

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

MAY 3, 2017 - 7:00 P.M.

**PUBLIC SAFETY BUILDING COMMUNITY ROOM
45 E. CENTER AVENUE, LAKE BLUFF, ILLINOIS**

AGENDA

1. Call to Order and Roll Call

2. 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.

3. Continued Discussion Regarding Historic Preservation Regulations & Historic Districts

4. 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 R. Drew Irvin at 234-0774 or TDD number 234-2153 promptly to allow the Village of Lake Bluff to make reasonable accommodations.

VILLAGE OF LAKE BLUFF

Memorandum

To: Chair Nelson and Members of the Historic Preservation Commission
From: Glen Cole, Assistant to the Village Administrator
Subject: **Agenda Item #1 - Continued Discussion Regarding Historic Preservation Regulations & Historic Districts**
Date: April 28, 2017

The following is an excerpt from the approved minutes of the Village Board's consideration of the 512 Sunrise Advisory Review extension, emphasis added:

*"President O'Hara stated that every so often in our community, just like many other communities, preservation and maintaining the historic preservation of the Village butt heads with the rights of property owners to determine the disposition of their property. Like many other communities, the Village has not quite yet found the balance between the two viewpoints. Lately, the rhetoric has seemed to become somewhat heated on both sides which does not help reasonable discussion. [...] **The HPC will be directed to study and present ways to strengthen the Historic Preservation Ordinance. President O'Hara asked that input from the HPC be presented to the Board no later than six month from the present date. At that time the Board will hold discussions, seek community dialogue, and encourage all residents view points on this issue and any proposed changes to the existing Historic Preservation Ordinance.**"*

Staff recommends the HPC discuss three concepts during their Special Meeting:

Historic Districts: The historic district ordinance previously recommended to the Village Board by the HPC is attached. This ordinance allows for the designation of a historic district upon a public hearing and the majority vote of property owners within the proposed district. Contributing structures would then be bound to Advisory Review similar to existing Landmark Structures that are not certified by their owner.

"Heritage Lots": At present, the Village's zoning regulations set a minimum lot size and have other provisions, previously discussed in the context of 512 Sunrise, that make it difficult to rebuild upon "substandard lots." While the HPC has historically focused on landmark designation of individual homes, it may be appropriate to consider how replacement structures can conform with neighborhoods. Recommending changes that enable these small lots to remain buildable is one way to do so.

Other Preservation Changes: A flowchart, attached, illustrates the lifecycle and key decision points in the life of a historic home. Clockwise from top-left, the flowchart illustrates: landmark designation, maintenance and upkeep, the decision to demolish and barriers to doing so, and the construction of a replacement home. While the HPC has focused their policy on designating landmarks and reviewing demolitions, future policy decisions may touch other areas of this lifecycle. The "menu" of concepts following this cover page illustrates where policy focuses now and presents other ideas for adjusting the balance of historic preservation regulation. No recommendation is made in regards to these items.

Attachments:

- Historic home lifecycle flowchart
- Previous set of amendments considered to the Historic Preservation Ordinance

CURRENT POLICY AND SELECTED STRENGTHS

Extend landmark protection to more homes

- Many different actors can nominate landmarks
- Incentives (described below) are used to promote landmarking

Promote maintenance

- Building permits are discounted for landmarks (and further for certified landmarks)
- Owners can obtain a state property tax credit for renovations of a landmark
- Other complementary programs available due to local landmark status

Protection of landmarks (or: disincentives to demolish)

- Non-landmarked homes over 50 years old are subject to:
90 day significant demolition review + 30 day extension by the HPC
- Landmarked homes are subject to:
120 day advisory review + 30 day extension by the Village Board
- Certified homes must obtain a Certificate of Appropriateness for proposed changes, or a Certificate of Economic Hardship to demonstrate the *necessity* of changes (such as demolition)
- Demolition tax is charged upon all homes in the Village; higher tax for landmarks and certified landmarks

SELECTED FUTURE POLICY DIRECTIONS (?)

Extend landmark protection to more homes

- Establish historic districts that extend protections to areas rather than individual properties
- Set a Commission work goal to landmark X homes per year
- Streamline the landmark designation process
 - Reduce time / complexity of consideration
 - Reduce requirements
- Establish explicit protections in ordinance to clarify intent of landmark status

Promote maintenance

- Further discount building permits
- Consider a local maintenance grant program
- Consider a local property tax rebate program

Increase protection of landmarks (or disincentives to demolish)

- Enhance demolition delay
 - Increase time of delay
 - Change advisory conference requirements
- Enhance demolition tax
 - Increase demolition charge
 - Set some or all demolition tax proceeds aside for local maintenance grants
- Certificate of Appropriateness / Certificate of Economic Hardship
 - Goal of more owners certifying landmarks
 - Promote certification generally to owners
 - Streamline certification of landmarks procedurally
 - Advocate for owners to certify at the time of landmark designation
 - Advocate for owners to simultaneously grant a Landmark Illinois preservation easement at time of certification (similar restrictions yield income tax credit)
 - Require certification to be eligible for local landmark incentives (e.g. state property tax assessment freeze)
 - Certificate required for significant demolitions to all landmarks regardless of certification
 - Eliminate certification step – Certificate required for all changes to all landmarks

Preserve neighborhood character of new buildings

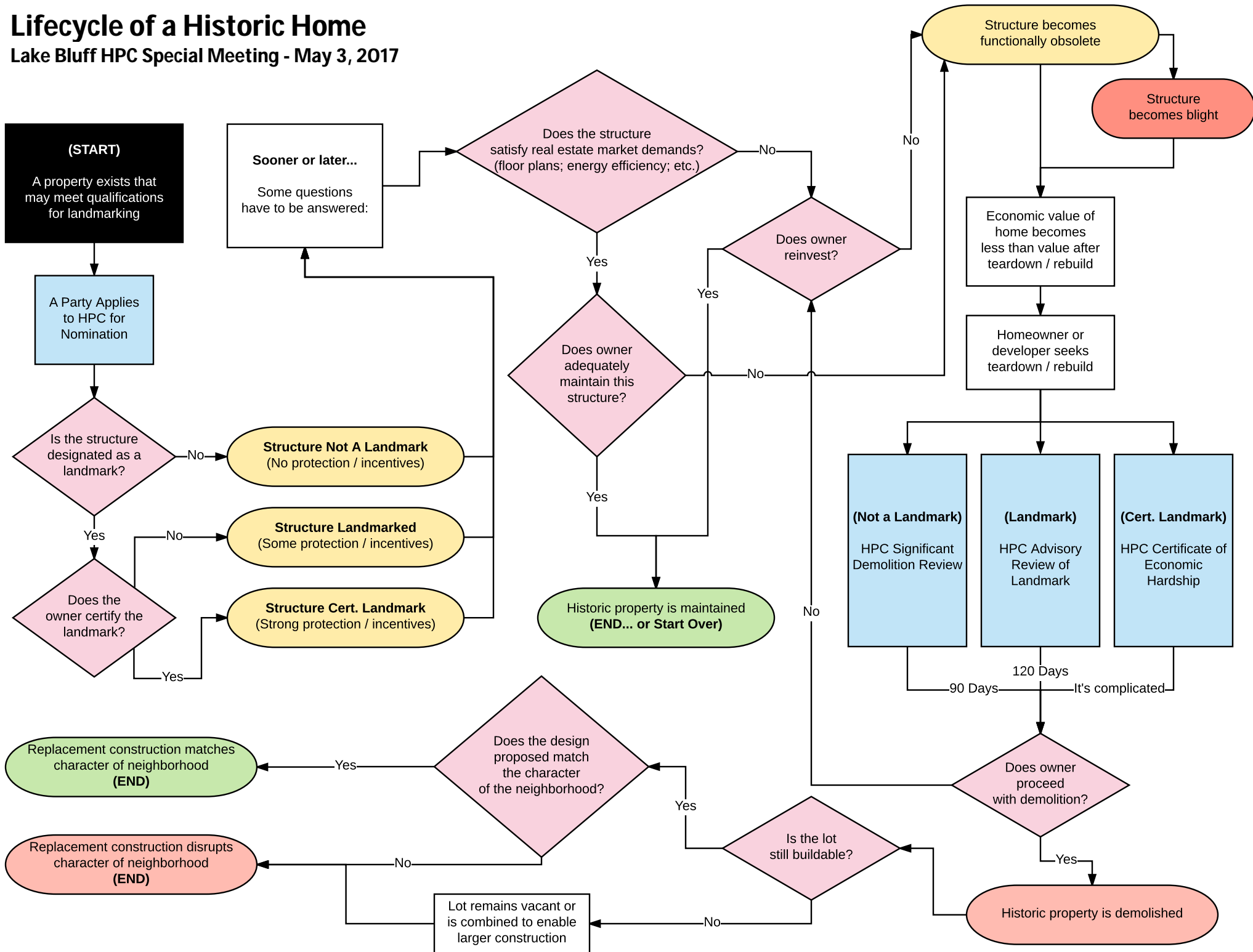
- Lot size and buildability regulations
 - “Heritage Lots”
- Impose design guidelines and architectural review for historic districts

Miscellaneous

- Balance proposals to avoid appearance of “taking” property rights – positive benefits to owners
- Reduce scope of Significant Demolition Review oversight to eliminate low-value reviews
- Other administrative changes and cleanup

Lifecycle of a Historic Home

Lake Bluff HPC Special Meeting - May 3, 2017



ORDINANCE NO. 2007-__

**AN ORDINANCE AMENDING THE LAKE BLUFF MUNICIPAL
CODE REGARDING HISTORIC PRESERVATION**

Passed by the Board of Trustees, _____, 2007

Printed and Published, _____, 2007

Printed and Published in Pamphlet Form
by Authority of the
President and Board of Trustees

VILLAGE OF LAKE BLUFF
LAKE COUNTY, ILLINOIS

I hereby certify that this document
was properly published on the date
stated above.

Village Clerk

ORDINANCE NO. 2007-_____

**AN ORDINANCE AMENDING THE LAKE BLUFF MUNICIPAL
CODE REGARDING HISTORIC PRESERVATION**

WHEREAS, the Village of Lake Bluff is a community with a rich historical, cultural, and architectural character that is unique among Northern Illinois communities; and

WHEREAS, the preservation of historically, culturally, and architecturally significant residential properties in the Village is necessary to maintain the essential character of the Village and to protect the value of properties in the Village; and

WHEREAS, the Village desires to promote the preservation of older homes while ensuring that homeowners are provided flexibility to adapt all homes to the changing needs of families and the community; and

WHEREAS, on February 12, 2001, the Lake Bluff Board of Trustees adopted the Village's Historic Preservation Ordinance as Ordinance No. 2001-03, which amended the Lake Bluff Municipal Code to provide a set of regulations for the designation and protection of landmarks within the Village ("**Historic Preservation Ordinance**"); and

WHEREAS, at the direction of the Lake Bluff Board of Trustees, the Historic Preservation Commission ("**Commission**") has examined the Historic Preservation Ordinance to determine whether revisions to that ordinance would be appropriate, and

WHEREAS, the Commission has developed recommended revisions to the Historic Preservation Ordinance to provide, in part, for the designation of historic districts within the Village, for the revision of certain timeframes concerning landmark applications and advisory review of alterations to landmark structures, and to allow the Commission to receive referrals from other Village boards and commissions concerning historic preservation matters; and

WHEREAS, on May 9, 2007, the Commission conducted a public hearing to discuss its proposed amendments to the Historic Preservation Ordinance, and, on the same date, voted to recommend the amendments set forth in this ordinance to the Lake Bluff Board of Trustees for adoption; and

WHEREAS, the Lake Bluff Board of Trustees has determined that it would be in the best interest of the Village to amend the Lake Bluff Municipal Code as set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LAKE BLUFF, LAKE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. Recitals.

The foregoing recitals are incorporated herein as the findings of the Lake Bluff Board of Trustees.

Section 2. Amendment to Title II, Chapter 6.

Chapter 6, entitled "Historic Preservation Commission and Regulations," of Title II, entitled "Boards and Commissions," of the Lake Bluff Municipal Code of 1988, as amended, shall be and it is hereby amended in its entirety to hereafter be and read as follows:

CHAPTER 6

HISTORIC PRESERVATION COMMISSION AND REGULATIONS

SECTION:

- 2-6-1: Statement of Purpose and Goals
- 2-6-2: Definitions
- 2-6-3: Historic Preservation Commission
- 2-6-4: Landmark [and Historic District](#) Designation
- 2-6-5: Withdrawal of Landmark [or Historic District](#) Designation
- 2-6-6: Advisory Review
- 2-6-7: Certification Process
- 2-6-8: Certificate of Appropriateness

2-6-1: STATEMENT OF PURPOSE AND GOALS

- A. Purpose.** The purpose of this Chapter is to promote historic and architectural preservation in the Village. The Village seeks to protect, enhance, and perpetuate those historical structures, buildings, sites, and landscapes valued by the Village and its residents that are significant to the Village's history, culture, and architecture.
- B. Goals.** This Chapter is created in order to achieve the following goals:
1. To foster civic pride in the beauty and accomplishments of the past as represented in the Village's landmarks;
 2. To preserve, promote, maintain, and enhance the Village's historic resources and character as a community comprised principally of well-maintained single family residential neighborhoods and small, thriving business areas oriented to serve the day-to-day needs of local residents;
 3. To protect and enhance the Village's attractiveness to residents, businesses, visitors, and prospective home buyers and businesses;
 4. To maintain and improve property values in the Village;
 5. To protect, preserve, and enhance the Village's aesthetic appearance and character;
 6. To encourage the designation of landmark status upon structures, buildings, sites, and landscapes, [and the designation of historic districts](#) at the local, state, and national levels; and
 7. To educate the general public on the significance of historic preservation.

2-6-2: DEFINITIONS. For the purposes of this Chapter, the following terms, phrases, and words shall have the meanings set forth in this Section.

ADDITION. Any act or process that changes the exterior architectural appearance of a structure or building by adding to, joining with, or increasing the size or capacity of the structure or building.

ADVISORY REVIEW. The mandatory procedure established in Section 2-6-6 of this Chapter to consider plans for the alteration, demolition, or other physical modification of a landmark [or a contributing structure](#).

ALTERATION. Any act or process, other than demolition, that changes the exterior architectural appearance of a landmark [or a contributing structure](#), including, without limitation, the erection, construction, reconstruction, addition, repair, rehabilitation, renovation, restoration, or relocation of any structure, building, site, or landscape. Repainting all or any portion of the exterior of a structure or building with paint of the same kind, color, and texture shall not be an alteration for the purposes of this Chapter.

AREA. A specific geographic division of the Village.

CERTIFICATE OF APPROPRIATENESS. A certificate issued by the Commission pursuant to Section 2-6-8 of this Chapter approving plans for the alteration, construction, relocation, or demolition of a certified landmark.

CERTIFICATE OF ECONOMIC HARDSHIP. A certificate issued by the Commission pursuant to Subsection 2-6-8F of this Chapter to allow the performance of work for which a Certificate of Appropriateness has been denied.

COMMISSION. The Lake Bluff Historic Preservation Commission.

COMMISSIONERS. Members of the Commission.

CONSTRUCTION. The act of adding an addition to, reconstructing, or otherwise altering an existing structure, building, site, or landscape, or the act of erecting a new principal or accessory structure, site, or landscape.

CONTRIBUTING STRUCTURE. [Any structure, building, site, or landscape located within a historic district and that \(a\) is a designated landmark; \(b\) meets the criteria for a landmark but has not been officially designated as a landmark; or \(c\) does not meet the criteria for a landmark, but nevertheless contributes to the overall special characteristics of the historic district or the landmarks or contributing structures located within a historic district.](#)

DEMOLITION. Any act or process that destroys in whole or in part, ~~to the extent of~~ at least 50 percent of the gross floor area of a landmark [or a contributing structure](#). Gross floor area shall be as defined in Section 10-1A-1 of the Lake Bluff Zoning Regulations, as amended from time to time.

DESIGN STANDARDS. The standards of appropriate activity that will preserve the historic and architectural appearance and character of a landmark.

DESIGNATION CRITERIA. The criteria set forth in Section 2-6-4A of this Chapter to be used to determine whether designation [of a landmark or a historic district](#) is appropriate.

EXTERIOR ARCHITECTURAL APPEARANCE. The architectural character, general composition, and general arrangement of the exterior of a structure, building, site, or landscape, including, without limitation, the kind, color, and texture of the material and the type, design, and character of all appurtenant elements.

HISTORIC DISTRICT. [An area designated as a "historic district" by ordinance of the Board of Trustees according to the designation criteria and pursuant to the procedures prescribed in this Ordinance, and which may contain one or more landmarks; and which may have within its boundaries one or more contributing structures that contribute to the overall historic, visual, aesthetic, cultural, archaeological, and/or architectural characteristics of the landmark or landmarks and/or other contributing structures within the district despite not being of such historic, visual, aesthetic, cultural, archaeological, and/or architectural significance as to be designated as landmarks. A historic district may have within its boundaries non-contributing structures that do not contribute to the overall historic, visual, aesthetic, cultural, archaeological, and/or architectural characteristics of the landmark\(s\) or the contributing structures within the district. A historic district may also have within its boundaries thematically related resources, including, without limitation, buildings, structures, or landscaping, that are non-contiguous.](#)

LANDMARK. Any structure, building, site, or landscape designated as a landmark by an ordinance duly adopted by the Village Board of Trustees pursuant to the procedures and standards set forth in this Chapter.

LANDSCAPE. A portion of land or territory that is significant as a form of architecture and not merely as a complementary setting for one or more structures or buildings.

NON-CONTRIBUTING STRUCTURE. [Any structure, building, site, or landscape within a historic district that is not representative of the qualities that give the district historic, visual, aesthetic, cultural, archaeological, and/or architectural significance as embodied in the criteria for designation of a historic district.](#)

OWNER OF RECORD. The person, corporation, or other legal entity listed as the holder of legal title in the records of the Recorder of Deeds of the County of Lake. If a site has more than one owner of record, and action by the owner of record is required by this Chapter, there shall be a rebuttable presumption that action has been taken by the owner of record where the written consent of a majority of the owners of record for that site has been obtained and submitted.

REHABILITATION. The process of returning a structure, building, site, or landscape to a state of utility through repair, construction, or alteration, that makes possible an efficient contemporary use while preserving those portions and features of the property that are significant to its historic and architectural values.

RELOCATION. The process of moving a structure or building on its location or to another location.

REPAIR. Any change that does not require a building permit that is not construction, relocation, or alteration.

RESTORATION. The process of restoring, repairing, or reconstructing a property, through repair, construction, or alteration, to a former or original condition that enhances those portions and features of the property that are significant to its historic and architectural values.

SITE. A single lot or parcel of property.

2-6-3: HISTORIC PRESERVATION COMMISSION

A. Creation and Purpose. There is hereby created the Lake Bluff Historic Preservation Commission. The purpose of the Commission shall be to assist the Village Board in making decisions and establishing policies regarding the preservation, protection, enhancement, rehabilitation, reconstruction, maintenance, and use of historic structures, buildings, sites, and landscapes in the Village, and to educate Village residents on the importance of historic preservation, all as further provided in this Chapter.

B. Composition of Commission.

1. Appointment and Qualifications. The Commission shall consist of seven members appointed by the Village President, with the advice and consent of the Board of Trustees. The Village President shall attempt to appoint to the Commission at least one person each from the Vliet Center Board, the Lake Bluff Plan Commission, the Lake Bluff Zoning Board of Appeals, the Lake Bluff Architectural Board of Review, and three Village residents. Commissioners shall also be appointed on the basis of expertise, experience, and interest in historic preservation, architectural history, building construction and engineering, finance, neighborhood organization, and real estate development. Consideration shall be given to appointment of residents from a variety of geographic areas within the Village.
2. Term and Compensation. Commissioners shall serve for a term of four years and until their successors have been appointed and have qualified for office; provided, however, that the initial appointments to the Commission upon its creation shall be made in a manner such that two Commissioners, one of whom shall serve as the initial Chairperson, shall be appointed for initial terms of four years, two Commissioners shall be appointed for initial terms of three years, and three Commissioners shall be appointed for initial terms of two years. Commissioners shall be eligible for reappointment. All Commissioners shall serve without compensation.

3. Removal and Vacancy. The Village Board shall have the power to remove any Commissioner for cause. Any vacancy that may occur shall be filled for the balance of the unexpired term by appointment of the Village President with the advice and consent of the Board of Trustees.
4. Chairperson and Vice Chairperson. The Village President, with the advice and consent of the Board of Trustees, shall designate one Commissioner as Chairperson and another Commissioner as Vice Chairperson.
5. Commission Secretary. The Village Administrator shall designate a Village staff member or other authorized representative of the Village to serve as Secretary to the Commission. The Commission Secretary shall attend and keep minutes of all Commission meetings and hearings, and shall maintain the permanent records of all Commission meetings, hearings, and proceedings and all correspondence of, and submittals to, the Commission.
6. Records. The Commission's records shall be available and open for public inspection pursuant to, and except as otherwise provided by, the Illinois Freedom of Information Act or other applicable law.

C. Authority and Duties. Subject to the laws of the State of Illinois, this Chapter, and any other ordinances and resolutions of the Village, the Commission shall have the following powers and duties:

1. To review surveys of structures, buildings, sites, and landscapes in the Village in order to identify those with historical and architectural significance.
2. To keep a register of all designated landmarks and historic districts, including all information required for any such designation.
3. To provide information and assistance to property owners and residents of the Village regarding the designation of landmarks and historic districts and procedures for inclusion on the State and National Register of Historic Places.
4. To assist persons in the preparation of applications involving the designation or certification of landmarks or historic districts.
5. Pursuant to the provisions of this Chapter, to hold public hearings, review applications, conduct advisory review conferences, and make recommendations or decisions regarding (i) landmark or historic district designations; (ii) alteration or demolition activities involving landmarks or contributing structures; (iii) the issuance of Certificates of Appropriateness for any such alteration or demolition activities; and (iv) the issuance of Certificates of Economic Hardship for any such alteration or demolition activities.

6. To inform and educate the residents of the Village concerning the historic and architectural heritage of the Village by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars.
7. To develop and maintain technical information relating to historic preservation, rehabilitation, and restoration, and to provide assistance relating to such matters to architects, contractors, property owners, and other persons involved in real estate development and construction within the Village.
8. To determine an appropriate design of markers for designated and certified landmarks, and historic districts subject to review and approval of the Village Board of Trustees.
9. To develop, subject to review and approval by the Village Board, specific guidelines for the alteration, demolition, construction, or relocation of landmarks and contributing structures.
10. To recommend, when requested by the Village Board, whether the Village should accept and administer any property or full or partial interest in real property, including conservation rights as that term is used in 765 ILCS 120/1, which the Village may have or accept as a gift or otherwise.
11. To request technical advice and assistance from Village staff members and to retain specialists or consultants when expressly authorized in advance by the Village Board of Trustees.
12. To review, upon ~~request of~~ referral by the Village Board, the Plan Commission, the Zoning Board of Appeals, or the Architectural Board of Review, any application for a zoning amendment, special use permit, variation, subdivision approval, site plan approval, or any other related relief or request that may affect designated landmarks or historic districts, or otherwise involve historic preservation considerations.
13. At the request of the Village Board of Trustees, to periodically review the Lake Bluff Municipal Code, including the Zoning Regulations and Subdivision Regulations, and recommend any amendments appropriate for the protection and continued use of designated landmarks and historic districts.
14. To submit an annual report to the Village Board of Trustees summarizing the Commission's activities during the preceding year and reviewing current preservation issues in the Village.
15. When specifically authorized by the Village Board, and within applicable budget and appropriations limitations, the Commission shall undertake an ongoing survey and research effort in the Village to identify neighborhoods, structures, buildings, sites, and landscapes that have historic, community, architectural, or aesthetic importance, interest, or value. As part of the survey, the

Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. The Commission shall also seek, in consultation with, and with the prior approval of, the Village Board, funds from outside sources for the purpose of undertaking such surveys and research.

16. To study and make recommendations to the Village Board regarding the desirability of implementing a process for designating as historic districts historically significant areas in the Village.
17. To study and make recommendations to the Village Board regarding the desirability of creating more stringent regulations for landmarks [or historic districts](#) located in non-residential districts or other areas within the Village, including, without limitation, requiring a Certificate of Appropriateness prior to any proposed alteration, demolition, rehabilitation, relocation, repair, or restoration of a landmark in a non-residential district or area within the Village.
18. To study and make recommendations to the Village Board regarding appropriate fees and other charges to be imposed by the Village for expenses incurred in connection with implementation of the historic preservation program established in this Ordinance.
19. To study and assist the Village Administrator in preparing the appropriate plans and procedures to implement the historic preservation program established in this Ordinance.
20. To seek certification with the Illinois Historic Preservation Agency and the United States Department of the Interior of designated landmarks as "historic buildings" under the Illinois Property Tax Code, 35 ILCS 200/1-1 *et seq.*, or as "certified historic structures" under the Tax Reform Act of 1986, 26 U.S.C. §§ 1 *et seq.*, or under other legislation subsequently enacted by the State of Illinois or the United States.
21. To seek certified local government status from the United States Department of the Interior for purposes of qualifying for financial and other assistance available through the Department of Interior and other sources.
22. [To review significant demolition applications pursuant to Section 4-1-3 of Title IV of the Lake Bluff Municipal Code.](#)
23. To perform such other functions as directed by the Village Board of Trustees.

D. Meetings.

1. Meeting Schedule. Commission meetings shall be held at regularly scheduled times to be established by resolution of the

Commission at the beginning of each calendar year or at any time at the call of the Chairperson. There shall be a minimum of four meetings per year. Special meetings may be called only at the request of (a) the Chairperson, (b) any three members of the Commission, or (c) the Village Board of Trustees.

2. Chairperson Presides. The Commission Chairperson shall preside over all meetings and hearings of the Commission. In the absence of the Chairperson, the Vice-Chairperson shall assume the duties and responsibilities of the Chairperson. In the absence of the Chairperson and Vice-Chairperson, a Temporary Chairperson shall be elected by the Commission and shall assume the duties and responsibilities of the Chairperson.
3. Meeting Requirements. All meetings and hearings of the Commission shall be conducted in accordance with the Illinois Open Meetings Act.
4. Sworn Testimony. All testimony at any hearing of the Commission shall be given under oath or affirmation.
5. Rules. The Commission may adopt its own rules of procedure. In the absence of such rules, the Commission shall conduct its business, as nearly as practicable, in accordance with *Roberts Rules of Order*.
6. Quorum and Necessary Vote. The Commission shall conduct no business except at a properly called and held meeting at which a quorum is present. A quorum of the Commission shall consist of four members. A concurring vote of a majority of those Commissioners present and constituting a quorum shall be necessary to render a decision on any matter upon which the Commission is authorized to act; provided, however, that the affirmative vote of at least four Commissioners shall be required to make a recommendation to the Village Board regarding a proposed landmark or historic district designation, or to grant a Certificate of Appropriateness or Certificate of Economic Hardship. Any lesser vote on any such designation or certificate, even if a majority of those voting, shall be considered a final decision to recommend denial of any such designation or to deny any such certificate, as the case may be. Notwithstanding the foregoing, any advisory review conference may be conducted by a designated subcommittee of the Commission consisting of no fewer than four Commissioners. Any Commissioner may file minority or dissenting reports in support of any position concerning a matter brought before the Commission.
7. Voting After Absence. No Commissioner absent from any portion of a hearing shall be qualified to vote upon the matter heard unless the Commissioner shall first certify on the record that he or she has reviewed the entire record of any such portion of the hearing during which he or she was absent and has fully informed himself or herself of the essential facts and issues of the matter

being heard so as to be able to cast an informed and independent vote.

8. Disqualification from Voting. No member of the Commission shall vote on any matter involving any property in which such Commissioner has a legal or beneficial ownership interest or on any other matter where such Commissioner's interest would violate Section 3-14-4 of the Illinois Municipal Code, 65 ILCS 5/3-14-4, or any other applicable law.
9. Record. The transcript of testimony, if any; the Commission's minutes; all applications, requests, exhibits, and papers filed in any proceeding before the Commission; and the decision and report, or reports, of the Commission shall constitute the record.
10. Notice. The Village Administrator shall cause notice to be given of public hearings and public meetings set pursuant to this Chapter in the form and manner and to the persons herein specified.

E. Decisions.

1. Written Decisions. Every recommendation or decision of the Commission upon any application filed pursuant to this Chapter shall be by a written resolution that shall include findings of fact; shall refer to all the evidence in the record and to the exhibits, plans, or specifications upon which such recommendation or decision is based; shall specify the reason or reasons for such recommendation or decision; and shall contain a conclusion or statement separate from the findings of fact setting forth the recommendation or decision of the Commission. Every resolution shall expressly set forth any limitations or conditions recommended or imposed by the Commission.
2. Final Action. The Commission may take final action on any recommendation or decision pertaining to an application pending before it prior to the preparation of a written resolution, but in such event it shall, before taking such action, first state its findings and conclusions as above required at a meeting open to the public. The Commission's recommendation or decision shall be deemed made as of the date of the taking of such final action. The written resolution incorporating such findings and conclusions shall be presented and approved at the next regular meeting of the Commission open to the public.
3. Failure to Act. In any case where this Chapter provides that the failure of the Commission to act within a fixed period shall be deemed a grant or denial of an application, or a recommendation for the grant or denial of an application, as the case may be, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Commission rendered on the day following the expiration of such fixed period.

2-6-4: LANDMARK OR HISTORIC DISTRICT DESIGNATION

A. **Criteria.** The Commission shall consider the criteria provided in this Section in order to recommend a structure, building, site, or landscape for designation as a landmark or to recommend the designation of a historic district.

1. General Considerations.

- a. The structure, building, site, ~~or~~-landscape, or historic district has significant character, interest, or value as part of the historic, aesthetic, cultural, or architectural characteristics of the Village, the State of Illinois, or the United States.
- b. The structure, building, site, ~~or~~-landscape, or historic district is closely identified with a person or persons who significantly contributed to the development of the Village, the State of Illinois, or the United States.
- c. The structure, building, site, ~~or~~-landscape, or historic district involves the notable efforts of, or is the only known example of work by, a master builder, designer, architect, architectural firm, or artist whose individual accomplishment has influenced the development of the Village, State of Illinois, or the United States.
- d. The unique location or singular physical characteristics of a structure, building, site, ~~or~~-landscape, or historic district make it an established or familiar visual feature.
- e. The activities associated with a structure, building, site, ~~or~~ landscape, or historic district make it a current or former focal point of reference in the Village.
- f. The structure ~~or~~, building or historic district is of a type or is associated with a use once common but now rare, or is a particularly fine or unique example of a utilitarian structure and possesses a high level of integrity or architectural significance.
- g. The structure, building, site, ~~or~~-landscape, or historic district is in an area that has yielded or is likely to yield historically significant information, or even prehistoric data.

2. Architectural Significance.

- a. The structure, building, site, ~~or~~-landscape, or historic district represents certain distinguishing characteristics of architecture inherently valuable for the study of a time period, type of property, method of construction, or use of indigenous materials.

- b. The structure, building, site, ~~or~~ landscape, or historic district embodies elements of design, detail, material, or craftsmanship of exceptional quality.
 - c. The structure, building, site, ~~or~~ landscape, or historic district exemplifies a particular architectural style in terms of detail, material, and workmanship which has resulted in little or no alteration to its original construction.
 - d. The structure, building, site, ~~or~~ landscape, or historic district is one of the few remaining examples of a particular architectural style and has undergone little or no alteration since its original construction.
 - e. The structure, building, site, ~~or~~ landscape, or historic district is, or is part of, a contiguous grouping that has a sense of cohesiveness expressed through a similarity of style characteristics, time period, type of property, method of construction, or use of indigenous materials and accents the architectural significance of an area.
 - f. The detail, material, and workmanship of the structure, building, site, ~~or~~ landscape, or those structures, buildings, sites or landscapes within a historic district, can be valued in and of themselves as reflective of or similar to those of the majority of the other visual elements in the area.
 - g. The landscape or historic district is significant in its own right as landscape architecture and not merely as a complementary setting for a structure or a group of structures.
3. Historic Significance.
- a. The structure, building, site, ~~or~~ landscape, or historic district 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.
 - b. The structure, building, site, ~~or~~ landscape, or historic district 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.
 - c. The structure, building, site, ~~or~~ landscape, or historic district 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.
 - d. The structure, building, site, ~~or~~ landscape, or historic district is associated with a notable historic event.

- e. The structure, building, site, ~~or~~ landscape, or historic district is associated with an antiquated use due to technological or social advances.
- f. The structure, building, site, ~~or~~ landscape, or historic district is a monument to, or a cemetery of, an historic person or persons.

B. Applications for Nominations of Landmarks and Historic Districts.

1. Who May Nominate.

- a. Landmarks. Applications for nominations for designation of a landmark may be submitted by: (1) the owner of record of the nominated landmark; (2) the Commission; (3) the Village Board, or (4) the Vliet Center Board.
- b. Historic Districts. Applications for nominations for designation of a historic district may be submitted by: (1) at least one property owner of record within the proposed historic district; (2) the Commission, (3) the Village Board, or (4) the Vliet Center Board.

2. Landmark Application Requirements. Applications for landmark nomination shall be filed with the Village Administrator, on forms provided by the Village Administrator, and shall, at a minimum, include the following information and specifications:

- a. The name and address of the applicant and owner of record.
- b. The legal description and common street address of the property.
- c. A written statement describing the structure, building, site, or landscape, and setting forth reasons in support of the proposed designation, including a list of significant exterior architectural features that should be protected.
- d. Written documentation establishing that the applicant is the current owner of record of the nominated property or that such owner of record has been notified of or consents to the proposed landmark designation. Such documentation or evidence of record ownership shall include a recent title policy in the name of the applicant or other evidence of record ownership acceptable to the Commission.
- e. An overall site plan and photographs of the nominated property. The site plan shall also include a front, side, and rear elevation drawing.
- f. Such other relevant information as may be requested by the Village Administrator or the Commission.

3. Historic District Application Requirements. Applications for historic district nomination shall be filed with the Village Administrator, on forms provided by the Village Administrator, and shall, at a minimum, include the following information and specifications:

- a. The name and address of the applicant.
- b. The common street address and owner(s) of record of each property included in the application.
- c. A written statement setting forth reasons in support of the proposed designation. The written statement shall include a description of the context and boundaries of the proposed district, and shall identify contributing structures and non-contributing structures within the proposed district. The written statement shall set forth reasons in support of the proposed designation of contributing structures.
- d. Written documentation establishing that each owner of record of property within the proposed historic district has been notified of or consents to the proposed historic district designation. Documentation or evidence of record ownership shall include a recent title policy in the name of the applicant or other evidence of record ownership acceptable to the Commission.
- e. An overall site plan and photographs of each of the properties within the proposed historic district. The site plan shall also include a front, side, and rear elevation drawing for each property.
- f. A vicinity map of the proposed historic district.
- g. ~~f.~~ Such other relevant information as may be requested by the Village Administrator or the Commission.

C. Public Hearing. Following the proper filing of a complete application for nomination, notice of a public hearing shall be provided and a public hearing shall be conducted in accordance with the provisions contained in this Subsection. Such hearing shall be commenced and completed not less than ~~60~~90 days following the filing of a complete application for a landmark, unless continued by the Commission upon the agreement of the property owner, or the property owner and the applicant, in a case where the property owner is not the applicant, and not less than 120 days following the filing of a complete application for a historic district, unless authorized by the Commission.

1. Notice of Public Hearings.

- a. Village Administrator to Give Notice. The Village Administrator shall cause notice to be given of public hearings set pursuant to this Section in the form and manner and to the persons herein specified.

b. Content of Notice.

1. Landmark Nominations. All notices for landmark nominations shall include the date, time, and place of the hearing or meeting, a description of the matter to be heard or considered, a legal description of the subject property, and the address or particular location of the subject property.

2. Historic District Nominations. All notices for historic district nominations shall include the date, time, and place of the hearing or meeting, a description of the matter to be heard or considered, including the boundaries and area of the proposed historic district, and the address or particular location of each property within the proposed historic district.

c. Persons Entitled to Notice.

1. Landmark Nomination. Notice of hearings ~~and meetings~~ on an application for designation of a landmark shall be given by first class mail, not more than 30 days nor less than 15 days immediately prior to the hearing, to the applicant, the owner or owners of record, and, if known, to other persons having a legal or equitable interest in the subject property nominated for designation, and the owners of record of all property within 250 feet in each direction of the location of the subject property; provided, however, that the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. Notice shall also be given by publication in a newspaper of general circulation in the Village not more than 30 days nor less than 15 days immediately prior to the hearing.

2. Historic District Nomination. Notice of hearings on an application for designation of a historic district shall be given by first class mail, not more than 30 days nor less than 15 days immediately prior to the hearing, to the applicant, each owner or owners of record of property included within the proposed historic district, and, if known, to other persons having a legal or equitable interest in each subject property included within the proposed historic district, and the owners of record of all property within 250 feet in each direction of the area of the proposed historic district or any boundary of the proposed historic district; provided, however, that the number of feet occupied by all public roads, streets, alleys and other public ways

shall be excluded in computing the 250 feet requirement. Notice shall also be given by publication in a newspaper of general circulation in the Village not more than 30 days nor less than 15 days immediately prior to the hearing.

2. Procedures for Conduct of Hearings.

- a. Testimony. Any person may appear and testify at a public hearing conducted pursuant to this Section, either in person or by a duly authorized agent or attorney; provided, however, that the Commission may exclude irrelevant, immaterial, or unduly repetitious testimony.
- b. Written Statements. Any person may at any time prior to the commencement of a hearing hereunder, or during such hearing, or within such time as may be allowed by the Commission following such hearing, submit written statements in support of or in opposition to any matter before the Commission.
- c. Adjournment of Hearing. The Commission may at any time, on its own motion or at the request of any person, adjourn a hearing for a reasonable time and to a fixed date, time, and place, for the purpose of giving further notice, taking further evidence, gathering further information, deliberating further, or for such other reason as the hearing body may find to be sufficient. The Commission Secretary shall notify in writing all Commissioners, all parties to the hearing, and any other person designated on the vote of adjournment of the date, time, and place of the adjourned hearing.

D. **Recommendations by Historic Preservation Commission.**

1. Contents of Recommendation. ~~Promptly~~ After the close of the public hearing, the Commission shall review all information presented to it at the public hearing and shall adopt a recommendation that the nominated landmark or historic district does or does not meet the designation criteria. The recommendation shall contain the following information:

- ~~1.a.~~ The Commission's rationale for recommending either approval or denial of the nomination;
- ~~2.b.~~ The significant feature or features in the exterior architectural appearance of the landmark or the significant feature or features of the historic district, that should be protected and preserved; ~~and~~
- ~~3.c.~~ Any other pertinent comments related to the nomination of the landmark or historic district.

2. Canvass of Owners of Record within a Historic District.

- a. Within 10 days following the conclusion of the public hearing on a proposed historic district, the Commission shall, by certified mail, return receipt requested, deliver to the owner of record of each property within the proposed historic district a written statement of the reasons for, and effects of, the proposed historic district designation.
- b. The written statement shall be accompanied by a written ballot form prepared by the Commission on which the owners of record of the properties within the proposed historic district shall have the opportunity to state their approval or disapproval of the contemplated designation of the proposed historic district.
- c. Each owner of record shall complete the ballot form and return it to the Commission, in the manner and at the location described on the ballot form, within 45 days after the date of the Commission's ballot form. No ballot form shall be counted unless it is received by the Commission on or before the date that is 45 days after the date of the Commission's ballot form.
- d. Not more than one ballot form shall be counted or considered for any one property within the proposed historic district. Conflicting responses from multiple owners of the same property shall preclude all ballot forms for that property from being counted or considered, and no ballots shall be deemed to have been returned for that property. Ballots not returned to the Commission shall be considered as evidence of a vote to approve the proposed district.
- e. Promptly upon determination of the outcome of the canvass, the Commission shall cause the results to be posted in the Village Hall, and to be delivered by first class mail to the owner of each property within the proposed historic district.
- f. The owners of record shall be deemed to have disapproved the proposed historic district designation if, within the 45 day period, the Commission receives returned ballot forms from more than 50 percent of the owners of record within the proposed historic district evidencing a vote of "disapproval." A vote of disapproval from the owners of record shall be deemed a denial and final disposition of the application for designation of the proposed historic district.

3. Transmittal of Recommendation and Canvass Results. ~~Within~~ 40~~90~~ Within 90 days following the conclusion of the public hearing, the Commission shall transmit to the Village Board its recommendation and, for nominated historic districts, the results of the canvass. The failure of the Commission to act within ~~40~~90

days following the conclusion of such hearing, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the application for designation as submitted.

E. Designation by Village Board. The Village Board shall ~~hereafter~~ initiate and complete consideration of the recommendation within ~~45 days, 90 days of its receipt of the Commission's recommendation, unless extended by the Village Board by motion or resolution duly adopted.~~ An ordinance passed by the affirmative vote of at least four members of the Village Board of Trustees shall be required to designate an official landmark or an official historic district. Upon passage of an ordinance approving the nomination for landmark or historic district designation, the Village Board shall direct that notice be sent to the Building Commissioner and to the owners of record advising them of such designation and informing them that any structure, building, site, or landscape designated as a landmark or as a contributing structure shall thereafter be subject to the requirements of Section 2-6-6 of this Code and all other applicable provisions of this Chapter. The Village Board shall also direct that the ordinance approving a landmark designation be recorded in the office of the Lake County Recorder of Deeds.

F. Stay of Proceeding. No building, demolition, sign, or other permit shall be issued for a proposed landmark or any structure designated as a contributing structure within a proposed historic district from the date when a complete and proper nomination form is filed with the Village Administrator until the final disposition of the nomination, unless the process for advisory review required by Section 2-6-6 of this Code has been completed.

G. Successive Applications.

1. Second Applications Without New Grounds Barred. Whenever any application filed pursuant to this Chapter has been finally denied on its merits, a second application seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought unless in the opinion of the Village Administrator or the Commission there is substantial new evidence available or a mistake of law or fact significantly affected the prior denial.
2. New Grounds to be Stated. Any such second application shall include a detailed statement of the grounds justifying consideration of such application.
3. Summary Denial With or Without Hearing. Any such second application may be denied by the Village Administrator summarily, and without hearing, on a finding that no grounds appear that warrant a new hearing. In any case where such application is set for hearing, the applicant shall be required to establish grounds warranting reconsideration of the merits of its application prior to being allowed to offer any evidence on the merits. Unless such

grounds are established, the application may be summarily dismissed for such failure.

4. Exceptions. ~~4. Exception.~~

a. Whether or not new grounds are stated, any such second application filed more than one year after the final denial of a prior application shall be heard on the merits as though no prior application had been filed. The applicant shall, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first application. In the absence of such evidence, it shall be presumed that no new facts exist to support the new petition that did not exist at the time of the denial of the first application.

b. Upon denial of an application for designation of a historic district, no application that proposes designation of a historic district which is substantially the same as the denied historic district shall be resubmitted or considered for a period of one year from the date of the final disposition of the application for the denied historic district; provided, however, that a new designation nomination for the denied historic district may be submitted and considered at any time in the future so long as all of the owners of record within the denied historic district nominate the denied historic district for designation.

2-6-5: WITHDRAWAL OF LANDMARK OR HISTORIC DISTRICT DESIGNATION

A. Conditions for Withdrawal. The designation of a structure, building, site, ~~or~~ landscape, as a landmark or the designation of a historic district may be withdrawn under any of the following conditions:

1. The structure, building, site, ~~or~~ landscape, or historic district has ceased to meet the designation criteria because the qualities which caused it to be originally designated have been lost or destroyed, or such qualities were lost subsequent to nomination, but before designation;
2. Additional information shows conclusively that the structure, building, site, ~~or~~ landscape, or historic district does not possess sufficient significance to meet the designation criteria;
3. The original designation was clearly in error; or
4. There was prejudicial procedural error in the designation process.

B. Requests for Withdrawal. Any Commissioner or the owner of record of any designated landmark or property within a historic district may initiate a procedure to withdraw the designation from such structure, building, site, or landscape.

C. **Application and Hearing.** A procedure to withdraw a landmark or historic district designation shall be initiated by filing an application with the Village Administrator in accordance with Subsection 2-6-4B of this Chapter. The application shall include a written explanation of the reasons for withdrawal as allowed by Subsection 2-6-5A of this Chapter. Upon the filing of a completed application, notice shall be given and a public hearing shall be held in accordance with the provisions contained in this Subsection.

1. Notice of Public Hearings.

a. Village Administrator to Give Notice. The Village Administrator shall cause notice to be given of public hearings set pursuant to this Section in the form and manner and to the persons herein specified.

b. Content of Notice.

1. Landmark Designation. All notices for withdrawal of landmark designations shall include the date, time, and place of the hearing or meeting, a description of the matter to be heard or considered, a legal description of the subject property, and the address or particular location of the subject property.

2. Historic District Designation. All notices for withdrawal of historic district designations shall include the date, time, and place of the hearing or meeting, a description of the matter to be heard or considered, the boundaries and area of the historic district, and the address or particular location of each property within the historic district.

c. Persons Entitled to Notice.

~~-1.~~ Landmark Nomination. Notice of hearings ~~and meetings~~ on an application for withdrawal of a designation of a landmark shall be given by first class mail, not more than 30 days nor less than 15 days immediately prior to the hearing, to the applicant, the owner or owners of record, and, if known, to other persons having a legal or equitable interest in the subject property nominated for designation, and the owners of record of all property within 250 feet in each direction of the location of the subject property; provided, however, that the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. Notice shall also be given by publication in a newspaper of general circulation in the Village not

more than 30 days nor less than 15 days immediately prior to the hearing.

2. Historic District Nomination. Notice of hearings on an application for withdrawal of designation of a historic district shall be given by first class mail, not more than 30 days nor less than 15 days immediately prior to the hearing, to the applicant, each owner or owners of record of property included within the historic district, and, if known, to other persons having a legal or equitable interest in each subject property included within the historic district, and the owners of record of all property within 250 feet in each direction of the area of the historic district or any boundary of the historic district; provided, however, that the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. Notice shall also be given by publication in a newspaper of general circulation in the Village not more than 30 days nor less than 15 days immediately prior to the hearing.

2. Procedures for Conduct of Hearings.

- a. Testimony. Any person may appear and testify at a public hearing conducted pursuant to this Section, either in person or by a duly authorized agent or attorney; provided, however, that the Commission may exclude irrelevant, immaterial, or unduly repetitious testimony.
- b. Written Statements. Any person may at any time prior to the commencement of a hearing hereunder, or during such hearing, or within such time as may be allowed by the Commission following such hearing, submit written statements in support of or in opposition to any matter before the Commission.
- e.b. Adjournment of Hearing. The Commission may at any time, on its own motion or at the request of any person, adjourn a hearing for a reasonable time and to a fixed date, time, and place, for the purpose of giving further notice, taking further evidence, gathering further information, deliberating further, or for such other reason as the hearing body may find to be sufficient. The Commission Secretary shall notify in writing all Commissioners, all parties to the hearing, and any other person designated on the vote of adjournment of the date, time, and place of the adjourned hearing.

D. Recommendation; Determination. Promptly after the close of the public hearing, the Commission shall either (i) determine that withdrawal of a designation is not warranted and recommend to the Village Board

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denial of the application; or (ii) recommend to the Village Board that a designation should be withdrawn. Such recommendation shall be in writing and shall set forth the reasons therefor. Any determination or recommendation shall be submitted to the Village Board, sent to the applicant, and filed with the Village Clerk.

- E. Board Action.** The Village Board shall promptly act upon a recommendation for withdrawal of a designation. An ordinance passed by the affirmative vote of at least four members of the Village Board shall be required to withdraw an official landmark or historic district designation. Upon the passage of an ordinance approving the withdrawal of a designation, the Village Board shall direct that notice be sent to the Building Commissioner and the owners of record advising them that such designation has been withdrawn. The Village Board shall also direct that the ordinance withdrawing a landmark designation be recorded in the office of the Lake County Recorder of Deeds.

F. Successive Applications.

1. Second Applications Without New Grounds Barred. Whenever any application to withdraw designation of a landmark or a historic district has been finally denied on its merits, a second application seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought unless in the opinion of the Village Administrator or the Commission there is substantial new evidence available or a mistake of law or fact significantly affected the prior denial.
2. New Grounds to be Stated. Any such second application to withdraw designation of a landmark or a historic district shall include a detailed statement of the grounds justifying consideration of such application.
3. Summary Denial With or Without Hearing. Any such second application to withdraw designation of a landmark or a historic district may be denied by the Village Administrator summarily, and without hearing, on a finding that no grounds appear that warrant a new hearing. In any case where such application is set for hearing, the applicant shall be required to establish grounds warranting reconsideration of the merits of its application prior to being allowed to offer any evidence on the merits. Unless such grounds are established, the application may be summarily dismissed for such failure.

2-6-6: ADVISORY REVIEW

A. Advisory Review.

1. Requirement. Unless expressly exempted herein, no permits for the alteration, demolition, ~~signage,~~ or any other physical modifications of a landmark or any contributing

structure may be issued by the Village without the Commission conducting an advisory review in accordance with the procedures and criteria specified in this Section.

2. Exceptions. An advisory review shall not be required in connection with:
 - a. a certified landmark for which a Certificate of Appropriateness is required pursuant to Section 2-6-8 of this Chapter.
 - b. permit applications not involving any alteration to or demolition of the exterior architectural appearance of a landmark or contributing structure; or
 - c. permits necessary to comply with a lawful order of the Village, including, without limitation, any permit necessary to correct what is determined by the Building Commissioner to be an immediate health or safety problem; provided such order expressly exempts the alteration or demolition from the advisory review procedure, and provided further that such order may be made subject to appropriate conditions to advance the purpose and goals of this Chapter.

B. Procedure.

1. Initiation. Within five days after the filing of any permit application for the alteration, demolition, ~~signage~~, or any other physical modifications of a landmark or contributing structure (the "Proposed Work") the Building Commissioner shall advise the applicant of the required advisory review, and shall forward a copy of such application together with plans pertaining thereto to the Commission.
2. Advisory Review Conference. Upon receipt of an application from the Building Commissioner, the Commission shall consider the extent to which the Proposed Work may be consistent or inconsistent with the purpose and goals of this Chapter and the criteria described in Subsection C of this Section. If the Commission determines that the Proposed Work is inconsistent with the purpose and goals of this Chapter, the Commission shall request a conference with the permit applicant. The Commission shall transmit its concerns and recommendations to the permit applicant at the time such request is made, and the Commission and the permit applicant shall use such conference to reach a mutually satisfactory resolution of the Commission's concerns. If the Commission determines, either with or without a conference, that the Proposed Work will not be inconsistent with the purpose and goals of this Chapter,

the Commission shall inform the Building Commissioner of such determination, and the application shall be evaluated strictly on its merits under all other Village building codes and regulations.

3. Time for Review. Except as provided in Paragraph 4 of this Subsection, no sooner than 120 days after filing an application for a demolition permit for a landmark or contributing structure, and no sooner than ~~35~~120 days after filing an application for a permit to undertake any other ~~Landmark~~ alteration, ~~signage~~, or other physical modifications to a landmark or contributing structure, a permit applicant may notify the Commission and Building Commissioner in writing that it no longer intends to participate in the advisory review process, provided that the permit applicant has attended an advisory review conference with the Commission during that 120 day period. Upon receipt of such notice, and notwithstanding any determination of the Commission, the Building Commissioner shall evaluate the application strictly on its merits under all other Village building codes and regulations.
4. Extension of time for Advisory Review.
 - (a) ~~Any delay in conducting an advisory review conference resulting from an applicant's inability or failure to attend any conference shall extend the time before which such applicant can conclude his or her participation in the advisory review process.~~ If a permit applicant is unable to attend, or fails to attend, an advisory review conference, the advisory review period shall be extended for such time as is necessary for the permit applicant to schedule and attend an advisory review conference with the Commission or its designated representatives.
 - (b) In addition to any other extension, upon request of the Commission and written notice to the permit applicant, the Village Board may consider and grant an extension of the time for an advisory review of an application for a demolition permit not exceeding an additional 30 days if the Board determines that the Commission's efforts to preserve a landmark or contributing structure will promote the public welfare without causing undue hardship on the permit applicant.

5. Other Laws and Regulations. Except to the extent specifically and clearly in conflict with the provisions of this Chapter, the advisory review process shall not negate, modify, or supersede any other Village building codes and regulations or other applicable law.

6. Posting of Signage. Within five (5) days of the Commission's request for an advisory review conference regarding the Proposed Work for a landmark or contributing structure, the Building Commissioner shall cause signage to be posted at the landmark or historic structure including the following information: (1) that the Village has received a permit application for the Proposed Work; (2) that the Commission is conducting an advisory review conference regarding the Proposed Work; and (3) the date, time and location of the meeting(s) of the Commission during the advisory review period.

C. **Criteria.** In conducting an advisory review, the Commission shall consider and urge the applicant to incorporate into the proposed work the criteria set forth in the following paragraphs.

1. General Standards.

- a. Reasonable efforts should be made to use property for its originally intended purpose or to provide a compatible use that requires minimal alteration of a structure, building, site, or landscape and its environment.
- b. The distinguishing original qualities or character of a structure, building, site, ~~or~~ landscape, or historic district 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.
- c. All structures, buildings, sites, and landscapes 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.
- d. Changes that may have taken place over time evidence the history and development of a structure, building, site, ~~or~~ landscape, or historic district 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.
- e. Distinctive stylistic features or examples of skilled craftsmanship that characterize a structure, building, site, or landscape should be maintained and preserved if possible.

- f. 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.
- g. Surface and other forms of cleaning of structures, buildings, sites, and landscapes should be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the structures, buildings, sites, or landscapes should be avoided.
- h. New structures and buildings, and alterations to sites and landscapes, should not be discouraged when such structures or alterations do not destroy significant historical, architectural, or cultural features and are compatible with the size, scale, color, material, and character of the site, neighborhood, or environment.
- i. If possible, new structures and buildings, and alterations to the existing conditions of sites and landscapes, should be undertaken in such a manner that, if such new structures or alterations were to be removed in the future, the essential form and integrity of the original structure, building, site, or landscape would be unimpaired.
- j. Alterations that do not affect any essential architectural or historic features of a structure, building, site, or landscape as viewed from the public way ordinarily should be permitted.
- k. Any permitted alteration or demolition should promote the purposes of this Chapter and the general welfare of the Village and its residents.
- l. Demolition should not be undertaken if a structure, building, site, or landscape 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 of such site.

2. Design Guidelines.

- a. The height of a landmark or contributing structure after alteration should be compatible with the height of the original landmark or contributing structure.

- b. The relationship between a landmark [or contributing structure](#) and adjacent open spaces after its alteration should be compatible with such relationship prior to such alteration.
- c. The relationship among the height, width, and scale of a landmark [or contributing structure](#) after alteration should be compatible with such relationship prior to such alteration.
- d. The directional expression of a landmark [or contributing structure](#) after alteration, whether its vertical or horizontal positioning, should be compatible with the directional expression of the original landmark.
- e. The roof shape of a landmark [or contributing structure](#) after alteration should be compatible with the roof shape of the original landmark [or contributing structure](#).
- f. The architectural details, general design, materials, textures, and colors of a landmark [or contributing structure](#) after alteration should be compatible with the architectural details, general design, materials, textures, and colors of the original landmark [or contributing structure](#).
- g. The appurtenances, including without limitation signs, fences, landscaping, accessory structures, and pavings, of a landmark [or contributing structure](#) after alteration should be compatible with the appurtenances of the original landmark [or contributing structure](#).
- h. In addition to the foregoing guidelines, the Commission may consider the Secretary of the Interior's Standards for Rehabilitation Guidelines for Rehabilitating Historic Buildings (revised 1983), and any amendments thereto, in conducting an advisory review.

2-6-7: CERTIFICATION APPLICATION

- A. Eligibility.** Every landmark shall be eligible for certification.
- B. Certification Procedures.** The legal and, if applicable, beneficial owner or owners of a landmark may submit to the Board of Trustees a declaration setting forth, at a minimum, an intent to further promote and preserve the historic and architectural appearance and character of property affected by designation and an agreement to be subject to and bound by the provisions of Section 2-6-8 of this Chapter regarding Certificates of Appropriateness, including any amendments thereto. Any declaration in a form and of substance acceptable to the Board of Trustees shall be recorded in the office of the Lake County Recorder of Deeds. Upon recordation of the declaration and delivery of a copy of such recorded declaration to the Commission, such landmark shall become certified.

- C. Withdrawal of Certification.** After a landmark has become certified, the certification shall not be withdrawn except by an express determination set forth in an ordinance or resolution of the Board of Trustees. In addition, upon the withdrawal of landmark designation pursuant to Section 2-6-5, certification of such landmark shall also be withdrawn.

2-6-8: CERTIFICATE OF APPROPRIATENESS

A. Certificate of Appropriateness Required.

1. Certificate. No alteration shall be allowed to, and no permits shall be issued for, the alteration, demolition, signage, construction, relocation, or any other physical modifications of the exterior architectural appearance of a certified landmark without the prior issuance of a Certificate of Appropriateness in accordance with the procedures and criteria specified in this Section.
2. Exemption. Certificates of Appropriateness shall not be required in connection with permits necessary for compliance with a lawful order of the Village, including, without limitation, any permit necessary to correct what is determined by the Building Commissioner to be an immediate health or safety problem; provided that such order expressly exempts the alteration, demolition, signage, or other physical modifications from Certificate of Appropriateness procedures; and provided further that such order may be subject to appropriate conditions to advance the purpose and goals of this Chapter.

- B. Criteria for Certificate of Appropriateness.** All applications for a Certificate of Appropriateness shall conform to the applicable standards as described in Section 2-6-6C of this Chapter.

C. Application For Certificate Of Appropriateness.

1. Formal Application Requirements. Any person proposing an alteration to, or seeking a building, demolition, sign, or other permit for, any certified landmark shall submit a formal application for a Certificate of Appropriateness as a precondition to commencing such alteration or obtaining such permit. The formal application for a Certificate of Appropriateness shall contain the following information and specifications:
 - a. Applicant's name;
 - b. Owner's name, if different from applicant;
 - c. Street address and legal description of the structure, building, site, or landscape;
 - d. An overall plan of the proposal, including front, side, and rear elevation drawings in the case of alteration or partial demolition;

- e. Brief description of the structures, buildings, sites, and landscapes and the structures, buildings, sites, and landscapes adjacent to and across from the subject property;
 - f. Detailed description of the proposed alteration or demolition, together with any architectural drawings, sketches, and photographs indicating how and to what extent such alteration or demolition shall affect a certified landmark;
 - g. Names and addresses of the owners of property adjacent to and across from the subject property;
 - h. A list and photographs of significant architectural features in relation to the structures, buildings, sites, or landscapes on the property previously designated by the Commission as being worthy of protection and preservation;
 - i. Identification of any architect or developer involved in the alteration or demolition; and
 - j. Such other relevant information as requested by the Village Administrator or the Commission.
2. Preliminary Application Requirements. Preliminary applications for a Certificate of Appropriateness shall be filed with the Village Administrator, on forms provided by the Village Administrator, and shall include such information as is necessary to broadly acquaint the Commission with the applicant's proposal. No applicant shall be required to file a preliminary application prior to filing a formal application.

D. Public Hearing; Review.

1. Public Hearing on Formal Application. Following the proper filing of a complete formal application for a Certificate of Appropriateness, a public hearing on the application shall be set, noticed, and conducted in accordance with the provisions contained in this Subsection. Such hearing shall be commenced not less than 90 days following the filing of a complete application and may be continued upon request or consent of the applicant.
- a. Notice of Public Hearings.
 - (1) Village Administrator to Give Notice. The Village Administrator shall cause notice to be given of public hearings set pursuant to this Section in the form and manner and to the persons herein specified.
 - (2) Content of Notice. All notices shall include the date, time, and place of the hearing or meeting, a description of the matter to be heard or considered,

a legal description of the subject property, and the address or particular location of the subject property.

- (3) Persons Entitled to Notice. Notice of hearings and meetings on an application for a Certificate of Appropriateness shall be given by first class mail to the applicant, the owner or owners of record, and, if known, to other persons having a legal or equitable interest in the subject property and the owners of record of all property within 250 feet in each direction of the location of the subject property; provided, however, that the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. Notice shall also be given by publication in a newspaper of general circulation in the Village not more than 30 days nor less than 15 days immediately prior to the hearing.

b. Procedures for Conduct of Hearings.

- (1) Testimony. Any person may appear and testify at a public hearing conducted pursuant to this Section, either in person or by a duly authorized agent or attorney; provided, however, that the Commission may exclude irrelevant, immaterial, or unduly repetitious testimony.
- (2) Written Statements. Any person may at any time prior to the commencement of a hearing hereunder, or during such hearing, or within such time as may be allowed by the Commission following such hearing, submit written statements in support of or in opposition to any matter before the Commission.
- (3) Adjournment of Hearing. The Commission may at any time, on its own motion or at the request of any person, adjourn a hearing for a reasonable time and to a fixed date, time, and place, for the purpose of giving further notice, taking further evidence, gathering further information, deliberating further, or for such other reason as the hearing body may find to be sufficient. The Commission Secretary shall notify in writing all Commissioners, all parties to the hearing, and any other person designated on the vote of adjournment of the date, time, and place of the adjourned hearing.

2. Review of Preliminary Applications.

- a. Following the proper filing of a complete preliminary application, the Village Administrator shall cause such

application to be on the agenda of the next regular Commission meeting after the date of its filing. The Commission shall, not later than the first regular Commission meeting after the preliminary application has been referred to it, commence and conclude its review of the preliminary application.

- b. The purpose of such review shall be to broadly present the Commission with the applicant's proposal and to provide the applicant with any preliminary views or concerns that members of the Commission may have at the time in the process when positions are still flexible and adjustment is still possible and prior to the time when the applicant is required to expend the funds necessary to prepare the complete documentation required for a formal application.
- c. At the meeting at which the preliminary application is considered, any member of the Commission may make any comments, suggestions, or recommendations regarding the preliminary application deemed necessary or appropriate by that member; provided, however, that no recommendation shall be made, and no final or binding action shall be taken, with respect to any preliminary application by the Commission. Any views expressed in the course of the Commission's review of any preliminary application shall be deemed to be only preliminary and advisory and only the individual views of the member expressing them. Nothing said or done in the course of such review shall be deemed to create, or to prejudice, any rights of the applicant or to obligate the Commission, or any member of it, to approve or deny any formal application following full consideration thereof as required by this Chapter. Applications by the Village shall not be subject to the provisions of this Subsection.

E. Decision of the Commission.

1. Approval. If the application is approved without conditions, the Commission shall issue the Certificate of Appropriateness permitting the Building Commissioner to proceed with other required reviews and approvals. The Commission shall notify the applicant of its decision within 30 days after the close of the public hearing.
2. Approval with Conditions. If the application is approved with conditions, the Commission shall notify the applicant in writing within 30 days after the close of the public hearing and shall specify the conditions to be imposed and the reasons therefor in light of the criteria applicable to this Chapter. If the applicant notifies the Commission in writing that the conditions are acceptable, or if the applicant does not appeal the approval with conditions within the prescribed period of time, the Commission

shall issue the Certificate of Appropriateness, subject to the conditions.

3. Denial. If the application is denied, the Commission shall notify the applicant in writing within 30 days after the close of the public hearing and shall specify the particular aspects in which the application is inconsistent with the criteria applicable to this Chapter. If the Commission issues a denial of the Certificate of Appropriateness, no alteration shall be permitted to proceed, and no permits shall be issued for, the proposed alteration, demolition, signage, or any other exterior physical modifications of, the certified landmark.
4. Validity. A Certificate of Appropriateness shall be invalid if the plans approved by the Commission are changed, if any conditions of the Certificate are not satisfied, or if any building permit issued for the approved work becomes invalid. A Certificate of Appropriateness shall remain valid for a period of one year.
5. Appeal. When a Certificate of Appropriateness for a certified landmark is denied or approved with conditions, the applicant may appeal the Commission's decision to the Village Board by filing an appeal in writing to the Village Administrator within 15 days after the applicant is served with notice by personal delivery or certified or registered mail of the Commission's decision. For the purposes of this Section, the date of mailing or delivery shall be the date of service. The Village 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 hearing. After due consideration of the facts contained in the record submitted to the Board by the Commission and other authorized matter, the Village Board may (i) affirm the decision in total, (ii) approve changes, or (iii) overturn the Commission's decision.

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

1. State Assistance. Applicants claiming economic hardship shall be required to apply to the State Historic Preservation Agency to determine eligibility for rehabilitation assistance. The eligibility for and availability of financial aid shall be considered by the Commission in making its decision.
2. Application Requirements. An applicant for a Certificate of Economic Hardship may submit any or all of the following information in order to assist the Commission in making its determination on the application:
 - a. The amount paid for the property, the date of purchase, and the party from whom purchased

(including a description of the relationship, if any, between the owner and the person from whom the property was purchased).

- b. The assessed value of the land and improvements thereon according to the two most recent assessments.
 - c. Real estate taxes for the previous two years.
 - d. Remaining balance mortgage, if any, and annual debt service, if any, for the previous two years.
 - e. All appraisals obtained within the previous two years by the owner or applicant or their lenders in connection with this purchase, financing, or ownership of the property.
 - f. Any listing of the property for sale or rent, price asked, and offers received, if any.
 - g. Any consideration by the owner as to profitable adaptive uses for the property.
 - h. If the property is income-producing, the annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the previous two years, and annual cash flow before and after debt service, if any, during the same period.
 - i. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.
 - j. Any other information 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.
3. Study Period. If the Commission finds that without approval of the proposed work the property cannot be put to a reasonable beneficial use, or the property cannot obtain a reasonable economic return therefrom, then the application shall be delayed for a period not to exceed 45 days. During this period of delay, the Commission shall investigate plans and make recommendations to the Village Board to allow for a reasonably beneficial use or a reasonable economic return, or to otherwise preserve the subject property. Such plans and recommendations may include, without limitation, the following: a relaxation of the provisions of this Chapter, a reduction in real property taxes,

financial assistance, building code modifications, and/or changes in zoning regulations.

4. Decision. If, by the end of this 45 day period, the Commission has found that without approval of the proposed work, the property cannot be put to a reasonable beneficial use, or the owner cannot obtain a reasonable economic return therefrom, then the Commission shall issue a Certificate of Economic Hardship approving the proposed work. If the Commission finds otherwise, it shall deny the application for a Certificate of Economic Hardship and the Commission shall so notify the applicant in writing.
5. Appeal. When a Certificate of Economic Hardship is denied, the applicant may appeal the Commission's decision in the same manner provided for Certificates of Appropriateness, as described in Paragraph 2-6-8E5 of this Chapter.

- G. Natural Destruction or Demolition.** In the case of partial or complete natural destruction or demolition of a certified landmark, the owner of record shall be required to obtain a Certificate of Appropriateness from the Commission prior to reconstruction. Although exact duplication of the previous structure may not be required, the exterior design of the property shall be in harmony with the exterior design of the certified landmark prior to the damage.

2-6-9: PENALTIES

Any person who violates any provision of this Chapter 6 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$750. Every day such violation shall continue to exist shall constitute a separate violation. In addition to such penalties, the Village may institute any appropriate action or proceeding to enjoin, correct, or abate any violation of this Chapter.

Section 3. Effective Date.

This Ordinance shall be effective upon passage by the Board of Trustees of the Village of Lake Bluff in the manner required by law and publication in pamphlet form in the manner required by law.

PASSED this ___ day of _____, 2007, by vote of the Board of Trustees of the Village of Lake Bluff, as follows:

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED this ___ day of _____, 2007.

Village President

ATTEST:

Village Clerk

FIRST READING: _____

SECOND READING: _____

PASSED: _____

APPROVED: _____

PUBLISHED IN PAMPHLET FORM: _____

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