R.25.01

Passed and Approved this 24th Day of February 2025 by the City Council.

AYES:	NAYS:	ABSENT:
Tegtmeyer, Westemeier, Wienen, Behlke, Johnson, Kieffer, Renner	None	None

Terry Renner
Mayor

ATTEST:

Mary Beth Hyde
City Clerk

CITY OF GALENA, ILLINOIS

101 Green Street • P.O. Box 310 • Galena, Illinois 61036

Resolution No. R.25.01

ZONING BOARD OF APPEALS

DETERMINATION & RECOMMENDATION TO THE CITY COUNCIL OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER:	Cal. No. 25A-02
APPLICATION BY:	City of Galena, 101 Green St., Galena, IL 61036.
FOR:	Request for a Text Amendment to the Zoning Code of Ordinances to allow digital message board signs by Special Use Permit.

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on February 12, 2025. The hearing was advertised in an edition of the Galena Gazette, in a quarter-page sized ad that was available to the general public between 15 and 30 days prior to the hearing. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed, and all persons were heard who desired to testify.

NATURE OF APPLICATION

On October 9, 2024, at the regular meeting of the Zoning Board of Appeals, the Galena Unit School District requested a variance to allow a digital message board sign in front of the new Galena High School renovation. At that time, the ZBA did not approve that request by a vote of 3-1 with only 4 members present and the acting chair required to vote with the majority to not cause a tie. With the motion to approve the proposed sign not receiving the adequate votes for approval, there were no further motions made. Therefore, the request was not approved.

At the November 25, 2024, regular meeting of the City Council, the GUSD appealed the decision of the ZBA to the City Council. The council agreed by a vote of 6-0 to send the matter back to the ZBA for review and possible revision of the ordinance that strictly prohibits digital message board signs.

On January 8, 2025, at the regular meeting of the Zoning Board of Appeals, the ZBA held a concept plan review on the topic of a text amendment to allow digital message board signs. After discussion and guidance from the ZBA, the zoning administrator was tasked with drafting a proposal.

At the February 12, 2025 regular meeting of the Zoning Board of Appeals, the zoning board voted to send a positive recommendation on a text amendment to allow digital message boards signs with one amendment to the proposal. The amendment was as follows:

- Proposed section 154.810(C)(1)(a) is changed to state that message signs shall only be erected by public entities that provide public emergency services.

The following amendment to section 154.800, Signage Regulations. Section 154.804, Prohibited Signs, and 154.810, Signs Requiring a Special Use Permit, and 154.015, Definitions, will be amended as follows.

154.804 PROHIBITED SIGNS

Strike

~~(22) Except where explicitly allowed elsewhere in this chapter, message boards with changeable letters and messages, including electronic message signs.~~

154.015 DEFINITIONS

Add

SIGN, MESSAGE BOARD. A board or sign on which changeable messages or notices are displayed.

SIGN, ELECTRONIC MESSAGE. A sign that displays digital messages that may be presented at intermittent intervals by an electronic process.

NITs. A measure of luminance measuring how much light an object emits. One NIT is equivalent to one candela per square meter or 3.126 Lumens.

154.810 SIGNS REQUIRING A SPECIAL USE PERMIT

Add

(C) Message boards with changeable letters and messages, including electronic message signs (special use required)

(1) Unless explicitly allowed elsewhere in this chapter, message boards with changeable letters and messages, including electronic message signs shall be permitted by special use and shall comply with the following limitations.

(a) Message signs shall only be erected by public entities that provide public emergency services.
(b) Message signs shall only be located outside of the historic district.
(c) Message signs are limited to use on an approved freestanding sign and shall be integrated into the overall sign face.
(d) Message signs shall not exceed 20 square feet in size and shall not exceed 10 feet in any direction. The area of sign shall not exceed one-third of the total sign area of the freestanding sign face.
(e) No more than one message sign shall be permitted per taxing body or parcel.
(f) All electronic message signs shall be turned off or otherwise non-operational from 11:00 pm until 6:00 am or after business hours, whichever is later.
(g) Light sensors are required to adjust brightness based on ambient conditions. Message signs must operate at a maximum of 7500 NITs during daytime hours and at a maximum of 700 NITs during nighttime hours.
(h) The electronic message display must be programmed so it does not change more frequently than once every five seconds, and the message change occurs instantaneously, without use of scrolling, flashing, fading, blinking, or other similar transitions. The sign shall contain static messages only, changed only through dissolve or fade transitions, but that may otherwise not have movement, or the appearance or optical illusion of movement varying light intensity, of any part of the sign, design or pictorial segment of the sign. The change of message using dissolve or fade transition shall not exceed one second of time between each message displayed on the board.
(i) Colors and design must be sympathetic with the aesthetic qualities of the city and the surrounding zoning districts in which the message signs are located.
(j) No advertising and only content related to the functions of the taxing body shall be permitted on message signs.
(k) Once approved, no modifications of any kind, other than routine maintenance, can be made to a message sign without Zoning Board of Appeals approval

The ZBA conducted the public hearing on the text amendment. The ZBA voted to recommend approval of the text amendment to the City Council.

Testimony Presented on Behalf of the Applicant:

Attorney Joe Nack presented for the city and suggested changing the language of the (C)(1)(a) to remove taxing body to say by public entities that provide public emergency services. A school would do this.

Einsweiler said the school is really the best place.

Baranski said It is if there is a critical situation.

Tonne thought "uses" might be a better word than "services".

No further testimony was presented in support of, or in opposition to, the proposal.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Article 0, Section 154.005 through 154.008 sets forth the Purpose, Separability and Non-Liability, Abrogation and Rules of Interpretation of the Zoning Ordinance.
- Article 9, Section 154.801 through 154.814 lists and describes Signage Regulations.
- Article 9, Section 154.924 sets forth the purpose, applicability, approval criteria, decision-maker, and application and review procedures for Special Use Permits.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by the City of Galena for a text amendment to allow Digital Message Signs by Special Use Permit be approved for the following reasons:

Zoning Text Amendment - In determining whether the proposed zoning text amendment shall be approved, the following factors shall be considered:

1. Whether the existing text or zoning designation was in error at the time of adoption; *Not applicable.*

2. Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.; *Yes, the school is developing.*

3. Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district or whether there may be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new zone may generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances; *Yes, due to the restrictive hours of operation.*

4. Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this code, and other city regulations and guidelines; *Not applicable.*

5. Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone; *There is.*

6. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; or *There is.*

7. Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning. *Clearly is.*

RECOMMENDATION

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals does recommend to the City Council of the City of Galena that this request by the City of Galena for a text amendment to allow digital message board signs should be approved.

PASSED AND APPROVED this 12th day of February, A.D. 2025, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 1 absent, 0 abstain, 0 recused.

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Steve Monahan, Acting Chairperson