

VILLAGE OF LIBERTYVILLE

ORDINANCE NO. 19-O-45

AN ORDINANCE AMENDING SECTION 16-8
OF THE LIBERTYVILLE ZONING CODE
RELATING TO VILLAGE BOARD AUTHORIZED VARIATIONS

Adopted by the
President and Board of Trustees
of
the Village of Libertyville
Lake County, Illinois
This 11th day of June, 2019.

Published in pamphlet form by direction
and authority of the Village of Libertyville
Lake County, Illinois
This 12th day of June, 2019.

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AN ORDINANCE AMENDING SECTION 16-8
OF THE LIBERTYVILLE ZONING CODE
RELATING TO VILLAGE BOARD AUTHORIZED VARIATIONS

WHEREAS, the President and Board of Trustees of the Village of Libertyville have considered amending the Libertyville Zoning Code relating to Village Board Authorized Variations regarding reducing the minimum required land area for property located in the C-1, Downtown Core Commercial District; and

WHEREAS, on April 15, 2019, 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 April 6, 2019, 2019, in the *Daily Herald*, held a public hearing at 7:05 p.m., commencing on April 22, 2019, and concluding on May 13, 2019, 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 13, 2019, 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 19-07, dated as of May 21, 2019; 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 request is consistent with the purposes of the Code.
- b. *The existing uses and zoning classifications of properties in the vicinity of the subject property.* The amendments are specific to the condition.
- 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 classification remains unchanged.
- d. *The extent to which the value of the subject property is diminished by its present zoning classification.* The classification remains unchanged.
- e. *The extent to which such diminution in value is offset by an increase in the public health, safety and welfare.* The classification remains unchanged.
- f. *The extent, if any, to which the use and enjoyment of adjacent properties would be adversely affected by the proposed amendment.* Adjacent properties will not be affected by the proposal.
- g. *The extent, if any, to which the value of adjacent properties would be adversely affected by the proposed amendment.* Values will not be affected from the proposed amendments.
- h. *The extent, if any, to which the future orderly development of adjacent properties would be adversely affected by the proposed amendment.* Future development will not be affected.
- i. *The suitability of the subject property for uses permitted or specially permitted under its zoning classification.* The amendments will not affect permitted uses.
- 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 proposal is less intensive than the existing land use.

- 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. Services and utilities are available and adequate.*
- 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 property is occupied until June 1, 2019.*
- m. *The community need for the proposed amendment and for the uses and development it would allow. The request will allow the use of the existing building in response to need for in-town housing options accessible to services and local merchants.*

SECTION THREE: Amendment to Section 16-8. Section 16-8.5 entitled “Authorized Variations – Board of Trustees” of Article 16 of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code to add, as follows:

- 28) To reduce by not more than twenty-five percent (25%) the required lot area for dwelling units within existing structures located in the C-1 Downtown Core Commercial District, provided, however that: 1) no such variation may be granted which would permit the development of more than two (2) dwelling units in addition to the number of dwelling units that could be developed in the absence of such variation; 2) no such variation may be granted which would permit any increase in the otherwise permitted maximum floor area; and 3) no such variation may be granted in connection with any plan which would result in the addition of a story on such existing building or any expansion of the footprint of such existing building.

SECTION FOUR: Amendment to Section 16-8. Section 16-8.5 entitled “Authorized Variations – Board of Trustees” of Article 16 of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code to add the following parenthetical statement below Section 16-8.5(a)(2):

(See Section 16-8.5(a)(28) for authorized variations to minimum lot area relating to dwelling units located within existing buildings in the C-1 Downtown Core Commercial District.)

SECTION FIVE: 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.

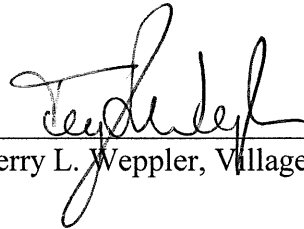
PASSED this 11th day of June, 2019.

AYES: Johnson, Moras, Justice, Adams, Carey

NAYS: None

ABSENT: Garrity

APPROVED this 12th day of June, 2019.



Terry L. Weppler, Village President

ATTEST:



Sally Kowal, Village Clerk