities of the City of Urbana passed and approved Ordinance
No. 2001-07-078, entitled:

**“AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF URBANA (TO ADD SECTION IX-10,
INTERIM DEVELOPMENT ORDINANCE – MORATORIUM
ON OUTDOOR ADVERTISING SIGN STRUCTURES –
PLAN CASE NO. 1787-T-01)”**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2001-07-078 was
prepared, and a copy of such Ordinance was posted in the Urbana City Building
commencing on the 9th day of August, 2001, and continuing for
at least ten (10) days thereafter. Copies of said Ordinance were also available for
public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 9th day of August,
2001.



Phyllis D. Clark
City Clerk *by Deborah J. Robert*
Deputy Clerk