

VILLAGE OF LIBERTYVILLE

ORDINANCE NO. 12-O- 15

HISTORIC PRESERVATION ORDINANCE
OF THE
VILLAGE OF LIBERTYVILLE, ILLINOIS

Adopted by the
President and Board of Trustees
of
the Village of Libertyville
Lake County, Illinois
this 14 day of February, 2012

Published in pamphlet form by direction
and authority of the Village of Libertyville
Lake County, Illinois
this 15 day of February, 2012

ORDINANCE NO. 12-O- 15

HISTORIC PRESERVATION ORDINANCE
OF THE
VILLAGE OF LIBERTYVILLE, ILLINOIS

WHEREAS, the rich historical past that has formed and embodies the character of the Village of Libertyville and the desire by its residents to preserve the community where the history is bound in its areas, places, structures, works of art, objects of aesthetic significance, architecture and its intrinsic value and beauty that connects its culture with community and through preservation thereof will be enjoyed and revered for future residents and visitors in mutual appreciation; and

WHEREAS, the authority for these purposes is pursuant to its powers as a non-home rule municipality; and also pursuant to the Illinois Historic Areas Preservation Act, 20 ILCS 3410 *et seq.* and 5/11-48.2 *et seq.* of the Illinois Compiled Statutes which have granted powers to the Mayor and Village Board of the Village of Libertyville to provide for official landmark designation by ordinance of areas, places, buildings, structures, and other objects having a special historical, community or aesthetic interest or value, and in connection with such areas so designated by ordinance to impose regulations governing the construction, alteration, demolition and use, and to adopt other additional measures appropriate for their preservation, protection, enhancement, rehabilitation, reconstruction, perpetuation or use; and

WHEREAS, the Village of Libertyville contains many structures and areas that embody a sense of time and place to the Village or which exemplify or reflect the cultural, social, economic, political or architectural history of the nation, the State of Illinois, or the Village; and

WHEREAS, the protection of the historic and architectural character and resources of the Village of Libertyville would be beneficial for the promotion of its economic development.

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 1. TITLE.

1.1 This ordinance shall be known, cited and referred to as the "Historic Preservation Ordinance of the Village of Libertyville, Illinois".

SECTION 2. STATEMENT OF PURPOSE.

2.1 The purpose of this Chapter is to promote the educational, cultural, economic, and general welfare of the Village of Libertyville by:

- a. Identifying, preserving, protecting, enhancing, and encouraging the continued utilization and the rehabilitation of such areas, properties, structures, sites, and objects having a special historical, community, architectural, or aesthetic interest or value to the Village of Libertyville and its citizens;
- b. Safeguarding the Village of Libertyville's historic and cultural heritage, as embodied and reflected in such areas, properties, structures, sites, and objects determined eligible for designation by ordinance as landmarks and historic districts;
- c. Fostering civic pride in the beauty and noble accomplishments of the past as represented in such landmarks and districts;
- d. Protecting and enhancing the attractiveness of the Village of Libertyville to homeowners, home buyers, tourists, visitors, businesses, and shoppers, and thereby supporting and promoting business, commerce, industry, and tourism, and providing economic benefit to the Village of Libertyville;
- e. Fostering and encouraging preservation, restoration, and rehabilitation of areas, properties, structures, sites, and objects, including entire districts and neighborhoods, and thereby preventing future blight and deterioration;
- f. Fostering the education, pleasure, and welfare of the people of Libertyville through the designation of landmarks and districts;
- g. Encouraging orderly and efficient development that recognizes the special value to the Village of Libertyville of the protection of areas, properties, structures, and objects as landmarks and districts;
- h. Continuing the preparation of surveys and studies of Libertyville's historical and architectural resources and maintaining and updating a register of areas, properties, structures, sites, and objects that may be worthy of landmark designation; and
- i. Encouraging public participation in identifying and preserving historical and architectural resources through public hearings on proposed designations, applications for changes to historic structures, applications for economic hardships and special merit applications.

SECTION 3. DEFINITIONS.

3.1 In the event of a conflict between the following definitions and the definitions included in any other ordinance of the Village of Libertyville, the following definitions shall control:

- a. Addition - Any act or process which changes one or more of the "exterior architectural features" of a structure designated for preservation by adding to, joining with or increasing the size or capacity of the structure.
- b. Alteration - Any act or process requiring a building permit or demolition permit, or any act or process included in Section 11, that changes one or more of the historic, cultural, architectural or archaeological features of an area, property, structure, site or object, including, but not limited to, the erection, construction, reconstruction, or relocation of any property, structure or object, or any part of a property, structure or object, or land altering activities.
- c. Applicant - A person who submits an application for issuance of a Certificate of Appropriateness or Certificate of Economic Hardship.
- d. Application - A form submitted for approval of alteration, construction, demolition or relocation that requires issuance of a Certificate of Appropriateness or Certificate of Economic Hardship.
- e. Area - A specific geographic division of the Village of Libertyville.
- f. Business Day - A day on which the Community Development Department is open for business. Sections of this ordinance, which refer to time periods in which "business days" are not specified, shall be understood to refer to calendar days.
- g. Certificate of Appropriateness - A certificate issued by the Commission indicating review and authorization of plans for alterations, construction, demolition or relocation of a landmark, or property, structure, site or object within a district.
- h. Certificate of Economic Hardship - A certificate issued by the Commission after a determination by the Commission that the previous denial of a Certificate of Appropriateness has resulted in a denial of all reasonable use of and return from the property.
- i. Commission - The Libertyville Historic Preservation Commission.
- j. Commissioners - Persons appointed by the Mayor, with the advice and consent of the Village Board, to the Libertyville Historic Preservation Commission.
- k. Community Development Department - The Libertyville Community Development Department.
- l. Construction - The act of adding to a structure or the erection of a new principal or accessory structure on a property or site, in a manner that requires a building permit.
- m. Contributing Significance - A classification applied to an area, property, structure, site or object within a district signifying that it contributes generally to the qualities that give the district historic, cultural, architectural or archaeological significance as embodied in the criteria for designating a district. An area, property, structure, site, or object can be contributing even if it has been altered, as long as it maintains the character defined for the district.

- n. Demolition - Any act or process that destroys all or any part of an exterior wall, foundation, interior, roof structure or exterior column or a property, structure, site, or object within a district.
- o. Design Guidelines - Any design standard specified by the Commission for alteration, construction or relocation that is unique to a particular landmark or district to be used in conjunction with other design standards in this Chapter, and the Secretary of Interior's Standards for Rehabilitation of Historic Properties, as amended.
- p. District - An identifiable area with definable boundaries designated as an "Historic District" by the Council and in which a significant number of the properties, structures, sites or objects have a high degree of historic, cultural, architectural, or archeological significance and integrity. Many of the properties, structures, sites or objects included in the district may qualify as landmarks and may or may not be contiguous. For purposes of this Chapter and unless otherwise expressly provided by the Village Board in the ordinance for designation, all designations shall presumptively include the lot(s) of record associated with structures and objects located in the district.
- q. Exterior Architectural Appearance - The architectural character and general composition of the exterior of a property, structure or object, visible from a public street or public way, including but not limited to the kind and texture of the building material and the type, design and character of all architectural details and elements, including, but not limited to, windows, doors, light fixtures, trim and signs.
- r. Historic District - An area designated as a "historic district by ordinance of the Village Board" and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.
- s. Land Altering Activity - Any act or process requiring a permit that changes one or more of the historic, cultural, architectural, natural or archeological features of an area, property or site, including but not limited to, berming, scraping, leveling, grading, pile driving, excavating, and compacting.
- t. Landmark - A property, structure, site or object designated as a "Landmark" by the Village Board that has a high degree of historic, cultural, architectural or archaeological significance to the Village of Libertyville. Designation by the Village Board as a Landmark does not require that the property, structure, site or object be of higher historic, cultural, architectural or archaeological significance than a property, structure, site or object contributing significance in a district. For purpose of this Chapter and unless otherwise expressly provided by the Village Board in the ordinance for designation, all designations shall presumptively include the lot(s) of record associated with the structure or object designated as a landmark.
- u. Lot of Record - A lot which is part of a duly recorded plat of subdivision; or a parcel of land which has been conveyed by the identical description by a deed of record recorded in the office of the Recorder of Deeds of Lake County, Illinois; or a parcel of land conveyed by a deed of record, if on the date of the recording of

said deed all the requirements of the subdivision and zoning ordinance then in effect were met.

- v. Members - Members of the Commission, also referred to throughout this ordinance as "Commissioners."
- w. Nominator - A person or persons who submit a form for the designation of a landmark or district.
- x. Non-contributing - A designation applied to a property, structure, site or object within a district indicating that it is not a representation of the qualities that give the district historical, cultural, architectural or archeological significance as embodied in the criteria for designating a district.
- y. Object - Anything constructed, fabricated, or created, the use of which does not require permanent or semi-permanent location on or in the ground, and can be moved from one location to another, including without limitation ships, boats, railroad cars, automobiles, wagons, tractors, statues and works of art.
- z. Owner of Record - For purposes of this Chapter, owner of record shall mean any person having legal or equitable interest in a property. The owner of record shall be established by reference to the most current property tax assessment rolls as maintained by the Assessor of Lake County.
- aa. Person - An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other legal entity.
- bb. Plan Commission - The Libertyville Plan Commission.
- cc. Project - Any alteration, construction, demolition or relocation of an area, property, structure, site or object.
- dd. Property - Land and structures or land and objects identified as a separate lot for purposes of the subdivision and zoning regulations of the Village of Libertyville.
- ee. Rehabilitation - The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.
- ff. Relocation - Any repositioning of a structure or object on its site or to another site.
- gg. Rules - The Rules and Procedures of the Libertyville Historic Preservation Commission.
- hh. Repair - Any change to an area, property, structure, site or object that is not an alteration, construction, relocation or demolition.
- ii. Site - The location of an event, activity, structure or object.
- jj. Structure - Anything constructed or erected, the use of which requires, directly or indirectly, a permanent location on or in the ground, including without limitation buildings, garages, fences, gazebos, signs, billboards, antennas, satellite sending or receiving dishes, swimming pools, walks, walls steps, sidewalks, and works of art.
- kk. Village Board - The Village Board of the Village of Libertyville

SECTION 4. HISTORIC PRESERVATION COMMISSION.

4.1 Composition. The Libertyville Historic Preservation Commission shall consist of seven (7) voting members, residents of the Village of Libertyville, appointed by the Mayor and approved by the Village Board.

4.2 Qualification. The members shall be appointed on the basis of expertise, experience or interest in the area of architectural history, building construction or engineering, finance, historical and architectural preservation, neighborhood organizing and real estate.

4.3 Terms. Members of the Commission shall be appointed for terms of three (3) years. Of those members first taking office, two (2) shall be appointed for one (1) year, three (3) for two (2) years and two (2) for three (3) years. No members shall serve more than two (2) successive three-year terms. Alternate members shall be appointed to serve in the absence of or disqualification of the regular members. Vacancies shall be filled for the unexpired term only. Members shall serve without compensation. Permanent vacancies on the Commission shall be filled by the Mayor with the advice and consent of the Village Board for the unexpired term of the former Commissioner.

4.4 Ethics and Conduct. Commissioners shall be subject to the provisions of all rules, regulations, ordinances and statutes governing conduct of members of the boards and commissions of the Village of Libertyville, including but not limited to Illinois State Statutes regarding gifts to public officials, filing of Statements of Economic Interest, and the like.

4.5 Officers. Officers shall consist of a chairman, vice-chairman, and a secretary. The Village President shall appoint all chairman, vice-chairman, and secretaries with confirmation of an affirmative vote of a majority of the Board of Trustees. The chairman shall preside over meetings. In the absence of the chairman, the vice-chairman shall perform the

duties of the chairman. If both are absent, those present shall elect a temporary chairman. The secretary to the Preservation Commission shall have the following duties:

- a. Take minutes of each Preservation Commission meeting;
- b. Advise the Mayor of vacancies on the Preservation Commission and expiring terms of members; and
- c. Prepare and submit to the Village Board a record of the proceedings before the Preservation Commission on any matter requiring Village Board consideration.

4.6 Meetings.

- a. A quorum shall consist of a majority of the members. All decisions or actions of the historic Preservation Commission shall be made by a majority vote of those members present and voting at the meetings where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the Commission at the beginning of each calendar year. There shall be a minimum of four (4) regular meetings per year.
- b. No member of the Historic Preservation Commission shall vote on any matter that may materially or apparently affect the property, income or business interest of that member. No action shall be taken by the Commission that could in any manner deprive or restrict the owner of property in its use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at public meeting of the Preservation Commission, as provided herein. The Chairman, and in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Preservation Commission shall be open to the public, except as provided for in the Illinois Open Meetings Act. Testimony at any hearing may be required by the Commission to be given under oath. The Preservation Commission shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed after adoption with the Community Development Department and shall be of public record. The Commission shall adopt its own procedural rules for the conduct of business. The Commission may create a sub-committee structure to enhance efficiency in consideration of Commission business. Every final decision of the Commission and every recommendation it makes to the Village Board or its duly authorized committee shall include written findings of fact, and shall specify the reason or reasons for such decision or recommendation.

4.7 Powers and Duties. The Commission shall have the following powers and duties:

- a. To adopt its own procedural rules for the conduct of business.
- b. To conduct an ongoing survey to identify historically and architecturally significant properties, structures and areas.
- c. To investigate, make application, and recommend to the Village Board the adoption of ordinances designating properties or structures having special historic, community or architectural value as "landmarks".

- d. To investigate, make application, and recommend to the Village Board the adoption of ordinances designating properties or structures having special historic, community or architectural value as "historic districts".
- e. To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation.
- f. To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another.
- g. To advise owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the State or National Register of Historic Places.
- h. To inform and educate the citizens of Libertyville concerning the historic and architectural heritage of the Village by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars.
- i. To hold public hearings and public meetings and to review applications for construction, alterations, removal, or demolition affecting proposed or designated landmarks or structures or historic districts and issue or deny Certificates of Appropriateness for such actions. Applicants shall be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions.
- j. To develop specific guidelines for the alteration, demolition, construction or removal of landmarks or property and structures within historic districts.
- k. To review proposed zoning amendments, applications for special use permits or variances that affect proposed or designated landmarks and historic districts.
- l. To accept and administer on behalf of the Village of Libertyville, upon designation by the Village Board, such gifts, grants and funds as may be appropriate for the purpose of this ordinance.
- m. To call upon available Village staff members as well as other experts for technical advice.
- n. To appear as a Commission as a whole or through a representative and give testimony to the Economic Development Commission, Plan Commission and Zoning Board of Appeals on any matter affecting historically and architecturally significant property and landmarks.
- o. To periodically review the Libertyville Zoning Ordinance and to recommend to the Village Plan Commission and the Village Board any amendments appropriate for the protection and continued use of landmarks or property and structures within historic districts.

SECTION 5. SURVEYS AND RESEARCH.

5.1 The Historic Preservation Commission shall undertake an ongoing survey and research effort in the Village of Libertyville to identify neighborhoods, areas, sites, structures, and objects that have historic, community, architectural, or aesthetic importance, interest, or

value. As part of the survey, the Historic Preservation Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate description, facts, and photographs. The Historic Preservation Commission shall identify potential landmarks and adopt procedures to nominate them in groups based upon the following criteria:

- a. The potential landmarks in one identifiable neighborhood or district geographical area of the Village of Libertyville;
- b. The potential landmarks associated with a particular person, event, or historical period;
- c. The potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer or craftsman; and
- d. Such other criteria as may be adopted by the Preservation Commission to assure systematic survey and nomination of all potential landmarks within the Village of Libertyville.

SECTION 6. CRITERIA FOR LANDMARK DESIGNATION.

6.1 Nominations shall be made to the Historic Preservation Commission on a form provided by the Commission. A filing fee may be required, as determined by the Village Board.

6.2 The Commission shall, upon investigation as it deems necessary, make a preliminary determination as to whether a property, structure, or area possesses the integrity of design, workmanship, materials, location, setting and character and meets one or more of the following criteria:

- a. Its exemplification of an architectural type, style or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, or craftsmanship;
- b. Its identification as the work of an architect, designer, engineer, or builder whose individual work is significant in the history or development of the Village of Libertyville, the State of Illinois, the Midwest region, or the United States;
- c. Its exemplification of important planning and urban design techniques distinguished by innovation, rarity, uniqueness or overall quality of design or detail;
- d. Its representation of an historic, cultural, architectural, archeological or related theme expressed through distinctive areas, properties, structures, sites or objects that may or may not be contiguous;

- e. Its unique location or distinctive physical appearance or presence representing an established and familiar visual feature of a neighborhood, community, of the Village of Libertyville;
- f. Its exemplification of a pattern of neighborhood development or settlement significant to the cultural history or traditions of the Village of Libertyville, whose components may lack individual distinction;
- g. Its identification with a person or persons who significantly contribute to the historic, cultural, architectural, archeological or related aspect of the development of the Village of Libertyville, State of Illinois, the Midwest region, of the United States;
- h. Its association with important cultural or social aspects or events in the history of the Village of Libertyville, the State of Illinois, the Midwest region, of the United States;
- i. Its location as a site of important archeological or natural significance; and
- j. Its location as a site of a significant historic or prehistoric event or activity which may or may not have taken place within or involved the use of any existing improvements on the property.

6.3 Integrity of Landmarks and Districts. Any area, property, structure, site or object that meets any one or more of the criteria in Section 6 shall also have sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration. A preliminary determination as to whether a property, structure, or area meets one or more of the foregoing criteria shall be made within thirty (30) days of filing a nomination with the Commission.

SECTION 7. LANDMARK DESIGNATION PROCEDURES.

7.1 The Commission shall schedule a public hearing within sixty (60) days after the filing of an application to the Planning Division of the Community Development Department.

- a. Except as otherwise provided herein, any person, group of persons or association, including but not limited to the Libertyville Historic Preservation Commission, may request a historic landmark designation for any structure, building or site within the boundaries of the Village of Libertyville which may have historic architectural significance as defined by the Ordinance. With respect to residential buildings, structures or sites, no application for an historic landmark designation may be considered by the Commission unless the applicant is the owner or designated agent of the owner of such residential building, structure or site or the application is submitted on behalf of the Commission.
- b. The Planning Division shall supply, upon request, the application forms. Completed forms shall be submitted to the Planning Division that shall be forwarded to the Commission for their consideration.

7.2 Notice of date, time, place and purpose of the public hearing shall be sent by certified mail, return receipt requested, to owner(s) of record and to the nominator(s), not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing. A public hearing notice also shall be published in a newspaper having general circulation for the Village of Libertyville. The notice shall state the location of the property and the time and date of the public hearing.

7.3 During the public hearing, the Commission shall review and evaluate the application according to the criteria established by ordinance.

7.4 If further consideration is needed, the public hearing may be continued to regular or special meetings.

7.5 A Certificate of Appropriateness shall be required for alteration, construction, removal or demolition of a proposed landmark from the date when the nomination form is presented to the Commission until the final disposition of the request.

7.6 A decision shall be made within thirty (30) days following the date of the closing of the public hearing.

- a. Following the public hearing, the Secretary of the Commission shall prepare the Commission's evaluation, recommendation and all available information for submission to the Village Board within thirty (30) days.
- b. If the Commission decides that the landmark shall be designated, it shall do so by a recommendation passed by a majority of the Commission.
- c. Adoption of an Ordinance by the Village Board is required for approval of a landmark designation. If the Village Board approves the application for a designation, a notice will be sent to the property owner, the Planning Division, the Building Commissioner, the Village Clerk's office, and recorded with the County Recorder of Deeds. If the Village Board denies the petition, no petitioner or applicant can file the same application for ninety (90) days to the Secretary of the Commission. Buildings designated as Historical Landmarks shall be subject to issuance of Certificates of Appropriateness.

7.7 An aggrieved owner may appeal the decision of the Village Board of landmark designation. The appeal must be filed within fourteen (14) calendar days from the date of the

Board's decision with the Planning Division. The owner will present their position to the Village Board. The Village Board's decision in this matter shall be final.

SECTION 8. CRITERIA FOR HISTORIC DISTRICT DESIGNATION.

8.1 Nominations shall be made to the Historic Preservation Commission on an application provided by the Commission. A filing fee may be required, as determined by the Village Board.

8.2 The following criteria shall be utilized by the Libertyville Historic Commission in determining the designation of Historic Districts:

- a.  The Historic District contains one or more landmarks along with such other buildings, places or areas within its definable geographic boundaries that, while not such historic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located in such District;
- b. A significant number of structures meeting any of the standards of Subsection 6.2 under Landmark Designation Criteria;
- c. Establishing a sense of time and place unique to the Village of Libertyville; and/or
- d. Exemplifying or reflecting the cultural, social, economic, political or architectural history of the nation, the state or the Village.

8.3 A preliminary determination as to whether a district or an area meets one or more of the foregoing criteria shall be made within sixty (60) days of the filing of a nomination with the Commission.

SECTION 9. HISTORIC DISTRICT DESIGNATION PROCEDURE.

9.1 Any person, group of persons, or association, including but not limited to the Libertyville Historic Commission, may present to the Commission a petition requesting that a defined geographic area be designated as an Historic District. The Planning Division shall supply, upon request, the application forms. Completed forms shall be submitted to the Planning Division that shall forward them to the Commission for their consideration.

9.2 A. The Commission shall conduct a survey or surveys to identify potential historic districts within the corporate limits of the Village of Libertyville. Such surveys shall identify buildings, structures and sites having architectural or historic significance, as well as buildings, structures and sites which contribute to the historic or architectural significance of the area as a whole. Based on the outcomes of those surveys, the Commission may nominate an area for designation as an historic district or districts, and may recommend additions to or deletions from any existing historic district. Nominations may also be made by any property owner in Libertyville; such nominations must be accompanied by a petition supporting the nomination signed by the owners of record of at least fifty-one percent (51%) of the properties within the proposed district.

B. Within forty-five (45) days of receiving or initiating a nomination, the Commission shall schedule a public hearing to consider the eligibility of an area for designation as an historic district.

1. Notice of the time and place of the public hearing shall be provided not more than thirty (30) days or less than fifteen (15) days before such hearing, a) by certified mail, return receipt requested to all owners of property within the proposed historic district, and b) by publication in one or more newspapers published in the Village.
2. At the hearing, the Commission will take testimony presented by the nominator, property owners, and any other interested parties who wish to comment on the application in relation to the criteria for designation as an historic district. The nominator shall be responsible to make the case for designation and supply such supporting evidence of eligibility as can be made available.

C. The Commission shall evaluate the proposed district for its eligibility as an historic district based on its overall historic and/or architectural significance, and the extent to which it meets the following criteria:

1. The area contains one or more buildings, structures or sites meeting the criteria for landmark designation, and may also include other buildings, structures or sites which, although they may not qualify for individual

landmark designation, contribute to the overall visual character of the area and to its architectural or historic significance.

2. The area is historically, economically, or culturally significant to the development of Libertyville.
3. The area has sufficient integrity to convey the sense of a particular period in the history of the community.

D. Within thirty (30) days after the conclusion of the public hearing, the

Commission shall make a recommendation regarding the proposed historic district designation.

The Commission's determination shall be made by report which shall include its findings and reasoning. The Director of Community Development shall forward a copy of the report to the applicant and the Village Board of Trustees.

1. Following the public hearing, the Secretary of the Commission shall prepare the Commission's evaluation, recommendation and all available information for submission to the Village Board within thirty (30) days.
2. If the Commission decides that the proposed historic district should be designated, it shall do so by a recommendation passed by a majority of the Commission.
3. Adoption of an Ordinance by the Village Board is necessary for approval of an historic district designation. If the Village Board approves the application for a designation, a notice will be sent to the property owners, the Planning Division, the Building Inspector, the Village Clerk's office and recorded with the County Recorder of Deeds that the area has been designated as such and that buildings located within the boundaries of the historic district shall be subject to issuance of a Certificate of Appropriateness. If the Village Board denies the petition, no petitioner can file for ninety (90) days to the Secretary of the Commission.

E. After the Commission makes a recommendation regarding designation as an historic district, and before the Village Board approves or disapproves the nomination application, no permit shall be issued for alteration, construction, removal, or demolition of any building within the proposed historic district unless a Certificate of Appropriateness is issued. However, if the Village Board does not approve or disapprove the nomination application within 60 days of the Commission's recommendation, a Certificate of Appropriateness shall not be required after expiration of this 60 day period.

F. Historic Districts, and additions or modifications to their boundaries, shall be made by ordinance, which shall include the legal description of the area to be included within the Historic District.

G. Historic District designation may be rescinded by the same procedures and according to the same criteria set forth herein for historic district designation. No nomination application relating to the same property will be entertained by the Commission for six (6) months following Village Board disapproval.

SECTION 10. APPLICATIONS FOR NOMINATIONS OF LANDMARKS AND HISTORIC DISTRICTS.

10.1 Any person, group of persons or association, may apply to the Libertyville Historic Preservation Commission for the designation of a Landmark or Historic District. Applications for a nomination shall be filed at the Planning Division. At a minimum, the application shall include the following:

For a Landmark:

- a. The name and address of the property owner.
- b. The legal description and common street address of the property
- c. A written statement describing the property and setting forth reasons in support of the proposed designation.
- d. Documentation that the property owner has been notified or consent to the application for designation.
- e. A list of significant exterior architectural features that should be protected.
- f. An overall site plan and photographs of the landmark. The plan shall also include a front, side and rear elevation drawing.

For a Historic District:

- a. The names and addresses of the property owners.
- b. A map delineating the boundaries of the area to be designated.
- c. A written statement describing the area and properties within the historic district and setting forth reasons in support of the proposed designation.
- d. A list and photographs of significant exterior architectural features of all properties in the district that should be protected.
- e. A petition supporting the nomination signed by the owners of record of at least fifty-one percent (51%) of the properties within the proposed district.

SECTION 11. CERTIFICATE OF APPROPRIATENESS.

11.1 A Certificate of Appropriateness shall be required before the following actions affecting the exterior architectural appearance of any landmark or structure within a district may be undertaken:

- a. Any construction of a new single family residence on a vacant lot.
- b. Any demolition in whole or in part requiring a permit from the Village of Libertyville.
- c. Any replacement structure constructed in conjunction with approval of a demolition.
- d. Any alteration or addition to a structure, as defined in the Commission's rules and regulations, that is visible, at any time of the year, in whole or in part, from any public right-of-way, publicly owned land or adjacent private property that is not held in common ownership with the subject property.
- e. Any request for a variance from the Zoning Ordinance of the Village of Libertyville.

11.2 Applications for Certificate of Appropriateness.

- a. It shall be unlawful to undertake any of the work specified in Section 11.1 without first obtaining a Certificate of Appropriateness from the Commission. Applications for a Certificate of Appropriateness shall be made on a form prepared by the Commission, and shall be submitted to the Community Development Department.
- b. Application forms shall be available from the Community Development Department and other information as may be necessary for the Commission to adequately review the application. Fees may be required with any application filed as approved and periodically updated by the Village Board.
- c. The Community Development Department shall not act upon any permit until the Commission has reviewed the work application and issued a Certificate of Appropriateness.

11.3 Review by Commission. The Commission shall schedule a public meeting for consideration of the application within forty-five (45) days of receipt of application. The time to consider the application may be extended with the consent of the applicant. The applicant or his/her authorized representative shall be allowed to appear and present testimony in regard to the application.

11.4 Approval by Commission. If the Commissioners vote to approve the application, the Certificate of Appropriateness shall be issued to the applicant within ten (10) business days

following the decision of the Commission. Upon receipt of the Certificate of Appropriateness, the applicant may complete an application to the Community Development Department to obtain necessary permits, if any. The Certificate of Appropriateness shall be valid for a period of one (1) year from the date of issuance by the Commission. Certificates of Appropriateness shall not be transferable from the applicant to another subsequent owner of the same property without the consent of the Commission.

11.5 Disapproval by Commission. If the Commissioners vote to disapprove the application, the Commission shall make reasonable efforts to confer with the applicant, offer technical guidance, and attempt to resolve differences. The applicant may resubmit an amended application for consideration by the Commission. At the discretion of the Commission, additional application fees may be waived.

11.6 Appeal of Approvals. Any aggrieved person may appeal a decision of the Historic Preservation Commission to approve a petition to the Village Board.

An aggrieved owner may appeal the decision to the Village Board. The appeal must be filed within seven (7) calendar days from the date of the Board's decision with the Planning Division. The owner will be allowed to present their position to the Village Board. The Village Board's decision in this matter shall be final.

11.7 Appeal of Denials. Any applicant, following a final decision of the Commission denying a Certificate of Appropriateness, may, within thirty (30) days of the denial, make application for a Certificate of Economic Hardship on a form prepared by the Commission and available at the Community Development Department. The application shall be filed with the Community Development Department.

The owner will be allowed to present their position to the Village Board. The Village Board's decision in this matter shall be final.

SECTION 12. DESIGN GUIDELINES.

12.1 Design guidelines for applying the criteria for review of Certificates of Appropriateness shall at a minimum, consider the following architectural criteria:

- a. Height - the height of any proposed alteration or construction should be compatible, but need not be the same as, the style and character of the landmark and with surrounding structures in an historic district.
- b. Proportions of windows and doors - the proportions and relationships between doors and windows should be compatible, but need not be the same as, the architectural style and character of the landmark.
- c. Relationships of Building Masses and Spaces - the relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible.
- d. Roof Shape - the design of the roof, fascia, and cornice should be compatible, but need not be the same as, with the architectural style and character of the landmark.
- e. Landscaping - landscaping should be compatible, but need not be the same as, the architectural character and appearance of the landmark.
- f. Scale - the scale of the structure after alteration, construction, or partial demolition should be compatible, but need not be the same as, its architectural style and character and with surrounding structures in an historic district.
- g. Directional Expression - facades in historic districts should blend with other structures with regard to directional expression. Structures in an historic district should be compatible, but need not be the same as, the dominant horizontal or vertical expression of surrounding structures. The direction expression of a landmark after alteration, construction, or partial demolition should be compatible, but need not be the same as, its original architectural style and character.
- h. Architectural Details - architectural details including types of materials, colors, and textures should be treated so as to make landmark compatible, but need not be the same as, its original architectural style and character of a landmark or historic district.
- i. New structures in an Historic District shall be compatible, but need not be the same as, the architectural styles and design in said districts.

12.2 Standards for Review of Demolitions: In considering an application for a Certificate of Appropriateness for demolition, the Commission shall consider only the following general standards, the Secretary of Interior's Standards for Rehabilitation of Historic Properties, as amended, and the guidelines included in 12.1.

- a. Whether the property, structure or object is of such historic, cultural, architectural or archeological significance that its demolition would be detrimental to the

public interest and contrary to the general welfare of the people of the Village of Libertyville.

SECTION 13. HEARING ON APPLICATION.

13.1 Applications for a Certificate of Appropriateness are available from the Planning Division. Such applications shall be completed and submitted to the Planning Division then shall be forwarded to The Libertyville Historic Preservation Commission. The Commission shall schedule a public meeting for consideration of the application within forty-five (45) days of receipt of application.

13.2 If the Historic Preservation Commission finds at the time that the application merits further consideration, then the Commission may continue the request to regular or special meetings.

SECTION 14. ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS.

14.1 Upon approval of the application, the Commission shall direct the Planning Division to issue a signed Certificate of Appropriateness to the applicant with copies forwarded to the Building Division.

14.2 A Certificate of Appropriateness shall be invalid if changes in the plans reviewed by the Commission are necessary in obtaining a building permit or if the building permit issued for the same work becomes invalid. The Certificate of Appropriateness shall be valid for a period of one (1) year from the date of issuance by the Commission.

14.3 Issuance of a Certificate of Appropriateness shall not imply that the project meets other requirements of the Village of Libertyville.

SECTION 15. CERTIFICATE OF ECONOMIC HARDSHIP.

15.1 Notwithstanding any of the provisions of the ordinance to the contrary, the Commission may issue a Certificate of Economic Hardship to allow the performance of work for which a Certificate of Appropriateness has been denied.

15.2 An applicant for a Certificate of Economic Hardship may submit any or all of the following information in order to assist the Commission in making its determination on the application:

- a. The amount paid for the property, the date of purchase and the party from whom purchased (including a description of the relationship, if any, between the owner and the person from whom the property was purchased).
- b. The assessed value of the land and improvements thereon according to the two most recent assessments.
- c. Real estate taxes for the previous two years.
- d. Remaining balance on mortgages, if any, and annual debt service, if any, for the previous two years.
- e. All appraisals obtained within the previous two years by the owner or applicant in connection with this purchase, financing or ownership of the property.
- f. Any listing of the property for sale or rent, price asked and offers received, if any.
- g. Any consideration by the owner as to profitable adaptive uses for the property.
- h. If the property is income-producing, the annual gross income from the property for the two previous years, itemized operating and maintenance expenses for the two previous years, and annual cash flow before and after debt services, if any, during the same period.
- i. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture or other.
- j. Any other information reasonably necessary for a determination as to whether the property can be reasonably used or yield a reasonable return to present or future owners.

15.3 If the Commission finds that without approval of the proposed work, the property cannot obtain a reasonable economic return there from, then the application shall be reviewed for a period not to exceed three (3) months. During this period of review, the Commission shall investigate plans and make recommendations to the Village Board to allow for a reasonably beneficial use or a reasonable economic return, or to otherwise preserve the subject property. Such plans and recommendations may include, but not be limited to: a relaxation of the provisions of this ordinance, building code modifications and/or changes in zoning regulations.

15.4 If by the end of this three (3) month period, the Commission has found that without approval of the proposed work, the property cannot be put to a reasonable beneficial use or the owner cannot obtain a reasonable economic return there from, then the Commission shall

issue a Certificate of Economic Hardship approving the proposed work. If the Commission finds otherwise, it shall deny the application for a Certificate of Economic Hardship.

SECTION 16. APPEALS.

16.1 When a Certificate of Economic Hardship is approved or denied the applicant may, within thirty (30) days, appeal the Commission's decision to the Village Board. The Village Board shall review the appeal solely on the basis of the record and application of the standards described herein. If the Board decides that a Certificate of Economic Hardship should be issued, the Secretary shall notify the applicant and the Building Division within seven (7) days of the Board's decision and the Building Division then shall issue the permit within fifteen (15) days.

16.2 If the Board concurs with the Commission's decision not to issue a Certificate of Economic Hardship, the Secretary shall notify the applicant and the Building Division within seven (7) days.

16.3 Denial or grant by the Village Board of a Certificate of Economic Hardship is considered a final decision. The Village Board decision shall be final, subject only to judicial review as provided by law.

SECTION 17. NATURAL DESTRUCTION OR DEMOLITION.

17.1 In the case of partial or complete natural destruction or demolition of a site within an Historic Preservation District or of a landmark, the owner will be required to obtain a Certificate of Appropriateness from the Commission prior to reconstruction. Although exact duplication of the previous structure may not be required, the exterior design of the property shall be in harmony with:

- a. The exterior design of the structure prior to damage; and
- b. The character of the Historic Preservation District.

SECTION 18. FEES AND PENALTIES.

18.1 Subject to Village Board approval, the Libertyville Historic Preservation Commission may establish an appropriate system of fees for the review of nominations and Certificates of Appropriateness.

18.2 Failure to perform any act required by this ordinance or performance of any act prohibited by this ordinance shall constitute a violation. Any person violating any of the provisions of this ordinance shall be subject to a fine up to five hundred dollars (\$500.00) for each day on which a violation exists. The Libertyville Historic Preservation Commission may institute any appropriate action, proceeding in the name of the Village of Libertyville to enjoin, correct, or abate any violation of this ordinance.

SECTION 19. SEVERABILITY.

19.1 If any provision of this ordinance or application thereof to any person or circumstance is held invalid, such invalidation shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 20. EFFECTIVE DATE.

20.1 All ordinances, resolutions and orders, or parts thereof, in conflict herewith, be and the same are hereby repealed and this ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form as provided by law.

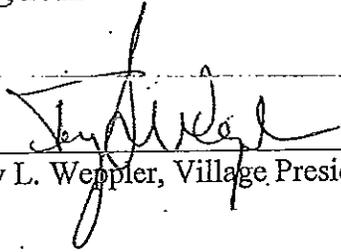
PASSED this 15 day of February, 2012

AYES: Johnson, Cullum, Moras, Gaines, Justice

NAYS: None

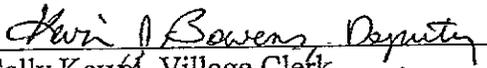
ABSENT: Moran

APPROVED this 15 day of February, 2012



Terry L. Weppner, Village President

ATTEST:


Sally Kowal, Village Clerk