

## CHAPTER 155: HISTORIC PRESERVATION

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### § 155.01 PURPOSE.

The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the city by:

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

(Prior Code, § 51-1) (Ord. 2012-03, passed 2-6-2012)

### § 155.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. In the event of a conflict between the following definitions and the definitions included in any other ordinance of the city, the following definitions shall control.

**ALTERATION.** Any act or process requiring a building permit or demolition permit, or any act or process included in §

155.07(A), that changes one or more of the historic, cultural, architectural or archaeological features of an area or site, or the exterior architectural appearance of a property, structure or object, including, but not limited to, the erection, construction, reconstruction or relocation of any property, structure or object, or any part of a property, structure or object, or land altering activities.

**APPLICANT.** A person who submits an application for issuance of a certificate of appropriateness or certificate of economic hardship.

**APPLICATION.** A form submitted for approval of alteration, interior alteration, construction, demolition or relocation that requires issuance of a certificate of appropriateness or certificate of economic hardship.

**AREA.** A specific geographic division of the city.

**BUILDING REVIEW BOARD.** The Building Review Board of the city.

**BUSINESS DAY.** A day on which the Community Development Department is open for business. Sections of this chapter that refer to time periods in which **BUSINESS DAYS** are not specified shall be understood to refer to calendar days.

**CERTIFICATE OF APPROPRIATENESS.** A certificate issued by the Commission indicating review and authorization of plans for alteration, interior alteration, construction, demolition or relocation of a landmark or property, structure, site or object within a district.

**CERTIFICATE OF ECONOMIC HARDSHIP.** A certificate issued by the Commission after a determination by the Commission that the previous denial of a certificate of appropriateness has resulted in a denial of all reasonable use of and return from the property.

**COMMISSION.** The City Historic Preservation Commission.

**COMMISSIONERS.** Persons appointed by the Mayor, with the advice and consent of the Council, to the City Historic Preservation Commission.

**COMMUNITY DEVELOPMENT DEPARTMENT.** The City Community Development Department.

**CONSTRUCTION.** The act of adding to a structure, or the erection of a new principal or accessory structure on a property or site, in a manner that requires a building permit.

**CONTRIBUTING SIGNIFICANCE.** A classification applied to an area, property, structure, site or object within a district signifying that it contributes generally to the qualities that give the district historic, cultural, architectural or archaeological significance as embodied in the criteria for designating a district. An area, property, structure, site or object can be contributing even if it has been altered, as long as it maintains the character defined for the district.

**COUNCIL.** The City Council.

**DEMOLITION.** Any act or process that destroys all or any part of an exterior wall, foundation, interior, roof structure or exterior column or load-bearing wall of a landmark, an interior landmark or a property, structure, site or object within a district.

**DESIGN GUIDELINE.** Any design standard specified by the Commission for alteration, interior alteration, construction or relocation that is unique to a particular landmark or district to be used in conjunction with other design standards in this chapter, and the Secretary of Interior's *Standards for Rehabilitation of Historic Properties*, as amended.

**DISTRICT.** An identifiable area with definable boundaries designated as an **HISTORIC DISTRICT** by the Council and in which a significant number of the properties, structures, sites or objects have a high degree of historic, cultural, architectural or archaeological significance and integrity. Many of the properties, structures, sites or objects included in the **DISTRICT** may qualify as landmarks and may or may not be contiguous. For purposes of this chapter and unless otherwise expressly provided by Council in the ordinance for designation, all designations shall presumptively include the lot(s) of record associated with structures and objects located in the district.

**EXTERIOR ARCHITECTURAL APPEARANCE.** The architectural character and general composition of the exterior of a property, structure or object, visible from a public street or public way, including, but not limited to, the kind and texture of the building material and the type, design and character of all architectural details and elements, including, but not limited to, windows, doors, light fixtures, trim and signs.

**INTERIOR ALTERATION.** Any act or process requiring a building permit or a demolition permit, or an act or process included in § 155.07(A) that changes one or more of the historic, cultural, architectural, or archaeological features of an interior landmark.

**INTERIOR LANDMARK.** The interior portion of a structure designated as an **INTERIOR LANDMARK** by the Council because of its historic, cultural, architectural or archaeological significance to the city. For purposes of this chapter, any **INTERIOR LANDMARK** designation shall be limited exclusively to those areas and features within a structure expressly described or depicted in the Council's ordinance for designation, and may include without limitation the configuration of interior space, the kind, color and texture of the building materials and finishes, the type and style of windows, doors, lights, signs, affixed elements such as columns, cornices, baseboards, fireplaces and mantels, flooring, paneling, light fixtures, hardware and other fixtures appurtenant to such interior.

**LAND ALTERING ACTIVITY.** Any act or process requiring a permit that changes one or more of the historic, cultural,

architectural, natural or archaeological features of an area, property or site, including but not limited to, berming, scraping, leveling, grading, pile driving, excavating and compacting.

**LANDMARK.** A site, property, structure or object designated as a **LANDMARK** by the Council that has a high degree of historic, cultural, architectural or archaeological significance to the city. Designation by Council as a **LANDMARK** does not require that the site, property, structure or object be of higher historic, cultural, architectural or archaeological significance than a site property, structure or object contributing significance in a District. For purposes of this chapter and unless otherwise expressly provided by Council in the ordinance for designation, all designations shall presumptively include the lot(s) of record associated with the structure or object designated as a **LANDMARK** and shall be limited to the exterior of the **LANDMARK**.

**LOT OF RECORD.** A zoning lot as defined in the City Zoning Code, §159.002.

**MEMBERS.** Members of the Commission, also referred to throughout this chapter as **COMMISSIONERS**.

**NOMINATOR.** A person or persons who submit a form for the designation of a landmark, interior landmark or district.

**NON-CONTRIBUTING.** A designation applied to a property, structure, site or object within a district indicating that it is not a representation of the qualities that give the district historic, cultural, architectural or archaeological significance as embodied in the criteria for designating a district.

**OBJECT.** Anything constructed, fabricated or created, the use of which does not require permanent or semi-permanent location on or in the ground, and can be moved from one location to another, including, without limitation, ships, boats, railroad cars, automobiles, wagons, tractors, statues and works of art.

**OWNER OF RECORD.** Any person having a legal or equitable interest in a property. The **OWNER OF RECORD** may be established by reference to the most current property tax assessment rolls as maintained by the Assessor of the county.

**PERSON.** An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest or any other legal entity.

**PLAN COMMISSION.** The City Plan Commission.

**PROJECT.** Any alteration, construction, demolition or relocation of an area, property, structure, site or object.

**PROPERTY.** Land and structures or land and objects identified as a separate lot for purposes of the subdivision and zoning regulations of the city.

**RELOCATION.** Any repositioning of a structure or object on its site or to another site.

**REPAIR.** Any change to an area, property, structure, site or object that is not alteration, construction, relocation or demolition.

**RULES.** The rules and procedures of the City Historic Preservation Commission, as they may exist from time to time.

**SITE.** The location of an event, activity, structure or object.

**STRUCTURE.** Anything constructed or erected, the use of which requires, directly or indirectly, a permanent location on or in the ground, including without limitation buildings, garages, fences, gazebos, signs, billboards, antennas, satellite sending or receiving dishes, swimming pools, walks, walls, steps, sidewalks and works of art.

**ZONING BOARD OF APPEALS.** The City Zoning Board of Appeals.

(Prior Code, § 51-2) (Ord. 2012-03, passed 2-6-2012)

### **§ 155.03 HISTORIC PRESERVATION COMMISSION.**

(A) *Creation, composition, term.* There is hereby created a City Historic Preservation Commission herein referenced as the Commission.

(1) The Mayor, with the advice and consent of the City Council, shall appoint seven Commissioners with one of the members appointed as Chairperson. Each shall have demonstrated interest, knowledge, ability, experience or expertise in architectural restoration, rehabilitation or neighborhood conservation or revitalization. Each member may serve a maximum of three consecutive, two-year terms on a staggered basis so that the terms of not more than four Commissioners shall expire in any calendar year. Every Commissioner shall continue in office after expiration of the term until a successor shall have been duly appointed.

(2) Notwithstanding the requirements of division (A)(1) above, upon adoption of this chapter, the Mayor, with the advice and consent of Council, shall appoint seven Commissioners. The terms of these Commissioners shall commence upon appointment.

(3) A Chair of the Commission shall be appointed by the Mayor, with the advice and consent of the Council, prior to May 1 of each year. The Chair shall serve a term of one year and shall be eligible for reappointment. In the absence of the Chair, a designated Commission member shall act as Chair and shall have all the powers of the Chair. The acting Chair shall have such other powers and duties as may from time to time be provided by the rules of the Commission.

(4) One of the Commissioners may also serve concurrently as a member of the Plan Commission.

(5) Permanent vacancies on the Commission shall be filled by the Mayor with the advice and consent of Council for the unexpired term of the former Commissioner.

(6) Any Commissioner may be removed from office at any time by the Mayor for failure to regularly attend meetings or inattention to duties or responsibilities.

(7) Commissioners shall be subject to the provisions of all rules, regulations, ordinances and statutes governing conduct of members of the boards and commissions of the city, including, but not limited to, Chapter 40, Ethics, of the city code, state statutes regarding gifts to public officials, filing of statements of economic interest and the like.

(8) Commissioners shall serve without compensation.

(B) *Powers and duties.* The Commission shall have the following powers and duties:

(1) To investigate and make recommendations to the Council or its duly authorized committee concerning amendments and additions to city ordinances or codes;

(2) To provide a forum for public discussion of historic preservation issues;

(3) To prepare and distribute application forms for the review of proposed demolitions, replacement structures, new structures on vacant lots, additions and alterations within the historic districts; to hold meetings and public hearings to review applications for certificates of appropriateness affecting proposed or designated landmarks, interior landmarks and districts; to approve or disapprove the issuance of certificates of appropriateness;

(4) To recommend that the Council grant or deny exceptions to the maximum floor area (building scale) requirements set forth in § 150.148(C) of the city code, for a new residence or an addition to an existing residence that is a landmark or structure within a district, based on the standards set forth in this § 150.148(D) of the city code are met;

(5) To consider applications for certificates of economic hardship; to hold meetings and public hearings to review applications for certificates of economic hardship affecting proposed or designated landmarks, interior landmarks and districts; to approve or disapprove the issuance of certificates of economic hardship and to recommend to the City Council incentive plans as provided for in this chapter;

(6) To advise and make recommendations to other city boards and commissions on matters before those bodies;

(7) To call upon available city staff members as well as other experts for technical advice;

(8) To adopt its own procedural rules and regulations;

(9) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to implementation of the purposes of this chapter;

(10) To develop guidelines, if it deems appropriate, to further explain how the standards set forth in §55.08 may appropriately be incorporated into a project. Such guidelines shall be available from the Community Development Department; and

(11) To hold meetings and public hearings to review nominations for landmark, interior landmarks and district designations; to make determinations as to whether such nominations do or do not meet the criteria for designation and to forward recommendations for approval of designations to the City Council.

(C) *Meetings, hearings, procedures and decisions.*

(1) Regular meetings of the Commission shall be held monthly. Special meetings may be called, or meetings may be canceled by the Chair or any four Commissioners. All meetings, hearings and deliberations shall be subject to the provisions of the Illinois Open Meetings Act, being 5 ILCS 120. Testimony at any hearing may be required by the Commission to be given under oath.

(2) The meeting minutes and a permanent record of all resolutions, motions, transactions and determinations of the Commission shall be kept by the Director of Community Development or designee. Such records, unless exempt from disclosure by law, shall be public records open to inspection during working hours upon reasonable notice.

(3) The Commission shall adopt its own procedural rules for the conduct of its business not inconsistent with the statutes of the state, this chapter and the Council rules. Such rules shall be filed with the Commission and with the City Clerk. Any rule so adopted which relates solely to the conduct of hearings, and which is not required by the statutes of the state or by the Council or by this chapter, may be waived by the Chair upon good cause being shown.

(4) The Commission, by its rules, may create a sub-committee structure to enhance efficiency in consideration of Commission business.

(5) No motion shall be passed by the Commission that could in any manner deprive or restrict the owner of a property, structure, site or object in its use, alteration, maintenance, disposition or demolition until such owner shall first have had the opportunity to be heard at a public meeting of the Commission.

(6) Every determination made by the Commission on an application shall include written findings of fact, and shall specify the reason or reasons for such determination.

(7) Notice of any decision of the Commission shall be mailed to the applicant, ordinarily within ten business days of

such decision.

(8) A quorum shall consist of four Commissioners for any regular or special meeting. A meeting of the Commission cannot be called to order without establishment of a quorum.

(Prior Code, § 51-3) (Ord. 2012-03, passed 2-6-2012)

#### **§ 155.04 NOMINATION, CONSIDERATION AND DESIGNATION OF LOCAL LANDMARKS AND DISTRICTS.**

##### *(A) Initiation of nomination.*

(1) *For landmarks and districts.* Nomination of an area, property, structure, site or object for consideration and designation as a landmark or district shall be submitted to the Commission on a form prepared by the Commission, and may be initiated by any of the following:

- (a) An owner of record of the area, property, structure, site or object being nominated;
- (b) A member of the Commission;
- (c) A simple majority of the Council; or
- (d) A local, state or federal preservation organization.

(2) *For interior landmarks.* Nomination of an interior space (or portion thereof) of a structure for consideration and designation as an interior landmark shall be submitted to the Commission on a form prepared by the Commission; and provided that for nomination of an interior space (or portion thereof) of any single-family residential property, such nomination is initiated by, or concurred with in writing by, the beneficial or legal owner of such interior space may be initiated by any of the following:

- (a) An owner of record of the area, property, structure, site or object being nominated;
- (b) A member of the Commission;
- (c) A simple majority of the Council; or
- (d) A local, state or federal preservation organization.

##### *(B) Notification of nomination and public hearing notice.*

(1) Owners of record shall be notified, by regular mail, of the submission of a nomination form within ten business days of receipt of a complete application.

(2) (a) The Commission shall schedule a public hearing on the nomination within 60 days following receipt of the completed nomination form.

(b) Notice of the time, place and purpose of such a hearing shall be given by the Commission not more 30 days nor less than 15 days prior thereto by the following methods:

1. By mailing of notification to each owner of record of a nominated landmark or interior landmark or owner of record of each property, structure, site or object in a nominated district; and
2. By publishing a notice in a newspaper of general circulation in the city.

##### *(C) Hearing.*

(1) The hearing shall be conducted in accordance with the rules of the Commission.

(2) The Commission shall consider all testimony or evidence relating to the designation criteria in §155.05, from any person who makes written submissions or appears at the public hearing.

(3) The owner of any nominated landmark, interior landmark or of property, a structure, site or object within a nominated district, shall be allowed a reasonable opportunity to present testimony or evidence concerning the applicability of the designation criteria in § 155.05.

##### *(D) Recommendation by Commission.*

(1) (a) Within 60 days of the close of the public hearing, the Commission shall make a determination upon the evidence as to whether the nominated landmark, interior landmark or district does or does not meet the criteria for designation in § 155.05.

(b) If the Commission determines that the nominated landmark, interior landmark or district does meet the criteria for designation, the Commission shall forward a recommendation of approval to the Council.

(c) The recommendation shall be accompanied by a report detailing the findings of the Commission in support of the nomination and shall be transmitted to the Council within 60 days.

(2) If the Commission fails to make its recommendation within 60 days of the public hearing, or if the Commission finds that the nominated landmark, interior landmark or district does not meet the criteria for designation, the nomination process shall end.

(3) If the Commission fails to make its recommendation within 60 days of the public hearing, or if the Commission votes not to recommend a proposed designation to the Council, the Commission may not reconsider the proposed designation, except as provided in division (F) below, for a period of two years from the date of Commission action or the close of the public hearing, whichever is applicable.

(E) *Designation by Council.*

(1) The Council shall not act upon a proposed landmark, interior landmark or district until it has received a written report and recommendation of approval from the Commission.

(2) In reaching its decision, the Council shall review the evidence and testimony presented to the Commission.

(3) The designation of a nominated landmark, interior landmark or district shall be by amendment to this chapter and shall require the concurrence of a majority of the members of the Council.

(4) Notice of the Council's approval of the designation shall be provided by regular mail to the nominator and all property owners of record of the landmark, interior landmark or properties within the District.

(5) If the Council does not approve the recommended designation, the Commission may not reconsider the proposed designation, except as provided in division (F) below, for a period of two years from the date of the Council's consideration.

(F) *Reconsideration of previously nominated landmarks, interior landmark and districts.* The Commission may reconsider previously nominated landmarks, interior landmark and districts within a period of two years of previous action that occurred in accordance with divisions (D) and (E) above only under the following conditions:

(1) Significant new information concerning the previously nominated landmark, interior landmark or district relating to the criteria for designation in § 155.05 is provided; and

(2) The Commission votes by an affirmative vote of at least four Commissioners to reconsider the previously nominated landmark, interior landmark or district.

(Prior Code, § 51-4) (Ord. 2012-03, passed 2-6-2012)

### **§ 155.05 CRITERIA FOR DESIGNATION OF LOCAL LANDMARKS OR DISTRICTS.**

Every nominated landmark or district must meet one or more of the following criteria for designation.

(A) *Criteria for landmark designation.* The Commission shall limit its consideration to the following criteria in making a determination on a nomination of an area, property, structure, site or object for designation by ordinance as a landmark:

(1) Its exemplification of an architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship;

(2) Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the city, the state, the Midwest region or the United States;

(3) Its exemplification of important planning and urban design techniques distinguished by innovation, rarity, uniqueness or overall quality of design or detail;

(4) Its representation of an historic, cultural, architectural, archaeological or related theme expressed through distinctive areas, properties, structures, sites or objects that may or may not be contiguous;

(5) Its unique location or distinctive physical appearance or presence representing an established and familiar visual feature of a neighborhood, community of the city;

(6) Its exemplification of a pattern of neighborhood development or settlement significant to the cultural history or traditions of the city, whose components may lack individual distinction;

(7) Its identification with a person or persons who significantly contributed to the historic, cultural, architectural, archaeological or related aspect of the development of the city, state, Midwest region or the United States;

(8) Its association with important cultural or social aspects or events in the history of the city, the state, the Midwest region or the United States;

(9) Its location as a site of important archaeological or natural significance; and

(10) Its location as a site of a significant historic or prehistoric event or activity which may or may not have taken place within or involved the use of any existing improvements on the property.

(B) *Criteria for historic district designation.*

(1) *Unified historic districts.* All historic districts that contain contiguous properties, structures, areas or objects of significance must satisfy the following criteria:

(a) At least 50% of the properties, structures, areas or objects of significance in the historic district must satisfy at least one of the criteria for landmark designation set forth in division (A) above;

(b) The Historic District must be geographically definable and reasonably compact in geographic size; and

(c) The Historic District must satisfy at least one of the following five criteria:

1. The properties, structures, areas or objects of significance in the Historic District, taken together, shall convey or represent one or more architectural, cultural, economic, historic, social or other aspects particular to the heritage of the city, county, state or county;

2. The properties, structures, areas or objects of significance in the Historic District shall exhibit consistency or similarity of use, design, size, scale, style, orientation, materials, detailing, facade design, ornamentation, color, lighting, technology and/or storefronts;

3. The properties, structures, areas or objects of significance in the Historic District must have been built, used or have been significant during the same specified time period;

4. The properties, structures, areas or objects of significance in the Historic District must create, define or enhance the character of the area for which historic district designation is appropriate; and/or

5. The properties, structures, areas or objects of significance in the historic district must be largely intact, particularly with respect to those qualities for which designation as a Historic District is sought, unless such alterations or modifications to those properties, structures, areas, objects and landscapes of significance in the area comply with the United States Secretary of the Interior's *Standards for Rehabilitation*.

(2) *Non-contiguous historic districts.* All historic districts that contain non-contiguous properties, structures, areas or objects of significance must satisfy the following criteria:

(a) The elements of the historic district must be thematically related; and

(b) One hundred percent of the properties, structures, areas or objects of significance in the historic district satisfy at least one of the criteria for landmark designation set forth in division (A) above.

(C) *Integrity of landmarks and districts.* Any area, property, structure, site or object that meets any one or more of the criteria in division (A) above shall also have sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration.

(Prior Code, § 51-5) (Ord. 2012-03, passed 2-6-2012)

#### **§ 155.06 CRITERIA FOR DESIGNATION OF INTERIOR LANDMARK.**

(A) Every nominated interior landmark must meet one or more of the following criteria for designation:

(1) It exemplifies an architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship;

(2) It is identified as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the city, the state, the Midwest region or the United States;

(3) It exemplifies important design techniques distinguished by innovation, rarity, uniqueness or overall quality of design or detail;

(4) It represents an historic, cultural, architectural, archaeological or related theme;

(5) It is identified with a person or persons who significantly contributed to the historic, cultural, architectural, archaeological or related aspect of the development of the city, state, Midwest region of the United States; and/or

(6) It is associated with important cultural or social aspects or events in the history of the city, the state, the Midwest region of the United States.

(B) Any nominated interior landmark that meets any one or more of the criteria in division (A) above shall also have sufficient integrity and distinctiveness of location, design, materials and remarkable workmanship to make it worthy of preservation or restoration.

(Prior Code, § 51-5A) (Ord. 2012-03, passed 2-6-2012)

#### **§ 155.07 CERTIFICATE OF APPROPRIATENESS.**

(A) *When required.*

(1) *Landmarks; districts.* A certificate of appropriateness shall be required before the following actions may be undertaken affecting any landmark or structure within a district:

(a) Any construction of a new residential or commercial building on a vacant lot;

(b) Any demolition in whole or in part, requiring a permit from the city, which affects the exterior architectural appearance of a structure;

(c) Any replacement structure constructed in conjunction with approval of a demolition;

(d) Any addition to a structure, as defined in the Commission's rules and regulations, which is visible, at any time of the year, in whole or in part, from any public right-of-way, publicly owned land or adjacent private property that is not held in

common ownership with the subject property;

(e) Any alteration, as defined in the Commission's rules and regulations, which affects the exterior architectural appearance of a structure;

(f) Any alterations affecting the interior space of a building that has been designated an interior landmark; and

(g) Any request for a variance from the building scale ordinance of the city.

(2) *Interior landmark.* A certificate of appropriateness also shall be required before any required permit for construction, alteration, addition, replacement or demolition may be issued by the city that involves or affects any portion of a structure that has been designated an interior landmark.

(B) *Applications for certificate of appropriateness.*

(1) It shall be unlawful to undertake any of the work specified in division (A) above without first obtaining a certificate of appropriateness from the Commission. Applications for a certificate of appropriateness shall be made on a form prepared by the Commission, and shall be submitted to the Community Development Department.

(2) Application forms shall be available from the Community Development Department. Applicants may be required to submit plans, drawings, elevations, specifications and other information as may be necessary for the Commission to adequately review the application. Fees may be required with any application filed as approved and periodically updated by the Council.

(3) The Community Development Department shall not act upon any permit for work specified in division (A) above until the Commission has reviewed the work application and issued a certificate of appropriateness.

(C) *Review by Commission.*

(1) *Application for Commission consideration and action.*

(a) A complete application shall include without limitation the following plans and information and shall be submitted in accordance with the schedule adopted on an annual basis by the Commission.

1. Completed building scale calculation form;
2. Impervious surface calculation;
3. Application form;
4. Description of exterior/interior materials form;
5. Statement of intent;
6. Legal plat of survey;
7. Site plan of proposed improvements;
8. Grading plan (if any grade change is proposed);
9. Site grading cross section (if any grade change is proposed);
10. Tree survey;
11. Dimensioned drawings of all new structures or additions showing exterior materials;
12. All elevations, including interior if appropriate; at least one elevation shall be in color;
13. Floor plans;
14. Roof plan;
15. Cross sections;
16. Streetscape elevation (required for all new houses and major additions visible from the street);
18. Landscape plan;
19. Photographs of the site, existing buildings and interior if appropriate;
20. All applicable fees; and
21. Other materials as required by the Director of Community Development, including, without limitation, a roof line mock-up.

(b) In addition to the above materials, the following shall be submitted for all applications for demolition:

1. A written statement addressing the demolition criteria;
2. Historic preservation consultants report and assessment;

3. Structural evaluation from an independent structural engineer;
4. Massing model;
5. Site plan overlay of existing and proposed structures and hardscape; and
6. Elevation overlays of existing and proposed elevations.

(c) 1. One or more of the required materials may be waived if the Director of Community Development determines that the information is not relevant to the project or to the issues that will be considered by the Commission.

2. Detailed information on the required materials shall be provided in the application packet available from time to time through the Community Development Department.

(d) Site staked: no less than 14 days prior to the Commission meeting at which the application is scheduled to be considered, the footprint of all new buildings and all additions shall be staked and outlined on site.

(2) *Public hearing.*

(a) After receipt of a complete Commission application, as determined by the city, a public hearing shall be set within 60 days thereafter, or at the first regularly scheduled Historic Preservation Commission meeting that has not been fully subscribed.

(b) The time to consider the application may be extended with the consent of the applicant.

1. *Notice of hearing.*

a. Not less than ten days before the date of the public hearing, the Community Development Department shall post notice of the time and place of the hearing and mail notice of the hearing to the owners of each property within 1,320 feet of the subject property or within three properties deep, whichever is less.

b. For purposes of this section, an **OWNER** of a property shall be either:

- i. An occupant;
- ii. A legal or beneficial owner; or
- iii. The person to whom the most recent real estate tax bill has been sent.

c. Failure of any owner of a property to receive notice shall not affect the validity of any action taken with respect to a petition.

2. *Action by Commission.*

a. At the conclusion of the public hearing, the Commission shall vote in public whether to approve, disapprove or grant conditional approval of the application based upon consideration of the standards set forth in § 155.08.

b. The Commission may continue consideration of an application if the Commission determines that additional information is required.

i. *Approval by Commission.* If the Commissioners vote to approve the application, the certificate of appropriateness shall be issued to the applicant and filed with the City Clerk within ten business days following the decision of the Commission. Upon receipt of the certificate of appropriateness the applicant may submit an application to the Community Development Department to obtain necessary permits, if any, which permits may not be issued until the time for appeal as set forth in divisions (D) and (E) below has expired. The certificate of appropriateness shall be valid for a period of one year from the date of issuance by the Commission. Certificates of appropriateness shall not be transferable from the applicant to another subsequent owner of the same property without the consent of the Commission.

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

iii. *Timing.* Delays in the issuance of a certificate of appropriateness or of a notification of denial shall not affect the decision of the Commission with respect to any application for a certificate of appropriateness.

(D) *Appeal of approvals.* Any aggrieved person may appeal to the Council any decision of the Commission granting a certificate of appropriateness. The appeal must be filed within 14 calendar days after the date that the Commission's decision is filed with the City Clerk in the office of the City Manager.

(E) *Appeal of denials.* Following a final decision of the Commission denying a certificate of appropriateness (or approving such certificate upon conditions unacceptable to the applicant), an applicant may, within 14-calendar days of the denial, file an appeal of such denial with the City Clerk on a form prepared by the Commission and available at the Community Development Department. A copy of anything filed with the City Clerk under this section shall also be filed with the Community Development Department.

(F) *Effect of issuance.* Any grant of a certificate of appropriateness shall require the owner or applicant to make any

change to the property in accordance with the terms of the certificate of appropriateness, only as directed by the terms of the certificate of appropriateness, and to refrain from taking any action inconsistent with the certificate of appropriateness.

(Prior Code, § 51-6) (Ord. 2012-03, passed 2-6-2012)

#### **§ 155.08 STANDARDS FOR REVIEW OF APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS.**

(A) *Standards for review of replacement structures, new construction, additions and alterations.* In considering an application for a certificate of appropriateness for replacement structures, new construction, additions and alterations, the Commission shall consider only the following general standards, specific design guidelines, if any, accompanying the ordinance designating the landmark, interior landmark or district, and the standards included in this section, as relevant and applicable.

(1) *Height.* Height shall be visually compatible with properties, structures, sites, public ways, objects, and places to which it is visibly related.

(2) *Proportion of front facade.* The relationship of the width to the height of the front elevation shall be visually compatible with properties, structures, sites, public ways, objects and places to which it is visually related.

(3) *Proportion of openings.* The relationship of the width to height of windows and doors shall be visually compatible with properties, structures, sites, public ways, objects and places to which the building is visually related.

(4) *Rhythm of solids to voids in front facades.* The relationship of solids to voids in the front facade of a structure shall be visually compatible with properties, structures, sites, public ways, objects and places to which it is visually related.

(5) *Rhythm of spacing and structures on streets.* The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the properties, structures, sites, public ways, objects and places to which it is visually related.

(6) *Rhythm of entrance porches, storefront recesses and other projections.* The relationship of entrances and other projections to sidewalks shall be visually compatible with the properties, structures, sites, public ways, objects and places to which it is visually related.

(7) *Relationship of materials and texture.* The relationship of the materials and texture of the facade shall be visually compatible with the predominant materials used in the structures to which it is visually related.

(8) *Roof shapes.* The roof shape of a structure shall be visually compatible with the structures to which it is visually related.

(9) *Walls of continuity.* Facades and property and site structures, such as masonry walls, fences and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street, to ensure visual compatibility with the properties, structures, sites, public ways, objects and places to which such elements are visually related.

(10) *Scale of a structure.* The size and mass of structures in relation to open spaces, windows, door openings, porches, adjacent structures and balconies shall be visually compatible with the properties, structures, sites, public ways, objects and places to which they are visually related.

(11) *Directional expression of front elevation.* A structure shall be visually compatible with the properties, structures, sites, public ways, objects and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.

(12) *Preserving distinguishing features.* The distinguishing original qualities or character of a property, structure, site or object and its environment shall not be destroyed or adversely affected in a material way. The alteration of any historic material or distinctive architectural features should be avoided when possible.

(13) *Protection of resources.* Every reasonable effort shall be made to protect and preserve archaeological and natural resources affected by, or adjacent to any project.

(14) *New construction.* In considering new construction, the Commission shall not impose a requirement for the use of a single architectural style or period, though it may impose a requirement for consistency with the chosen style.

(15) *Repair to deteriorated features.* Deteriorated architectural features shall be repaired rather than replaced, wherever possible, in accordance with the Secretary of the Interior's *Standards for the Treatment of Historic Properties*. In the event replacement is necessary, the new material need not be identical to but 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 on conjectural designs or the availability of different architectural elements from other buildings or structures.

(16) *Surface cleaning.* The surface cleaning of historic material and distinctive architectural features shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historically, visually, aesthetically, culturally or archaeologically significant materials shall not be undertaken.

(17) *Reversibility of additions and alterations.* Wherever possible, additions or alterations to historic properties shall be done in such manner that if such additions or alterations were to be removed in the future, the essential form and integrity of

the historic property would not be impaired.

(B) *Standards for review of demolitions.* In considering an application for a certificate of appropriateness for demolition, the Commission shall consider only the following general standards, the Secretary of Interior's *Standards for Rehabilitation of Historic Properties*, as amended, and the standards included in division (A) above:

(1) Whether the property, structure or object is of such historic, cultural, architectural or archaeological significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and the state;

(2) Whether the property, structure or object contributes to the distinctive historic, cultural, architectural or archeological character of the district as a whole and should be preserved for the benefit of the people of the city and the state;

(3) Whether demolition of the property, structure or object would be contrary to the purpose and intent of this chapter and to the objectives of the historic preservation for the applicable district;

(4) Whether the property, structure or object is of such old, unusual or uncommon design, texture, and/or material that it could not be reproduced without great difficulty and/or expense; and

(5) Except in cases where the owner has no plans for a period of up to five years to replace an existing landmark or property, structure or object in a district, no certificate of appropriateness shall be issued until plans for a replacement structure or object have been reviewed and approved by the Commission.

(C) *Building scale.* The maximum allowable square footage, in accordance with §150.148 of the city code, may be limited if the City Historic Preservation Commission finds that the proposed residence or addition(s) violate the city historic preservation chapter. In addition, for any addition, alteration or construction that satisfies the standards of this section, but does not conform with the building scale limitations in the city code, the Commission may recommend that the Council grant relief from the building scale limitations of the city code, based on the standards for variances from the building scale regulations as set forth in the city code from time to time. Should such relief be required, any certificate of appropriateness shall be subject to the granting of such relief by the Council.

(Prior Code, § 51-7) (Ord. 2012-03, passed 2-6-2012)

#### **§ 155.09 EXCEPTIONS TO ISSUANCE OF CERTIFICATE OF APPROPRIATENESS.**

(A) The limitations upon the issuance of demolition permits or building permits in any district or affecting any landmark or interior landmark, shall not apply when alteration, construction, demolition or relocation involved in the permit has been ordered by the Director of Community Development for the preservation of the public health or safety or involves a temporary use by the city.

(B) If the Director of Community Development has ordered alteration, construction, demolition or relocation of a landmark or a property, structure or object located within a district, the Commission shall be notified of the proposed alteration, construction, demolition or relocation. If the Commission disagrees with the plan, the Commission shall have the right to delay the proposal 60 days by submitting a delay request. During the delay period, the Commission may develop alternative plans for consideration. If after 60 days no such alternative plans can be developed, the proposed alteration, construction, demolition or relocation may proceed as ordered.

(Prior Code, § 51-8) (Ord. 2012-03, passed 2-6-2012)

#### **§ 155.10 CERTIFICATE OF ECONOMIC HARDSHIP.**

(A) *Application.*

(1) Any applicant, whose application for a certification of appropriateness has been denied by the Commission (and by the Council after an appeal) may, within 60 days after the Council's denial on appeal make application for a certificate of economic hardship on a form prepared by the Commission and submitted to the Commission.

(2) Application forms shall be available from the Commission.

(B) *Standard to be applied.* The Commission shall only approve an application for a certificate of economic hardship upon a determination that the denial of the certificate of appropriateness has resulted in the denial of all reasonable use of and return from the property.

(C) *Consideration of evidence.* In applying this standard, the Commission shall consider among other things any evidence presented concerning the following:

(1) Any opinions from a licensed structural engineer or licensed architect with experience in renovation, restoration or rehabilitation as to the structural soundness of any structures or objects on the property and their suitability for continued use, renovation, restoration or rehabilitation;

(2) Any estimates prepared by a licensed architect or licensed structural engineer, of the cost of the proposed alteration, construction, demolition or relocation and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for it to be approved;

(3) Any estimates prepared by a real estate broker or agent licensed by the state or an appraiser certified by the state of the market value of the property in its current condition; after completion of the proposed alteration, construction, demolition or relocation; after any expenditures necessary to comply with the recommendations of the Commission for changes necessary for it to approve a certificate of appropriateness; and in the case of a proposed demolition, after renovation of the existing property for continued use;

(4) In the case of a proposed demolition, any estimates, prepared by licensed architects, real estate consultants and appraisers or other licensed real estate professionals and experienced in rehabilitation, as to the economic feasibility of restoration, renovation or rehabilitation of any existing structures or objects; and

(5) Any and all applicable zoning provisions and incentives.

(D) *Information to be supplied by applicant.* At the discretion of the Commission, the applicant shall submit by affidavit some or all of the following information:

(1) The assessed value of the property, structure, site or object for the two most recent assessments;

(2) Real property taxes for the previous two years;

(3) The amount paid for the property, structure, site or object by the owner, 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;

(4) The current balance of any mortgages or any other financing secured by the property, structure, site or object, and the annual debt service, if any, for the previous two years;

(5) All appraisals obtained within the previous two years by the owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, structure, site or object;

(6) All listings of the property, structure, site or object for sale or rent, price asked and offers received, if any, within the previous four years;

(7) All studies commissioned by the owner as to profitable renovation, rehabilitation or utilization of any structures or objects on the property for alternative use;

(8) For income producing property or structures, itemized income and expense statements from the property or structures for the previous two years;

(9) Estimates, prepared by licensed general contractors or licensed architects, of the cost of the proposed alteration, construction, demolition or relocation and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for it to approve a certificate of appropriateness;

(10) Form of beneficial ownership or operation of the property, structure, site or object whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other. All partners and shareholders shall be identified;

(11) Where applicable, the information, evidence or documentation requested by the Commission or provided by the applicant shall bear the imprint of the professional stamp, seal or license number of the individual preparing such information, evidence or documentation; and

(12) Any other information, documentation or evidence as the Commission determines to be necessary to its consideration of the application for certificate of economic hardship.

(E) *Failure by applicant to submit requested information.* In the event that any of the information required to be submitted by the applicant is not reasonably available, the applicant shall file with the affidavit a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.

(F) *Public hearing.* The Commission shall hold a public hearing on the application for certificate of economic hardship within 60 days following receipt of the completed application form and all complete information required to be submitted therewith, as determined by the city.

(1) (a) Notice of the time and place of the public hearing shall also state the general nature of the question involved, and shall be given not more than 30 days nor less than 15 days prior to the date of such hearing by the following methods:

1. By mailing of notification to the applicant and the owner of record of the affected landmark, interior landmark or property, structure, site or object in a district;

2. By mailing of notification to the owners of record of all property within 250 feet of the property lines of the affected landmark, interior landmark or property, structure, site or object in a district; and

3. By publication in a newspaper of city-wide circulation.

(b) It shall be the responsibility of the applicant to provide to the Commission, by affidavit, the names and addresses of all owners of record pursuant to division (F)(1)(a) above.

(2) The hearing shall be conducted in accordance with the rules of the Commission.

(3) No member of the Commission absent from the entire hearing shall be eligible to vote on any matter, unless the

meeting has been fully transcribed or recorded and the absent member certifies that he or she has reviewed such transcript or recording.

(4) The Commission may continue a proceeding for such additional time as it reasonably takes an applicant, any other interested person or the Commission to comply with a request for additional information, documentation or evidence.

(G) *Determination by the Commission.* The determination by the Commission of whether the denial of the certificate of appropriateness has or has not resulted in the denial of all reasonable use of and return from the property shall be made within 60 days following close of the public hearing and submission of all information, documentation or evidence requested by the Commission. The determination shall be accompanied by findings of fact and a report stating the reasons for the decision.

(H) *Disapproval by Commission.*

(1) If the determination of the Commission is to disapprove the application for a certificate of economic hardship, the applicant shall be notified within ten business days.

(2) The notice shall include a copy of the findings of fact.

(3) Any aggrieved person may appeal a decision of the Commission to the Council.

(4) The appeal must be filed with the City Clerk within 14 days calendar days after the date notice is sent to the applicant of the Commission's decision.

(I) *Determination of economic hardship.*

(1) If the determination of the Commission is that the denial of the certificate of appropriateness has resulted in the denial of all reasonable use of and return from the property, the Commission shall issue a certificate of economic hardship no later than 90 days following the date of the determination of economic hardship unless during that time the Council approves an incentive plan pursuant to divisions (J) and (K) below.

(2) A copy of the determination of the Commission together with the findings of fact shall be mailed to the applicant and transmitted to the Council or its duly authorized committee within ten business days following the determination of economic hardship.

(J) *Incentive plan.* The purpose of an incentive plan is to provide a mechanism to allow a reasonable use of and return from the property without the complete or partial demolition of a landmark, interior landmark or property, structure, site or object in a district. This incentive plan may include, but is not limited to, property tax relief, loans or grants from the city or other public or private sources, acquisition by purchase or eminent domain, Building and Safety Code modifications to reduce the cost of maintenance, restoration, rehabilitation or renovation, changes in applicable zoning regulations including a transfer of development rights, or relaxation of the provisions of this chapter sufficient to allow reasonable use of and return from the property.

(K) *Council consideration of incentive plan.*

(1) Consideration of an incentive plan may be begun by the Commission following the denial of a certificate of appropriateness, and can be considered simultaneously with any other proceedings that may be occurring under this chapter.

(2) The Commission shall forward a report recommending an incentive plan to the Council or its duly authorized committee. Upon receipt of the report, the Council or its duly authorized committee shall give prompt consideration to the incentive plan.

(3) The Council shall approve or disapprove the incentive plan allowing the reasonable use of and return from the property within 90 days following determination by the Commission. Any determination regarding an incentive plan shall be by resolution of the Council.

(4) If the Council does not approve an incentive plan within the time specified, the report and recommendation of the Commission regarding the incentive plan shall be deemed to be denied by the Council.

(5) A copy of the resolution enacted by the Council together with the incentive plan, if any, shall be mailed to the applicant and transmitted to the Commission within five business days following the enactment of the ordinance.

(L) *Issuance of certificate of economic hardship.*

(1) (a) If the Commission approves a certificate of economic hardship, the Commission shall issue a certificate of economic hardship to the applicant within ten business days after:

1. Receipt by the Commission of a copy of a resolution of the Council disapproving an incentive plan; or
2. Failure of the Council to act to either approve or disapprove an incentive plan pursuant to division (K)(3) above.

(b) The certificate of economic hardship for demolition may be subject to conditions for subsequent construction including compliance with the standards included in § 155.08.

(c) The certificate of economic hardship shall be valid for a period of one year from issuance by the Commission.

(d) Certificates of economic hardship shall not be transferable from the applicant to another subsequent owner of the same property.

(2) A certificate of appropriateness shall be issued to the applicant simultaneously with the delivery of the certificate of economic hardship.

(3) Notwithstanding approval of a certificate of economic hardship, no permit for demolition of a landmark or a property, structure or object in a district shall be issued, except simultaneously with the issuance of a building permit for the replacement property, structure or object.

(Prior Code, § 51-9) (Ord. 2012-03, passed 2-6-2012)

#### **§ 155.11 APPEALS.**

##### *(A) Action by Council.*

(1) (a) Within 35 days following the receipt of any appeal under this chapter, or at the first regularly scheduled Council meeting that has not been fully subscribed or such further time to which the applicant may agree, the Council shall consider such appeal and shall hear a report from the Chairperson of the Historic Preservation Commission or the Chairperson's designee.

(b) The Council shall either uphold the decision of the Commission, overturn the decision with or without modifications or conditions, or remand the application to the Commission for further review.

(c) In considering appeals, the Council shall apply the same standards as those applied by the Commission, but it is recognized that the Council shall apply such standards in the context of its broader responsibility in promoting, and broader perspective of, the public health, safety, welfare and in the context of its fiduciary responsibility.

(2) The failure of the Council to consider the appeal within the time period prescribed or such further time period to which the applicant may agree shall be deemed to be an affirmation of the determination of the Commission.

##### *(B) Appeal procedures.*

(1) The Council may establish procedures from time to time for the conduct of any appeal.

(2) Such procedures may be modified in the discretion of the Council in order to foster the gathering of information necessary to ensure that the purposes of this chapter are achieved and to provide full and fair hearing and consideration of the issues on appeal.

##### *(C) Remand to Commission.*

(1) In the case of a vote by the Council for remand of an application, the Chairperson of the Commission shall be so notified and shall schedule the matter for a new public hearing at the next regularly scheduled Commission meeting for which adequate time is available to provide the required public notice under § 155.07(C)(2)(b), or such later time to which the applicant may agree.

(2) In all other respects, the hearing on remand shall be conducted in the same manner as any other hearing under § 155.07(C).

(3) If the hearing on remand is not commenced within 60 days after the Council's decision to remand, however, the application shall be deemed approved.

(D) *Reversal of decision.* In the case of a vote by the Council to overturn, in whole or in part, the decision of the Commission, written findings shall be prepared in support of the Council's decision and a copy of said findings shall be provided to the Chairperson of the Commission.

(Prior Code, § 51-10) (Ord. 2012-03, passed 2-6-2012)

#### **§ 155.12 AMENDMENT AND RESCISSION OF DESIGNATION.**

(A) Designation may be amended or rescinded only after a period of two years following the designation, upon the filing of a petition to the Commission and compliance with the same procedures and according to the same criteria set forth herein for designation as follows.

(1) Petitions for amendment or rescission of a designation may be submitted by the same persons authorized to submit nominations pursuant to § 155.04(A).

(2) Properly submitted petitions are referred to the Commission for public hearing as provided in §155.04(B) and (C).

(3) In the case of a rescission of a landmark designation or part or all of a district designation, the Commission shall consider whether the landmark or district no longer meets the criteria for designation, and make a recommendation to the Council as provided in § 155.04(D).

(B) (1) The Council shall rescind or amend a designation only after all of the above procedures have been followed.

(2) The Council shall rescind a designation only by adoption of an ordinance upon a finding that the designated landmark or district no longer meets the criteria for designation in §§ 155.05 and 155.06.

(Prior Code, § 51-11) (Ord. 2012-03, passed 2-6-2012)

**§ 155.13 DESIGNATION OF LANDMARKS AND PROPERTIES LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES.**

The following areas, properties, structures, sites or objects are found to meet the criteria for designation in §§155.05 or 155.06 based on reports submitted to the Council in support of said designation and are hereby designated under the provisions of this chapter:

<b>Date Listed</b>	<b>Description</b>
9-17-1998	The area of the 1857 plat of the city, known as the Lake Forest Historic District, listed in the National Register of Historic Places in 1976 and defined by the boundaries of such listing, is found to meet the criteria for designation in this chapter and is hereby designated as a historic district under the provisions of this chapter
9-17-1998	The Vine-Oakwood-Green Bay Road Historic District, listed in the National Register of Historic Places in 1980 and defined by the boundaries of such listing, is found to meet the criteria for designation in this chapter and is hereby designated as a historic district under the provisions of this chapter
9-17-1998	The Green Bay Road Historic District, listed in the National Register of Historic Places in 1995 and defined by the boundaries of such listing, is found to meet the criteria for designation in this chapter and is hereby designated as a historic district under the provisions of this chapter
9-17-1998	1230 North Green Bay Road, "Ragdale," the home of architect Howard Van Doren Shaw, listed in the National Register of Historic Places in 1975, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
9-17-1998	1500 West Kennedy Road, Lake Forest Academy, "Reid Hall;" the J. Ogden Armour House and Gardens designed by architect Arthur Heun, listed in the National Register of Historic Places in 1982, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
9-17-1998	111 West Westminster, the Noble Brandon Judah, Jr. Estate, House and Gate House, built 1925—1928 and designed by architect Philip Lippincott Goodwin, listed in the National Register of Historic Places in 1990, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
9-17-1998	211 West Westminster, the Noble Brandon Judah, Jr. Estate, Pool and Gazebos, built 1925—1928 and designed by architect Philip Lippincott Goodwin, listed in the National Register of Historic Places in 1990, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
9-17-1998	255 East Illinois Road, the Deerpath Inn, built 1928 and designed by architect William C. Jones with alterations in 1938 designed by architect Stanley D. Anderson, listed in the National Register of Historic Places in 1992, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
9-17-1998	810 South Ridge Road, the Robert P. Lamont House, "West View Farms," built in 1924 and designed by architect Howard Van Doren Shaw, listed in the National Register of Historic Places in 1993, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
9-17-1998	89 East Deerpath, the Edward H. Bennett House and Studio, "Bagatelle," built in 1915—1916 and designed by architect Edward H. Bennett, listed in the National Register of Historic Places in 1995, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
8-10-2000	1190 Inverlieth Terrace, 550, 561, 565, 570, 575 and 579 Hathaway Circle, the Chicken House, Milk House, South Cottage, Middle Cottage, Main Barn, Carriage Barn and North Cottage, respectfully, of the Clifford Milton Leonard Farm, "Meadowood Dairy," built in 1923—1926 and designed by architect Ralph Varney, listed in the National Register of Historic Places in 2000, is found to meet the criteria in § 155.05 and is hereby designated as a district under the provisions of this chapter

12-18-2000	595 Circle Lane, garden features of the Edith Rockefeller McCormick and Harold McCormick Estate, "Villa Turicum," built in 1908—1918 and designed by architect Charles Adam Piatt, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
12-18-2000	1525 North Lake Road, Lake Forest Cemetery Plan designed in 1857 by landscape architect Ossian Cole Simonds and Cemetery Entrance Gate built in 1919, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
7- -2002	188 Foster Place, the garden wall of the Louis Swift Estate, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
8-5-2002	The Grove Cultural Campus, located at 40-100 East Old Mill Road, including Dickinson Hall and Stirling Halt built in 1929—1930 and designed by architect Edwin H. Clark; Bennett Hall built in 1949 and designed by architect Stanley D. Anderson; and the Log Cabin, is found to meet the criteria for designation in this chapter and is hereby designated as a district under the provisions of this chapter
10-17-2002	1203 Griffith Road, a Sears Honor Built Catalogue Home, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
6-2-2003	365 East Westleigh Road, the William E. Clow, Jr. House, "Twin Doors," built in 1939—1940 and designed by architect Stanley D. Anderson and James Ticknor, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
6-2-2003	436 East Westleigh Road, the William E. Clow, Jr. House, "Twin Doors," built in 1939—1940 and designed by architect Stanley D. Anderson and James Ticknor, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
8-2-2004	251 King Muir Road, the Henry K. Turnbull House, built in 1928 and designed by architect Howard Irwin, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
11-18-2004	1100 Jensen Drive, the Gordon Phelps Kelley House, built in 1938 and designed by architect Lincoln Norcott Hall, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
3-7-2005	955 Melody Road, built in 1928 and designed by architects William T. Braun and Stanley D. Anderson, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
3-17-2005	404 North Green Bay Road, the Calvin Fentress, Jr. House, built in 1965 and designed by architect John Volk is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
7-5-2005	870 West Deerpath, entrance walls and gates to the Albert Blake Dick, Sr. Estate "Westmoreland," built in 1902 and designed by architect James Gamble Rogers, is found to meet the criteria for designation in this chapter and are hereby designated as a landmark under the provisions of this chapter
10-16-2005	104 Atteridge Road, the Cad Vogt, Jr. House; built in 1915—1916; is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
4-20-2006	1701 Kennedy Road, Baggott House, "Blithefield," built in 1929 and designed by architects Oldefest and Williams, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
4-20-2006	525 Broadmoore Drive, the James Ward Thorne House; built in 1911—1913 and designed by architects William A. Otis and Edwin H. Clark, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter

11-6-2006	580 Broadsmoore Drive, the James Ward Thorne Estate Gardener's Cottage and Pump House, designed by architect William Otis and Edwin H. Clark, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
10-15-2007	1275 North Waukegan Road, the Clarence W. Hubbard House; built in 1929 and designed by architect Ralph Varney; is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
4-7-2008	1536 Estate Lane, the Albert D. Lasker Estate "Milk House," built in 1926 and designed by architect David Adler, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
8-4-2008	344 East Wisconsin Avenue, the George H. Fitzgerald House, built in 1902, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
8-4-2008	721 North Mayflower Road, the Mrs. William E. Clow, Jr. House; built in 1954 and designed by architect Stanley D. Anderson and Associates is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
8-4-2008	1150 East Westleigh Road, the Cyrus McCormick, Jr. "Walden" Estate implements shed, built in 1907, is found to meet the criteria for designation in this chapter and is hereby designated as a landmark under the provisions of this chapter
10-6-2008	1522 Estate Lane, the Albert D. Lasker Estate "Dove Cote," built in 1926 and designed by architect David Adler, is found to meet the criteria for designation in § 155.05 and is hereby designated as a landmark under the provisions of this chapter
4-7-2010	1065 Acorn Trail, the Gate Lodges and coachhouse/garage, built in 1917 and designed by architect David Adler for A. Watson Armour are found to meet the criteria for designation in § 155.05 and are hereby designated as landmarks under the provisions of this chapter
6-21-2010	1401 Middlefork Drive, Elawa Farm, a gentleman's farm comprised of three structures designed by Alfred Hopkins for A. Watson Armour is found to meet the criteria for designation in § 155.05 and is hereby designated as a landmark under the provisions of this chapter
10-2-2017	The property located at 1579 Conway Road is found to meet the criteria for designation in § 155.05 of this chapter and is hereby designated as a landmark under the provisions of this chapter
2-28-2018	The gate house, wall, and entrance pillars and gate located at 425 N. Sheridan Road are found to meet the criteria for designation in § 155.05 and are hereby designated together as a landmark under the provisions of this chapter
1-25-2019	The residence located at 250 Majestic Oak Court is found to meet the criteria for designation in § 155.05 and is hereby designated as a local landmark under the provisions of this chapter.
6-26-2019	The main residence located at 1711 Devonshire Lane is found to meet the criteria for designation in § 155.05 of this chapter and is hereby designated as a local landmark under the provisions of this chapter.

(Prior Code, § 51-12) (Ord. 2012-03, passed 2-6-2012; Ord. 2017-56, passed 10-2-2017; Ord. 2018-08, passed 3-19-2018; Ord. 2019-09, passed 2-4-2019; Ord. 2019-37, passed 8-5-2019)

#### **§ 155.14 SEVERABILITY.**

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

(Prior Code, § 51-14) (Ord. 2012-03, passed 2-6-2012)

#### **§ 155.99 PENALTY.**

(A) *Fines for violation.*

(1) Failure to perform any act required by this chapter or performance of any act prohibited by this chapter shall

constitute a violation.

(2) Any person violating any of the provisions of this chapter shall be subject to a fine of up to \$750 for each day on which a violation exists.

(B) *Penalty for willful violation or gross negligence.* In addition to the fines authorized by division (A) above, a person who willfully or through gross negligence violates the provisions of this chapter by participating in alteration, construction, demolition or relocation affecting a property, structure, site or object nominated or designated as a landmark, interior landmark or located in a nominated or designated district without complying with the required procedures in this chapter for review of such alteration, construction, demolition and relocation, shall not be issued building permits, certificates of occupancy, licenses and curb cut permits for alteration, construction, demolition or relocation affecting such property, structure, site or object for a period of five years following the date of the violation except to correct structural defects affecting the foundation, roof, walls, partitions, floor supports, ceilings and chimneys of the nominated or designated landmark, interior landmark or property, structure, site or object located in a nominated or designated district.

(C) *Other remedies.*

(1) In addition to the provisions of divisions (A) and (B) above, the city may institute appropriate proceedings in law and equity to prevent or remedy any violation of the provisions of this chapter.

(2) In the case of willful violation or gross negligence by any person, the city may seek reversal and removal of the prohibited work and restoration if appropriate without regard to economic hardship.

(Prior Code, § 51-13) (Ord. 2012-03, passed 2-6-2012)