

**VILLAGE OF ANTIOCH**

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**ORDINANCE NO. 21-08-31**

***AN ORDINANCE GRANTING A SPECIAL USE FOR AN ELECTRONIC MESSAGE  
BOARD FOR UNITED METHODIST CHURCH  
(PZB 19-12)***

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**ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES**

**OF THE**

**VILLAGE OF ANTIOCH, ILLINOIS**

**ON**

**August 25, 2021**

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**Published in pamphlet form by authority of the Village Board  
of the Village of Antioch, Lake County, Illinois,  
this 26<sup>th</sup> day of August 2021**

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**Scott J. Gartner  
President**

**Lori Romine  
Village Clerk**

**DelGaldo Law Group LLC  
Village Attorney**

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Scott Pierce**

**ORDINANCE NO. 21-08-31**

***AN ORDINANCE GRANTING A SPECIAL USE FOR AN ELECTRONIC MESSAGE BOARD FOR UNITED METHODIST CHURCH (PZB 19-12)***

**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 the United Methodist Church located at the property commonly known as 848 Main Street, Antioch, Illinois.

**WHEREAS**, the Combined Planning Commission recommended denial of the Electronic Message Board, however the Village Board approved the Electronic Message Board sign at the Village Board meeting in March 2020 by a super majority.

**WHEREAS**, the proposed Electronic Message Board is approximately 17 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 compatibility of the proposed use with the 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 surrounding area; c) The proposed use will not change the predominant character of the surrounding area; d) The ability to mitigate adverse and understandable impact to the surrounding area, including, but not limited to the individual 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.

**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:** 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. Copy of proposed EMG sign.

**SECTION V:** 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 VI:** 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.

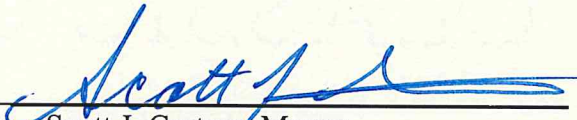
**SECTION VII:** That the Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form as provided by law.

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

Passed this 25<sup>th</sup> day of August 2021.


	Ayes:	Nays:	Absent/Abstain:
Scott A. Pierce	X		
Mary Pedersen	X		
Brent Bluthardt	X		
Ed Macek	X		
Mary Dominiak			Absent
Petrina Burman	X		

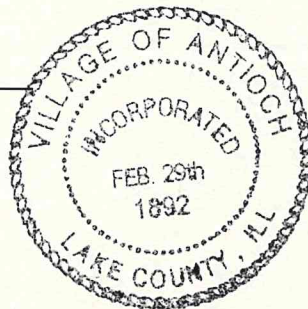
**APPROVED:**

By:   
Scott J. Gartner, Mayor

Date: August 26, 2021

**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 August 25, 2021.







**REPORT TO:** VILLAGE PRESIDENT and BOARD OF TRUSTEES  
**FROM:** MICHAEL S. GARRIGAN, Esq, AICP, CNU-A, Community Development Director  
**DATE:** March 2, 2020  
**SUBJECT:** REPORT TO VILLAGE BOARD

**CASE:** United Methodist Church  
19-12 SU

**REQUEST:** Special Use

**LOCATION:** 848 Main Street

**APPLICANT:** United Methodist Church

**ZONING:** Main Street Transitional

**Background**

The applicant is requesting a Special Use to install an Electronic Message Board (EMB) sign in front of their church located at 848 Main Street. The subject site is in the "Downtown Sign District" which prohibits EMB signs within the boundaries of the district. Based on this fact, the applicant is seeking a Variance from this regulation and a Special Use for their proposed EMB sign. His matter went before the Planning and Zoning Commission and the PZB recommended denial by a vote of 6-1.

**Special Use**

When reviewing any proposed Special Use, it is important to look at the surrounding uses and determine whether what is being proposed is consistent with the character of the area. Therefore, it is necessary to

look at the site's context, the nature of the surrounding uses and potential impact that the Special Use will have.

Below is a summary of the surrounding uses:

North:	Commercial
East:	Institutional
South:	Institutional
West:	Institutional

In accordance with Section 10-15-5, any proposed Special Use must comply with certain findings of facts that are outlined in this section of the Zoning Ordinance. The required findings of facts are as follows:

#### ANALYSIS

*a) The compatibility of the proposed use with the existing and planned uses on abutting properties:*

The applicant is seeking to install a message board under their existing sign facing Main Street. Currently, the applicant has a manual message board below the "United Methodist Church of Antioch". As proposed, this new EMB sign would be approximately 17 square feet and would mirror the same size as the current manual sign that is located at the site.

There was a general agreement by the Village Board that EMB signs did not belong within the Downtown Sign District based on the perspective that they were not compatible with the historic character of the Downtown. Specific design parameters were established for the signage in the Downtown, reflecting a pattern of signage that is more low-key and historically sensitive.

*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.*

The proposed EMB sign at this general location will have no impact on the intensity of development around the subject site.

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

Allowing an EMB sign at the subject site and within the Downtown Sign District will have a potentially negative impact on the historic character of the Downtown. The United Methodist Church of Antioch continues to be one of the most historic structures in Downtown Antioch and its steeple has helped defined the character of the Downtown since the early part of the 20<sup>th</sup> century. Consistent with the Downtown Sign District, the current signage of the church is sensitive to the historic character of this shingle-style building.

However, adding an electronic message board in front of this historic building would distract from the character of the structure and establish a new precedent in the Downtown and potentially allow more EMB signs along Main Street.



- d) *The ability to mitigate adverse and understandable impact to the surrounding area, including, but not limited to individual impacts, air emissions, noise, vibrations, glare, heat, odors, water pollution, electromagnetic interference and other nuisance effects.*

The proposed Special Use for this EMB sign would have no negative impact on air quality, noise, vibrations, glare, or any type of water pollution.

- 1) The property must have one hundred (100) feet of frontage on Route 173, Route 59, or Route 83. North Avenue is not identified in the ordinance as being appropriate for LED signs.

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

The proposed LED sign will have no direct impact on the amount of traffic in the area.

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

The proposed LED sign will have no impact on stormwater, or the Village's utility capacity.

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

h.

*As outlined above, Staff continues to have concerns about the negative impact that an EMB sign would have on the historic character of the area surrounding the applicants' site. In addition, we continue to see a likely proliferation of EMB signs along Main Street corridor and Downtown.*

## **Variance**

In accordance with Section 10-15-6, before a Variance can be granted, certain findings of fact must be shown by the applicant. Below is a summary of the factors that the Planning and Zoning Commission should consider with respect to the above-captioned application:

- 1. *The proposed variation will not:*
  - a) *Impair adequate supply of light and air to adjacent property.*
  - b) *Unreasonably increase the congestion in public streets.*
  - c) *Increase the danger of fire or endanger public safety.*
  - d) *Unreasonably diminish or impair established property values within the surrounded area; and*
  - e) *Merely serve as a convenience to the applicant; there is a demonstrated practical design difficulty involved in this project.*
  - f) *The requested variation does not permit a use otherwise excluded from the zoning district in which the property is located.*



There is nothing to indicate that allowing the variance in this case would impair the supply of light on adjacent parcels or increase street congestion or increase any danger to the general public. However, the proposed EMG sign would have a negative impact on the historic character of the Downtown which in the long run would reduce property values.

- 2) *The conditions or circumstances upon which the request is based apply to land for which the variation is sought and is not generally applicable in the zoning district.*

There is nothing unique about this proposed EMG sign and the hardship that exist has been self-created by the applicant. Specifically, the applicant is not being prohibited in communicating their church schedule or religious messages. The existing message board is permitted, and no contents of any message are being regulated. The only thing the Village is regulating is the technical form of the message, not the contents of the message (which would be unconstitutional based on case law).

In addition, the applicant is not being treated differently from other uses in the Downtown. The Sign Ordinance prohibits all EMB signs in the Downtown, regardless if it is a religious institution, business, or non-for-profit.

- 3) *The condition or circumstances is not a result of any action on part of the applicant.*

*The applicant even with the denial of the requested EMB sign will continue to worship at the church and the Village's in denying the proposed electronic messaging would still be allowing the applicant the opportunity to communicate and spread their message to the community.*

- 4) *The strict application of the zoning requirement would deprive the applicant of reasonable use of his land.*

The denial of the requested electronic message will not impede or interfere with the applicant's ability to operate their religious institution.

- 5) *The variation requested is the minimum adjustment needed for the reasonable use of the land.*

There is nothing that would prohibit the applicant to incorporate a slightly larger message board that is non-electronic which would allow them to communicate with the public.

- 6) *The granting of the requested variation is in harmony with the general purposes and intent of the zoning ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the village's comprehensive plan.*

As highlighted above, the proposed EMB sign would not fit into the character of the Village's historic Downtown. The applicant's church is a historic building which has helped shape the character of Main Street since turn of the last century.

**RECOMMENDATION**

The Village Board at the Village Board meeting directed the Village Attorney to proceed with drafting a Special Use Ordinance for an Electronic Message Board. Based on this direction, Staff would make the following motion:

***We move that the Village Board approve the herewith attached Special Use ordinance for an Electronic Message Board for the United Methodist Church located at 848 Main Street.***





Figure 1: Existing Sign



Figure 2: Proposed Sign





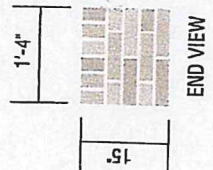
DOUBLE FACE ILLUMINATED DISPLAY  
1/2" = 1'-0"

FABRICATED METAL CABINET  
DK. BRONZE POLYURETHANE FINISH  
WHITE LED ILLUMINATION  
PLEXIGLAS FACE W/ BLACK APPLIED VINYL COPY  
RED & BLACK VINYL LOGO  
EXISTING SUPPORTS

32 X 80 RED LED MESSAGE CENTER  
4G WIRELESS CONTROLLER  
BLACK CABINET  
DK. BRONZE FILLER

FABRICATED METAL CABINET  
DK. BRONZE POLYURETHANE FINISH  
WHITE VINYL APPLIED COPY

BRICK BASE BY N.S.  
USE CUSTOMERS BRICKS



REVISIONS		COMMENTS	
B	5/18/21	REMOVE CAP / CHG BRICK BASE	

UNITED METHODIST CHURCH OF ANTIOCH 848 MAIN ST. ANTIOCH, IL.		SALESPERSON MATT
SCALE	NOTED	DRAWING # 11894
DATE	8/20/18	DRAW BY: AS

Colors depicted on this drawing are printed simulations to assist in visualizing the design. They do not accurately reflect the actual colors specified.

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