

VILLAGE OF LIBERTYVILLE

ORDINANCE NO. 14-O- 09

AN ORDINANCE AMENDING SECTION 7-3
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 11 day of Feb., 2014

Published in pamphlet form by direction
and authority of the Village of Libertyville
Lake County, Illinois
this 12 day of Feb., 2014

VILLAGE OF LIBERTYVILLE

ORDINANCE NO. 14-O- 09

AN ORDINANCE AMENDING SECTION 7-3.3
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 allow Fitness and Nutritional Instruction as a Special Permit Use in an I-2, East Downtown Transitional District; and

WHEREAS, on December 16, 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 December 28, 2013, in the *Daily Herald*, held a public hearing on January 13, 2014, 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 January 13, 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 14-03, dated as of January 22, 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 amendment to this Code would allow for additional Personal Service based businesses in an I-2, East Downtown Transitional District. This use is consistent with the purposes of this Code as it is consistent with other service-based uses allowed in this district.
- b. *The existing uses and zoning classifications of properties in the vicinity of the subject property.* The existing uses within the vicinity of the subject property are residential and institutional business. The proposed uses are much less intensive than the permitted and specially permitted uses within the I-2 zoning and therefore, this use is much more in alignment with the neighboring properties than other permitted uses for the property.
- 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.* Since the property is currently classified in the I-2, East Transitional Business District, these uses being petitioned for fit perfectly in the trend established by the Comprehensive Plan of Libertyville.
- d. *The extent to which the value of the subject property is diminished by its present zoning classification.* The zoning classification is not proposed to be changed.
- e. *The extent to which such diminution in value is offset by an increase in the public health, safety and welfare.* The adjacent properties would not be adversely affected by the proposed amendment, rather they would be positively affected.
- f. *The extent, if any, to which the use and enjoyment of adjacent properties would be adversely affected by the proposed amendment.* The adjacent properties would not be adversely affected by the proposed amendment, rather they would be positively affected.
- g. *The extent, if any, to which the value of adjacent properties would be adversely affected by the proposed amendment.* There would be no adverse effect on the value of the adjacent properties 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.* There would be no adverse effect on the

orderly development of the adjacent properties by the proposed amendment. The proposed use would continue to be in line with the Comprehensive Plan of Libertyville and the zoning of the entire area.

- i. *The suitability of the subject property for uses permitted or specially permitted under its zoning classification.* The current zoning classification is not proposed to change.
- 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 would be very minimal impact on the traffic conditions in the immediate vicinity of the property and there is adequate ingress to and egress from the subject property.
- 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 and essential public services to the subject property are available for permitted, specially permitted and proposed uses.
- 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 property has been operating under its current Special Use Permit without issue and the proposed amendments keep with the values of the Comprehensive Plan of Libertyville.
- m. *The community need for the proposed amendment and for the uses and development it would allow.* The proposed amendments would allow for uses that would better serve the community. The use is in line with the plans of this area as indicated by its compliance with the Village of Libertyville Comprehensive Plan.

SECTION THREE: Amendment of Article 7. Article 7-3.3, entitled "Special Permit Uses"

of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to Section 16-14 of the Libertyville Zoning Code, as follows:

7-3 I-2 EAST DOWNTOWN TRANSITIONAL DISTRICT

7-3.3 Special Permit Uses.

- n. Fitness and Nutritional Instruction

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.

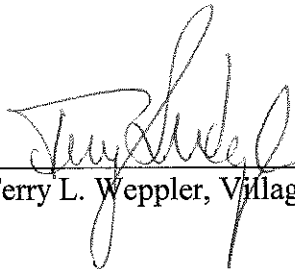
PASSED this 11 day of February, 2014.

AYES: Cullum, Moras, Justice, Gaines, Moran

NAYS: None

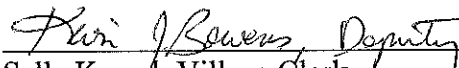
ABSENT: Johnson

APPROVED this 12 day of February, 2014.



Terry L. Wepler, Village President

ATTEST:



Sally Kowal, Village Clerk