

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:



APPROVED by the Mayor this 20th day of September, 2004.

Tod Satterthwaite
Tod Satterthwaite, Mayor