

VILLAGE OF ANTIOCH

11-09-14

**AN ORDINANCE AMENDING TITLE 10 CHAPTER 6 ARTICLE A AND B
SECTION 1 AND 2 OF THE VILLAGE CODE REGARDING PERMITTED USES
AND AMENDING TITLE 10 CHAPTER 15 SECTION 5 REGARDING LIQUOR
LICENSES AND SPECIAL USE CRITERIA**

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

September 6, 2011

**Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this 9th day of September, 2011.**

LAWRENCE M. HANSON	President	DENNIS B. CROSBY	Trustee
CANDI L. ROWE	Clerk	MARY C. DOMINIAK	Trustee
ROBERT J. LONG	Attorney	JAY JOZWIAK	Trustee
		SCOTT A. PIERCE	Trustee
		TED P. POULOS	Trustee
		GEORGE C. SAKAS	Trustee

Ordinance No. 11-09-14

WHEREAS, the Village of Antioch is a Non-Home Rule Illinois Municipal Corporation organized and operating under the Illinois Municipal Code, 65 ILCS 5/1 et seq.; and

WHEREAS, pursuant to Chapter 15 of Title 10 of the Antioch Village Code, a public hearing was commenced and adjourned by the Combined Planning Commission and Zoning Board on June 09th, 2011 after due notice by newspaper publication, pursuant to the application of Dustin Nilsen, on Behalf of the Village of Antioch ("Petitioner") to amend Title 10 of the Village Zoning Code; and

WHEREAS, the Combined Planning Commission and Zoning Board, following adjournment of the public hearing and consideration of all the evidence presented by the Applicant, staff and public, voted to recommend approval of a text amendment of Chapter 6 and 15 of Title 10 relating to Permitted Uses (the "Amendment"); and

WHEREAS, In the development and execution of the entire Zoning Ordinance of the Village, it is recognized that there are some uses which, because of their very nature, are recognized as having objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas, particularly adjacent and nearby residential and commercial areas where nurseries, schools, nursing homes, churches, and similar uses are located.

WHEREAS, In the proper and realistic zoning and special regulations of these uses are necessary to insure that these adverse effects will not contribute to the blighting, down-grading of the surrounding neighborhood, or discouraging normal development of undeveloped areas.

WHEREAS, Special regulations are itemized in the Title as to provide a consistent and rational separation basis in order to afford all users a right to develop such uses without injurious results to the balance of the community or neighboring property owners. And such regulations acting as the primary control in the prevention of the concentration of these uses in any one area.

WHEREAS, the Corporate Authorities have concluded and found that the Amendment, subject to and in conformance with the terms and conditions of this Ordinance, is necessary or desirable to permit services or facilities which are in the interest of public convenience, will contribute to the general welfare of the neighborhood or community, and will not, under the circumstances permitted by this Ordinance, be detrimental to the health, safety, morals or general welfare of persons

residing or working in the vicinity, or injurious to property values or improvements in the vicinity; and

WHEREAS, the Corporate Authorities accept the findings of the Planning and Zoning Board and found that the Amendment will enhance and promote the general welfare of the Village and the health, safety and welfare of the residents of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Antioch, Lake County, Illinois, as follows:

SECTION I: The foregoing recitals represent the purpose and intent of this ordinance and insofar as each recital does it is incorporated by reference as a substantive provision as though fully set forth herein and

SECTION II: That Section 10-6B-2of Title 10 of the Antioch Village Code be and is hereby amended and shall hereafter provide as follows with underline (insert) denoting inserted language and ~~(delete)~~ denoting deleted language:

**CHAPTER 6
Business Zone District**

10-6B-1. Permitted Uses.

Pawnshops

10-6B-2. Special Uses.

Pawnshops

SECTION III: That Section 10-6A-2 of Title 10 of the Antioch Village Code be and is hereby amended and shall hereafter provide as follows with underline (insert) denoting inserted language and ~~(delete)~~ denoting deleted language:

10-6A-2. Special Uses.

Tavern, Bar, Nightclub, or Lounge, Places of Entertainment Assembly.

SECTION IV: That Section 10-6A-1 and 10-6A-2 of Title 10 of the Antioch Village Code be and is hereby amended and shall hereafter provide as follows with underline (insert) denoting inserted language and ~~(delete)~~ denoting deleted language:

CHAPTER 6

Business Zone District

10-6B-1. Permitted Uses.

~~Bowling alleys, billiard and pool rooms, dance halls, gymnasiums, meeting halls, lodge halls, fraternal organizations and clubs, are permitted provided they are located in a basement or above the first floor and above a business use permitted in this section, or said uses may be located on the ground floor when permitted business establishments occupy street frontage, except for an entranceway to the rear use.~~

10-6A-2. Special Uses.

Bowling alleys, billiard and pool rooms, dance halls, gymnasiums, meeting halls, lodge halls, fraternal organizations and clubs, places of entertainment assembly, are permitted provided they are located in a basement or above the first floor and above a business use permitted in this section, or said uses may be located on the ground floor when permitted business establishments occupy street frontage, except for an entranceway to the rear use.

SECTION V: That Section 10-15-5 C.1 of Title 10 of the Antioch Village Code be and is hereby amended and shall hereafter provide as follows with underline (insert) denoting inserted language and strikeout (delete) denoting deleted language:

C. Required Submittals:

~~1. Liquor Licenses: Additional documentation shall be prepared and submitted by the petitioner in accordance with title 4, chapter 2 of this code, and this section. Liquor license applications are available at the office of the village clerk.~~

SECTION VI: That Section 10-15-5 B.4 of Title 10 of the Antioch Village Code be and is hereby amended and shall hereafter provide as follows with underline (insert) denoting inserted language and strikeout (delete) denoting deleted language:

4. Criteria for Approval of Special Uses: The following criteria shall be applied in reviewing each application:

a. The compatibility of the proposed use with existing and planned uses on abutting properties;

b. Any increase in density or intensity of the proposed use that will affect the compatibility of the use with existing and planned uses in the surrounding area;

c. The proposed use will not change the predominant character of the surrounding area;

d. The ability to mitigate adverse and undesirable impacts to the surrounding area, including but not limited to visual impacts, air emissions, noise, vibrations, glare, heat odors, water pollution, electromagnetic interference, and other nuisance effects;

e. Amount of traffic generated and capacity and design of roadways and available parking facilities to handle anticipated traffic;

f. The effect on infrastructure including water, wastewater, stormwater, utilities, and streets;

g. The incorporation and integration of architectural and landscape features to mitigate impacts from the proposed use;

h. The Village Board, Planning and Zoning Board, or Planning Director are authorized to consider the past performance of an applicant in their consideration of any special use. The Village Board, Planning and Zoning Board, or Planning Director may use as a basis for denial whether the applicant or developer is determined to be in violation of any requirements, conditions, or representations on a prior development.

SECTION VII: Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action arising, acquired or existing under any act or ordinance or portion thereof hereby repealed or amended by this ordinance; nor shall any just or legal right, claim, penalty or remedy of any character of the corporate authority existing on the effective date hereof be lost, impaired or affected by this Ordinance.

SECTION VIII: If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would

have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.

SECTION IX: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

Passed and approved this 6th day of September, 2011.

AYES: 6: Pierce, Sakas, Poulos, Crosby, Dominiak and Jozwiak.

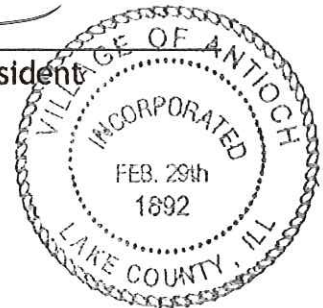
NAYS: 0.

ABSENT: 0.


LAWRENCE M. HANSON, President

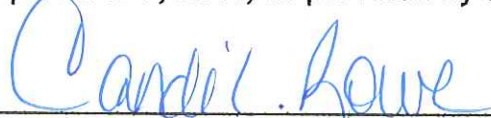
ATTEST:


CANDI L. ROWE, Village Clerk



Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on September 6, 2011.

I hereby certify that the above ordinance was published in pamphlet form on September 9, 2011, as provided by law.


CANDI L. ROWE, Village Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

CERTIFICATE

I, Candi L. Rowe, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on September 6, 2011, the Corporate Authorities of such municipality passed and approved Ordinance No. 11-09-14, entitled “***AN ORDINANCE AMENDING TITLE 10 CHAPTER 6 ARTICLE A AND B SECTION 1 AND 2 OF THE VILLAGE CODE REGARDING PERMITTED USES AND AMENDING TITLE 10 CHAPTER 15 SECTION 5 REGARDING LIQUOR LICENSES AND SPECIAL USE CRITERIA*** ” which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 11-09-14, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on September 9, 2011, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this 9th day of September, 2011.



Candi L. Rowe, Village Clerk

