

VILLAGE OF LIBERTYVILLE

ORDINANCE NO. 14-O- 63

AN ORDINANCE AMENDING SECTIONS 2 AND 10
OF THE LIBERTYVILLE ZONING CODE
RELATING TO PARKING REQUIREMENTS

Adopted by the
President and Board of Trustees
of
the Village of Libertyville
Lake County, Illinois
this 23 day of Sept., 2014

Published in pamphlet form by direction
and authority of the Village of Libertyville
Lake County, Illinois
this 24 day of Sept., 2014

VILLAGE OF LIBERTYVILLE

ORDINANCE NO. 14-O- 63

AN ORDINANCE AMENDING SECTIONS 2 AND 10
OF THE LIBERTYVILLE ZONING CODE
RELATING TO PARKING REQUIREMENTS

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

WHEREAS, on March 17, 2014, the Development Review Committee reviewed and recommended to continue the requested zoning relief; and

WHEREAS, on June 16, 2014, 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 12, 2014, in the *Daily Herald*, held a public hearing at 7:05 p.m., commencing on April 28, 2014, and concluding on July 28, 2014, 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 28, 2014, 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 14-11, dated as of August 20, 2014; 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 relative to parking regulations for the downtown 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 proposed text amendment relative to parking regulations for the downtown takes into consideration the existing uses and zoning classifications of properties in the vicinity of the downtown.
- 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 proposed text amendment relative to parking regulations for the downtown takes into consideration the trend of development, in particular the increase in restaurants and outdoor dining in the vicinity of the downtown area.
- d. *The extent to which the value of the subject property is diminished by its present zoning classification.* The proposed text amendment relative to parking regulations for the downtown takes into consideration the extent to which the value of the downtown is intended to not be diminished by its present zoning classifications.
- e. *The extent to which such diminution in value is offset by an increase in the public health, safety and welfare.* The proposed text amendment relative to parking regulations for the downtown takes into consideration that such diminution in value is intended to not be offset by an increase in the public health, safety and welfare of the downtown, its land uses, patrons, citizens and businesses.
- f. *The extent, if any, to which the use and enjoyment of adjacent properties would be adversely affected by the proposed amendment.* The proposed text amendment relative to parking regulations for the downtown takes into consideration the use and enjoyment of adjacent properties and that they would not be adversely affected.

- g. *The extent, if any, to which the value of adjacent properties would be adversely affected by the proposed amendment.* The proposed text amendment relative to parking regulations for the downtown takes into consideration the value of adjacent properties so that they would not be adversely affected.
- h. *The extent, if any, to which the future orderly development of adjacent properties would be adversely affected by the proposed amendment.* The proposed text amendment relative to parking regulations for the downtown takes into consideration the future orderly development of adjacent properties so that they would not be adversely affected.
- i. *The suitability of the subject property for uses permitted or specially permitted under its zoning classification.* The proposed text amendment relative to parking regulations for the downtown takes into consideration the suitability of the 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.* The proposed text amendment relative to parking regulations for the downtown takes into consideration the availability of adequate ingress to and egress from downtown properties and the traffic conditions in the immediate vicinity of the downtown would not be affected.
- 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 proposed text amendment relative to parking regulations for the downtown takes into consideration the availability of adequate utilities and essential public services to the downtown in order to accommodate the uses permitted or specially permitted under their present and proposed zoning classifications.
- 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 text amendment relative to parking regulations for the downtown takes into consideration the length of time that properties in the downtown have been vacant in the context of the pace of development in the vicinity of the downtown.
- m. *The community need for the proposed amendment and for the uses and development it would allow.* The proposed text amendment relative to parking regulations for the downtown takes into consideration the Village's need for the proposed amendment and for the uses and development it would allow or impact.

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:

FLOOR AREA. Except as otherwise provided in this paragraph, floor area shall mean the sum of the gross horizontal areas of all floors of a building or of such area devoted to a specific use, measured from the exterior face of exterior walls or from the center line of walls separating two buildings or uses including basement floors; elevator shafts and stairwells at each floor; floor spaces and shafts used for mechanical, electrical, and plumbing equipment, except equipment located on the roof; attic floors; interior balconies and mezzanines; enclosed porches and floor space used for accessory uses; provided, however, that gross floor area shall include only floor area that has a floor to ceiling height of not less than seven feet over a floor area having no horizontal dimension less than seven feet. Gross floor area shall also include outdoor dining areas that exceed 500 square feet in area. Gross floor area shall not include floor area devoted to off-street parking or loading within a building or structure, except when accessory to a single family dwelling. Any floor space devoted to:

SECTION FOUR: Amendment of Article 10. Article 10-1.2, entitled “Required Spaces” of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code, as follows:

10-1.2 Required Spaces.

a. **Specified Uses.**

<u>USE</u>	<u>REQUIRED SPACES</u>
Eating Places, excluding drive-in establishments	one (1) for each one hundred (100) square feet of floor area, with a minimum of ten (10)
Eating Places, including drive-in establishments	one (1) for each one hundred (100) square feet of floor area, PLUS one (1) lane for each drive-up window with stacking space for six (6) vehicles before the menu board

SECTION FIVE: Amendment of Article 10. Article 10-1.2, entitled “Required Spaces” of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code to remove Section 10-1.2(d) Exception for the C-1 Downtown Core Commercial District in its entirety.

SECTION SIX: 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.

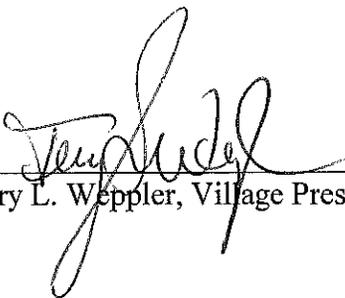
PASSED this 23 day of September, 2014.

AYES: Cullum, Moras, Gaines, Justice, Adams

NAYS: None

ABSENT: Johnson

APPROVED this 24 day of September, 2014.



Terry L. Weppler, Village President

ATTEST:



Sally Kowal, Village Clerk