

EXHIBIT A
(Comprehensively Amended Chapter 14 of Title 9)

CHAPTER 14. HISTORIC PRESERVATION

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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. Any act or process that requires a building permit and that modifies
35 a Protected Landscape. (This Chapter does not regulate changes
36 to existing plantings, terrain grades, natural courses or bodies of
37 water, or other objects that are not subject to a building permit under
38 this Title 9.)
- 39 iv. A Demolition of a Feature is not an Alteration of that Feature.
40 However, a Demolition may constitute an Alteration to a Feature
41 that is not to be demolished. For example, where only part of a
42 Building is Protected, the Demolition of the part not Protected may
43 constitute an Alteration of the remainder.

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

5 **AUTHORIZATION.** Having satisfied the applicable Review requirement
6 under this Chapter in order proceed with Work, whether by Approval of the
7 Commission or the Village Board or the expiration of any applicable delay
8 period.

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

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

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

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

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

28 **COMMISSION.** The Lake Bluff Historic Preservation Commission
29 established in Title 2, Chapter 9 of this Municipal Code.

30 **COMMISSIONERS.** Members of the Commission.

31 **DEMOLITION.** Any act or process that alters the exterior appearance of a
32 Feature and either:

- 33 i. Destroys, removes, or physically relocates to a different Property at
34 least 50 percent of a Building or Structure, as measured by the
35 proportion of linear feet of exterior wall being demolished to the total
36 linear feet of existing exterior wall. For the purposes of this
37 subsection (i), the following actions shall be considered to be
38 destruction:
- 39 a. Removal of the finish materials from both sides of a segment
40 of a wall;
 - 41 b. Enclosing a segment of an existing exterior wall such that it
42 becomes an interior wall; and,
 - 43 c. Cutting new openings or enlarging existing openings will
44 result in the entire width of the new opening being treated
45 as destroyed.

- 1 ii. Destroys, removes, or physically relocates to a different Property a
2 Structure that does not have exterior walls.

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

- 7 i. An existing site plan of the Property illustrating the proposed extent
8 of Demolition.
9 ii. A brief description of any Features on the Property proposed to be
10 demolished.
11 iii. Photographs of the Property, which shall include a photograph of
12 the Property from all streets adjacent to the Property.

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

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

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

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

30 **LANDSCAPE.** Manmade improvements to a portion of land or territory that
31 are significant as a form of architecture and not merely as a complementary
32 setting for one or more structures or buildings. Landscapes may consist of
33 manmade improvements such as dividers (such as walls and fences),
34 drainage and engineering structures (such as retaining walls), site
35 furnishings (such as benches, planters, and urns), fountains and bodies of
36 water, lighting, signage, sculptures, and other works of art. Landscapes do
37 not include existing trees and plantings (whether naturally occurring or
38 consciously planted), terrain grades, natural courses or bodies of water, or
39 objects that are not subject to a building permit under this Title 9. Examples
40 of Landscapes that may be Protected under this Chapter include manmade
41 features in such places as, without limitation: parks, gardens, arboreta,
42 plazas, greens, and recreational grounds.

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

46 **OWNER.**

- 1 A. The person, corporation, or other legal entity that has a fee interest in
2 a Property, as evidenced by the name that appears on the title records
3 in the office of the Lake County Recorder or as otherwise determined
4 by the Building Commissioner.
- 5 B. Where this Chapter requires mailings to an Owner, said requirements
6 shall be satisfied by mailing to the address on file with the Lake County
7 Chief Assessor's office for the mailing of property tax statements.
- 8 C. When the Property is in a land trust or is subject to a long term land
9 lease, or when one or more persons, corporations, or other legal
10 entities have an ownership interest in the Property (including beneficial
11 interests and long term lessee interests), the rights afforded to, and
12 obligations imposed on, Owners in this Chapter shall apply and be
13 exercised as if there were only one Owner. Neither the Village nor the
14 Commission shall have any obligation to investigate or determine the
15 legal relationship among the multiple Owners. It shall be deemed to be
16 sufficient for the purposes set forth in this Chapter for any one Owner
17 to act for and bind, the Property (which shall include, without limitation,
18 the delivery and receipt of notice and the provision of written consent),
19 unless the Commission receives, within the applicable time periods or
20 any extended time periods as the Commission shall deem appropriate,
21 clear and convincing evidence, as determined by the Commission, that
22 such Owner does not have the exclusive authority to act for, and bind,
23 the Property. Absent such a timely protest or objection, the Commission
24 shall have the right to rely on representations made by any one Owner
25 with respect to the exercise of the rights and obligations set forth in this
26 Chapter.

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

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

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

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

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

- 40 A. Demolition Review for Buildings over 50 years old pursuant to
41 Section 9-14-5;
- 42 B. Advisory Review for Protected Features pursuant to Section 9-14-
43 9; and,
- 44 C. Certificate Review for Certified Features pursuant to Section 9-14-
45 11.

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

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

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

12 **9-14-3 GENERAL PROVISIONS**

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

15 B. **Regulated Activities.** It shall be a violation of this Code for any person to
16 conduct an Alteration or Demolition, as those terms are defined in Section 9-
17 14-2, without first satisfying the applicable Review requirement. The Building
18 Commissioner, shall not issue a permit for any activity defined as an Alteration
19 or Demolition until said reviews have been satisfied, including without limitation
20 construction, demolition, or sign permits.

21 C. **Village Orders Exempt from Review.** The Building Commission may
22 expressly exempt from Review under this Chapter any Work necessary to
23 comply with a lawful order of the Village, including, without limitation, Work
24 necessary to correct what the Building Commissioner determines to be an
25 immediate health or safety problem. The Building Commissioner may subject
26 the Work to appropriate conditions to advance the purpose and goals of this
27 Chapter.

28 D. **Partial Natural Destruction or Demolition.** In the case of partial natural
29 destruction or demolition of a Protected Feature, the Owner shall be required
30 to obtain Authorization for the Work prior to reconstruction. Although exact
31 duplication of the previous Feature may not be required, the reconstructed
32 exterior appearance of the Feature shall be in harmony with the exterior
33 appearance of the Protected Feature prior to the damage. The reconstructed
34 Feature shall thereafter remain a Protected Feature.

35 E. **Preliminary Workshops.**

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

39 2. **Purpose.** The purpose of a preliminary workshop is to broadly present
40 the commission with the applicant's proposal and to provide the
41 applicant with any preliminary views or concerns that Commissioners
42 may have when positions are still flexible; adjustment is still possible;
43 and before the applicant is required to expend the time and resources
44 necessary to prepare the complete documentation required for a formal
45 submittal.

46 3. **Notice.** No notice of a preliminary workshop shall be required except

1 that the review shall be shown on the Commission's regular agenda in
2 accordance with the Open Meetings Act (5 ILCS 120/).

- 3 4. **Procedure.** At the meeting at which the preliminary application is
4 considered, any Commissioner may make any comments, suggestions,
5 or recommendations regarding the preliminary application; provided,
6 however, that no recommendation shall be made, and no final or
7 binding action shall be taken, with respect to any preliminary application
8 by the Commission. Any views expressed in the course of the
9 Commission's review of any preliminary application shall be deemed to
10 be only preliminary and advisory and only the individual views of the
11 Commissioner expressing them. Nothing said or done in the course of
12 such review shall be deemed to create or to prejudice any rights of the
13 applicant or to obligate the Commission or any Commissioner to
14 approve or deny any formal application following full consideration
15 thereof as required by this Chapter.

16 **F. Applications.**

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

1 on the application, including if it has been tabled by the Commission or
2 the Village Board of Trustees. Requests for withdrawal must be in
3 writing by the applicant.

4 **G. Public Notice of Applications.**

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

- 13 a. The date, time, place and purpose of the hearing or meeting;
- 14 b. The name of the applicant;
- 15 c. If the application concerns a specific property: an address,
16 assigned property index number, or legal description to identify
17 the subject property;
- 18 d. If the application concerns an area, a description of the
19 boundaries of the area; and,
- 20 e. The action or relief sought by the applicant.

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

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

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

39 4. **Open Meetings Act.** In addition to these requirements, the Village shall
40 fully comply with the requirements of the Open Meetings Act (5 ILCS
41 120/) for meetings, including posted notice of meeting agenda on its
42 website and premises.

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

- 1 1. **Open Meetings Act.** All public hearings are subject to the Open
2 Meetings Act (5 ILCS 120/).
- 3 2. **Representation.** All interested parties may appear for themselves or
4 be represented by a person of their choosing.
- 5 3. **Submission of Testimony.** All persons offering testimony at a public
6 hearing shall testify under oath. An attorney shall be sworn if he/she
7 offers testimony, but not if he/she is questioning a witness,
8 summarizing witness testimony, or addressing the body conducting the
9 hearing on procedural issues. All persons wishing to testify at the public
10 hearing shall state for the record his/her name and place of residence.
11 Written statements will be accepted prior to the hearing to be entered
12 into the public hearing record.
- 13 4. **Submission of Evidence.** Any person may appear at a hearing and
14 submit evidence, upon receiving recognition from the Chair of the
15 Commission. Any person may ask relevant questions of other
16 witnesses, but only through the Chair and at the discretion of the Chair.
17 All persons shall state his/her name for the record before submitting
18 evidence or questioning a witness at the public hearing.
- 19 5. **Redundant or Irrelevant Testimony.** The Chair may use reasonable
20 discretion in determining when testimony has become redundant or is
21 not relevant to the proceedings.
- 22 6. **Continuances.** The Chair, with approval of the Commission, may
23 continue the public hearing. In order to reopen the hearing, no new
24 notice shall be required if a hearing is continued to a date specified,
25 provided that a public announcement of the future date, time, and place
26 of the continued hearing is made at the hearing and placed in the
27 minutes. If the hearing is adjourned, rather than continued to a date
28 specified, in order to reopen the hearing all notices must be given that
29 would have been required for the initial public hearing.

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

- 31 1. **Reviews Cumulative.** Any Review or Authorization under this Chapter
32 is a cumulative requirement of Title 9 and Title 10 of this Code. No
33 Authorization shall allow Work to be undertaken except upon the
34 applicant's receipt of every permit or approval that may be required by
35 the codes and ordinances of the Village, including without limitation
36 demolition and building permits.
- 37 2. **Mutually Agreed Conditions of Approval.**
 - 38 a. **Purpose.** The Commission and the Owner may mutually
39 agree to specific conditions or restrictions that advance the
40 purpose and goals of this Chapter. Without limitation,
41 examples of such conditions may include:
 - 42 (1) The donation or gift of specified Features to a unit of
43 government or a non-profit organization concerned
44 with restoration, rehabilitation, local history,
45 archaeology, or neighborhood conservation or
46 revitalization.

- 1 (2) Deferral of the unelapsed portion of a review delay,
2 such that the Work may proceed yet the Commission
3 may later consider the design of improvements to be
4 subsequently constructed whether or not such
5 improvements would otherwise be subject to the
6 Commission's review.
- 7 (3) The Owner's subsequent Certification of any
8 remaining Protected Features.
- 9 (4) The Owner's commitment to restore, rehabilitate, or
10 reinvest in other Features outside the scope of the
11 Work under review. Such features may be Protected
12 or otherwise be important to the special character of
13 a streetscape or area.

14 b. **Enforcement.**

- 15 (1) It shall be a violation of this Chapter to proceed with
16 Work contrary to any Mutually Agreed Conditions
17 unless and until a new Review is conducted and a
18 new Authorization obtained.
- 19 (2) The Building Commissioner may withhold permits to
20 authorize Work contrary to any Mutually Agreed
21 Conditions unless and until a new Review is
22 conducted and a new Authorization obtained.
- 23 (3) The Commission may require that the Owner enter
24 into a binding covenant providing that the Owner and
25 all subsequent Owners of the Property will fulfill any
26 Mutually Agreed Conditions. Such a requirement
27 shall run with the land unless and until it is either
28 satisfied or released by the Commission or the
29 Village Board of Trustees by order, resolution, or
30 ordinance duly adopted.

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

36 4. **Administrative Changes to Authorizations.** The Building
37 Commissioner may administratively approve the following changes to
38 an Authorization without further review by the Commission, or may refer
39 them to the Commission for further review:

- 40 a. **Reductions to Scope of Demolitions.** The Building
41 Commissioner may administratively approve any reduction
42 to the scope of a Demolition.
- 43 b. **Changes Requested by the State of Illinois Historic
44 Preservation Office.** The Building Commissioner may
45 administratively approve any change to an Alteration that is
46 requested by the Illinois State Historic Preservation Office.

- 1 c. **Minor Changes.** The Building Commissioner may approve
2 minor changes that, in his sole discretion, satisfy all of the
3 following:
4 (1) The change is necessary to, and consistent with,
5 proper completion of the Work reviewed by the
6 Commission;
7 (2) The change is the minimum necessary to overcome
8 the particular difficulty encountered;
9 (3) The change is not inconsistent with the purpose and
10 goals of this Chapter; and,
11 (4) The change does not violate any condition of
12 approval, including any Mutually Agreed Conditions.
13 d. **All Other Changes.** All changes referred to the
14 Commission shall be reviewed only in accordance with the
15 same procedures and standards established under this
16 Chapter for an original application, including a full set of
17 updated application materials. Any applicable delay period
18 shall begin anew for the review of the changes proposed to
19 the Work.

20 **5. Time Limitation Upon Authorization.**

- 21 a. **One Year To Commence:** Unless explicitly provided for
22 otherwise in the order, resolution, or ordinance granting a
23 favorable decision, no Authorization to perform a Work shall
24 be valid for a period longer than one year unless the Work
25 proposed is lawfully commenced within that period and is
26 thereafter diligently pursued to completion. The expiration of
27 an Authorization for failure to commence Work within the
28 maximum time provided shall be automatic and not require
29 any hearing or decision.
30 b. **Extensions Up To One Additional Year:** The Village
31 Administrator may extend the time limit one or more times
32 where he determines that an extension is appropriate and
33 necessary either (i) to promote the purpose and goals of this
34 Chapter or (ii) to avoid undue hardship; but in no
35 circumstance may the Village Administrator provide an
36 extension that would allow the Work to first commence later
37 than two years after the date of an Authorization. The Village
38 Administrator shall provide notice to the Commission of any
39 extensions granted.

40 **J. Successive Applications.**

- 41 1. **Second Applications Without New Grounds Barred For One Year.**
42 Whenever any application filed pursuant to this Chapter has been
43 finally denied on its merits, a second application seeking essentially the
44 same relief, whether or not in the same form or on the same theory,
45 shall not be brought for a period of one year unless, in the opinion of
46 the Village Administrator or the Commission, there is substantial new

1 evidence available or a mistake of law or fact significantly affected the
2 prior denial.

3 2. **New Grounds to be Stated.** Any such second application shall include
4 a detailed statement of the grounds justifying consideration of such
5 application.

6 3. **Summary Denial With or Without Hearing.** Any such second
7 application may be denied by the Village Administrator summarily, and
8 without hearing, on a finding that no grounds appear that warrant a new
9 hearing. In any case where such application is set for hearing, the
10 applicant shall be required to establish grounds warranting
11 reconsideration of the merits of its application prior to being allowed to
12 offer any evidence on the merits. Unless such grounds are established,
13 the application may be summarily dismissed for such failure.

14 4. **Second Applications After One Year.** Whether or not new grounds
15 are stated, any such second application filed more than one year after
16 the final denial of a prior application shall be heard on the merits as
17 though no prior application had been filed. All evidence from any prior
18 applications and proceedings, to the extent available, will be deemed
19 admitted to the Commission and made part of the new record. The
20 applicant shall be required to place in the record all evidence available
21 concerning changes of conditions or new facts that have developed
22 since the denial of the prior application. In the absence of such
23 evidence, it shall be presumed that no new facts exist to support the
24 new petition that did not exist at the time of the denial of the prior
25 application.

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

31 1. Where a Property is certified, the Property in its entirety and any activity
32 thereupon shall be treated as Certified.

33 2. Where any feature on a Property is Protected yet the Property is not
34 Certified, the Property in its entirety and any activity thereupon shall be
35 treated as Protected.

36 3. Where the Municipal Code provides for a reduction in fees, and the fees
37 concern Work that is subject to the Commission's review, no reduction
38 shall be provided unless the Work is Approved by an affirmative act of
39 the Commission. No reduction in fees shall be provided for work
40 Approved pursuant to a Certificate of Economic Hardship.

41 **9-14-4 CRITERIA FOR DESIGNATION**

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

46 B. **Effect of National Register Designation.** Any feature or area listed on the

1 National Register of Historic Places shall be subject to the rebuttable
2 presumption that it satisfies the criteria set forth in this Section.

3 **C. General Considerations.**

- 4 1. The feature or area has significant character, interest, or value as part
5 of the historic, aesthetic, cultural, or architectural characteristics of the
6 Village, the state of Illinois, or the United States.
- 7 2. The feature or area is closely identified with a person or persons who
8 significantly contributed to the development of the Village, the state of
9 Illinois, or the United States.
- 10 3. The feature or area involves the notable efforts of, or is the only known
11 example of work by, a master builder, designer, architect, architectural
12 firm, or artist whose individual accomplishment has influenced the
13 development of the Village, state of Illinois, or the United States.
- 14 4. The unique location or singular physical characteristics of a feature or
15 area make it an established or familiar visual feature.
- 16 5. The activities associated with a feature or area make it a current or
17 former focal point of reference in the Village.
- 18 6. The structure or building is of a type or is associated with a use once
19 common but now rare, or is a particularly fine or unique example of a
20 utilitarian structure or building and possesses a high level of integrity or
21 architectural significance.
- 22 7. The feature or area has yielded or is likely to yield historically significant
23 information, or even prehistoric data.

24 **D. Architectural Significance.**

- 25 1. The feature or area represents certain distinguishing characteristics of
26 architecture inherently valuable for the study of a time period, type of
27 property, method of construction, or use of indigenous materials.
- 28 2. The feature or area embodies elements of design, detail, material, or
29 craftsmanship of exceptional quality.
- 30 3. The feature or area exemplifies a particular architectural style in terms
31 of detail, material, and workmanship which has resulted in little or no
32 alteration to its original construction.
- 33 4. The feature or area is one of the few remaining examples of a particular
34 architectural style and has undergone little or no alteration since its
35 original construction.
- 36 5. The feature or area is, or is part of, a contiguous grouping that has a
37 sense of cohesiveness expressed through a similarity of style
38 characteristics, time period, type of property, method of construction,
39 or use of indigenous materials and accents the architectural
40 significance of an area.
- 41 6. The detail, material, and workmanship of the feature or area can be
42 valued in and of themselves as reflective of or similar to those of the
43 majority of the other visual elements in the area.

7. The landscape is significant in its own right as a work of landscape architecture and not merely as a complementary setting for one or more structures or buildings.

E. Historic Significance.

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

1 subject property announcing the review as provided in Section 9-14-2.

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

10 **F. Maximum Review Duration (Demolition Delay).** A delay of 120 days shall
11 apply following the submittal of a complete application. After the delay expires,
12 the applicant may notify the Building Commissioner in writing that it no longer
13 intends to participate in the Demolition Review process. After such notification,
14 and notwithstanding any determination of the Commission, the Building
15 Commissioner shall evaluate the application strictly on its merits under all other
16 Village codes and regulations. The 120 day delay period shall be terminated
17 or extended under the following conditions:

18 1. **Termination by Commission.** The Commission may terminate its
19 review at any time after it determines that the subject Building does not
20 satisfy the criteria for designation provided in Section 9-14-4; provided,
21 that the Commission shall not be required to terminate its review upon
22 such a finding. The Commission may not terminate its review under this
23 Subsection unless the sign required by this Section has been posted
24 for at least seven days.

25 2. **Termination by Designation.** If any Feature on the Property is or
26 becomes a Protected Feature, it is ineligible for Review under this
27 Section. The Work shall thereafter be subject to Advisory Review.
28 Where a pending application causes a Feature to become Protected,
29 but the application ultimately fails, such failure shall be deemed an
30 Authorization for the Work.

31 3. **Extension by Village Board of Trustees.** The Village Board of
32 Trustees may, in its sole discretion and by resolution duly adopted,
33 extend the time period for up to an additional 60 days where it
34 determines that an extension will promote the purpose of this Section,
35 the purpose and goals of this Chapter, and the public welfare without
36 causing undue hardship on the applicant.

37 4. **Tolling for Late Application.** Where an application is submitted less
38 than ten business days prior to a regularly scheduled meeting of the
39 Commission, the delay period shall not begin until ten business days
40 prior to the Commission's subsequent regularly scheduled meeting.
41 The delay period shall not begin to elapse even when (i) the
42 Commission does not conduct the scheduled meeting triggering this
43 extension; or (ii) where the Commission considers the application
44 during this extension.

45 5. **Tolling for Qualified Representative.** When a Qualified
46 Representative fails to appear for any scheduled review meeting, the
47 Commission may, by motion, cause the applicable delay period to be

1 tolled until the earliest of:

- 2 a. 30 days after a failure to appear;
- 3 b. The next regular meeting of the Commission; or,
- 4 c. The Commission's consideration of the application at a
- 5 special meeting.

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

7 A. **Purpose.** The designation of a Landmark recognizes and protects specified
8 Features of special historic, visual, aesthetic, cultural, archaeological, and/or
9 architectural significance.

10 B. **Who May Apply.** A Landmark nomination may be submitted by any one of the
11 following parties:

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

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

- 21 1. A statement describing why each Feature to be designated as a
- 22 landmark is meritorious for designation as a landmark in view of the
- 23 criteria for designation in Section 9-14-4;
- 24 2. Photographs of each Feature to be designated as a landmark as
- 25 viewed from each adjacent public or private street; and,
- 26 3. Other available information, such as elevation drawings and historic
- 27 records, that may further substantiate the present condition and
- 28 significance of each Feature to be designated as a landmark.

29 D. **Notice.** The Village shall publish notice and provide mailed notice to each
30 affected Owner as well as surrounding property owners, all as provided in
31 Section 9-14-2.

32 E. **Stay of Proceedings.** Upon the filing of a complete application, any Feature
33 proposed to be designated as a landmark shall be Protected and subject to the
34 applicable review provisions of this Chapter during the pendency of the
35 landmark application.

36 F. **Procedure.**

- 37 1. **Commission Recommendation.** Upon receipt of an application and
- 38 after the required notice has been provided, the Commission shall
- 39 consider the application at a public hearing within 90 days following the
- 40 receipt of a completed application. The Commission may recommend
- 41 the Village Board designate a landmark where, based on the record of
- 42 the hearing, the proposed feature(s) satisfy one or more of the criteria

1 provided in Section 9-14-4; or may recommend the Village Board deny
2 the application where the area does not satisfy the criteria based on the
3 record of the hearing. The affirmative vote of at least four
4 Commissioners shall be required to make a recommendation to the
5 Village Board.

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2. **Failure to Act by Commission.** If the Commission does not, or cannot, act to either recommend or not recommend the designation of a historic neighborhood within 90 days after the date of the Commission's first meeting to consider an application, such inaction shall be deemed to be a recommendation that the Village Board deny the application.
 3. **Village Board Consideration of Designation.** The Village Board shall initiate and complete consideration of establishing the proposed landmark within 90 days of the Commission's recommendation. The Village Board shall review and give due consideration to the findings, recommendations, and record of the Commission in determining to recommend the designation of a landmark. The Village Board may, by ordinance duly adopted, designate the landmark where, based on the evidence presented, the proposed area satisfies the criteria provided in Section 9-14-4.
 4. **Failure to Act by Village Board.** If the Village Board does not, or cannot, act to either approve or deny the designation of a landmark within 90 days after the date of the Commission's recommendation, such inaction shall be deemed to be a denial of the application.

24 **G. Effect of Designation.**

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

35 **H. Withdrawal of Designation.**

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1. **Automatic Withdrawal of Designation.** The landmark designation of a Protected Feature that has been Demolished (i) in accordance and compliance with this Chapter and Demolished pursuant to a valid demolition permit, or (ii) the Protected Feature has been completely destroyed by natural destruction, shall be deemed to have been automatically withdrawn as of the date of demolition without hearing or decision.
 2. **By Application.**
 - a. **Conditions for Withdrawal.** No Landmark designation shall be withdrawn except where:

- (1) The reasons for which the designation was once appropriate are no longer present, including without limitation, because: such qualities have been lost or destroyed, or additional information has been discovered;
- (2) The original designation was clearly in error; or,
- (3) There was prejudicial procedural error in the designation process.

b. **Procedure.** The procedure to consider withdrawing a landmark designation shall be the same as provided in this Section for the initial designation of a Landmark, including the qualifications of applicants; notice; hearings before the Commission; and final action by the Village Board.

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

9-14-7

DESIGNATION OF HISTORIC AREAS (DISTRICTS AND NEIGHBORHOODS)

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

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

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

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

1. A statement describing why the nominated area is meritorious for designation in view of the purpose of this Section and the criteria for designation in Section 9-14-4;
2. A list identifying those Features that contribute to the special characteristics of the nominated area, including:
 - a. A common address, parcel identification number, or legal description of each Property where such contributing Features are located;
 - b. Photographs of each contributing Feature as viewed from each adjacent public or private street; and,

1 c. Other available information, such as elevation drawings and
2 historic records, that may further substantiate the present
3 condition and significance of each contributing Feature.

4 3. Both a map and an list identifying each Property within the nominated
5 area that does not contain a contributing Feature, whether by common
6 address, parcel identification number, or legal description.

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

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

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

16 1. The nominated area, as a cohesive whole, would satisfy one or more
17 of the criteria provided in Section 9-14-4;

18 2. The nominated area, as a cohesive whole, possesses adequate
19 integrity of location, design, materials, and workmanship (all as defined
20 by the Secretary of the Interior for use in identifying historic resources
21 for the National Register of Historic Places) that merit recognition and
22 protection; and,

23 3. Either:

24 a. **Contiguous Designation.** The nomination consists of a
25 single contiguous area that:

26 (1) Is geographically definable and reasonably compact in
27 size;

28 (2) Includes at least 50 percent of Properties, by number
29 and not area, that are the location of a contributing
30 Feature; and,

31 b. **Thematic Designation.** The nomination consists of one or
32 more areas or scattered sites where:

33 (1) The contributing Features within the nominated area are
34 thematically related; and,

35 (2) Every Property within the nominated area contains a
36 Feature that satisfies at least one of the criteria provided
37 in Section 9-14-4.

38 G. **Procedure.**

39 1. **Commission Recommendation.** Upon receipt of an application and
40 after the required notice has been provided, the Commission shall
41 consider the application at a public hearing within 90 days following the
42 receipt of a completed application. The Commission may recommend
43 the Village Board designate the nominated area where, based on the
44 record of the hearing, the nominated area satisfies the criteria provided

1 in Subsection F of this Section; or may recommend the Village Board
2 deny the application where the nominated area does not satisfy the
3 criteria based on the record of the hearing. The affirmative vote of at
4 least four Commissioners shall be required to make a recommendation
5 to the Village Board.

6 2. **Failure to Act by Commission.** If the Commission does not, or cannot,
7 act to either recommend or not recommend the designation within 90
8 days after the date of the Commission's first meeting to consider an
9 application, such inaction shall be deemed to be a recommendation
10 that the Village Board deny the application.

11 3. **Village Board Consideration of Designation.** The Village Board shall
12 initiate and complete consideration of establishing the proposed
13 designation within 90 days of the Commission's recommendation. The
14 Village Board shall review and give due consideration to the findings,
15 recommendations, and record of the Commission in determining to
16 recommend the designation. The Village Board may, by ordinance duly
17 adopted, designate the nominated area and call for a canvass of
18 owners where, based on the evidence presented, the proposed area
19 satisfies the criteria provided in Subsection E of this Section.

20 4. **Failure to Act by Village Board.** If the Village Board does not, or
21 cannot, act to either approve or deny the designation of a historic area
22 within 90 days after the date of the Commission's recommendation,
23 such inaction shall be deemed to be a denial of the application.

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

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

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

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

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

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

38 (5) Describes the effects of Historic Neighborhood
39 designation.

40 b. The written statement shall be accompanied by a written
41 ballot form on which each Owner of Property shall have the
42 opportunity to state their approval or disapproval of
43 establishing a Historic District.

44 c. Each Owner may complete the ballot form and return it, in
45 the manner and at the location described on the ballot form,

1 within 45 days after the date of mailing by the Village. No
2 ballot form shall be counted unless it is received by the
3 Village on or before the date that is 45 days after the date
4 on which the Village mailed the ballot form.

- 5 d. Not more than one ballot form shall be counted or
6 considered for any one Property within the designated area.
7 Conflicting responses from multiple Owners of the same
8 Property shall preclude all ballot forms for that Property from
9 being counted or considered, and no ballots shall be
10 deemed to have been returned for that Property. Ballots not
11 returned to the Commission shall be considered evidence of
12 a vote to approve the proposed Historic District.
- 13 e. Promptly upon determination of the outcome of the canvass,
14 the Village shall cause the results to be posted in Village
15 Hall and delivered by first class mail to the Owner of each
16 Property within the proposed Historic District.
- 17 f. The Owners shall be deemed to have disapproved of the
18 proposed Historic District if, within the 45 day period, the
19 Commission receives returned ballot forms from more than
20 50% of the Owners within the proposed historic district
21 evidencing a vote of "disapproval."

22 H. Effect of Successful Canvass.

- 23 1. **Recordation of Ordinance.** The Building Commissioner shall cause
24 the enacting Ordinance and a certification of canvass to be recorded in
25 the office of the Lake County Recorder of Deeds.
- 26 2. **Notice to Owners.** The Building Commissioner shall cause notice to
27 be delivered to each Owner of Property within the Historic District
28 advising them of the designation and of the review requirements that
29 will thereafter apply to the Property.
- 30 3. **Review of Alterations and Demolitions Required.** Any Alteration or
31 Demolition occurring within the boundaries of the Historic District shall
32 thereafter be subject to Advisory Review or, where a Certification is
33 present, Certificate Review.

34 I. Effect of Unsuccessful Canvass.

- 35 1. **Honorary Designation Only.** Where the Owners disapprove of
36 establishing a district, the area shall be deemed designated as a
37 Historic Neighborhood automatically without further action by the
38 Village Board or the Commission. The designation of a Historic
39 Neighborhood is merely an honorific title that the Commission and the
40 Village will endeavor to recognize through education and outreach. A
41 Historic Neighborhood shall not confer any new rights, privileges,
42 responsibilities, or restrictions upon a property within its boundaries;
43 nor shall it create any favorable or unfavorable presumption concerning
44 any other designation available under this Chapter.
- 45 2. **Subsequent Canvass.** No sooner than two years following the date of
46 an unsuccessful canvass, one of the following parties may apply to the

1 Village Board to authorize a new canvass pursuant to subsection H
2 which may result in substitution of a Historic District for the existing
3 Historic Neighborhood:

- 4 a. The Commission; or,
- 5 b. An Owner within the Historic Neighborhood, where
6 accompanied by proof that over 25% of Owners within the
7 District evidencing their support for District designation. In
8 calculating the proportion of supporting Owners, the rules of
9 validity applicable to a canvass of Owners under this
10 Section shall apply.

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

12 1. **Conditions for Withdrawal.** No Historic District designation shall be
13 withdrawn except where:

- 14 a. The reasons for which the designation was once
15 appropriate are no longer present, including without
16 limitation, because: such qualities have been lost or
17 destroyed or additional information has been discovered;
- 18 b. The original designation was clearly in error; or,
- 19 c. There was prejudicial procedural error in the designation
20 process.

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

- 27 a. **Who May Apply.** No Owner may apply except when
28 accompanied by proof that over 25% of Owners within the
29 District evidencing their support to withdraw the District
30 designation. In calculating the proportion of supporting
31 Owners, the rules of validity applicable to a canvass of
32 Owners under this Section shall apply.
- 33 b. **Timing of Canvass.** The canvass of owners shall occur
34 prior to consideration by the Village Board.
- 35 c. **Presumed Vote.** Ballots not returned to the Commission
36 shall be considered evidence of a vote to deny the
37 application and retain the proposed Historic District
38 designation.
- 39 d. **Failure to Act.** Any failure to act by the Commission shall
40 be presumed as a recommendation to deny the application.
41 Any failure to act by the Board shall be presumed as a denial
42 of the application.
- 43 e. **Village Board Consideration of Withdrawal.** The Village
44 Board shall have the authority, in its discretion, to retain or

1 remove the District designation; but, without additional
2 procedure, may designate part or the entirety of the prior
3 District as a Historic Neighborhood.

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

7 **9-14-8**

CRITERIA FOR CHANGES TO PROTECTED FEATURES

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

12 B. **General Standards.**

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

36 C. **Rehabilitation Guidelines.**

- 37 1. Reasonable efforts should be made to use a feature for its originally
38 intended purpose or to provide a compatible use that requires minimal
39 alteration of a feature and its environment.
- 40 2. All features should be recognized as products of their own time.
41 Alterations that have no historic basis and that seek to create an earlier
42 appearance than the true age of the property are discouraged.
- 43 3. Changes that may have taken place over time evidence the history and
44 development of a feature and its environment. These changes may

1 have acquired significance in their own right, and this significance
2 should be recognized and respected when dealing with a specific
3 architectural period.

- 4 4. Distinctive stylistic features or examples of skilled craftsmanship that
5 characterize a feature should be maintained and preserved if possible.
- 6 5. Deteriorated architectural features should be repaired rather than
7 replaced, if possible. In the event replacement is necessary, the new
8 material should match the material being replaced in composition,
9 design, color, texture, and other visual qualities. Repair or replacement
10 of missing architectural features should be based on accurate
11 duplications of features, substantiated by historic, physical, or pictorial
12 evidence rather than conjectural designs or the availability of different
13 architectural elements from other buildings or structures.
- 14 6. Surface and other forms of cleaning of a feature should be undertaken
15 with the gentlest means possible. Sandblasting and other cleaning
16 methods that will damage a feature should be avoided.

17 **D. Architectural Design Guidelines.**

- 18 1. The height of a feature after alteration should be compatible with the
19 height of the original feature.
- 20 2. The relationship between a feature and adjacent open spaces after its
21 alteration should be compatible with such relationship prior to such
22 alteration.
- 23 3. The relationship among the height, width, and scale of a feature after
24 alteration should be compatible with such relationship prior to such
25 alteration.
- 26 4. The directional expression of a feature after alteration, whether its
27 vertical or horizontal positioning, should be compatible with the
28 directional expression of the original feature.
- 29 5. The roof shape of a feature after alteration should be compatible with
30 the roof shape of the original feature.
- 31 6. The architectural details, general design, materials, textures, and colors
32 of a feature after alteration should be compatible with the architectural
33 details, general design, materials, textures, and colors of the original
34 feature.
- 35 7. The appurtenances, including, without limitation, signs, fences,
36 landscaping, accessory structures, and pavings, of a feature after
37 alteration should be compatible with the appurtenances of the original
38 feature.

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

43 **9-14-9**

ADVISORY REVIEW OF CHANGES TO PROTECTED FEATURES

44 **A. Review Required; Purpose.** No Alteration or Demolition may occur to a

1 Protected Feature or within a Historic District without first satisfying the
2 requirements of this Section except if a Certification applies. The Commission
3 shall review any such proposed Alteration to or Demolition in order to:

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

- 6 a. Allow Work that is generally consistent with the criteria to
7 proceed expediently and with a minimum of procedural
8 delay; or,
9 b. For Work that is inconsistent, attempt to reach mutually
10 satisfactory resolutions that satisfy the Owner's interests
11 and the Commission's concerns.

12 2. Allow the Commission to provide an Applicant with information and best
13 practices concerning historic rehabilitations, restorations, and adaptive
14 reuses within the Village.

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

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

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

26 **D. Notice.**

27 1. **Demolition (Mailed and Sign).** Where the Demolition of a Protected
28 Feature is proposed, the Village shall provide mailed notice to
29 surrounding properties as well as one or more signs for the subject
30 property announcing that it is under Advisory Review, all as provided in
31 Section 9-14-2.

32 2. **All Other Requests (Sign).** For all other requests, the Village shall
33 promptly provide one or more signs for the subject property announcing
34 that it is under Advisory Review as provided in Section 9-14-2 only if
35 the Review is not terminated after the Commission's first consideration
36 of the Review.

37 **E. Procedure.**

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

- 43 a. The Work is not inconsistent with the criteria provided in
44 Section 9-14-8 and that no further review is necessary, upon

1 which finding the review shall be terminated;

2 b. The Work is inconsistent with the criteria provided in Section
3 9-14-8, and further review is necessary; or,

4 c. Insufficient information is present to determine the Work's
5 consistency with the criteria provided in Section 9-14-8,
6 thereby requiring further review.

7 2. **Subsequent Meetings.** Following its initial review meeting, the
8 Commission may continue to conduct its review in subsequent
9 meetings or may allow the delay period to elapse without any further
10 consideration.

11 F. **Maximum Review Duration (Delay).** No sooner than (i) 120 days following
12 the submittal of a complete application to Demolish a Protected Feature or a
13 Building that is not Protected but over 50 years old, or (ii) no sooner than 35
14 days following the submittal of a complete application for any other Work, the
15 applicant may notify the Building Commissioner in writing that it no longer
16 intends to participate in the Advisory Review process. After such notification,
17 and notwithstanding any determination of the Commission, the Building
18 Commissioner shall evaluate the application strictly on its merits under all other
19 Village codes and regulations. The applicable delay period, whether 120 or 35
20 days, shall be terminated, reduced, or extended under the following conditions:

21 1. **Termination by Commission.** The Commission shall terminate its
22 review if it determines that the Work is not inconsistent with the criteria
23 provided in Section 9-14-8; provided that the Work need not satisfy
24 each and every criteria provided therein. Such Work shall be deemed
25 Approved Work.

26 2. **Credit for Prior Demolition Review.** Where the proposed Work was
27 the subject of Demolition Review immediately prior to the affected
28 Features becoming Protected Features, the delay period shall be
29 reduced by any delay incurred during Demolition Review; provided that
30 no such reduction shall accrue for delay during the pendency of an
31 application seeking to designate a Landmark or a Historic District.

32 3. **Extension by Village Board of Trustees.** The Village Board of
33 Trustees may, in its sole discretion and by resolution duly adopted,
34 extend the time period where it determines that an extension will
35 promote the purpose of this Section, the purpose and goals of this
36 Chapter, and the public welfare without causing undue hardship on the
37 applicant:

38 a. The delay period for a Demolition of a Protected Feature may
39 be extended for up to an additional 245 days.

40 b. The delay period for any other proposed Work may be extended
41 for up to an additional 60 days.

42 4. **Tolling for Late Application.** Where an application is submitted less
43 than ten business days prior to a regularly scheduled meeting of the
44 Commission, the delay period shall not begin until ten business days
45 prior to the Commission's subsequent regularly scheduled meeting.
46 The delay period shall not begin to elapse even where (i) the

1 Commission does not conduct the scheduled meeting triggering this
2 extension; or (ii) where the Commission considers the application
3 during this extension.

- 4 5. **Tolling for Qualified Representative.** When a qualified representative
5 fails to appear for any scheduled review meeting, the Commission may,
6 by motion, cause the applicable delay period to be tolled until the
7 earliest of:
- 8 a. 30 days after a failure to appear;
 - 9 b. The next regular meeting of the Commission; or,
 - 10 c. The Commission's consideration of the application at a
11 special meeting.

12 **9-14-10 VOLUNTARY CERTIFICATION OF PROTECTED FEATURES**

- 13 A. **Purpose.** This Section allows an Owner of Protected Features (e.g. that are
14 landmarked or within a historic district) to voluntarily consent to a higher level
15 of review for future changes to their property. This additional rigor of review
16 provides the Owner and the community with the maximum assurance available
17 under this Chapter that the special historic, architectural, and cultural features
18 present upon their property will be preserved for future enjoyment even after
19 any future change in ownership. Additionally, Certification may provide the
20 Owner with access to additional financial incentives that are not available to
21 other Protected Features that are not so Certified.
- 22 B. **Who May Apply.** The Owner of a Property where one or more Protected
23 Features are located may apply for Certification.
- 24 C. **Procedure.** The Village Administrator is authorized to accept and enter into a
25 Certification, in a form approved by the Village Attorney, on behalf of the Village
26 and cause it to be recorded against the Property in the office of the Lake
27 County Recorder. The Certification shall run with the Property and bind future
28 Owners to irrevocably consent to the Certificate Review provided in Section 9-
29 14-11.
- 30 D. **Extinguishment of Certification.** No Certification may be withdrawn,
31 revoked, or extinguished except:
- 32 1. **By the Village Board.** The Board of Trustees may extinguish a
33 Certification by ordinance or resolution duly adopted. No hearing shall
34 be required prior to the Board's consideration of extinguishment. There
35 is no procedural right to apply to the Village Board to compel its
36 consideration of extinguishment.
 - 37 2. **By Operation of this Chapter.** When every landmark and historic
38 district designation has been withdrawn from the property such that no
39 Protected Features remain, the Property's Certification shall be
40 extinguished automatically without hearing or decision.

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

44 **9-14-11 CERTIFICATE REVIEW FOR CERTIFIED FEATURES**

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

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

7 a. Allow Work that is generally consistent with the criteria to
8 proceed expediently and with a minimum of procedural
9 delay; or,

10 b. For Work that is inconsistent, attempt to reach mutually
11 satisfactory resolutions that satisfy the Owner's interests
12 and the Commission's concerns.

13 2. Allow the Commission to provide an Applicant with information and best
14 practices concerning historic rehabilitations, restorations, and adaptive
15 reuses within the Village.

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

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

20 1. For a request for Demolition of a Building, whether or not Protected, a
21 complete Demolition Letter of Intent shall be required.

22 2. For all other requests subject to Certificate Review, a detailed
23 description of the proposed Work shall be required, as well as any
24 architectural drawings, sketches, and photographs indicating how and
25 to what extent the Work will affect any Certified Features. Such
26 information may be in the form of a partial or complete application for a
27 building permit.

28 D. **Notice.**

29 1. **Demolition (Mailed and Sign).** Where the Demolition of a Protected
30 Feature is proposed, the Village shall provide mailed notice to
31 surrounding properties as well as one or more signs for the subject
32 property announcing that it is under Certificate Review, all as provided
33 in Section 9-14-2.

34 2. **All Other Requests (Sign).** For all other requests, the Village shall
35 provide one or more signs for the subject property announcing that it is
36 under Certificate Review as provided in Section 9-14-2 only if the
37 Review is not terminated after the Commission's first consideration of
38 the Review.

39 E. **Procedure.**

40 1. **Certificate of Appropriateness.** An applicant may seek the
41 Commission's approval of an Alteration or Demolition by demonstrating
42 that it is consistent with the criteria provided in Section 9-14-8. It shall
43 be the burden of the Applicant to establish these circumstances. Upon
44 receipt of an application and after providing any required public notice
45 as well as reasonable notice to the applicant, the Commission shall

1 conduct its review at a regular or special meeting of the Commission.
2 At the conclusion of its initial review and any subsequent review, the
3 Commission shall, by motion and with the affirmative vote of at least
4 four Commissioners, conclude that:

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

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

14 (3) **Continuance or Denial.** That the review should be
15 continued, or the application denied, because either:

16 a. The Work is inconsistent with the criteria
17 provided in Section 9-14-8; or,

18 b. Insufficient information is present to determine
19 the Work's consistency with the criteria provided
20 in Section 9-14-8, or additional investigation is
21 necessary; provided that the applicant shall be
22 provided a minimum of one continuance to
23 provide additional information for the
24 Commission before a denial on this basis.

25 2. **Certificate of Economic Hardship.** As an alternative to a Certificate
26 of Appropriateness, or subsequent to the denial or conditional approval
27 of a Certificate of Appropriateness, an applicant may seek the
28 Commission's approval of an Alteration or Demolition in spite of
29 acknowledged inconsistency with the criteria provided in Section 9-14-
30 8 by demonstrating the presence of a financial hardship as the Property
31 cannot be put to a reasonable beneficial use or that the Owner cannot
32 obtain a reasonable economic return from the Property absent the
33 proposed Work. It shall be the burden of the Applicant to establish these
34 circumstances.

35 a. **Evidence of Hardship.** Any Applicant seeking a Certificate
36 of Economic Hardship is encouraged to submit all of the
37 following additional information as may be available to
38 substantiate the claimed hardship and to assist the
39 Commission in its determination:

40 (1) Evidence of any attempt to contact the State Historic
41 Preservation Agency to apply for any favorable
42 treatment available for historic properties under statute.

43 (2) A report from a licensed engineer or architect with
44 experience in rehabilitation as to the structural
45 soundness of the building or structure on the property
46 and its suitability for and the economic feasibility of

1 rehabilitation or reuse.

- 2 (3) The amount paid for the property, the date of purchase,
3 and the party from whom purchased (including a
4 description of the relationship, if any, between the owner
5 and the person from whom the property was
6 purchased).
- 7 (4) The assessed value of the land and improvements
8 thereon according to the two (2) most recent
9 assessments.
- 10 (5) Real estate taxes for the previous two (2) years.
- 11 (6) Remaining balance mortgage, if any, and annual debt
12 service, if any, for the previous two (2) years.
- 13 (7) All appraisals obtained within the previous two (2) years
14 by the owner or applicant or their lenders in connection
15 with the purchase, financing, or ownership of the
16 property.
- 17 (8) Any listing of the property for sale or rent, price asked,
18 and offers received, if any.
- 19 (9) Any consideration by the owner as to profitable adaptive
20 uses for the property.
- 21 (10) If the property is income producing, the annual gross
22 income from the property for the previous two (2) years,
23 itemized operating and maintenance expenses for the
24 previous two (2) years, and annual cash flow before and
25 after debt service, if any, during the same period.
- 26 (11) Form of ownership or operation of the property, whether
27 sole proprietorship, for profit or not for profit corporation,
28 limited partnership, joint venture, or other.
- 29 (12) Any other information, including income tax bracket of
30 the owner, applicant, or principal investors in the
31 property, reasonably necessary for a determination as
32 to whether the property can be reasonably sold or yield
33 a reasonable return to present or future owners.

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

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

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- 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, by the affirmative vote of at least four Commissioners, 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 denied or approved with conditions, the Building Commissioner shall cause notice of the Commission's decision to be served either by personal delivery or by certified mail, return receipt requested. The Owner shall be deemed notified of the decision as of the date of mailing.
- F. **Appeals.** Where a Certificate Review is denied or approved with conditions, the Applicant may appeal the Commission's decision to the Village Board by filing an appeal in writing with the Village Administrator within 15 days of being notified of the decision. The Village Board's review shall not be a public hearing. The Board may receive comments on the contents of the record but no new matter may be considered by the Village Board unless such matter is new or was not known at the time of the Commission's deliberations. The Village Board shall review and give due consideration to the findings, recommendations, and record of the Commission and thereafter may affirm the Commission's decision or else provide approval to the applicant with or without conditions.

**TABLE I
LIST OF LANDMARK FEATURES**

Ordinance	Feature	Address
2005-04	Lake Bluff Village Hall (Building)	40 E. Center Ave.
2005-16	Stonebridge Manor House (Building) Stonebridge Gate House (Building) Jens Jensen Landscape (Landscape)	0-230 Jensen Lane f.k.a. 136 Green Bay Road
2005-24	T-Form Camp Meeting Cottage (Building)	548 E. Scranton Ave.
2005-29	“Claire Haven” House (Building) Detached Garage (Building) Masonry Wall and Features (Structure)	700 E. Center Ave.
2006-04	John Magaw House (Building)	525 E. Center Ave.
2006-20	Rev. Charles Trusdell House (Building)	115 E. Center Ave.
2006-08	Elmer Vilet House (Building) Elmet Vilet Cottage (Building)	401 E. Prospect Ave.
2007-01	Frank Lloyd Wright Bungalow (Building)	231 E. Prospect Ave.
2007-03	Munroe and Virginia Winter House (Building)	333 Crescent Dr.
2007-08	Harlan Colonial Revival House (Building)	271 Ravine Forest Dr.
2008-06	Caroline Morse Ely Estate – Orangerie (Building)	113 Moffett Rd.
2008-30	John Murdock House (Building)	550 E. Center Ave.
2009-02	Richard Reuter House (Building)	319 Crescent Dr.
2010-08	John Nash Ott House (Building)	1799 Shore Acres Rd.
2012-15	<u>Crab Tree Farm (Estate Parcel)</u> (Buildings, Structures, and Landscapes – See Ordinance)	982 N. Sheridan Rd.
2012-16	<u>Crab Tree Farm (Farm Parcel)</u> (Buildings and Structures – See Ordinance)	975 N. Sheridan Rd.
2016-10	Ralph Poole House (Building)	1010 Green Bay Rd.
2018-11	William Edward Sims House (Building)	673 Maple Ave.
2018-19	Camp Meeting Cottage (Building)	406 Prospect Ave.
2018-20	Harlan Colonial Revival House (II) (Building)	502 Prospect Ave.
2018-23	French Eclectic Camp Cottage (Building)	415 Prospect Ave.
2018-24	Cornish / Cochran House (Building)	400 Ravine Ave.
2018-25	Cloes House (Partial Building)	419 Prospect Ave.

**TABLE II
LIST OF HISTORIC DISTRICTS**

Ordinance	Name

DRAFT