

VILLAGE OF LIBERTYVILLE

ORDINANCE NO. 16-O- 61

AN ORDINANCE AMENDING VARIOUS SECTIONS
OF THE LIBERTYVILLE ZONING CODE
RELATING TO ERRORS AND DISCREPANCIES

Adopted by the
President and Board of Trustees
of
the Village of Libertyville
Lake County, Illinois
this 12 day of July, 2016

Published in pamphlet form by direction
and authority of the Village of Libertyville
Lake County, Illinois
this 13 day of July, 2016

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AN ORDINANCE AMENDING VARIOUS SECTIONS
OF THE LIBERTYVILLE ZONING CODE
RELATING TO ERRORS AND DISCREPANCIES

WHEREAS, the President and Board of Trustees of the Village of Libertyville have considered amending the Libertyville Zoning Code in order to correct errors and clarify discrepancies within the Code; and

WHEREAS, on April 18, 2016, the Development Review Committee reviewed and recommended approval of the requested zoning relief; and

WHEREAS, the Plan Commission of the Village of Libertyville, pursuant to notice duly published on May 7, 2016, in the *Daily Herald*, held a public hearing on May 23, 2016, at 7:05 p.m., at the Village Hall, 118 West Cook Avenue, Libertyville, Illinois for the purpose of hearing and considering testimony regarding the requested zoning relief; and

WHEREAS, on May 23, 2016, the Plan Commission, having fully heard and considered the testimony of all those present at the public hearing who wished to testify, made findings of fact as required by law and recommended to the President and Board of Trustees of the Village of Libertyville that the proposed text amendment be approved, all as is more specifically set forth in that certain Report of the Plan Commission on Case No. PC 16-14, dated as of June 8, 2016; and

WHEREAS, the President and Board of Trustees of the Village of Libertyville have considered the findings and recommendations of the Plan Commission and are fully advised in the premises.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LIBERTYVILLE, COUNTY OF LAKE, STATE OF

ILLINOIS, AS FOLLOWS:

SECTION ONE: Recitals. The foregoing recitals are hereby incorporated herein as if fully set forth.

SECTION TWO: Determination as to Findings. The Village Board finds the following:

- a. *The consistency of the proposed amendment with the purposes of this Code.* The proposed Zoning Code text amendments are consistent with the purposes of the Code.
- b. *The existing uses and zoning classifications of properties in the vicinity of the subject property.* The proposed corrections and clarifications to the Zoning Code are appropriate for those existing zoning classifications currently in place.
- c. *The trend of development in the vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present zoning classification.* The various trends in development throughout the Village shall be appropriately addressed by the proposed Zoning Code text amendments.
- d. *The extent to which the value of the subject property is diminished by its present zoning classification.* No such diminishment is expected from the proposed Zoning Code text amendments.
- e. *The extent to which such diminution in value is offset by an increase in the public health, safety and welfare.* No such diminution is expected from the proposed Zoning Code text amendments.
- f. *The extent, if any, to which the use and enjoyment of adjacent properties would be adversely affected by the proposed amendment.* The use and enjoyment of properties within the Village shall not be adversely affected by the proposed Zoning Code text amendments.
- g. *The extent, if any, to which the value of adjacent properties would be adversely affected by the proposed amendment.* The value of properties within the Village shall not be adversely affected by the proposed Zoning Code text amendments.
- h. *The extent, if any, to which the future orderly development of adjacent properties would be adversely affected by the proposed amendment.* The future of orderly development of properties within the Village shall not be adversely affected by the proposed Zoning Code text amendments.
- i. *The suitability of the subject property for uses permitted or specially permitted under its zoning classification.* The suitability of properties for uses permitted or specially permitted under their zoning classification shall not be adversely affected by the proposed Zoning Code text amendments.

- j. *The availability of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.* The availability of adequate ingress to and egress from properties and the extent to which traffic conditions within the vicinity of properties within the Village shall not be adversely affected by the proposed Zoning Code text amendments.
- k. *The availability of adequate utilities and essential public services to the subject property to accommodate the uses permitted or specially permitted under its present and proposed zoning classification.* The availability of adequate utilities and essential public services to properties within the Village shall not be adversely affected by the proposed Zoning Code text amendments.
- l. *The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.* The length of time, if any, that properties within the Village have been vacant, shall not be adversely affected by the proposed Zoning Code text amendments, in the context of the pace of future development of such properties.
- m. *The community need for the proposed amendment and for the uses and development it would allow.* The Village has identified a community need for the proposed Zoning Code text amendments.

SECTION THREE: Amendment of Article 2. Article 2-2, entitled “Definitions” of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code, as follows:

2-2 DEFINITIONS

PHYSICAL FITNESS STUDIOS. a space specifically designated for exercise, fitness training, and physical wellness activities. Also included are toilets, office, and general storage normally found in a Physical Fitness (Exercise Room) space to meet codes and regulations. Physical Fitness Studios do not include: high bay court games (basketball, racquetball), saunas, hot tubs, steam rooms, swimming pools, food preparation, and service or sporting goods retail.

SECTION FOUR: Amendment of Article 5. Article 5-2.2, entitled “Permitted Uses” of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code, as follows:

5-2.2 Permitted Uses.

- n. Cut and Sew Apparel Contractors (31521)

SECTION FIVE: Amendment of Article 5. Article 5-2.2, entitled “Permitted Uses” of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code, as follows:

5-2.2 Permitted Uses.

- o. Management of Companies and Enterprises (55), but limited to:
 - 1) Corporate, Subsidiary, and Regional Managing Offices (551114)

SECTION SIX: Amendment of Article 5. Article 5-3.3, entitled “Special Permit Uses” of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code, as follows:

5-3.3 Special Permit Uses.

- j. Education Services (611), but limited to:
 - 1) Sports and Recreation Instruction (611620)

SECTION SEVEN: Amendment of Article 5. Article 5-4.3, entitled “Special Permit Uses” of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code, as follows:

5-4.3 Special Permit Uses.

- o. Fitness and Recreation Sports Centers (713940), but limited to Physical Fitness Studios

SECTION EIGHT: Amendment of Article 5. Article 5-2.2, entitled “Permitted Uses” of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code, as follows:

5-2.2 Permitted Uses.

- l. Retail Trade, but limited to:
 - 10) Sporting Goods, Hobby, Book, and Music Stores (451), but excluding Gun Shops (451110)

SECTION NINE: Amendment of Article 5. Article 5-3.2, entitled “Permitted Uses” of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code, as follows:

5-3.2 Permitted Uses.

- k. Retail Trade, but limited to:
 - 11) Sporting Goods, Hobby, Book, and Music Stores (451), but excluding Gun Shops (451110)

SECTION TEN: Amendment of Article 5. Article 5-4.2, entitled “Permitted Uses” of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code, as follows:

5-4.2 Permitted Uses.

- m. Retail Trade, but limited to:
 - 11) Sporting Goods, Hobby, Book, and Music Stores (451), but excluding Gun Shops (451110)

SECTION ELEVEN: Amendment of Article 5. Article 5-5.2, entitled “Permitted Uses” of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code, as follows:

5-5.2 Permitted Uses.

- m. Retail Trade, but limited to:
 - 11) Sporting Goods, Hobby, Book, and Music Stores (451), but excluding Gun Shops (451110)

SECTION TWELVE: Amendment of Article 6. Article 6-2.2, entitled “Permitted Uses” of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code, as follows:

6-2.2 Permitted Uses.

- i. Insurance Carriers and Related Activities (524)

SECTION THIRTEEN: Amendment of Article 7. Article 7-4.2, entitled “Permitted Uses” of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code, as follows:

7-4.2 Permitted Uses.

- c. Manufacturing, but limited to:
 - 6) Food Manufacturing (311), excluding animal slaughtering and processing (3116)

SECTION FOURTEEN: Amendment of Article 13. Article 13-6, entitled “Residential Recreational Facilities and Swimming Pools” of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code, as follows:

13-6 RESIDENTIAL RECREATIONAL FACILITIES AND SWIMMING POOLS

Except as provided herein, outdoor residential recreational facilities and swimming pools accessory to any dwelling located in any Residential District shall be buffered and screened by a solid fence or a densely planted evergreen hedge of not less than six (6) feet in height in combination along with any other landscaping materials as may be needed. Such screening shall be provided on all sides of such facility or swimming pool which are visible from any property or street which is adjacent to the zoning lot on which such residential recreational facility or swimming pool is located. If the owner of a residential recreational facility or swimming pool desires to obtain a waiver from this screening requirement, the owner shall identify the side or sides of the residential recreational facility or swimming pool for which the owner is seeking a waiver from the screening requirements and must obtain consent to such waiver by written agreement from the owners of all adjacent residentially zoned lots that are both within the Village and within one hundred (100) feet of the lot on which the recreational facility or swimming pool is located. Upon receipt of an agreement executed by all such adjacent property owners, the portion of the screening for which a waiver is being sought shall not be required. The waiver shall remain in effect during such time as the adjacent property owners continue to hold the legal or beneficial interest in the title to such adjacent properties. The written agreement shall provide that upon written demand of any of the adjacent property owners or upon the sale or transfer of the legal or beneficial interest in any of the adjacent properties, all otherwise required screening shall be installed, in compliance with this section, within ninety (90) days of either such written demand or the sale or transfer of the legal or beneficial interest in any of the adjacent properties. Failure to install the required screening within such ninety (90) day period shall be deemed a violation of this Code. In the event that the new owner of the legal or beneficial interest of an adjacent property executes the agreement required by this section, the waiver with respect to screening shall remain in force. The written agreement shall be recorded with the Lake County

Recorder of Deeds against the property upon which the residential recreational facility or swimming pool is located and each of the adjacent properties.

SECTION FIFTEEN: Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

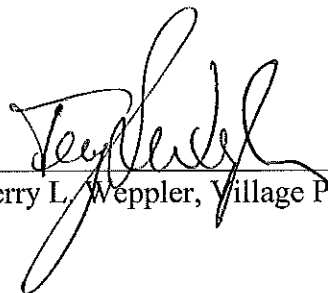
PASSED this 12 day of July, 2016.

AYES: JOHnson, Moras, GAInes, Justice, Adams, Garrity

NAYS: None

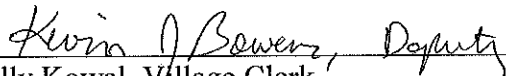
ABSENT: None

APPROVED this 13 day of July, 2016.



Terry L. Wepler, Village President

ATTEST:



Sally Kowal, Village Clerk