

VILLAGE OF LIBERTYVILLE

ORDINANCE NO. 13-O- 45

AN ORDINANCE AMENDING SECTION 10-1.3
OF THE LIBERTYVILLE ZONING CODE
RELATING TO PARKING REQUIREMENTS
FOR EXISTING USES

Adopted by the
President and Board of Trustees
of
the Village of Libertyville
Lake County, Illinois
this 27 day of August, 2013

Published in pamphlet form by direction
and authority of the Village of Libertyville
Lake County, Illinois
this 28 day of August, 2013

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AN ORDINANCE AMENDING SECTION 10-1.3
OF THE LIBERTYVILLE ZONING CODE
RELATING TO PARKING REQUIREMENTS
FOR EXISTING USES

WHEREAS, the President and Board of Trustees of the Village of Libertyville have considered amending the Libertyville Zoning Code relating to parking requirements for existing uses in the C-1, Downtown Core Commercial District; and

WHEREAS, on June 17, 2013, 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 July 6, 2013, in the *Daily Herald*, held a public hearing on July 22, 2013, 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 22, 2013, 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 13-18, dated as of August 7, 2013; 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 amendment is consistent with the purposes of the Zoning Code.
- b. *The existing uses and zoning classifications of properties in the vicinity of the subject property.* The existing uses of the properties within the C-1 District shall benefit from the proposed 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 C-1 District, including changes, if any, in such trend shall benefit from the proposed amendment.
- d. *The extent to which the value of the subject property is diminished by its present zoning classification.* The value of properties located in the C-1 District shall not be diminished by their present zoning classification.
- e. *The extent to which such diminution in value is offset by an increase in the public health, safety and welfare.* The diminution of value of properties located in the C-1 District shall not be substantially 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 properties, both within and adjacent to the C-1 District, would 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 properties, both within and adjacent to the C-1 District shall not be adversely affected by the proposed 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 properties, both within and adjacent to the C-1 District, would not be adversely affected by the proposed amendment.

- i. *The suitability of the subject property for uses permitted or specially permitted under its zoning classification.* The proposed text amendment shall not hinder properties within and adjacent to the C-1 District's suitability for uses permitted or specially permitted under their zoning classifications.
- 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.* Adequate ingress to and egress from properties, and the extent to which traffic conditions in the immediate vicinity, both within and adjacent to the C-1 District, shall not be affected by the proposed Zoning Code 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, both within and adjacent to the C-1 District, to accommodate uses permitted or specially permitted, shall remain unaffected by the proposed text amendment to the Zoning Code.
- 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 proposed Zoning Code text amendment shall not impair or unduly hinder the length of time, if any, that properties both within and adjacent to the C-1 District, having been vacant, the context of the pace of their development.
- m. *The community need for the proposed amendment and for the uses and development it would allow.* The community needs the proposed amendment and for the uses and development it would allow.

SECTION THREE: Amendment of Article 10. Article 10-1.3, entitled "General Requirements" of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code, as follows:

10-1.3 General Requirements.

- a. Applicability to Existing, New, and Expanded Uses.
 - 1) Existing Uses. Except as otherwise provided in this Section 10-1.3, the provisions of this Section 10-1 shall not be applied to require the addition of any parking spaces accessory to uses or structures existing on the effective date of this Code, but no parking space in existence on the effective date of this Code shall be removed or otherwise made unavailable for use accessory to such existing use or structure, or any successor use or structure, in violation of the requirements of this Section 10-1-3. For purpose of this section, a structure or a portion of a structure shall be considered to be existing only if at the time of

application for a building permit, the structure or portion of a structure is fully enclosed by pre-existing exterior walls and further provided that no additional floor area will be added to the structure in connection with such building permit. Except in connection with the installation of windows, doors, stairwells or similar openings, the partial or complete removal of any exterior wall in connection with construction or demolition shall require that parking for such structure or portion of a structure or replacement structure be provided in accordance with Section 10-1.

SECTION FOUR: 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.

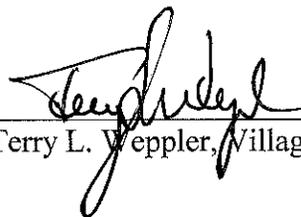
PASSED this 27 day of August, 2013.

AYES: Cullum, Moras, Gaines, Justice, Moran

NAYS: None

ABSENT: Johnson

APPROVED this 28 day of August, 2013.



Terry L. Wepler, Village President

ATTEST:



Sally Kowal, Village Clerk