

VILLAGE OF LIBERTYVILLE

ORDINANCE NO. 19-O-12

AN ORDINANCE AMENDING SECTION 5-3.3
OF THE LIBERTYVILLE ZONING CODE
RELATING TO SPECIAL PERMIT USES

Adopted by the
President and Board of Trustees
of
the Village of Libertyville
Lake County, Illinois
This 26th day of February, 2019.

Published in pamphlet form by direction
and authority of the Village of Libertyville
Lake County, Illinois
This 27th day of February, 2019.

VILLAGE OF LIBERTYVILLE

ORDINANCE NO. 19-O-12

AN ORDINANCE AMENDING SECTION 5-3.3
OF THE LIBERTYVILLE ZONING CODE
RELATING TO SPECIAL PERMIT USES

WHEREAS, the President and Board of Trustees of the Village of Libertyville have considered amending the Libertyville Zoning Code to include Indoor Golf Simulator Centers as a Special Permit Use in the C-4, Shopping Center Commercial District; and

WHEREAS, on January 21, 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 January 26, 2019, in the *Daily Herald*, held a public hearing on February 11, 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 February 11, 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 19-03, dated as of February 19, 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 use is consistent with the purposes of this Code.
- b. *The existing uses and zoning classifications of properties in the vicinity of the subject property.* Similar to the neighboring recreation use, X-Golf Libertyville must go through the Special Use application process.
- 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 use is consistent with the trend of development in the area.
- d. *The extent to which the value of the subject property is diminished by its present zoning classification.* A zoning reclassification is not proposed.
- e. *The extent to which such diminution in value is offset by an increase in the public health, safety and welfare.* A zoning reclassification is not proposed.
- f. *The extent, if any, to which the use and enjoyment of adjacent properties would be adversely affected by the proposed amendment.* A zoning reclassification is not proposed.
- g. *The extent, if any, to which the value of adjacent properties would be adversely affected by the proposed amendment.* The adjacent properties would 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 adjacent properties would not be adversely affected by the proposed amendment as the use is located within a building.
- i. *The suitability of the subject property for uses permitted or specially permitted under its zoning classification.* The use is consistent with other recreation uses in the C-4, Shopping Center Commercial District.

- 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.* There is adequate ingress and egress to the site.
- 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.* Adequate utilities are available.
- 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 space was previously occupied for additional storage space.
- m. *The community need for the proposed amendment and for the uses and development it would allow.* The community need for the use is evident by other successful recreation uses in the area.

SECTION THREE: Amendment to Section 5-3.3. Section 5-3.3 entitled “Special Permit Uses” of Article 5 of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code to add Subsection Number Two (2), Indoor Golf Simulator Centers, as follows:

- b. Arts, Entertainment and Recreation, but limited to:
 - 1) Amusement, Gambling and Recreation Industries, but further limited to:
 - i) Amusement Arcades (71312)
 - ii) Bowling Centers (71395)
 - iii) Fitness and Recreational Sports Center (713940)
 - 2) Indoor Golf Simulator Centers

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.

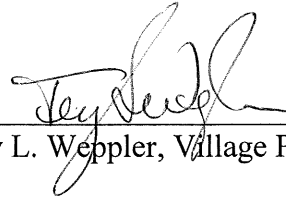
PASSED this 26th day of February, 2019.

AYES: Johnson, Moras, Justice, Garrity, Carey

NAYS: None

ABSENT: Adams

APPROVED this 27th day of February, 2019.



Terry L. Weppler, Village President

ATTEST:



Sally Kowal, Village Clerk