

VILLAGE OF LIBERTYVILLE

ORDINANCE NO. 16-O- 32

AN ORDINANCE AMENDING SECTION 13-9.2
OF THE LIBERTYVILLE ZONING CODE
RELATING TO LOCATION OF FENCES

Adopted by the
President and Board of Trustees
of
the Village of Libertyville
Lake County, Illinois
this 10 day of May, 2016

Published in pamphlet form by direction
and authority of the Village of Libertyville
Lake County, Illinois
this 11 day of May, 2016

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AN ORDINANCE AMENDING SECTION 13-9.2
OF THE LIBERTYVILLE ZONING CODE
RELATING TO LOCATION OF FENCES

WHEREAS, the President and Board of Trustees of the Village of Libertyville have considered amending the Libertyville Zoning Code relating to the requirements regarding fencing between lots in the downtown area; and

WHEREAS, on February 15, 2016, 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 9, 2016, in the *Daily Herald*, held a public hearing at 7:05 p.m., commencing on January 25, 2016, and concluding on March 28, 2016, 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 March 28, 2016, 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 16-01, dated as of April 20, 2016; 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 Code as it supports connections between properties.
- b. *The existing uses and zoning classifications of properties in the vicinity of the subject property.* N/A.
- 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.* N/A.
- d. *The extent to which the value of the subject property is diminished by its present zoning classification.* N/A.
- e. *The extent to which such diminution in value is offset by an increase in the public health, safety and welfare.* N/A.
- f. *The extent, if any, to which the use and enjoyment of adjacent properties would be adversely affected by the proposed amendment.* The proposed amendment ensures that cross-access can occur between properties and promotes the use, enjoyment, value, and orderly development of adjacent properties.
- g. *The extent, if any, to which the value of adjacent properties would be adversely affected by the proposed amendment.* The proposed amendment ensures that cross-access can occur between properties and promotes the use, enjoyment, value, and orderly development of adjacent properties.
- h. *The extent, if any, to which the future orderly development of adjacent properties would be adversely affected by the proposed amendment.* The proposed amendment ensures that cross-access can occur between properties and promotes the use, enjoyment, value, and orderly development of adjacent properties.
- i. *The suitability of the subject property for uses permitted or specially permitted under its zoning classification.* N/A.

- 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 amendment promotes adequate ingress and egress between properties.
- 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.* N/A.
- 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.* N/A.
- m. *The community need for the proposed amendment and for the uses and development it would allow.* The community need for the amendment is to ensure that existing pedestrian and vehicular access points and paths are protected.

SECTION THREE: Amendment of Article 13. Article 13-9.2, entitled “Location” of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code, as follows:

13-9.2 Location.

- c. Except as provided herein, fences may be installed and maintain in the Commercial, Industrial, O-2, Office, Manufacturing and Distribution Park, and IB, Institutional Buildings District, except that no fence shall extend beyond the front building line of the principle structure located on the lot. Within the C-1 District, no fence may be installed upon or maintained within any portion of any lot which is intended for use by pedestrians or vehicles if such fence will impede or otherwise restrict pedestrian or vehicular access from such lot to abutting lots.

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.

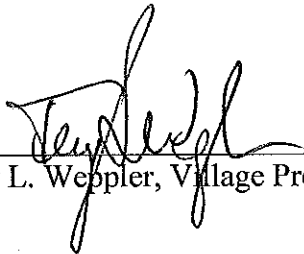
PASSED this 10 day of May, 2016.

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

NAYS: None

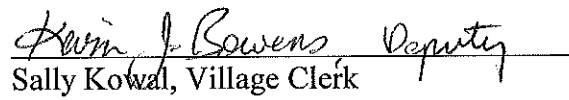
ABSENT: None

APPROVED this 11 day of May, 2016.



Terry L. Wepler, Village President

ATTEST:



Sally Kowal, Village Clerk