

VILLAGE OF LAKE BLUFF HISTORIC PRESERVATION COMMISSION MEETING

AUGUST 12, 2020 - 7:00 P.M.

Due to the COVID-19 emergency, this meeting will be held primarily virtually. As required by law, at least one representative from the Village will be present at the Village Hall Board Room and the virtual meeting will be simulcast for members of the public who do not wish to view the virtual meeting from another location. The Board Room can only accommodate 13 people, including members of the public body and Village staff, while maintaining the six feet of social distance between individuals required by Executive Order 2020-43. Accordingly, the opportunity to view the virtual meeting at Village Hall is available on a “first come, first-served” basis.

Members of the public may view and participate in the meeting via:

Online (**strongly recommended**): lakebluff.org/VirtualHPC
OR

Dial-in: **(312) 626-6799**. Enter meeting ID **825 2051 7381**. Press # when prompted for a Participant ID.

IMPORTANT: Additional instructions are available in the agenda packet immediately following the agenda.

The meeting will be live-streamed at lakebluff.org/Channel19 and broadcast live on Comcast Channel 19. Once available, a recording of the meeting will be posted on the Village website and periodically rebroadcast on Channel 19.

AGENDA

1. Call to Order and Roll Call

2. Consideration of July 8, 2020 Regular Meeting Minutes

3. Non-Agenda Items and Visitors

The Chairperson and Members of the HPC allocate fifteen (15) minutes at this time for those individuals who would like the opportunity to address the HPC on any matter within its area of responsibility that is not listed on the agenda. Each person addressing the HPC is asked to limit their comments to a maximum of three (3) minutes.

4. Discuss Proposed Revisions to Historic Preservation Ordinance

5. Commissioner and Subcommittee Reports

6. Staff Report

7. Adjournment

The Village of Lake Bluff is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities, are requested to contact Glen Cole at 847-234-0774 or TDD number 234-2153 promptly to allow the Village of Lake Bluff to make reasonable accommodations.

VIDEO MEETING GUIDE

Format: Our goal is to provide a meeting that is as similar as possible to an in-person experience. Members of the public will be given opportunities to speak at the start of the meeting and before each agenda item.



NORTH SHORE LIFE
LAKE BLUFF STYLE

We will use Zoom Webinars for this meeting. In this product:

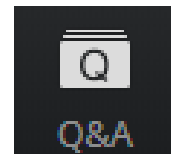
- Panelists (Trustees, Staff, etc.) control their own ability to speak and transmit video.
- Attendees (members of the public) can see the meeting, but cannot transmit audio or video unless recognized by the chair. (See below for how to be recognized.)
- One or more staff members will act as hosts and help organize the meeting.

Rules:

- [An online guide to using Zoom is available here.](#) Please know that the Village cannot provide technical support. [You should test your ability to use Zoom ahead of time.](#)
- Ideally, all participants should join using the Zoom application so that they can experience the full meeting. While participants may call-in, this is a lower quality experience.
- All participants should use their real name (first and last) to identify themselves in the meeting. People using aliases or pseudonyms will not be recognized.
- All participants should stay muted unless they are actively speaking. Your mute may be enabled remotely if you are echoing or transmitting background noise.
- Elected officials participating with video should keep their video enabled at all times. Village Staff should disable their video unless they are participating in a discussion.
- In Lake Bluff meetings, text chat and private messaging features are disabled.

Public Participation: To participate in the meeting, members of the public can:

- Submit a comment or question using [Zoom's Q&A feature](#). Written items will be read aloud and answered as necessary. You can also ask to be recognized by the chair. You will be able to speak directly to the Board and may choose to send video.
- Phone users can dial *9 and will be placed into a queue to be recognized by the chair.
- Email comments in advance to vlb@lakebluff.org. Emails should list the meeting and date in the subject line (e.g. "April 13 Village Board meeting") and should identify the author by name. Emails will be shared electronically, and those that are 200 words or shorter will generally be read aloud by a staff member during the appropriate comment period.



Village of Lake Bluff – Video Meeting Guide

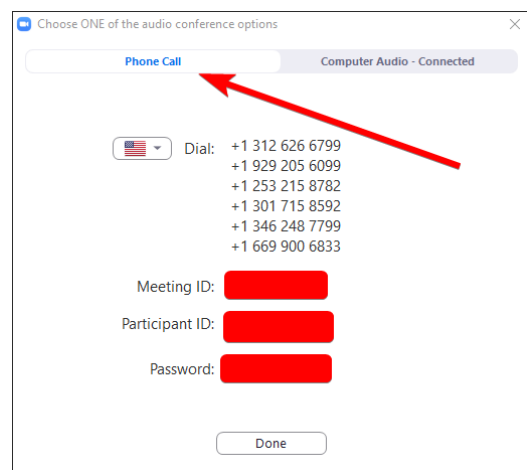
Technical setup. The ideal attendee has:

- **Device:** The ability to transmit and receive video.
- **Audio:** Clear audio that does not echo or transmit background noise.
- **Connection:** A stable, high-quality internet connection.

	Device	Audio	Connection
Ideal	Zoom app on a desktop or laptop	A headset with microphone	Wired connection via Ethernet
Okay	Zoom app on a mobile phone or tablet	A headset (using built-in microphone) Using a phone to dial in	Connected wirelessly via WiFi
Not ideal	Calling into conference line (without Zoom app)	Computer speakers (using built-in microphone) Speakerphone on phone	Connected via 4G / LTE (cellular data) Using a phone to dial in
Tips	<ul style="list-style-type: none"> • Use a stable surface so that your video doesn't move or shake. • Have a “boring” background that isn't distracting (e.g. others moving around). 	<ul style="list-style-type: none"> • Pick a quiet place as your workspace. • Keep yourself muted when you are not talking. 	<ul style="list-style-type: none"> • If you have to use WiFi, try to pick a workspace close to your router. • Discourage other household members from streaming video during the meeting.

Tips:

- You will appear more natural if you look directly at your camera when speaking. It may help you to put your camera near your monitor.
- While muted, you can [hold the spacebar to unmute yourself temporarily](#) (push-to-talk, like a walkie talkie). It will mute you again as soon as you release the spacebar.
- If you do not have a headset, you can use the Zoom application on your PC but [dial-in using your phone](#). This will let you see and share video, and also let you control if you are muted using your PC. This may reduce echo and background noise for those individuals without headsets.



Joining via video but using a phone call for audio.

Village of Lake Bluff – Video Meeting Guide

Frequently Asked Questions

Q: How do I participate in a meeting?

A: If you would like to participate in the meeting live, a URL will be listed on the top of the agenda that will invite you to join the meeting via Zoom. You can also dial-in using the phone number shown on the agenda, but this is a lower quality experience.

You can also watch the meeting live at lakebluff.org/channel19 or by turning on Comcast Channel 19. Meetings are rebroadcast periodically.

Q: How do I submit a public comment?

A: An opportunity is provided for the public to comment on each agenda item before the Board votes. Additionally, a time is provided early in the agenda to address the Board regarding any matters not on the agenda. To submit a comment:

Via Zoom. Submit a comment or question using [Zoom’s Q&A feature](#). Written items will be read aloud and answered as necessary. You can also ask to be recognized by the chair.

Via Phone. If you are participating by phone, you can dial *9 and be recognized by the chair.

Via Email. Finally, you can email comments in advance to vlb@lakebluff.org. Emails should list the meeting and date in the subject line (e.g. “April 13 Village Board meeting”) and should identify the author by name. Emails will be shared electronically, and those that are 200 words or shorter will generally be read aloud by a staff member during the appropriate comment period.

Q: How do I get technical support?

A: Unfortunately, the Village cannot provide technical support. [An online guide to using Zoom is available here](#). Make sure to [test your ability to use Zoom ahead of time](#). If you are unable to use Zoom, you may use the call-in number, live stream link, and/or submit questions via e-mail.

**VILLAGE OF LAKE BLUFF
HISTORIC PRESERVATION COMMISSION
MEETING**

July 8, 2020

7:00 P.M.

Regular Virtual Meeting

DRAFT MINUTES

1. Call to Order and Roll Call

A Regular Virtual Meeting of the Historic Preservation Commission (HPC) of the Village of Lake Bluff was called to order on July 8, 2020 at 7:05 p.m. in a Virtual Meeting.

The following members were present:

Present: Paul Bergmann
Janie Jerch
Lois Nicol
Cheri Richardson
Steve Kraus, Chair

Absent: Randolph Liebolt

Also Present: Ben Schuster, Village Attorney (VA)
Glen Cole, Assistant to the Village Administrator (AVA)
Samantha Leno, Administrative Intern (AI)

2. Consideration of March 11, 2020 Regular Meeting Minutes

Member Bergmann moved to approve the March 11, 2020 Regular Meeting Minutes as amended. Member Richardson seconded the motion. The motion passed on the following roll call vote:

Ayes: (5) Bergmann, Jerch, Richardson, Nicol, Chair Kraus
Nays: (0)
Absent: (1) Liebolt

3. Non-Agenda Items and Visitors

Chair Kraus stated that the Chairperson and Members of the HPC allocate fifteen (15) minutes at this time for those individuals who would like the opportunity to address the HPC on any matter within its area of responsibility that is not listed on the agenda.

There were no requests to address the HPC

4. Discussion Proposed Revisions to Historic Preservation Ordinance

Following a request from Chair Kraus, AVA Cole presented a slide show on policy revisions for the Historic Preservation Ordinance. The goals for the Historic Preservation Ordinance revisions are to implement *Choosing Lake Bluff*. He described the current historic preservation tools available in the Village Code. significant demolition review, landmark designations, advisory review of landmarks, and certification of a

landmark. Significant demolition review pertains to structures 50 years or older with a demolition that is greater than 50% of the gross floor area that is measured by the removal of interior walls and grants a maximum delay of 120 days to allow time for someone to prepare for a landmark nomination. Landmark designation protects specified structures, buildings, sites, or landscapes. There are 20 different criteria defining a landmark's significance and the HPC, Village, Owner, or History Museum may apply to designate a property. Once a landmark is given, changes must be reviewed and alterations may be delayed up to 65 days and demolitions may be delayed up to 150 days. The advisory review two-step process is that initial determination is following ongoing review meetings and the applicant must participate once. The certification of landmarks is entirely volunteer by Owner of the Landmark. The Village can say "No" and refuse a permit.

The concepts of the HPC Ordinance revisions are to focus on exterior architectural appearance; focus on discrete features such as "buildings" rather than abstract concepts, such as "sites" and "properties"; and changes to the reviews, which include non-transferable approvals, administrative approval of minor changes, and requiring the Owner to participate throughout a review process or someone with power of attorney, and "mutually agreed conditions" to end early.

Member Bergmann asked if an Owner could make a house more saleable for a buyer. Chair Kraus said the Owner would not have the right to transfer the right to demolish a house for a buyer.

AVA Cole said the revisions to the concepts are more closely aligned to the National Register types, which are buildings, sites, structures, objects, or districts.

Chair Kraus said that he would like to hear some comments from the commissioners on the proposed treatment of landscapes.

Member Bergmann said that there are built landscapes in the Village, such as the entrance to Harrison House. The driveway leading to the Harrison House is a curved road over a manmade water feature which leads the driver to move towards the house then away from the house and looking towards the woods. Member Bergmann said that this is a typical landscape design that Jens Jenson utilized and displayed a similar concept in Tangle Oaks.

Chair Kraus asked how other communities address issues such as designating built landscapes as landmarks. AVA Cole said that in the Village, subdivision features such as conservation easements are incorporated in subdivision approvals. Subdivisions are required to maintain improvements. AVA Cole mentioned the city of Highland Park's historic tree ordinance and how that could be better suited to some of these circumstances where a particular tree is of concern.

Member Bergmann asked about historic sites on archaeological cultures and the development along the ravines and indigenous cultures or early settler cultures. For example, Lester Estate in Lake Forest discovered files of Indian arrowheads. Member Bergmann wants to know if the HPC Ordinance is also covering archaeological sites.

Member Richardson said that the HPC may not want to regulate every landscape on every non-landmarked household in the Village as that may put pressure on homeowners.

Member Nicol asked if most landscapes are under protection. Member Bergmann said that there are a number of areas and certain things under landscape protection which are owned by the Park District. Some bottoms of ravines in the Village are owned by the Park District and owned individually. If the HPC discovers that there is a mound that is a historic site, they are landscaped environments and the HPC will want tools available to be able to landmark landscaping. Chair Kraus said that the HPC is in agreement that landmarking tools may be in place for built landscapes.

Chair Kraus asked for a definition of a structure to include the built landscape concept as an enhancement of a structure. VA Schuster said that taking a structure of a physical improvement is possible as a constructed improvement.

Member Bergmann raised the idea of “human built” landscapes. In Tangley Oaks, the view and manmade pond is what you are paying for. VA Schuster said that if that is what you would like to protect, the HPC should define practical measures to be able to effectively enforce built landscapes.

Chair Kraus asked if the commissioners are in agreement to add into the Ordinance that the “built landscape” concept would allow the HPC to protect, define, and enforce landscapes in a reasonable way. Member Nicol said that it is important to protect built landscape areas and the code may be able to include an expansion of structure. VA Schuster said that he would like to look at the code to amend the definition of a structure.

In response to a question from AVA Cole, VA Schuster said the HPC must have an entity who has power of attorney to bind and make decisions on behalf of the Owner for granting landmark designation. VA Schuster raised that the Owner is not only one person, but could be a company. The Owner may also not have the ability to appear, so the Owner must allow someone who has the power to bind and make decisions on behalf of the Owner.

AVA Cole paused the discussion to introduce Samantha Lench, the Village’s Administrative Intern.

AVA Cole transitioned to significant demolition review. The stated purpose is more than just to identify landmark nominations and buildings that are 50 years or older as demolitions are now based on percent square footage of the exterior wall removed. The maximum delay for significant demolitions will increase from 120 to 180 days. Landmark designation changes as the ability to landmark a pending demolition sunsets five years after adoption, the rebuttable presumption that national register properties qualify, and automatically end landmark recognition upon demolition.

Chair Kraus reiterated the sunset provision and that Village must receive a demolition request in the first five years to recommend landmarking of that structure. If there is a demolition request after five years, the Village cannot begin a landmark request. Chair Kraus asked if the HPC needs a landmark application, if the Village Board needs to approve these designations, and if a public hearing is required. AVA Cole responded that an application is needed, Village Board approval is required, and a public hearing is necessary for each.

AVA Cole presented the next slide regarding historic districts and neighborhoods. These have a similar process to landmarking; the final step is a canvass of owners; and if 50% +1 veto, then designation is only honorary (i.e. "Historic Neighborhood").

Chair Kraus said that the HPC would define, identify, and determine the significance of a historic district and recommend to the Village Board that the district can be a historic district of Lake Bluff. The Village Board has the opportunity to approve or disapprove that recommendation. If the Village Board approves, then it is automatically a landmarked neighborhood. The residents would then be asked if they would like to be a historic district. If the Village Board denies the recommendation, the process stops and there would be no designation granted as a historic neighborhood.

In response to a question from Member Richardson, Chair Kraus said that the HPC Ordinance will need to be approved by the Village Board.

In response to a question by Member Jerch, Member Bergmann said that historic homes do not need to be exclusive to one historic district and can be incorporated in more than one historic district.

VA Schuster said that hypothetically if there are three homes with the same historic features and two out of the three Owners want their homes to be landmarked as a historic district, the houses can be landmarked in a historic district if the Village Board approves as there is more than a 50% vote in favor for historic recognition.

AVA Cole continued the presentation onto changes to the advisory review. The delay period increased from 150 to 365 days for demolitions, and an Owner's failure to appear can prolong this.

In response to a question by Chair Kraus, VA Schuster said that assuming this ordinance is approved by the Village Board as presented, current landmarks may change their review process, but they would be subject to revisions from the HPC Ordinance.

VA Schuster said that the revisions to the HPC Ordinance does not trigger the stricter rules of approval applicable to a change to the Village's zoning regulations so it is not necessary for the HPC to have a public hearing. Chair Kraus said that he would like the opportunity to have this on the Village Board agenda, even if it is not a public hearing as he would like comments from the Village Board before the next HPC meeting so that the HPC can vote to recommend a new Ordinance. A Committee of the Whole (COW) meeting is also expected to take place in early August.

5. Commissioner and Subcommittee Reports

Chair Kraus stated that there are individual structures and groups that are on National Register and not yet local landmarked that he has identified. Chair Kraus did this because he may have more staff support putting nominations together.

6. Staff Report

AVA Cole provided a further introduction of Ms. Samantha Lenoach, Administrative Intern, and noted that a potential Undergraduate Intern would be joining the Village in the fall.

AVA Cole shared his admittance into the American Institute of Certified Planners.

7. Adjournment

There being no further business to consider, Member Jerch motioned to adjourn. Member Bergmann seconded the motion. The motion passed on the following roll call vote:

Ayes: (5) Bergmann, Jerch, Nicol, Richardson, and Chair Kraus

Nays: (0)

Absent: (1) Liebolt

Upon a motion duly made and seconded, the meeting was adjourned at 9:20 p.m

Respectfully submitted,

Glen Cole
Assistant to the Village Administrator

VILLAGE OF LAKE BLUFF

Memorandum

TO: Chair Kraus and Members of the Historic Preservation Commission

FROM: Glen Cole, Assistant to the Village Administrator

DATE: August 7, 2020

SUBJECT: **Agenda Item #4** - Proposed Revisions to Historic Preservation Ordinance

The Village Board will meet as its Committee-of-the-Whole at 6 p.m. Monday evening to receive a presentation from Chair Kraus and review the HPC's proposed revisions to the Historic Preservation Ordinance. We anticipate that, at that time, they will provide direction as to the next steps for the revisions that should be discussed by the HPC at Wednesday's meeting.

As requested by the Commission at its July meeting, the attached updates:

- Provide three alternatives for the treatment of historic landscapes.
- Resolve an edge case where a non-contributing structure would be subject to a *shorter* demolition delay when it is located within a historic district. As part of this change, the maximum delay for an *alteration* would increase by 30 days.
- Remove a requirement that contiguous historic districts contain at least ten features.
- Correct other clerical errors.

Attachments:

- Presentation for the August 10, 2020 Committee-of-the-Whole meeting.
- Draft revisions to the Historic Preservation Ordinance.



Historic Preservation Ordinance Changes Committee-of-the-Whole August 10, 2020



Goals

- **Implement *Choosing Lake Bluff*.**
 - **Extend Review Periods**
 - **Implement Historic Districts**
- **Improve usability, clarity, predictability**



Revisions

- **Concepts**
- **Significant Demolition Review**
- **Landmark Designations**
- **Advisory Review of Landmarks**
- **Certification of Landmarks**
- **Historic District Designations**



Key Changes: Concepts

- **Focus on exterior architectural appearance.**
- **Focus on discrete features rather than abstract concepts - e.g. "buildings" rather than "sites."**
- **Changes to reviews:**
 - **Non-transferable approvals**
 - **Administrative approval of minor changes**
 - **Owner must participate**
 - **"Mutually agreed conditions" to end early**



Key Changes: Demolition Review

Current	Proposed
Structures 50 years or older	(Unchanged)
Greater than 50% of gross floor area	Greater than 50% of sq. ft. of exterior walls
Maximum delay of 120 days (90 Days + 30 HPC Ext.)	Maximum delay of 180 days (120 Days + 60 Board Ext.)



Key Changes: Landmark Designations

Current	Proposed
HPC, Board, Owner, Museum may nominate	Eliminate Museum; After 2025, Owner only during a pending demolition
	Presumption that National Register properties qualify
	Automatically extinguish landmark after demolition



Key Changes: Advisory Review

Current	Proposed
Alterations: 35 day delay Demolitions: 120 day delay Board may extend by 30 days	Alterations: 35 + 30 days Demolitions: 120 + 245 days (Extensions by Board)
Applicant must participate once	Applicant must participate throughout process



Summary of Review Periods

Process	Current		Proposed	
	Initial	Extended	Initial	Extended
Significant Demolitions	90 days	120 days total	120 days	180 days total
Advisory Review	120 days	150 days total	120 days	365 days total



Certification of Landmark

- **Entirely voluntary act by Owner**
- **Village can say "No" - refuse permit**
- **None within the Village**
- **No key changes**



Revisions: Historic Districts & Neighborhoods

- **Process similar to landmarking.**
- **Extends landmark protection to areas and ensures they are evaluated as a whole.**
 - **May be contiguous or thematic**
- **Final step is a canvass of owners; If 50%+1 vote no, designation is only honorary. ("Historic Neighborhood")**



Discussion



1 **Alternative Approaches to Landscape Regulation**

2
3 **Alternate A: No Landscape Treatment**

- 4 • Delete definition of “Landscape”
- 5 • Delete (iii) under the definition of “Alteration.”
- 6 • Delete (iii) under the definition of “Demolition.”
- 7 • Delete all other references to landscapes.

8
9 **Alternate B: “Built Landscapes”**

- 10 • (This is close to how the Ordinance functions today.)
- 11 • Change the definition of “Landscape” to read:

12
13 Manmade improvements to a portion of land or territory that are significant as a
14 form of architecture and not merely as a complementary setting for one or more
15 structures or buildings. Landscapes may consist of manmade improvements
16 such as dividers (such as walls and fences), drainage and engineering structures
17 (such as retaining walls), site furnishings (such as benches, planters, and urns),
18 fountains and bodies of water, lighting, signage, sculptures, and other works of
19 art. Landscapes do not include existing trees and plantings (whether naturally
20 occurring or consciously planted), terrain grades, natural courses or bodies of
21 water, or objects that are not subject to a building permit under this Title 9.
22 Examples of Landscapes that may be Protected under this Chapter include
23 manmade features in such places as, without limitation: parks, gardens, arboreta,
24 plazas, greens, and recreational grounds.

- 25
26 • Set (iii) under the definition of “Alteration” to read:

27
28 (iii) Any act or process that requires a building permit and that modifies a
29 Protected Landscape. (This Chapter does not regulate changes to existing
30 plantings, terrain grades, natural courses or bodies of water, or other objects that
31 are not subject to a building permit under this Title 9.)

- 32
33 • Delete (iii) under the definition of “Demolition.”

34
35 **Alternate C: Everything**

- 36
37 • Set (iii) under the definition of “Alteration” to read:

38
39 (iii) With respect to a Landscape, to do anything materially different from or in
40 addition to what is shown, described, required, and/or approved by the most
41 recent of:

- 42 a. The Ordinance establishing a Landmark or a Historic District;
- 43 b. Any plan for the improvement or conservation of a Protected
44 Landscape approved by the Village Board by resolution duly adopted.

- 45
46 • Set (iii) under the definition of “Demolition” to read:

47
48 (iii) Destroys, removes, or physically relocates to another property any
49 building or structure within the bounds of a Protected Landscape.

EXHIBIT A
(Comprehensively Amended Chapter 14 of Title 9)

CHAPTER 14. HISTORIC PRESERVATION

<u>9-14-1</u>	<u>PURPOSE AND GOALS</u>
<u>9-14-2</u>	<u>DEFINITIONS</u>
<u>9-14-3</u>	<u>GENERAL PROVISIONS</u>
<u>9-14-4</u>	<u>CRITERIA FOR DESIGNATION</u>
<u>9-14-5</u>	<u>DEMOLITION REVIEW FOR BUILDINGS MORE THAN 50 YEARS OLD</u>
<u>9-14-6</u>	<u>DESIGNATION OF LANDMARKS</u>
<u>9-14-7</u>	<u>DESIGNATION OF HISTORIC AREAS (DISTRICTS AND NEIGHBORHOODS)</u>
<u>9-14-8</u>	<u>CRITERIA FOR CHANGES TO PROTECTED FEATURES</u>
<u>9-14-9</u>	<u>ADVISORY REVIEW OF CHANGES TO PROTECTED FEATURES</u>
<u>9-14-10</u>	<u>VOLUNTARY CERTIFICATION OF PROTECTED FEATURES</u>
<u>9-14-11</u>	<u>CERTIFICATE REVIEW FOR CERTIFIED FEATURES</u>
TABLE I	LIST OF LANDMARK FEATURES
TABLE II	LIST OF HISTORIC DISTRICTS

1 **CHAPTER 14. HISTORIC PRESERVATION**

2 **9-14-1 PURPOSE AND GOALS**

3 A. **Purpose.** The purpose of this chapter is to promote historic and
4 architectural preservation in the Village. The Village seeks to protect,
5 enhance, and perpetuate those historical structures, buildings, sites, and
6 landscapes valued by the Village and its residents that are significant to the
7 Village history, culture, and architecture.

8 B. **Goals.** This chapter is created in order to achieve the following goals:

- 9 1. To foster civic pride in the beauty and accomplishments of the past
10 as represented in the Village landmarks;
- 11 2. To preserve, promote, maintain, and enhance the Village historic
12 resources and character as a community comprised principally of
13 well-maintained single-family residential neighborhoods and small,
14 thriving business areas oriented to serve the day to day needs of
15 local residents;
- 16 3. To protect and enhance the Village attractiveness to residents,
17 businesses, visitors, and prospective home buyers and businesses;
- 18 4. To maintain and improve property values in the Village;
- 19 5. To protect, preserve, and enhance the Village aesthetic
20 appearance and character;
- 21 6. To encourage the designation of landmark status upon structures,
22 buildings, and landscapes at the local, state, and national levels;
23 and,
- 24 7. To educate the general public on the significance of historic
25 preservation.

26 **9-14-2 DEFINITIONS**

27 **ALTERATION**. Any of the following:

- 28 i. Any act or process that requires a building permit and changes the
29 exterior appearance of one or more Protected Features.
- 30 ii. Any act or process that requires a building permit and changes, as
31 viewed from any adjacent public or private street, the Streetscape
32 of a Historic District and/or the exterior appearance of a Property
33 where one or more Protected Features are located.
- 34 iii. **<Protected Landscapes>**
- 35 iv. A Demolition of a Feature is not an Alteration of that Feature.
36 However, a Demolition may constitute an Alteration to a Feature
37 that is not to be demolished. For example, where only part of a
38 Building is Protected, the Demolition of the part not Protected may
39 constitute an Alteration of the remainder.

40 **APPROVED**. Work that has been authorized by an affirmative act of the
41 Commission or the Village Board, and not due to the expiration of an
42 applicable delay period. Any administrative changes authorized by this
43 Chapter shall not affect the Approved status of the Work.

1 **AUTHORIZATION.** Having satisfied the applicable Review requirement
2 under this Chapter in order proceed with Work, whether by Approval of the
3 Commission or the Village Board or the expiration of any applicable delay
4 period.

5 **AREA.** A specific geographic division of the Village.

6 **BUILDING.** Anything constructed or erected, the use of which requires
7 permanent or temporary location on or in the ground, and which is intended
8 for human occupancy or habitation. Examples of some Buildings that may
9 be Protected under this Chapter include, without limitation: houses, barns,
10 stables, sheds, garages, courthouses, offices, train depots, churches,
11 schools, stores, and theaters.

12 **BUILDING COMMISSIONER.** The Building Commissioner appointed from
13 time to time by the Village President and Board of Trustees, including any
14 duly appointed Deputy Building Commissioners.

15 **CERTIFICATION.** A voluntary, binding agreement by the Owner of a
16 Property that contains Protected Features. The agreement, which shall run
17 with the land and be binding upon future Owners, shall provide that any
18 Alteration or Demolition of Protected Features on the Property shall be
19 subject to the Certificate Review process provided in Section 9-14-11.

20 **CERTIFIED.** A Feature or subtype of Feature that is Protected and, further,
21 that is located on a Property whose Owner has voluntarily agreed shall be
22 subject to the Certificate Review process provided in Section 9-14-11 in
23 lieu of the Advisory Review process provided by Section 9-14-9.

24 **COMMISSION.** The Lake Bluff Historic Preservation Commission
25 established in **Title 3, Chapter XX** of this Municipal Code.

26 **COMMISSIONERS.** Members of the Commission.

27 **DEMOLITION.** Any act or process that alters the exterior appearance of a
28 Feature and:

- 29 i. Destroys, removes, or physically relocates to a different Property at
30 least 50 percent of a Building or Structure, as measured by the
31 proportion of disturbed square footage of exterior wall to
32 undisturbed square footage of exterior wall;
- 33 ii. Destroys, removes, or physically relocates to a different Property a
34 Structure that does not have exterior walls; or,
- 35 **iii. <Protected Landscapes>**

36 **DEMOLITION LETTER OF INTENT.** A letter of intent notifying the Building
37 Commissioner that the Owner desires to engage in a Demolition subject to
38 review pursuant to Sections 9-14-5, 9-14-9, or 9-14-11 of this Chapter. The
39 letter shall include, at a minimum:

- 40 i. An existing site plan of the Property illustrating the proposed extent
41 of Demolition.
- 42 ii. A brief description of any Features on the Property proposed to be
43 demolished.

1 iii. Photographs of the Property, which shall include a photograph of
2 the Property from all streets adjacent to the Property.

3 **FEATURE.** Part of or an entire building, structure, or landscape.

4 **HISTORIC DISTRICT.** An area that has been so designated by an
5 ordinance adopted by the Village Board of Trustees pursuant to the
6 procedures and standards set forth in this Chapter to recognize and protect
7 its special historic, visual, aesthetic, cultural, archaeological, and/or
8 architectural significance.

9 **HISTORIC NEIGHBORHOOD.** An area that has been so designated by a
10 ordinance adopted by the Village Board of Trustees pursuant to the
11 procedures and standards set forth in this Chapter to recognize and protect
12 its special historic, visual, aesthetic, cultural, archaeological, and/or
13 architectural significance; but where the property owners did not consent
14 to the higher levels of protection created by establishing a Historic District.

15 **LANDMARK.** A Feature that has been designated as a historic landmark
16 by an ordinance duly adopted by the Village Board of Trustees pursuant to
17 the procedures and standards set forth in this Chapter in order to recognize
18 and protect its special historic, visual, aesthetic, cultural, archaeological,
19 and/or architectural significance.

20 **LANDSCAPE.** A portion of land or territory that is significant as a form of
21 architecture and not merely as a complementary setting for one or more
22 structures or buildings. Landscapes protected under this Chapter typically
23 encompass naturally occurring landscapes (such as forests and prairies),
24 consciously planned landscapes (such as gardens), dividers (such as
25 walls, fences, and hedges), drainage and engineering structures (such as
26 retaining walls), site furnishings (such as benches, planters, and urns),
27 fountains and bodies of water, lighting, signage, sculptures, and other
28 works of art. Examples of Landscapes that may be Protected under this
29 Chapter include, without limitation: parks, gardens, arboreta, plazas,
30 greens, and recreational grounds. (Protected landscapes would need
31 additional work to implement.)

32 **MUTUALLY AGREED CONDITIONS.** Conditions agreed to by the
33 Commission and the Owner in order to cause the early termination of a
34 Review, as set forth in Section 9-14-3(G)(2).

35 **OWNER.**

36 A. The person, corporation, or other legal entity that has a fee interest in
37 a Property, as evidenced by the name that appears on the title records
38 in the office of the Lake County Recorder or as otherwise determined
39 by the Building Commissioner.

40 B. Where this Chapter requires mailings to an Owner, said requirements
41 shall be satisfied by mailing to the address on file with the Lake County
42 Chief Assessor's office for the mailing of property tax statements.

43 C. When the Property is in a land trust or is subject to a long term land
44 lease, or when one or more persons, corporations, or other legal
45 entities have an ownership interest in the Property (including beneficial
46 interests and long term lessee interests), the rights afforded to, and

1 obligations imposed on, Owners in this Chapter shall apply and be
2 exercised as if there were only one Owner. Neither the Village nor the
3 Commission shall have any obligation to investigate or determine the
4 legal relationship among the multiple Owners. It shall be deemed to be
5 sufficient for the purposes set forth in this Chapter for any one Owner
6 to act for and bind, the Property (which shall include, without limitation,
7 the delivery and receipt of notice and the provision of written consent),
8 unless the Commission receives, within the applicable time periods or
9 any extended time periods as the Commission shall deem appropriate,
10 clear and convincing evidence, as determined by the Commission, that
11 such Owner does not have the exclusive authority to act for, and bind,
12 the Property. Absent such a timely protest or objection, the Commission
13 shall have the right to rely on representations made by any one Owner
14 with respect to the exercise of the rights and obligations set forth in this
15 Chapter.

16 **PROPERTY.** Land and improvements identified as a separate zoning lot
17 for purposes of the Village's zoning and subdivision regulations.

18 **PROTECTED.** A feature or subtype of feature that, except if it is Certified,
19 is subject to Advisory Review pursuant to Section 9-14-9 because it is:

- 20 A. The subject of a Landmark designation;
21 B. Identified as contributing to the special characteristics of a Historic
22 District by the ordinance establishing the Historic District; or,
23 C. The subject of a pending application that, if approved or adopted,
24 would cause it to satisfy (i) or (ii).

25 **QUALIFIED REPRESENTATIVE.** The Owner of a Property or Feature that
26 is the subject of an application under this Chapter, or the Owner's
27 representative having power of attorney.

28 **REVIEW.** Any of the following processes provided by this Chapter:

- 29 A. Demolition Review for Buildings over 50 years old pursuant to
30 Section 9-14-5;
31 B. Advisory Review for Protected Features pursuant to Section 9-14-
32 9; and,
33 C. Certificate Review for Certified Features pursuant to Section 9-14-
34 11.

35 **STRUCTURE.** Anything constructed or erected, the use of which requires
36 permanent or temporary location on or in the ground, but which is not
37 intended for human occupancy or habitation. Examples of some Structures
38 that may be Protected under this Chapter include, without limitation:
39 bridges, fire towers, silos, roadways, railroads, and gazebos.

40 **STREETSCAPE.** The visual elements of a street, including without
41 limitation: the road, exterior form and appearance of adjoining buildings,
42 sidewalks, street furniture, trees, open spaces, and other design elements
43 that in combination form the street's character.

44 **WORK.** The specific act or acts proposed to be undertaken by an
45 application for a Review.

2 **GENERAL PROVISIONS**

3 A. **Purpose.** This Section provides the general rules of process, procedure, and interpretation common throughout this Chapter.

4 B. **Regulated Activities.** It shall be a violation of this Code for any person to
 5 conduct an Alteration or Demolition, as those terms are defined in Section 9-
 6 14-2, without first satisfying the applicable Review requirement. The Building
 7 Commissioner, shall not issue a permit for any activity defined as an Alteration
 8 or Demolition until said reviews have been satisfied, including without limitation
 9 construction, demolition, or sign permits.

10 C. **Village Orders Exempt from Review.** The Building Commission may
 11 expressly exempt from Review under this Chapter any Work necessary to
 12 comply with a lawful order of the Village, including, without limitation, Work
 13 necessary to correct what the Building Commissioner determines to be an
 14 immediate health or safety problem. The Building Commissioner may subject
 15 the Work to appropriate conditions to advance the purpose and goals of this
 16 Chapter.

17 D. **Partial Natural Destruction or Demolition.** In the case of partial natural
 18 destruction or demolition of a Protected Feature, the Owner shall be required
 19 to obtain Authorization for the Work prior to reconstruction. Although exact
 20 duplication of the previous Feature may not be required, the reconstructed
 21 exterior appearance of the Feature shall be in harmony with the exterior
 22 appearance of the Protected Feature prior to the damage. The reconstructed
 23 Feature shall thereafter remain a Protected Feature.

24 E. **Preliminary Workshops.**

25 1. **Who May Apply.** Prior to a formal submittal under this Chapter, any
 26 applicant may, and is encouraged, to request a preliminary workshop
 27 with the Commission.

28 2. **Purpose.** The purpose of a preliminary workshop is to broadly present
 29 the commission with the applicant's proposal and to provide the
 30 applicant with any preliminary views or concerns that Commissioners
 31 may have when positions are still flexible; adjustment is still possible;
 32 and before the applicant is required to expend the time and resources
 33 necessary to prepare the complete documentation required for a formal
 34 submittal.

35 3. **Notice.** No notice of a preliminary workshop shall be required except
 36 that the review shall be shown on the Commission's regular agenda in
 37 accordance with the Open Meetings Act (5 ILCS 120/).

38 4. **Procedure.** At the meeting at which the preliminary application is
 39 considered, any Commissioner may make any comments, suggestions,
 40 or recommendations regarding the preliminary application; provided,
 41 however, that no recommendation shall be made, and no final or
 42 binding action shall be taken, with respect to any preliminary application
 43 by the Commission. Any views expressed in the course of the
 44 Commission's review of any preliminary application shall be deemed to
 45 be only preliminary and advisory and only the individual views of the
 46 Commissioner expressing them. Nothing said or done in the course of

1 such review shall be deemed to create or to prejudice any rights of the
2 applicant or to obligate the Commission or any Commissioner to
3 approve or deny any formal application following full consideration
4 thereof as required by this Chapter.

5 **F. Applications.**

- 6 1. **Form.** Applications under this Chapter must be made in a form and
7 number determined by the Building Commissioner.
- 8 2. **Minimum Requirements.** Every application must include, at a
9 minimum, the following information:
- 10 a. The applicant's name and address.
 - 11 b. The Owner's name, if different from the applicant's.
 - 12 c. If the application concerns a specific property: an address,
13 assigned property index number, and, if available, a legal
14 description to identify the subject property;
 - 15 d. If the application concerns an area, a description of the
16 boundaries of the area and a vicinity map; and,
 - 17 e. Such other relevant information as requested by the Building
18 Commissioner or the Commission.
 - 19 f. For Review applications that propose to undertake Work:
 - 20 (1) Identification of any architect or developer involved in
21 the proposed Work.
 - 22 (2) If the Applicant is not an Owner:
 - 23 (A) The Owner's authorization to apply; and,
 - 24 (B) A statement as to why the Applicant is necessary
25 and fit to serve as a Qualified Representative
26 before the Commission in the Owner's absence.
- 27 3. **Summary Denial of Incomplete Applications.** The Building
28 Commissioner may summarily, and without hearing, deny any
29 incomplete application after providing the applicant a reasonable
30 opportunity to correct any deficiencies.
- 31 4. **Withdrawal of Application.** An applicant has the right to withdraw
32 without prejudice an application at any time prior to the final decision
33 on the application, including if it has been tabled by the Commission or
34 the Village Board of Trustees. Requests for withdrawal must be in
35 writing by the applicant.

36 **G. Public Notice of Applications.**

- 37 1. **Mailed Notice to Surrounding Owners.** Where required by this
38 Chapter, the Village will send notice to the owners of all properties
39 located within 300 feet from the property line of the subject property
40 including any streets, alleys, and rights-of-way, as well as to the owners
41 of any subject property that are not applicants. Notice shall be by first
42 class mail postmarked no less than 15 days nor more than 30 days in
43 advance of the scheduled meeting date. The notice shall include, at a

1 minimum:

- 2 a. The date, time, place and purpose of the hearing or meeting;
- 3 b. The name of the applicant;
- 4 c. If the application concerns a specific property: an address,
5 assigned property index number, or legal description to identify
6 the subject property;
- 7 d. If the application concerns an area, a description of the
8 boundaries of the area; and,
- 9 e. The action or relief sought by the applicant.

10 2. **Newspaper Notice.** Where required by this Chapter, the Village will
11 publish notice in a newspaper of general circulation within the Village
12 no less than 15 days nor more than 30 days in advance of the
13 scheduled meeting date. The minimum contents of the notice shall be
14 the same as required for mailed notice to surrounding owners.

15 3. **Posting of Signage.** Where required by this Chapter, the Village will
16 provide at least one sign which shall be prominently displayed within
17 the property or an adjacent right-of-way at a place visible from the
18 adjacent public or private street until the final disposition of an
19 application. It shall be a violation of this Code for any person to remove,
20 destroy, deface, or tamper with signage posted pursuant to this Chapter
21 without Village authorization. The applicable notice requirement shall
22 be deemed to be satisfied even when signage is damaged or
23 destroyed. The contents of the sign shall include, at a minimum:

- 24 a. The action or relief sought by the applicant; and,
- 25 b. The date, time, and location of the hearing(s) or meeting(s). A
26 general statement as to the regular meeting schedule of the
27 Commission satisfies this requirement.

28 4. **Open Meetings Act.** In addition to these requirements, the Village shall
29 fully comply with the requirements of the Open Meetings Act (5 ILCS
30 120/) for meetings, including posted notice of meeting agenda on its
31 website and premises.

32 H. **Conduct of Public Hearings.** Where this Chapter requires a public hearing to
33 be held, the following rules of procedure shall apply:

- 34 1. **Open Meetings Act.** All public hearings are subject to the Open
35 Meetings Act (5 ILCS 120/).
- 36 2. **Representation.** All interested parties may appear for themselves or
37 be represented by a person of their choosing.
- 38 3. **Submission of Testimony.** All persons offering testimony at a public
39 hearing shall testify under oath. An attorney shall be sworn if he/she
40 offers testimony, but not if he/she is questioning a witness,
41 summarizing witness testimony, or addressing the body conducting the
42 hearing on procedural issues. All persons wishing to testify at the public
43 hearing shall state for the record his/her name and place of residence.
44 Written statements will be accepted prior to the hearing to be entered

1 into the public hearing record.

2 4. **Submission of Evidence.** Any person may appear at a hearing and
3 submit evidence, upon receiving recognition from the Chair of the
4 Commission. Any person may ask relevant questions of other
5 witnesses, but only through the Chair and at the discretion of the Chair.
6 All persons shall state his/her name for the record before submitting
7 evidence or questioning a witness at the public hearing.

8 5. **Redundant or Irrelevant Testimony.** The Chair may use reasonable
9 discretion in determining when testimony has become redundant or is
10 not relevant to the proceedings.

11 6. **Continuances.** The Chair, with approval of the Commission, may
12 continue the public hearing. In order to reopen the hearing, no new
13 notice shall be required if a hearing is continued to a date specified,
14 provided that a public announcement of the future date, time, and place
15 of the continued hearing is made at the hearing and placed in the
16 minutes. If the hearing is adjourned, rather than continued to a date
17 specified, in order to reopen the hearing all notices must be given that
18 would have been required for the initial public hearing.

19 I. **Conclusion of Reviews (Authorizations).**

20 1. **Reviews Cumulative.** Any Review or Authorization under this Chapter
21 is a cumulative requirement of Title 9 and Title 10 of this Code. No
22 Authorization shall allow Work to be undertaken except upon the
23 applicant's receipt of every permit or approval that may be required by
24 the codes and ordinances of the Village, including without limitation
25 demolition and building permits.

26 2. **Mutually Agreed Conditions of Approval.**

27 a. **Purpose.** The Commission and the Owner may mutually
28 agree to specific conditions or restrictions that advance the
29 purpose and goals of this Chapter. Without limitation,
30 examples of such conditions may include:

31 (1) The donation or gift of specified Features to a unit of
32 government or a non-profit organization concerned
33 with restoration, rehabilitation, local history,
34 archaeology, or neighborhood conservation or
35 revitalization.

36 (2) Deferral of the unelapsed portion of a review delay,
37 such that the Work may proceed yet the Commission
38 may later consider the design of improvements to be
39 subsequently constructed whether or not such
40 improvements would otherwise be subject to the
41 Commission's review.

42 (3) The Owner's subsequent Certification of any
43 remaining Protected Features.

44 (4) The Owner's commitment to restore, rehabilitate, or
45 reinvest in other Features outside the scope of the
46 Work under review. Such features may be Protected

1 or otherwise be important to the special character of
2 a streetscape or area.

3 **b. Enforcement.**

4 (1) It shall be a violation of this Chapter to proceed with
5 Work contrary to any Mutually Agreed Conditions
6 unless and until a new Review is conducted and a
7 new Authorization obtained.

8 (2) The Building Commissioner may withhold permits to
9 authorize Work contrary to any Mutually Agreed
10 Conditions unless and until a new Review is
11 conducted and a new Authorization obtained.

12 (3) The Commission may require that the Owner enter
13 into a binding covenant providing that the Owner and
14 all subsequent Owners of the Property will fulfill any
15 Mutually Agreed Conditions. Such a requirement
16 shall run with the land unless and until it is either
17 satisfied or released by the Commission or the
18 Village Board of Trustees by order, resolution, or
19 ordinance duly adopted.

20 3. **Non-Transferable.** Unless explicitly provided for otherwise in the
21 order, resolution, or ordinance granting a favorable decision, any
22 Authorization to perform a particular Work shall not run with the land,
23 shall only benefit the Owner, and shall not be transferable to a
24 successor Owner.

25 4. **Administrative Changes to Authorizations.** The Building
26 Commissioner may administratively approve the following changes to
27 an Authorization without further review by the Commission, or may refer
28 them to the Commission for further review:

29 a. **Reductions to Scope of Demolitions.** The Building
30 Commissioner may administratively approve any reduction
31 to the scope of a Demolition.

32 b. **Changes Requested by the State of Illinois Historic
33 Preservation Office.** The Building Commissioner may
34 administratively approve any change to an Alteration that is
35 requested by the Illinois State Historic Preservation Office.

36 c. **Minor Changes.** The Building Commissioner may approve
37 minor changes that, in his sole discretion, satisfy all of the
38 following:

39 (1) The change is necessary to, and consistent with,
40 proper completion of the Work reviewed by the
41 Commission;

42 (2) The change is the minimum necessary to overcome
43 the particular difficulty encountered;

44 (3) The change is not inconsistent with the purpose and
45 goals of this Chapter; and,

1 (4) The change does not violate any condition of
2 approval, including any Mutually Agreed Conditions.

- 3 d. **All Other Changes.** All changes referred to the
4 Commission shall be reviewed only in accordance with the
5 same procedures and standards established under this
6 Chapter for an original application, including a full set of
7 updated application materials. Any applicable delay period
8 shall begin anew for the review of the changes proposed to
9 the Work.

10 **5. Time Limitation Upon Authorization.**

11 a. **One Year To Commence:** Unless explicitly provided for
12 otherwise in the order, resolution, or ordinance granting a
13 favorable decision, no Authorization to perform a Work shall
14 be valid for a period longer than one year unless the Work
15 proposed is lawfully commenced within that period and is
16 thereafter diligently pursued to completion. The expiration of
17 an Authorization for failure to commence Work within the
18 maximum time provided shall be automatic and not require
19 any hearing or decision.

20 b. **Extensions Up To One Additional Year:** The Village
21 Administrator may extend the time limit one or more times
22 where he determines that an extension is appropriate and
23 necessary either (i) to promote the purpose and goals of this
24 Chapter or (ii) to avoid undue hardship; but in no
25 circumstance may the Village Administrator provide an
26 extension that would allow the Work to first commence later
27 than two years after the date of an Authorization. The Village
28 Administrator shall provide notice to the Commission of any
29 extensions granted.

30 **J. Successive Applications.**

31 **1. Second Applications Without New Grounds Barred For One Year.**

32 Whenever any application filed pursuant to this Chapter has been
33 finally denied on its merits, a second application seeking essentially the
34 same relief, whether or not in the same form or on the same theory,
35 shall not be brought for a period of one year unless, in the opinion of
36 the Village Administrator or the Commission, there is substantial new
37 evidence available or a mistake of law or fact significantly affected the
38 prior denial.

39 **2. New Grounds to be Stated.** Any such second application shall include
40 a detailed statement of the grounds justifying consideration of such
41 application.

42 **3. Summary Denial With or Without Hearing.** Any such second
43 application may be denied by the Village Administrator summarily, and
44 without hearing, on a finding that no grounds appear that warrant a new
45 hearing. In any case where such application is set for hearing, the
46 applicant shall be required to establish grounds warranting
47 reconsideration of the merits of its application prior to being allowed to

1 offer any evidence on the merits. Unless such grounds are established,
2 the application may be summarily dismissed for such failure.

- 3 4. **Second Applications After One Year.** Whether or not new grounds
4 are stated, any such second application filed more than one year after
5 the final denial of a prior application shall be heard on the merits as
6 though no prior application had been filed. All evidence from any prior
7 applications and proceedings, to the extent available, will be deemed
8 admitted to the Commission and made part of the new record. The
9 applicant shall be required to place in the record all evidence available
10 concerning changes of conditions or new facts that have developed
11 since the denial of the prior application. In the absence of such
12 evidence, it shall be presumed that no new facts exist to support the
13 new petition that did not exist at the time of the denial of the prior
14 application.

15 K. **Adjustments to Fees for Protected or Certified Status.** Various Sections of
16 the Municipal Code provide for special treatment of properties based on their
17 status under this Chapter, including without limitation the increase or reduction
18 in fees or taxes otherwise due. Where such adjustments are provided, the
19 following eligibility rules shall apply:

- 20 1. Where a Property is certified, the Property in its entirety and any activity
21 thereupon shall be treated as Certified.
- 22 2. Where any feature on a Property is Protected yet the Property is not
23 Certified, the Property in its entirety and any activity thereupon shall be
24 treated as Protected.
- 25 3. Where the Municipal Code provides for a reduction in fees, and the fees
26 concern Work that is subject to the Commission's review, no reduction
27 shall be provided unless the Work is Approved by an affirmative act of
28 the Commission. No reduction in fees shall be provided for work
29 Approved pursuant to a Certificate of Economic Hardship.

30 **9-14-4**

CRITERIA FOR DESIGNATION

31 A. **Purpose.** The Commission shall find that at least one of the following criteria
32 is applicable when weighing whether to recommend the designation of a
33 landmark, the recognition of a historic neighborhood, or the designation of a
34 historic district.

35 B. **Effect of National Register Designation.** Any feature or area listed on the
36 National Register of Historic Places shall be subject to the rebuttable
37 presumption that it satisfies the criteria set forth in this Section.

38 C. **General Considerations.**

- 39 1. The feature or area has significant character, interest, or value as part
40 of the historic, aesthetic, cultural, or architectural characteristics of the
41 Village, the state of Illinois, or the United States.
- 42 2. The feature or area is closely identified with a person or persons who
43 significantly contributed to the development of the Village, the state of
44 Illinois, or the United States.
- 45 3. The feature or area involves the notable efforts of, or is the only known

1 example of work by, a master builder, designer, architect, architectural
2 firm, or artist whose individual accomplishment has influenced the
3 development of the Village, state of Illinois, or the United States.

- 4 4. The unique location or singular physical characteristics of a feature or
5 area make it an established or familiar visual feature.
- 6 5. The activities associated with a feature or area make it a current or
7 former focal point of reference in the Village.
- 8 6. The structure or building is of a type or is associated with a use once
9 common but now rare, or is a particularly fine or unique example of a
10 utilitarian structure or building and possesses a high level of integrity or
11 architectural significance.
- 12 7. The feature or area ~~is in an area that~~ has yielded or is likely to yield
13 historically significant information, or even prehistoric data.

14 **D. Architectural Significance.**

- 15 1. The feature or area represents certain distinguishing characteristics of
16 architecture inherently valuable for the study of a time period, type of
17 property, method of construction, or use of indigenous materials.
- 18 2. The feature or area embodies elements of design, detail, material, or
19 craftsmanship of exceptional quality.
- 20 3. The feature or area exemplifies a particular architectural style in terms
21 of detail, material, and workmanship which has resulted in little or no
22 alteration to its original construction.
- 23 4. The feature or area is one of the few remaining examples of a particular
24 architectural style and has undergone little or no alteration since its
25 original construction.
- 26 5. The feature or area is, or is part of, a contiguous grouping that has a
27 sense of cohesiveness expressed through a similarity of style
28 characteristics, time period, type of property, method of construction,
29 or use of indigenous materials and accents the architectural
30 significance of an area.
- 31 6. The detail, material, and workmanship of the feature or area can be
32 valued in and of themselves as reflective of or similar to those of the
33 majority of the other visual elements in the area.
- 34 7. The landscape is significant in its own right as a work of landscape
35 architecture and not merely as a complementary setting for one or more
36 structures or buildings.

37 **E. Historic Significance.**

- 38 1. The feature or area is an exceptional example of an historic or
39 vernacular style, or is one of the few such remaining properties of its
40 kind in the Village.
- 41 2. The feature or area has a strong association with the life or activities of
42 a person or persons who significantly contributed to or participated in
43 the historic or cultural events of the United States, the state of Illinois,
44 or the Village.

3. The feature or area is associated with an organization or group, whether formal or informal, from which persons have significantly contributed to or participated in the historic or cultural events of the United States, the state of Illinois, or the Village.
4. The feature or area is associated with a notable historic event.
5. The feature or area is associated with an antiquated use due to technological or social advances.
6. The feature or area is a monument to, or a cemetery of, a historic person or persons.

9-14-5

DEMOLITION REVIEW FOR BUILDINGS MORE THAN 50 YEARS OLD

A. Review Required; Purpose. The Commission shall review any proposed Demolition of a Building that is over 50 years old that is not subject to another Review under this Chapter in order to:

1. Evaluate if the subject Building(s) satisfies the criteria for designation provided in Section 9-14-4;
2. Encourage the restoration, rehabilitation, and reuse of an existing Building, even where the Building may not satisfy the criteria for designation;
3. Provide feedback concerning the effects of any proposed Work upon existing Streetscapes, even where such Streetscapes are not within a Historic District; and,
4. Capture important historic information before it is irrevocably lost by the act of Demolition.

B. Who May Apply. Any Qualified Representative may apply, as or on behalf of an Owner, for Demolition Review.

C. Application. In addition to the general requirements of Section 9-14-2 concerning applications, the applicant must provide:

1. A complete Demolition Letter of Intent; and,
2. A complete demolition review questionnaire, as the Commission may establish from time to time by resolution duly adopted.

D. Public Notice (Sign). The Village shall provide one or more signs for the subject property announcing the review as provided in Section 9-14-2.

E. Procedure. Upon receipt of a complete application and upon reasonable notice to the applicant, the Commission shall conduct its review at a regular or special meeting of the Commission. The Commission shall examine whether the subject Building or other Features on the Property meet the criteria for designation provided in Section 9-14-4 in addition to fulfilling the other purposes of Demolition Review. Following an initial review meeting, the Commission may continue to meet regarding the review or may allow the delay period to elapse without any further consideration.

F. Maximum Review Duration (Demolition Delay). A delay of 120 days shall apply following the submittal of a complete application. After the delay expires, the applicant may notify the Building Commissioner in writing that it no longer

1 intends to participate in the Demolition Review process. After such notification,
2 and notwithstanding any determination of the Commission, the Building
3 Commissioner shall evaluate the application strictly on its merits under all other
4 Village codes and regulations. The 120 day delay period shall be terminated
5 or extended under the following conditions:

- 6 1. **Termination by Commission.** The Commission may terminate its
7 review at any time after it determines that the subject Building does not
8 satisfy the criteria for designation provided in Section 9-14-4; provided,
9 that the Commission shall not be required to terminate its review upon
10 such a finding. The Commission may not terminate its review under this
11 Subsection unless the sign required by this Section has been posted
12 for at least seven days.
- 13 2. **Termination by Designation.** If any Feature on the Property is or
14 becomes a Protected Feature, it is ineligible for Review under this
15 Section. The Work shall thereafter be subject to Advisory Review.
16 Where a pending application causes a Feature to become Protected,
17 but the application ultimately fails, such failure shall be deemed an
18 Authorization for the Work.
- 19 3. **Extension by Village Board of Trustees.** The Village Board of
20 Trustees may, in its sole discretion and by resolution duly adopted,
21 extend the time period for up to an additional 60 days where it
22 determines that an extension will promote the purpose of this Section,
23 the purpose and goals of this Chapter, and the public welfare without
24 causing undue hardship on the applicant.
- 25 4. **Tolling for Late Application.** Where an application is submitted less
26 than ten business days prior to a regularly scheduled meeting of the
27 Commission, the delay period shall not begin until ten business days
28 prior to the Commission's subsequent regularly scheduled meeting.
29 The delay period shall not begin to elapse even when (i) the
30 Commission does not conduct the scheduled meeting triggering this
31 extension; or (ii) where the Commission considers the application
32 during this extension.
- 33 5. **Tolling for Qualified Representative.** When a Qualified
34 Representative fails to appear for any scheduled review meeting, the
35 Commission may, by motion, cause the applicable delay period to be
36 tolled until the earliest of:
 - 37 a. 30 days after a failure to appear;
 - 38 b. The next regular meeting of the Commission; or,
 - 39 c. The Commission's consideration of the application at a
40 special meeting.

41 **9-14-6 DESIGNATION OF LANDMARKS**

- 42 A. **Purpose.** The designation of a Landmark recognizes and protects specified
43 Features of special historic, visual, aesthetic, cultural, archaeological, and/or
44 architectural significance.
- 45 B. **Who May Apply.** A Landmark nomination may be submitted by any one of the
46 following parties:

- 1 1. One or more Commissioners.
- 2 2. The Village Board of Trustees.
- 3 3. The Owner of the Property where the Feature(s) to be designated as a
- 4 landmark are located.
- 5 4. Beginning ~~<insert the date 5 years following the adoption of this~~
- 6 ~~Ordinance>~~, only the Owner may submit a Landmark nomination that
- 7 would cause the stay of a pending Demolition Review.

8 **C. Form of Application.** In addition to the general requirements of Section 9-14-

9 2 concerning applications, the applicant must provide:

- 10 1. A statement describing why each Feature to be designated as a
- 11 landmark is meritorious for designation as a landmark in view of the
- 12 criteria for designation in Section 9-14-4;
- 13 2. Photographs of each Feature to be designated as a landmark as
- 14 viewed from each adjacent public or private street; and,
- 15 3. Other available information, such as elevation drawings and historic
- 16 records, that may further substantiate the present condition and
- 17 significance of each Feature to be designated as a landmark.

18 **D. Notice.** The Village shall publish notice and provide mailed notice to each

19 affected Owner as well as surrounding property owners, all as provided in

20 Section 9-14-2.

21 **E. Stay of Proceedings.** Upon the filing of a complete application, any Feature

22 proposed to be designated as a landmark shall be Protected and subject to the

23 applicable review provisions of this Chapter during the pendency of the

24 landmark application.

25 **F. Procedure.**

- 26 1. **Commission Recommendation.** Upon receipt of an application and
- 27 after the required notice has been provided, the Commission shall
- 28 consider the application at a public hearing within 90 days following the
- 29 receipt of a completed application. The Commission may recommend
- 30 the Village Board designate a landmark where, based on the record of
- 31 the hearing, the proposed feature(s) satisfy one or more of the criteria
- 32 provided in Section 9-14-4; or may recommend the Village Board deny
- 33 the application where the area does not satisfy the criteria based on the
- 34 record of the hearing.
- 35 2. **Failure to Act by Commission.** If the Commission does not, or cannot,
- 36 act to either recommend or not recommend the designation of a historic
- 37 neighborhood within 90 days after the date of ~~receiving a complete~~the
- 38 Commission's first meeting to consider an application, such inaction
- 39 shall be deemed to be a recommendation that the Village Board deny
- 40 the application.
- 41 3. **Village Board Consideration of Designation.** The Village Board shall
- 42 initiate and complete consideration of establishing the proposed
- 43 landmark within 90 days of the Commission's recommendation. The
- 44 Village Board shall review and give due consideration to the findings,
- 45 recommendations, and record of the Commission in determining to

1 recommend the designation of a landmark. The Village Board may, by
2 ordinance duly adopted, designate the landmark where, based on the
3 evidence presented, the proposed area satisfies the criteria provided in
4 Section 9-14-4.

- 5 4. **Failure to Act by Village Board.** If the Village Board does not, or
6 cannot, act to either approve or deny the designation of a historic
7 neighborhood landmark within 90 days after the date of the conclusion
8 of the ~~canvas~~ Commission's recommendation, such inaction shall be
9 deemed to be a denial of the application.

10 **G. Effect of Designation.**

- 11 1. **Recordation of Ordinance.** The Building Commissioner shall cause
12 the enacting Ordinance to be recorded in the office of the Lake County
13 Recorder of Deeds.
14 2. **Notice to Owners.** The Building Commissioner shall cause notice to
15 be delivered to the Owner advising them of the designation and of the
16 review requirements that will thereafter apply to the Property.
17 3. **Review of Alterations and Demolitions Required.** Any Feature
18 designated as a landmark shall be a Protected Feature and shall
19 thereafter be subject to Advisory Review or, where a Certification is
20 present, Certificate Review.

21 **H. Withdrawal of Designation.**

- 22 1. **Automatic Withdrawal of Designation.** The landmark designation of
23 a Protected Feature that has been Demolished (i) in accordance and
24 compliance with this Chapter and Demolished pursuant to a valid
25 demolition permit, or (ii) the Protected Feature has been completely
26 destroyed by natural destruction, shall be deemed to have been
27 automatically withdrawn as of the date of demolition without hearing or
28 decision.
29 2. **By Application.**
30 a. **Conditions for Withdrawal.** No Landmark designation
31 shall be withdrawn except where:
32 (1) The reasons for which the designation was once
33 appropriate are no longer present, including without
34 limitation, because: such qualities have been lost or
35 destroyed, or additional information has been
36 discovered;
37 (2) The original designation was clearly in error; or,
38 (3) There was prejudicial procedural error in the
39 designation process.
40 b. **Procedure.** The procedure to consider withdrawing a
41 landmark designation shall be the same as provided in this
42 Section for the initial designation of a Landmark, including
43 the qualifications of applicants; notice; hearings before the
44 Commission; and final action by the Village Board.

- 1 3. **Notice.** The Building Commissioner shall cause notice of a withdrawal
2 to be delivered to the Owner and recorded against the Property in the
3 office of the Lake County Recorder.

4 **9-14-7 DESIGNATION OF HISTORIC AREAS (DISTRICTS AND NEIGHBORHOODS)**

5 A. **Purpose.** The designation of an area as either a Historic District or a Historic
6 Neighborhood recognizes and protects special historic, visual, aesthetic,
7 cultural, archaeological, and/or architectural significance in a specified area of
8 the Village. It may consist either of a single contiguous area, or it may be
9 constructed as a thematic neighborhood or district that includes multiple areas
10 or scattered sites connected by a unifying theme. The distinguishing feature
11 between a Historic District and a Historic Neighborhood is that the majority of
12 Owners within a Historic District previously consented to the higher levels of
13 protection provided by a District.

14 B. **Who May Apply.** An area may be nominated for designation under this Section
15 by any one of the following parties:

- 16 1. One or more Commissioners.
17 2. The Village Board of Trustees.
18 3. An Owner of Property within the proposed boundaries of the nominated
19 area.

20 C. **Form of Application.** In addition to the general requirements of Section 9-14-
21 2 concerning applications, the applicant must provide:

- 22 1. A statement describing why the nominated area is meritorious for
23 designation in view of the purpose of this Section and the criteria for
24 designation in Section 9-14-4;
25 2. A list identifying those Features that contribute to the special
26 characteristics of the nominated area, including:
27 a. A common address, parcel identification number, or legal
28 description of each Property where such contributing Features
29 are located;
30 b. Photographs of each contributing Feature as viewed from each
31 adjacent public or private street; and,
32 c. Other available information, such as elevation drawings and
33 historic records, that may further substantiate the present
34 condition and significance of each contributing Feature.
35 3. Both a map and an list identifying each Property within the nominated
36 area that does not contain a contributing Feature, whether by common
37 address, parcel identification number, or legal description.

38 D. **Notice.** The Village shall publish notice and provide mailed notice to each
39 Owner within the nominated area and surrounding property owners, all as
40 provided in Section 9-14-2.

41 E. **Stay of Proceedings.** Upon the filing of a complete application, any Feature
42 identified as contributing to the special characteristics of the proposed
43 designation shall be Protected and subject to the applicable review provisions
44 of this Chapter during the pendency of the application.

1 F. **Standard of Review.** A designation under this Section should be established
2 where:

- 3 1. The nominated area, as a cohesive whole, would satisfy one or more
4 of the criteria provided in Section 9-14-4;
- 5 2. The nominated area, as a cohesive whole, possesses adequate
6 integrity of location, design, materials, and workmanship (all as defined
7 by the Secretary of the Interior for use in identifying historic resources
8 for the National Register of Historic Places) that merit recognition and
9 protection; and,
- 10 3. Either:

11 a. **Contiguous Designation.** The nomination consists of a
12 single contiguous area that:

- 13 (1) Is geographically definable and reasonably compact in
14 size;
- 15 (2) Includes at least 50 percent of Properties, by number
16 and not area, that are the location of a contributing
17 Feature; and,

18 ~~(0) Includes at least ten individual Features.~~

19 e-b. **Thematic Designation.** The nomination consists of one or
20 more areas or scattered sites where:

- 21 (1) The contributing Features within the nominated area are
22 thematically related; and,
- 23 (2) Every Property within the nominated area contains a
24 Feature that satisfies at least one of the criteria provided
25 in Section 9-14-4.

26 G. **Procedure.**

- 27 1. **Commission Recommendation.** Upon receipt of an application and
28 after the required notice has been provided, the Commission shall
29 consider the application at a public hearing within 90 days following the
30 receipt of a completed application. The Commission may recommend
31 the Village Board designate the nominated area where, based on the
32 record of the hearing, the nominated area satisfies the criteria provided
33 in Subsection F of this Section; or may recommend the Village Board
34 deny the application where the nominated area does not satisfy the
35 criteria based on the record of the hearing.
- 36 2. **Failure to Act by Commission.** If the Commission does not, or cannot,
37 act to either recommend or not recommend the designation within 90
38 days after the date of the Commission's first meeting to consider an
39 receiving a complete application, such inaction shall be deemed to be
40 a recommendation that the Village Board deny the application.
- 41 3. **Village Board Consideration of Designation.** The Village Board shall
42 initiate and complete consideration of establishing the proposed
43 designation within 90 days of the Commission's recommendation. The
44 Village Board shall review and give due consideration to the findings,

1 recommendations, and record of the Commission in determining to
2 recommend the designation. The Village Board may, by ordinance duly
3 adopted, designate the nominated area and call for a canvass of
4 owners where, based on the evidence presented, the proposed area
5 satisfies the criteria provided in Subsection E of this Section.

6
7 4. **Failure to Act by Village Board.** If the Village Board does not, or
8 cannot, act to either approve or deny the designation of a historic area
9 neighborhood within 90 days after the date of the Commission's
10 recommendation~~conclusion of the canvass~~, such inaction shall be
deemed to be a denial of the application.

11 5. **Canvass of Owners To Voluntarily Establish District**

12 a. Within 30 days following the Board's adoption of the
13 ordinance, the Village shall, by certified mail, return receipt
14 requested, deliver to the Owner of each Property within the
15 designated area a written statement that, at a minimum:

16 (1) Summarizes the reasons for designation set forth in
17 the Ordinance and supporting materials.

18 (2) States that, unless 50% or more of the area's
19 Owners return a ballot expressing disapproval, the
20 area will be designated a Historic District.

21 (3) Describes the effects of Historic District designation.

22 (4) States that, if 50% or more of the area's Owners
23 disapprove, the area will instead be designated as a
24 Historic Neighborhood.

25 (5) Describes the effects of Historic Neighborhood
26 designation.

27 b. The written statement shall be accompanied by a written
28 ballot form on which each Owner of Property shall have the
29 opportunity to state their approval or disapproval of
30 establishing a Historic District.

31 c. Each Owner may complete the ballot form and return it, in
32 the manner and at the location described on the ballot form,
33 within 45 days after the date of mailing by the Village. No
34 ballot form shall be counted unless it is received by the
35 Village on or before the date that is 45 days after the date
36 on which the Village mailed the ballot form.

37 d. Not more than one ballot form shall be counted or
38 considered for any one Property within the designated area.
39 Conflicting responses from multiple Owners of the same
40 Property shall preclude all ballot forms for that Property from
41 being counted or considered, and no ballots shall be
42 deemed to have been returned for that Property. Ballots not
43 returned to the Commission shall be considered evidence of
44 a vote to approve the proposed Historic District.

45 e. Promptly upon determination of the outcome of the canvass,

1 the Village shall cause the results to be posted in Village
2 Hall and delivered by first class mail to the Owner of each
3 Property within the proposed Historic District.

- 4 f. The Owners shall be deemed to have disapproved of the
5 proposed Historic District if, within the 45 day period, the
6 Commission receives returned ballot forms from more than
7 50% of the Owners within the proposed historic district
8 evidencing a vote of "disapproval."

9 **H. Effect of Successful Canvass.**

- 10 1. **Recordation of Ordinance.** The Building Commissioner shall cause
11 the enacting Ordinance and a certification of canvass to be recorded in
12 the office of the Lake County Recorder of Deeds.
- 13 2. **Notice to Owners.** The Building Commissioner shall cause notice to
14 be delivered to each Owner of Property within the Historic District
15 advising them of the designation and of the review requirements that
16 will thereafter apply to the Property.
- 17 3. **Review of Alterations and Demolitions Required.** Any Alteration or
18 Demolition occurring within the boundaries of the Historic District shall
19 thereafter be subject to Advisory Review or, where a Certification is
20 present, Certificate Review.

21 **I. Effect of Unsuccessful Canvass.**

- 22 1. **Honorary Designation Only.** Where the Owners disapprove of
23 establishing a district, the area shall be deemed designated as a
24 Historic Neighborhood automatically without further action by the
25 Village Board or the Commission. The designation of a Historic
26 Neighborhood is merely an honorific title that the Commission and the
27 Village will endeavor to recognize through education and outreach. A
28 Historic Neighborhood shall not confer any new rights, privileges,
29 responsibilities, or restrictions upon a property within its boundaries;
30 nor shall it create any favorable or unfavorable presumption concerning
31 any other designation available under this Chapter.
- 32 2. **Subsequent Canvass.** No sooner than two years following the date of
33 an unsuccessful canvass, one of the following parties may apply to the
34 Village Board to authorize a new canvass pursuant to subsection H
35 which may result in substitution of a Historic District for the existing
36 Historic Neighborhood:
- 37 a. The Commission; or,
- 38 b. An Owner within the Historic Neighborhood, where
39 accompanied by proof that over 25% of Owners within the
40 District evidencing their support for District designation. In
41 calculating the proportion of supporting Owners, the rules of
42 validity applicable to a canvass of Owners under this
43 Section shall apply.

44 **J. Withdrawal of Historic District Designation.**

- 45 1. **Conditions for Withdrawal.** No Historic District designation shall be

1 withdrawn except where:

- 2 a. The reasons for which the designation was once
- 3 appropriate are no longer present, including without
- 4 limitation, because: such qualities have been lost or
- 5 destroyed or additional information has been discovered;
- 6 b. The original designation was clearly in error; or,
- 7 c. There was prejudicial procedural error in the designation
- 8 process.

9 2. **Procedure.** The procedure to consider withdrawing a Historic District
10 designation shall be the same as provided in this Section for the initial
11 designation, including without limitation the nature of qualified
12 applicants; notice; hearings before the Commission; a canvass of
13 owners; and final action by the Village Board. However, the following
14 modifications apply:

- 15 a. **Who May Apply.** No Owner may apply except when
- 16 accompanied by proof that over 25% of Owners within the
- 17 District evidencing their support to withdraw the District
- 18 designation. In calculating the proportion of supporting
- 19 Owners, the rules of validity applicable to a canvass of
- 20 Owners under this Section shall apply.
- 21 b. **Timing of Canvass.** The canvass of owners shall occur
- 22 prior to consideration by the Village Board.
- 23 c. **Presumed Vote.** Ballots not returned to the Commission
- 24 shall be considered evidence of a vote to deny the
- 25 application and retain the proposed Historic District
- 26 designation.
- 27 d. **Failure to Act.** Any failure to act by the Commission shall
- 28 be presumed as a recommendation to deny the application.
- 29 Any failure to act by the Board shall be presumed as a denial
- 30 of the application.
- 31 e. **Village Board Consideration of Withdrawal.** The Village
- 32 Board shall have the authority, in its discretion, to retain or
- 33 remove the District designation; but, without additional
- 34 procedure, may designate part or the entirety of the prior
- 35 District as a Historic Neighborhood.

36 3. **Notice.** The Building Commissioner shall cause notice of a withdrawal
37 to be delivered to each affected Owner and recorded against the
38 Property in the office of the Lake County Recorder.

39 **9-14-8 CRITERIA FOR CHANGES TO PROTECTED FEATURES**

40 A. **Purpose.** The Commission shall consider the following criteria when weighing
41 the appropriateness of proposed Alterations or Demolitions to Protected
42 Features or within Historic Districts; and shall urge the Owner to incorporate
43 the following criteria into any proposed Work.

44 B. **General Standards.**

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1. Any permitted alteration or demolition should promote the purpose and goals of this Chapter and the general welfare of the Village and its residents.
2. Alterations that do not affect any essential architectural or historic features of a Feature, as viewed from any adjacent public or private street, ordinarily should be permitted.
3. The construction of new structures and buildings, and alterations to landscapes, should not be discouraged when such construction or alteration does not destroy significant historical, architectural, or cultural features and is compatible with the size, scale, color, material, and character of the existing features, neighborhood, or environment.
4. If possible, the construction of new structures and buildings, and alterations to landscapes, should be undertaken in such a manner that, if such construction or alteration were to be removed in the future, the essential form and integrity of the original feature would be unimpaired.
5. The distinguishing original qualities or character of a feature and its environment should not be destroyed. No alteration or demolition of any historic material or distinctive architectural feature should be permitted except when necessary to assure an economically viable use of a site.
6. Demolition should not be undertaken if a feature is economically viable in its present condition or could be economically viable after completion of appropriate alterations, even if demolition would permit a more profitable use.

C. Rehabilitation Guidelines.

1. Reasonable efforts should be made to use a feature for its originally intended purpose or to provide a compatible use that requires minimal alteration of a feature and its environment.
2. All features should be recognized as products of their own time. Alterations that have no historic basis and that seek to create an earlier appearance than the true age of the property are discouraged.
3. Changes that may have taken place over time evidence the history and development of a feature and its environment. These changes may have acquired significance in their own right, and this significance should be recognized and respected when dealing with a specific architectural period.
4. Distinctive stylistic features or examples of skilled craftsmanship that characterize a feature should be maintained and preserved if possible.
5. Deteriorated architectural features should be repaired rather than replaced, if possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than conjectural designs or the availability of different architectural elements from other buildings or structures.

- 1 6. Surface and other forms of cleaning of a feature should be undertaken
2 with the gentlest means possible. Sandblasting and other cleaning
3 methods that will damage a feature should be avoided.

4 **D. Architectural Design Guidelines.**

- 5 1. The height of a feature after alteration should be compatible with the
6 height of the original feature.
- 7 2. The relationship between a feature and adjacent open spaces after its
8 alteration should be compatible with such relationship prior to such
9 alteration.
- 10 3. The relationship among the height, width, and scale of a feature after
11 alteration should be compatible with such relationship prior to such
12 alteration.
- 13 4. The directional expression of a feature after alteration, whether its
14 vertical or horizontal positioning, should be compatible with the
15 directional expression of the original feature.
- 16 5. The roof shape of a feature after alteration should be compatible with
17 the roof shape of the original feature.
- 18 6. The architectural details, general design, materials, textures, and colors
19 of a feature after alteration should be compatible with the architectural
20 details, general design, materials, textures, and colors of the original
21 feature.
- 22 7. The appurtenances, including, without limitation, signs, fences,
23 landscaping, accessory structures, and pavings, of a feature after
24 alteration should be compatible with the appurtenances of the original
25 feature.

26 **E. Secretary of the Interior Guidance.** In addition to the foregoing guidelines,
27 the Commission may consider the most recent revision of the Secretary of the
28 Interior's *Standards for Rehabilitation* (36 CFR 67) and *Guidelines for*
29 *Rehabilitating Historic Buildings*.

30 **9-14-9**

30 **ADVISORY REVIEW OF CHANGES TO PROTECTED FEATURES**

- 31 **A. Review Required; Purpose.** No Alteration or Demolition may occur to a
32 Protected Feature or within a Historic District without first satisfying the
33 requirements of this Section except if a Certification applies. The Commission
34 shall review any such proposed Alteration to or Demolition in order to:
- 35 1. Evaluate the consistency of any proposed Work with the Criteria
36 provided in Section 9-14-8 and either:
- 37 a. Allow Work that is generally consistent with the criteria to
38 proceed expediently and with a minimum of procedural
39 delay; or,
- 40 b. For Work that is inconsistent, attempt to reach mutually
41 satisfactory resolutions that satisfy the Owner's interests
42 and the Commission's concerns.
- 43 2. Allow the Commission to provide an Applicant with information and best
44 practices concerning historic rehabilitations, restorations, and adaptive

1 reuses within the Village.

2 B. **Who May Apply.** Any Qualified Representative may apply, as or on behalf of
3 an Owner, for Advisory Review.

4 C. **Application.** In addition to the general requirements of Section 9-14-2
5 concerning applications, the applicant must provide:

- 6 1. For a request for Demolition of a Building, whether or not Protected, a
7 complete Demolition Letter of Intent shall be required.
- 8 2. For all other requests subject to Advisory Review, a detailed description
9 of the proposed Work shall be required, as well as any architectural
10 drawings, sketches, and photographs indicating how and to what extent
11 the Work will affect any Protected Features. Such information may be
12 in the form of a partial or complete application for a building permit.

13 D. **Notice.**

- 14 1. **Demolition (Mailed and Sign).** Where the Demolition of a Protected
15 Feature is proposed, the Village shall provide mailed notice to
16 surrounding properties as well as one or more signs for the subject
17 property announcing that it is under Advisory Review, all as provided in
18 Section 9-14-2.
- 19 2. **All Other Requests (Sign).** For all other requests, the Village shall
20 promptly provide one or more signs for the subject property announcing
21 that it is under Advisory Review as provided in Section 9-14-2 only if
22 the Review is not terminated after the Commission's first consideration
23 of the Review.

24 E. **Procedure.**

- 25 1. **Initial Meeting.** Upon receipt of an application and after providing any
26 required public notice as well as reasonable notice to the applicant, the
27 Commission shall conduct its review at a regular or special meeting of
28 the Commission. At the conclusion of its initial review, the Commission
29 shall, by motion, conclude that:
 - 30 a. The Work is not inconsistent with the criteria provided in
31 Section 9-14-8 and that no further review is necessary, upon
32 which finding the review shall be terminated;
 - 33 b. The Work is inconsistent with the criteria provided in Section
34 9-14-8, and further review is necessary; or,
 - 35 c. Insufficient information is present to determine the Work's
36 consistency with the criteria provided in Section 9-14-8,
37 thereby requiring further review.
- 38 2. **Subsequent Meetings.** Following its initial review meeting, the
39 Commission may continue to conduct its review in subsequent
40 meetings or may allow the delay period to elapse without any further
41 consideration.

42 F. **Maximum Review Duration (Delay).** No sooner than (i) 120 days following
43 the submittal of a complete application to Demolish a Protected Feature or a
44 Building that is not Protected but over 50 years old, or (ii) no sooner than 35

1 days following the submittal of a complete application for any other Work, the
2 applicant may notify the Building Commissioner in writing that it no longer
3 intends to participate in the Advisory Review process. After such notification,
4 and notwithstanding any determination of the Commission, the Building
5 Commissioner shall evaluate the application strictly on its merits under all other
6 Village codes and regulations. The applicable delay period, whether 120 or 35
7 days, shall be terminated, reduced, or extended under the following conditions:

- 8 1. **Termination by Commission.** The Commission shall terminate its
9 review if it determines that the Work is not inconsistent with the criteria
10 provided in Section 9-14-8; provided that the Work need not satisfy
11 each and every criteria provided therein. Such Work shall be deemed
12 Approved Work.
- 13 2. **Credit for Prior Demolition Review.** Where the proposed Work was
14 the subject of Demolition Review immediately prior to the affected
15 Features becoming Protected Features, the delay period shall be
16 reduced by any delay incurred during Demolition Review; provided that
17 no such reduction shall accrue for delay during the pendency of an
18 application seeking to designate a Landmark or a Historic District.
- 19 3. **Extension by Village Board of Trustees.** The Village Board of
20 Trustees may, in its sole discretion and by resolution duly adopted,
21 extend the time period where it determines that an extension will
22 promote the purpose of this Section, the purpose and goals of this
23 Chapter, and the public welfare without causing undue hardship on the
24 applicant:
 - 25 a. The delay period for a Demolition of a Protected Feature may
26 be extended for up to an additional 245 days.
 - 27 b. The delay period for any other proposed Work may be extended
28 for up to an additional ~~30~~60 days.
- 29 4. **Tolling for Late Application.** Where an application is submitted less
30 than ten business days prior to a regularly scheduled meeting of the
31 Commission, the delay period shall not begin until ten business days
32 prior to the Commission's subsequent regularly scheduled meeting.
33 The delay period shall not begin to elapse even where (i) the
34 Commission does not conduct the scheduled meeting triggering this
35 extension; or (ii) where the Commission considers the application
36 during this extension.
- 37 5. **Tolling for Qualified Representative.** When a qualified representative
38 fails to appear for any scheduled review meeting, the Commission may,
39 by motion, cause the applicable delay period to be tolled until the
40 earliest of:
 - 41 a. 30 days after a failure to appear;
 - 42 b. The next regular meeting of the Commission; or,
 - 43 c. The Commission's consideration of the application at a
44 special meeting.

1 A. **Purpose.** This Section allows an Owner of Protected Features (e.g. that are
2 landmarked or within a historic district) to voluntarily consent to a higher level
3 of review for future changes to their property. This additional rigor of review
4 provides the Owner and the community with the maximum assurance available
5 under this Chapter that the special historic, architectural, and cultural features
6 present upon their property will be preserved for future enjoyment even after
7 any future change in ownership. Additionally, Certification may provide the
8 Owner with access to additional financial incentives that are not available to
9 other Protected Features that are not so Certified.

10 B. **Who May Apply.** The Owner of a Property where one or more Protected
11 Features are located may apply for Certification.

12 C. **Procedure.** The Village Administrator is authorized to accept and enter into a
13 Certification, in a form approved by the Village Attorney, on behalf of the Village
14 and cause it to be recorded against the Property in the office of the Lake
15 County Recorder. The Certification shall run with the Property and bind future
16 Owners to irrevocably consent to the Certificate Review provided in Section 9-
17 14-11.

18 D. **Extinguishment of Certification.** No Certification may be withdrawn,
19 revoked, or extinguished except:

20 1. **By the Village Board.** The Board of Trustees may extinguish a
21 Certification by ordinance or resolution duly adopted. No hearing shall
22 be required prior to the Board's consideration of extinguishment. There
23 is no procedural right to apply to the Village Board to compel its
24 consideration of extinguishment.

25 2. **By Operation of this Chapter.** When every landmark and historic
26 district designation has been withdrawn from the property such that no
27 Protected Features remain, the Property's Certification shall be
28 extinguished automatically without hearing or decision.

29 Where a Certification is extinguished, the Building Commissioner shall cause
30 notice of the same to be delivered to the Owner and recorded against the
31 Property in the office of the Lake County Recorder.

32 **9-14-11 CERTIFICATE REVIEW FOR CERTIFIED FEATURES**

33 A. **Review Required; Purpose.** No Alteration or Demolition may occur to a
34 Certified Feature without first satisfying the requirements of this Section. The
35 Commission shall review any such proposed Alteration to or Demolition in
36 order to:

37 1. Evaluate the consistency of any proposed Work with the Criteria
38 provided in Section 9-14-8 and either:

- 39 a. Allow Work that is generally consistent with the criteria to
40 proceed expediently and with a minimum of procedural
41 delay; or,
42 b. For Work that is inconsistent, attempt to reach mutually
43 satisfactory resolutions that satisfy the Owner's interests
44 and the Commission's concerns.

45 2. Allow the Commission to provide an Applicant with information and best

1 practices concerning historic rehabilitations, restorations, and adaptive
2 reuses within the Village.

3 **B. Who May Apply.** Any Qualified Representative may apply, as or on behalf of
4 an Owner, for Certificate Review.

5 **C. Application.** In addition to the general requirements of Section 9-14-2
6 concerning applications, the applicant must provide:

- 7 1. For a request for Demolition of a Building, whether or not Protected, a
8 complete Demolition Letter of Intent shall be required.
- 9 2. For all other requests subject to Certificate Review, a detailed
10 description of the proposed Work shall be required, as well as any
11 architectural drawings, sketches, and photographs indicating how and
12 to what extent the Work will affect any Certified Features. Such
13 information may be in the form of a partial or complete application for a
14 building permit.

15 **D. Notice.**

- 16 1. **Demolition (Mailed and Sign).** Where the Demolition of a Protected
17 Feature is proposed, the Village shall provide mailed notice to
18 surrounding properties as well as one or more signs for the subject
19 property announcing that it is under Certificate Review, all as provided
20 in Section 9-14-2.
- 21 2. **All Other Requests (Sign).** For all other requests, the Village shall
22 provide one or more signs for the subject property announcing that it is
23 under Certificate Review as provided in Section 9-14-2 only if the
24 Review is not terminated after the Commission's first consideration of
25 the Review.

26 **E. Procedure.**

- 27 1. **Certificate of Appropriateness.** An applicant may seek the
28 Commission's approval of an Alteration or Demolition by demonstrating
29 that it is consistent with the criteria provided in Section 9-14-8. It shall
30 be the burden of the Applicant to establish these circumstances. Upon
31 receipt of an application and after providing any required public notice
32 as well as reasonable notice to the applicant, the Commission shall
33 conduct its review at a regular or special meeting of the Commission.
34 At the conclusion of its initial review and any subsequent review, the
35 Commission shall, by motion, conclude that:

36 (1) **Approved.** The Work is not inconsistent with the criteria
37 provided in Section 9-14-8 and that no further review is
38 necessary, upon which finding the review shall be
39 terminated;

40 (2) **Approved with Conditions.** The Work would not be
41 inconsistent with the criteria provided in Section 9-14-8
42 if the Work is undertaken subject to certain conditions,
43 which shall be binding upon the Applicant unless
44 appealed if the Work is undertaken.

45 (3) **Continuance or Denial.** That the review should be

1 continued, or the application denied, because either:

- 2 a. The Work is inconsistent with the criteria
- 3 provided in Section 9-14-8; or,
- 4 b. Insufficient information is present to determine
- 5 the Work's consistency with the criteria provided
- 6 in Section 9-14-8, or additional investigation is
- 7 necessary; provided that the applicant shall be
- 8 provided a minimum of one continuance to
- 9 provide additional information for the
- 10 Commission before a denial on this basis.

11 **2. Certificate of Economic Hardship.** As an alternative to a Certificate

12 of Appropriateness, or subsequent to the denial or conditional approval

13 of a Certificate of Appropriateness, an applicant may seek the

14 Commission's approval of an Alteration or Demolition in spite of

15 acknowledged inconsistency with the criteria provided in Section 9-14-

16 8 by demonstrating the presence of a financial hardship as the Property

17 cannot be put to a reasonable beneficial use or that the Owner cannot

18 obtain a reasonable economic return from the Property absent the

19 proposed Work. It shall be the burden of the Applicant to establish these

20 circumstances.

21 a. **Evidence of Hardship.** Any Applicant seeking a Certificate

22 of Economic Hardship is encouraged to submit all of the

23 following additional information as may be available to

24 substantiate the claimed hardship and to assist the

25 Commission in its determination:

- 26 (1) Evidence of any attempt to contact the State Historic
- 27 Preservation Agency to apply for any favorable
- 28 treatment available for historic properties under statute.
- 29 (2) A report from a licensed engineer or architect with
- 30 experience in rehabilitation as to the structural
- 31 soundness of the building or structure on the property
- 32 and its suitability for and the economic feasibility of
- 33 rehabilitation or reuse.
- 34 (3) The amount paid for the property, the date of purchase,
- 35 and the party from whom purchased (including a
- 36 description of the relationship, if any, between the owner
- 37 and the person from whom the property was
- 38 purchased).
- 39 (4) The assessed value of the land and improvements
- 40 thereon according to the two (2) most recent
- 41 assessments.
- 42 (5) Real estate taxes for the previous two (2) years.
- 43 (6) Remaining balance mortgage, if any, and annual debt
- 44 service, if any, for the previous two (2) years.
- 45 (7) All appraisals obtained within the previous two (2) years
- 46 by the owner or applicant or their lenders in connection

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with the purchase, financing, or ownership of the property.

- (8) Any listing of the property for sale or rent, price asked, and offers received, if any.
- (9) Any consideration by the owner as to profitable adaptive uses for the property.
- (10) If the property is income producing, the annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses for the previous two (2) years, and annual cash flow before and after debt service, if any, during the same period.
- (11) Form of ownership or operation of the property, whether sole proprietorship, for profit or not for profit corporation, limited partnership, joint venture, or other.
- (12) Any other information, including income tax bracket of the owner, applicant, or principal investors in the property, reasonably necessary for a determination as to whether the property can be reasonably sold or yield a reasonable return to present or future owners.

b. **Initial Meeting.** Upon receipt of an application and after providing any required public notice as well as reasonable notice to the applicant, the Commission shall conduct its review at a regular or special meeting of the Commission. At the conclusion of its initial review and any continuation, the Commission shall, by motion, conclude that:

- (1) The Applicant has established that, based on the evidence provided, a financial hardship may exist that is meritorious of further study by the Village; or,
- (2) The Applicant has failed to demonstrate that a financial hardship exists, and the application shall be denied.

c. **Study Period.** If the Commission finds that a financial hardship may exist absent approval of the proposed Work, the application shall be delayed for a period not to exceed 60 days. During this period of delay, the Commission shall make recommendations to the Village Board to alleviate the alleged financial hardship or to otherwise preserve the subject property. Such plans and recommendations may include, without limitation: a relaxation of the provisions of this Chapter; a reduction in real property taxes; financial assistance; building code modifications; and/or zoning or subdivision relief.

d. **Decision on Approval.** If the Commission determines that a financial hardship persists at the end of the Study Period, the Commission shall approve the Work as a Certificate of Economic Hardship.

3. **Notice to Owner.** If the Owner is not present when an application is

1 denied or approved with conditions, the Building Commissioner shall
2 cause notice of the Commission's decision to be served either by
3 personal delivery or by certified mail, return receipt requested. The
4 Owner shall be deemed notified of the decision as of the date of mailing.

5 F. **Appeals.** Where a Certificate Review is denied or approved with conditions,
6 the Applicant may appeal the Commission's decision to the Village Board by
7 filing an appeal in writing with the Village Administrator within 15 days of being
8 notified of the decision. The Village Board's review shall not be a public
9 hearing. The Board may receive comments on the contents of the record but
10 no new matter may be considered by the Village Board unless such matter is
11 new or was not known at the time of the Commission's deliberations. The
12 Village Board shall review and give due consideration to the findings,
13 recommendations, and record of the Commission and thereafter may affirm
14 the Commission's decision or else provide approval to the applicant with or
15 without conditions.
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TABLE I
LIST OF LANDMARK FEATURES

Ordinance	Feature	Address

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TABLE II
LIST OF HISTORIC DISTRICTS

Ordinance	Name

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