

VILLAGE OF ANTIOCH

---

ORDINANCE NO. 21-04-10

*AN ORDINANCE GRANTING A SPECIAL USE FOR AN ELECTRONIC MESSAGE BOARD AT ANASTASIA'S LOCATED AT HILLSIDE and LAKE STREET (PZB 21-02)*

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ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

April 12, 2021

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Published in pamphlet form by authority of the Village Board of the Village of Antioch, Lake County, Illinois, this 13<sup>th</sup> day of April 2021

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LAWRENCE M. HANSON	<b>President</b>	JERRY JOHNSON	<b>Trustee</b>
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**ORDINANCE NO. 21-04-10**

***AN ORDINANCE GRANTING A SPECIAL USE FOR AN ELECTRONIC MESSAGE BOARD FOR ANASTASIA'S (PZB 21-02)***

**WHEREAS**, pursuant to Chapter 15 of Title 10 of the Antioch Village Code, a public hearing was commenced by the Combined Planning Commission and Zoning Board on January 9, 2020 following notification as required by State Law and Village Ordinance to consider a petition for a Special Use allowing for an Electronic Message Board at Anastasia's located at the property commonly known as 950 Hillside, Antioch, Illinois.

**WHEREAS**, the Combined Planning Commission recommended denial of the Electronic Message Board at their meeting on March 11<sup>th</sup>, 2021 by a vote of 4-2 with one commissioner abstaining.

**WHEREAS**, the proposed Electronic Message Board is approximately 13.5 square feet and the design of the proposed sign will incorporate a brick base and landscaping around the sign.

**WHEREAS**, the Corporate Authorities have concluded and found that the Special Use, subject to and in conformance with the terms and conditions of this Ordinance, conform to a majority of the required standards as required by ordinance, including; a) The special use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish property values with the neighborhood; and; b) The establishment of the special use will not impede the normal and orderly development and improvement of the adjacent properties for uses permitted in the subject zoning district.

**WHEREAS**, the Corporate Authorities have concluded and found that the Special Use will further enhance economic development within the Village 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 THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, LAKE COUNTY, ILLINOIS, AS FOLLOWS:***

**SECTION I:** The representations, recitations and findings set forth in the foregoing recitals are material to this Ordinance and such recitals are hereby incorporated into and made a part of this Ordinance as though they were fully set forth herein. This Ordinance shall be liberally construed so that the purpose and intent represented by the recitals shall be accomplished to the greatest extent permitted by law.

**SECTION II:** That the real estate which is the subject of this ordinance (Subject Property) is legally described as follows:

(See attached legal description)

**SECTION III:** That, subject to the conditions stated below, the Special Use shall be and is hereby approved and shall be binding upon the Village, Petitioner and Owner, and their respective owners, successors, and assigns when a true execution copy of this Ordinance is tendered to the Village fully executed by the Petitioner and Owner, and when the Mayor has affixed his signature upon the Ordinance.

**SECTION IV** That the proposed EMB sign located at the intersection of Lake Street and Hillside shall conform to the Village's EMB sign regulations outlined in the Village's Sign Ordinance and the aforesaid provisions are hereby incorporated in this ordinance as follows:

- a) The EMB unit must be equipped with both a programmed dimming sequence as well as an additional overriding mechanical photocell that adjusts the brightness of the display to the ambient light at all times of the day. Such programming and mechanical equipment shall be set so that the EMB, at night or in overcast conditions, will project no more than 40% of the daytime brightness level.
- b) The EMB unit must be extinguished at the close of business to which the EMB relates, or for any business to which the business hours extend beyond, provided further that in all events and situations, the EMB unit must be extinguished by 11:00 p.m. This restriction shall apply regardless of the location of the EMB on the property.
- c) The EMB unit must have the "flash" feature disabled and messages shall have a 10 second "hold" time except for time and temperature messaging which may have a shorter duration, but no less than four (4) seconds. No single message may be repeated more than once every 40 seconds.
- d) The images and/or messages displayed on the EMB may only transition from one message and/ or image to another by either fading or dissolving to black with another message or image appearing or dissolving in black with another message or image appearing immediately thereafter, without movement or other transitions effects between images and/ or messages:
- e) Except as otherwise provided herein, all images and or messages displayed on the EMB must be static and may not reflect movement, flashing, scrolling or changes in shape or size of images or portions of images. Streaming and/or live-action video may not be displayed and this function of the EMB must be disabled.
- f) The EMB unit must be equipped to override commercial messages for emergency situations such as an "Amber Alert" or other such acute public emergencies, but such override authority for public emergencies shall not exceed 48 total hours within any two-week period. The owner of the EMB unit shall cooperate with the Village of Antioch in order to allow the Village of Antioch to exercise its override authority.

g) The EMB and its accompanying sign housing must be constructed in substantial compliance with the drawings and conceptual renderings attached hereto and incorporated herein as Exhibit B. The overall sign and the EMB embedded into it shall not be altered in any material way without the owner first securing the written approval of the Village of Antioch.

h) The EMB unit shall otherwise comply with all other provisions of Chapter 14 of the Antioch Zoning Ordinance, including, but not limited to the prohibition against off-premise advertising signs.

**SECTION V** That this EMB sign shall be limited to a white message on a black background.

**SECTION VI:** The following exhibits shall be attached to and made a part of this Special Use Ordinance and, except as expressly modified by this Ordinance, compliance with all standards, requirements, designs or specifications in such exhibits shall be a condition of the grant of this Special Use Ordinance:

- A. Village Board Staff Report attached as Exhibit A;
- B. Drawings and conceptual renderings of proposed EMG sign.

**SECTION VII:** Any person violating the terms and conditions of this Ordinance shall be subject to a penalty not exceeding Five Hundred Dollars (\$500.00) with each and every day that the violation of the Ordinance is allowed to remain in effect being deemed a complete and separate offense. In addition, the appropriate authorities of the Village may take such other action as they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees. This section shall not apply to the Village of Antioch, its officials, agents or employees.

**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 be included.

**SECTION IX:** That the Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form as provided by law.

**SECTION X:** That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

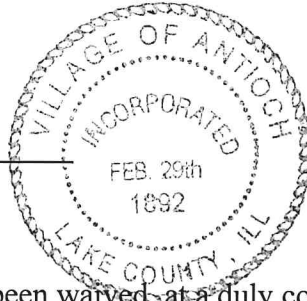
Passed this 12<sup>th</sup> day of April 2021.

By: 

Lawrence M. Hanson, Mayor

**ATTEST:**

By:   
Lori K. Romine, Village Clerk



Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on April 12, 2021.



