

VILLAGE OF LIBERTYVILLE

ORDINANCE NO. 19-O-71

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 10th day of September, 2019.

Published in pamphlet form by direction
and authority of the Village of Libertyville
Lake County, Illinois
This 11th day of September, 2019.

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AN ORDINANCE AMENDING SECTION 16-8
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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 to allow variations up to 20% for lot coverage that existed on July 25, 2018 in Residential Districts; and

WHEREAS, on June 17, 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 June 22, 2019, in the *Daily Herald*, held a public hearing on July 8, 2019, 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 July 8, 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 19-13, dated as of July 16, 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 proposed text amendment is consistent with the purpose of the Zoning Code.
- b. *The existing uses and zoning classifications of properties in the vicinity of the subject property.* The existing uses and zoning classifications of properties in the vicinity of the subject property shall not be detrimentally affected by the text amendment.
- 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 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 shall remain unencumbered by the text amendment.
- d. *The extent to which the value of the subject property is diminished by its present zoning classification.* The value of the subject property shall not be diminished by its present zoning classification as a result of the text amendment.
- e. *The extent to which such diminution in value is offset by an increase in the public health, safety and welfare.* Any potential diminution in value as a result of the text amendment shall be offset by an increase in the public health, safety and welfare.
- 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 adjacent properties will not be adversely affected by the proposed text amendment.
- g. *The extent, if any, to which the value of adjacent properties would be adversely affected by the proposed amendment.* The value of adjacent properties will not be adversely affected by the proposed text amendment.
- h. *The extent, if any, to which the future orderly development of adjacent properties would be adversely affected by the proposed amendment.* The future orderly development of adjacent properties will not be adversely affected by the proposed text amendment.

- i. *The suitability of the subject property for uses permitted or specially permitted under its zoning classification.* The suitability of the subject property for uses permitted or specially permitted under its zoning classification shall not be encumbered upon as a result of the proposed text amendment.
- 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 the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property will not be affected by the proposed text amendment.
- 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 the subject property to accommodate the uses permitted or specially permitted under its present and proposed zoning classification shall remain unencumbered as a result of the proposed text amendment.
- 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 the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property is not applicable relative to the proposed text amendment.
- m. *The community need for the proposed amendment and for the uses and development it would allow.* The Village of Libertyville community shall benefit from the proposed text amendment and for the uses and development it would allow.

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 amend Section 16-8.5(a)(3), as follows:

- 3) Except as provided by Section 16-8.5(a)(30), to increase the maximum allowable building coverage or lot coverage, but by not more than five percent (5%) of the district requirement in the C-2 Downtown Community Commercial District, the C-3 General Commercial District, and the O-1 Professional Services Office District, by not more than fifteen percent (15%) of the district requirement in any Residential District and by not more than 20% of the district requirement in every other district.

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 Section 16-8.5(a)(30), as follows:

- 30) With respect to lots located within any Residential District as to which building coverage or lot coverage existing on July 25, 2018, exceeded, by more than fifteen percent (15%), the maximum building coverage or lot coverage applicable to such lot on such date, to increase by not more than twenty percent (20%) the maximum building coverage or lot coverage requirements of such Residential District. No such variation shall be granted which will result in building coverage or lot coverage which exceeds the percentage of building coverage or lot coverage existing on such lot on July 25, 2018.

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.

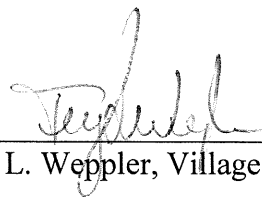
PASSED this 10th day of September, 2019.

AYES: Johnson, Moras, Justice, Adams, Garrity, Carey

NAYS: None

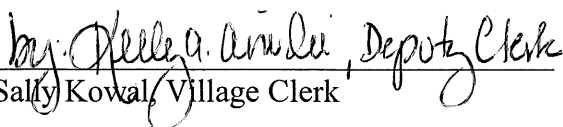
ABSENT: None

APPROVED this 11th day of September, 2019.



Terry L. Wepler, Village President

ATTEST:


Sally Kowal, Village Clerk