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Sec. 51-1. STATEMENT OF PURPOSE:

The purpose of this Chapter is to promote the educational, cultural, economic, and general welfare of the City of Lake Forest 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 of Lake Forest and its citizens;
- (B) Safeguarding the City of Lake Forest's historic and cultural heritage, as embodied and reflected in such areas, properties, structures, sites, and objects determined eligible for designation by ordinance as Landmarks and Historic Districts;
- (C) Fostering civic pride in the beauty and noble accomplishments of the past as represented in such Landmarks and Districts;
- (D) Protecting and enhancing the attractiveness of the City of Lake Forest 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 of Lake Forest;
- (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 Lake Forest through the designation of Landmarks and Districts;
- (G) Encouraging orderly and efficient development that recognizes the special value to the City of Lake Forest of the protection of areas, properties, structures, sites, and objects as Landmarks and Districts;
- (H) Continuing the preparation of surveys and studies of Lake Forest'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, application for economic hardship and special merit applications.

Sec. 51-2. DEFINITIONS:

In the event of a conflict between the following definitions and the definitions included in any other ordinance of the City of Lake Forest, the following definitions shall control.

- (A) "Alteration" Any act or process requiring a building permit or demolition permit, or any act or process included in Section 4(A), that changes one or more of the historic, cultural, architectural or archaeological features of an area, property, structure, site or object, including, but not limited to, the erection, construction, reconstruction, or relocation of any property, structure or object, or any part of a property, structure or object, or land altering activities.
- (B) "Applicant" A person who submits an application for issuance of a Certificate of Appropriateness or Certificate of Economic Hardship.
- (C) "Application" A form submitted for approval of alteration, construction, demolition or relocation that requires issuance of a Certificate of Appropriateness or Certificate of Economic Hardship.
- (D) "Area" A specific geographic division of the City of Lake Forest.
- (E) "Building Review Board" The Building Review Board of the City of Lake Forest.
- (F) "Business Day" A day on which the Department of Community Development is open for business. Section of this ordinance which refer to time periods in which "business days" are not specified shall be understood to refer to calendar days.
- (G) "Certificate of Appropriateness" A certificate issued by the Commission indicating review and authorization of plans for alteration, construction, demolition or relocation of a Landmark, or property, structure, site or object within a District.
- (H) "Certificate of Economic Hardship" A certificate issued by the Commission after a determination by the Commission that the previous denial of a Certificate of Appropriateness has resulted in a denial of all reasonable use of and return from the property.
- (I) "Commission" The Lake Forest Preservation Commission.
- (J) "Commissioners" Persons appointed by the Mayor, with the advice and consent of the Council, to the Lake Forest Preservation Commission.
- (K) "Construction" The act of adding an addition to a structure, or the erection of a new principal or accessory structure on a property or site, that requires a building permit.
- (L) "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.
- (M) "Council" The City Council of the City of Lake Forest.
- (N) "Demolition" An act or process that destroys all or any part of an exterior wall, foundation, interior or exterior column or load-bearing wall of a Landmark or a property, structure, site, or object within a District.
- (O) "Design Guideline" Any design standard specified by the Commission for alteration, construction or relocation that is unique to a particular Landmark or District to be used in conjunction with other design standards in this Chapter, and the Secretary of Interior's Standards for Rehabilitation of Historic Properties, as amended.
- (P) "Department of Community Development" The Lake Forest Department of Community Development.
- (Q) "District" An identifiable area with definable boundaries designated as a "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.
- (R) "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.
- (S) "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, grading, leveling, grading, pile driving, excavating, and compacting.
- (T) "Landmark" A property, structure, site or object designated as a "Landmark" by the Council that has a high degree of historic, cultural, architectural or archaeological significance to the City of Lake Forest. Designation by Council as a Landmark does not require that the property, structure, site or object be of higher historic, cultural, architectural or archaeological significance than a property, structure, site or object contributing significance in a District. For 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.
- (U) "Lot of Record" A lot which is part of a duly recorded plat of subdivision; or a parcel of land which has been conveyed by the identical description by a deed of record recorded prior to November 5, 1923; or a parcel of land conveyed by a deed of record, if on the date of the recording of said deed all the requirements of the subdivision and zoning ordinance then in effect were met.
- (V) "Members" Members of the Commission, also referred to throughout the ordinance as "Commissioners."
- (W) "Nominator" A person or persons who submit a form for the designation of a Landmark or District.
- (X) "Non-contributing" A designation applied to a property, structure, site or object within a District indicating that it is not a representation of the qualities that give the District historic, cultural, architectural or archaeological significance as embodied in the criteria for designating a District.
- (Y) "Object" Anything constructed, fabricated, or created, the use of which does not require permanent or semi-permanent location on or in the ground, and can be moved from one location to another, including without limitation ships, boats, railroad cars, automobiles, wagons, tractors, statues and works of art.
- (Z) "Owner of Record" For purposes of this Chapter, owner of record shall mean any person having a legal or equitable interest in a property. The owner of record shall be established by reference to the most current property tax assessment rolls as maintained by the Assessor of Lake County.
- (AA) "Person" An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other legal entity.
- (BB) "Plan Commission" The Lake Forest Plan Commission.
- (CC) "Project" Any alteration, construction, demolition or relocation of an area, property, structure, site or object.
- (DD) "Property" Land and structures or land and objects identified as a separate lot for purposes of the subdivision and zoning regulations of the City of Lake Forest.
- (EE) "Relocation" Any repositioning of a structure or object on its site or to another site.
- (FF) "Rules" The Rules and Procedures of the Lake Forest Preservation Commission.
- (GG) "Repair" Any change to an area, property, structure, site or object that is not alteration, construction, relocation or demolition.
- (HH) "Site" The location of an event, activity, structure or object.
- (II) "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.
- (JJ) "Zoning Board of Appeals" The Lake Forest Zoning Board of Appeals.

Sec. 51-3. LAKE FOREST PRESERVATION COMMISSION

- (A) Composition.
- (1) The Lake Forest Preservation Commission is hereby established, and shall consist of seven (7) citizen members, each of whom shall reside in the City of Lake Forest, and shall have demonstrated interest, knowledge, ability, experience or expertise in architectural restoration, rehabilitation, or neighborhood conservation or revitalization. The membership positions shall be filled by appointment by the Mayor with the advice and consent of Council. Each Commissioner shall have one vote.
- (B) Appointment, Terms, Vacancies and Ethical Responsibilities.
- (1) Commissioners shall be appointed by the Mayor with the advice and consent of Council for terms of two (2) years. Appointments shall be staggered so that the terms of not more than three (3) 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. Terms shall commence on May 1 except when a vacancy is created by the resignation of a Commissioner prior to expiration of that Commissioner's term. Upon such an occurrence, the Commissioner appointed to fill the vacancy shall be appointed to a full term. Such term shall commence on the date of the appointment.
- (2) Notwithstanding the requirements of Section 3(B)(1), upon adoption of this Chapter, the Mayor, with the advice and consent of Council, shall appoint five Commissioners, three (3) with a term of two (2) years and two (2) with a term of one (1) year. The terms of these Commissioners shall commence upon appointment.
- (3) One of the Commissioners shall also serve concurrently as a member of the Plan Commission.
- (4) Commissioners shall not be eligible to serve more than three (3) consecutive full terms.
- (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 and 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 of Lake Forest, including but not limited to Chapter 50, "Governmental Ethics," of the City Code of The City of Lake Forest, Illinois State Statutes regarding gifts to public officials, filling of Statements of Economic Interest, and the like.
- (C) Compensation: Commissioners shall serve without compensation.
- (D) Officers.
- (1) Officers of the Commission shall consist of a chair appointed by the Mayor with the consent of Council prior to May 1 of each year.
- (2) The chair of the Commission shall be appointed by the Mayor with the consent of Council and shall serve a term of one (1) year and shall be eligible for re-election. Staff assigned by the Director of the Department of Community Development shall keep the minutes and a permanent record of all resolutions, motions, transactions and determinations. Such records, unless exempt from disclosure by law, shall be public records open to inspection during working hours upon reasonable notice.
- (3) 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.
- (E) 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 three (3) Commissioners. All meetings, hearings and deliberations shall be subject to the provisions of the Illinois Open Meetings Act. Testimony at any hearing may be required by the Commission to be given under oath.
- (2) 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.
- (3) The Commission, by its rules, may create a sub-committee structure to enhance efficiency in consideration of Commission business.
- (4) No motion shall be passed by the Commission which 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.
- (5) 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.
- (6) Notice of any decision of the Commission shall be mailed to the applicant ten (10) business days of such decision.
- (7) A quorum shall consist of three (3) Commissioners for any regular or special meeting. A meeting of the Commission cannot be called to order without establishment of a quorum.
- (F) 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 or alterations within the Historic Districts; to hold meetings and public hearings to review applications for Certificates of Appropriateness affecting proposed or designated Landmarks and Districts; to approve or disapprove the issuance of Certificates of

Appropriateness.

- (4) 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 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 ordinance.
- (5) To advise and make recommendations to other City Boards and Commissions on matters before those bodies.
- (6) To call upon available city staff members as well as other experts for technical advice.
- (7) To adopt its own procedural regulations.
- (8) 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.

Sec. 51-4. CERTIFICATE OF APPROPRIATENESS

(A) A Certificate of Appropriateness shall be required before the following actions affecting the exterior architectural appearance of any Landmark or structure within a District may be undertaken:

- (1) Any construction of a new single family residence on a vacant lot.
- (2) Any demolition in whole or in part requiring a permit from The City of Lake Forest.
- (3) Any replacement structure constructed in conjunction with approval of a demolition.
- (4) Any alternation or addition to a structure, as defined in the Commission's rules and regulations, that is visible, at any time of the year, in whole or in part, from any public right-of-way, publicly owned land or adjacent private property that is not held in common ownership with the subject property.
- (5) Any request for a variance from the Building Sale Ordinance of The City of Lake Forest.

(B) Applications for Certificate of Appropriateness.

- (1) It shall be unlawful to undertake any of the work specified in Section 4(A) 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 Commission.
- (2) Application forms shall be available from the Department of Community Development. 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 City Council.
- (3) The Department of Community Development shall not act upon any permit until the Commission has reviewed the work application and issued a Certificate of Appropriateness.

(C) Review by Commission: The Commission shall review the application and vote to issue or deny the application within sixty (60) days following receipt of the application. The time to consider the application may be extended with the consent of the applicant. The staff of the Commission shall notify, by regular mail, the applicant and the owner of record of the time and place of any Commission meeting to consider the application at least ten (10) business days prior to the meeting. The applicant or his/her authorized representative shall be allowed to appear and present testimony in regard to the application.

(D) Approval by Commission: If the Commissioners vote to approve the application, the Certificate of Appropriateness shall be issued to the applicant within ten (10) business days following the decision of the Commission. Upon receipt of the Certificate of Appropriateness the applicant may complete an application to the Department of Community Development to obtain necessary permits, if any. The Certificate of Appropriateness shall be valid for a period of one (1) year from the date of issuance by the Commission. Certificates of Appropriateness shall not be transferable from the applicant to another subsequent owner of the same property without the consent of the Commission.

(E) Disapproval by Commission: If the Commissioners vote to disapprove the application, the applicant shall be notified within ten (10) business days. 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.

(F) Appeal of Approvals: Any aggrieved person may appeal a decision of the Historic Preservation Commission to approve a petition to the City Council. The appeal must be filed within 14 calendar days of the date of the Commission's decision with the Office of the City Manager.

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

Sec. 51-5. 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, 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 or District, and the standards included in this section.

- (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) The distinguishing original qualities or character of a property, structure, site or object and its environment shall not be destroyed. The alteration of any historic or material or distinctive architectural features should be avoided when possible.
- (13) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.
- (14) 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 compatibility.

(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 and the standards included in Section 9(E).

- (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.
- (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) In addition to the above standards, the Commission shall also consider the Secretary of Interior's Standards for Rehabilitation of Historic Properties, as amended.

(D) The maximum allowable square footage may be disapproved if the Lake Forest Historic Preservation Commission finds that the proposed residence or addition(s) violate the Lake Forest Historic Preservation Ordinance.

Sec. 51-6. CERTIFICATE OF ECONOMIC HARDSHIP

(A) Application: Any applicant, following a final decision of the Commission or the Council or its duly authorized committee denying a Certificate of Appropriateness, may, within thirty (30) days of the denial, make application for a Certificate of Economic Hardship on a form prepared by the Commission and submitted to the Commission. 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 Realtor licensed by the State of Illinois or an appraiser certified by the State of Illinois 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.
- (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 (2) most recent assessments.
- (2) Real property taxes for the previous two (2) 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 (2) years.
- (5) All appraisals obtained within the previous two (2) 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 (4) 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 (2) years.
- (9) Estimates, prepared by general contractors licensed by the City of Lake Forest 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) Any other information, documentation or evidence as the Commission determines to be necessary to its application of the standard in Section 10(B).
- (12) Where applicable, the information, evidence or documentation requested by the Commission or provided by the applicant shall bear the imprint of the professional seal of the individual preparing such information, evidence or documentation.

(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 sixty (60) days following receipt of the completed application form and all information required to be submitted therewith.

- (1) 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 thirty (30) days nor less than fifteen (15) days prior to the date of such hearing by the following methods:
 - (a) By mailing of notification to the applicant and the owner of record of the affected Landmark or property, structure, site or object in a District; and
 - (b) By mailing of notification to the owners of record of all property within two hundred fifty (250) feet of the affected Landmark or property, structure, site or object in a District; and
 - (c) By publication in a newspaper of city-wide circulation.

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 Section 10(F)(1)(b) of this Chapter.

- (2) The hearing shall be conducted in accordance with the pertinent section of the Rules of the Commission.
- (3) No member of the Commission absent from the entire hearing shall be eligible to vote on any matter that is the subject of the hearing until such member is provided with copies, transcripts or tapes of all testimony and evidence presented.

- (4) The Commission may continue a proceeding as 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 sixty (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: If the determination of the Commission is to disapprove the application for a Certificate of Economic Hardship, the applicant shall be notified within ten (10) business days. The notice shall include a copy of the findings of fact. Any aggrieved person may appeal a decision of the Historic Preservation Commission to the City Council. The appeal must be filed within 14 days calendar days of the date 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 ninety (90) days following the date of the determination of economic hardship unless during that time the Council approves an Incentive Plan pursuant to Sections 10(J) and 10(K).
- (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 (10) 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 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 of Lake Forest 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) City Council consideration of Incentive Plan.
- (1) 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.
- (2) The Council shall approve or disapprove the Incentive Plan allowing the reasonable use of and return from the property within ninety (90) days following determination by the Commission.
- (3) 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.
- (4) A copy of the ordinance enacted by the Council together with the Incentive Plan, if any, shall be mailed to the applicant and transmitted to the Commission within five (5) business days following the enactment of the ordinance.
- (L) Issuance of Certificate of Economic Hardship.
- (1) Upon receipt by the Commission of a copy of a resolution disapproving an Incentive Plan, or upon failure of the Council to act to either approve or disapprove an Incentive Plan pursuant to Sections 10(J) and 10(K), the Commission shall issue a Certificate of Economic Hardship to the applicant within ten (10) business days. The Certificate of Economic Hardship for demolition may be subject to conditions for subsequent construction including compliance with the standards included in Section 9. The Certificate of Economic Hardship shall be valid for a period of one (1) year from issuance by the Commission. 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 issue except simultaneous to the issuance of a building permit for the replacement property, structure or object.

Sec. 51-7. EXCEPTIONS TO ISSUANCE OF CERTIFICATE OF APPROPRIATENESS

- (A) The limitation upon the issuance of demolition permits or building permits in any District or affecting any 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.
- (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 sixty (60) days by submitting a delay request. During the delay period, the Commission may develop alternative plans for consideration. If after sixty (60) days no such alternative plans can be developed, the proposed alteration, construction, demolition, or relocation may proceed as ordered.

Sec. 51-8: CRITERIA FOR DESIGNATION:

Every nominated Landmark or District must meet one or more of the following criteria for designation.

- (A) The Commission shall limit their 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 or Historic District.
- (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 of Lake Forest, the State of Illinois, 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 of Lake Forest;
- (6) Its exemplification of a pattern of neighborhood development or settlement significant to the cultural history or traditions of the City of Lake Forest, 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 of Lake Forest, State of Illinois, Midwest region, of the United States;
- (8) Its association with important cultural or social aspects or events in the history of the City of Lake Forest, the State of Illinois, the Midwest region, of the United States;
- (9) Its location as a site of important archaeological or natural significance;

(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) Integrity of Landmarks and Districts

Any area, property, structure, site or object that meets any one or more of the criteria in Section 7(A) shall also have sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration.

Sec. 51-9: NOMINATION, CONSIDERATION, AND DESIGNATION OF LANDMARKS AND DISTRICTS

(A) Initiation of nomination.

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:

- (1) An owner of record of the area, property, structure, site or object being nominated.
- (2) A member of the Commission.
- (3) A simple majority of the Council.

(B) Notification of nomination and public hearing.

- (1) Owners of record shall be notified, by regular mail, of the submission of a nomination form within ten (10) business days of receipt of a complete application.
- (2) The Commission shall schedule a public hearing on the nomination within sixty (60) days following receipt of the completed nomination form. Notice of the time, place, and purpose of such a hearing shall be given by the Commission not more than thirty (30) days nor less than fifteen (15) days prior thereto by the following methods.
 - (a) By mailing of notification to each owner of record of a nominated Landmark or owner of record of each property, structure, site or object in a nominated District.
 - (b) By publishing a notice in a newspaper of general circulation in the City.

(C) The hearing shall be conducted in accordance with the Rules of the Commission. The Commission shall consider all testimony or evidence relating to the designation criteria in Section 8, from any person who makes written submissions or appears at the public hearing. The owner of any nominated 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 Section 8.

(D) Recommendation by Commission.

Within sixty (60) days of the public hearing, the Commission shall make a determination upon the evidence as to whether the nominated Landmark or District does or does not meet the criteria for designation in Section 8. If the Commission determines that the nominated Landmark or District does meet the criteria for designation, the Commission shall forward a recommendation of approval to the City Council. 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 City Council within sixty (60) days.

If the Commission fails to make its recommendation within sixty (60) days of the public hearing, or if the Commission finds that the nominated Landmark or District does not meet the criteria for designation, the nomination process shall end. If the Commission fails to make its recommendation within sixty (60) days of the public hearing, or if the Commission votes not to recommend a proposed designation to the City Council, the Commission may not reconsider the proposed designation, except as provided in Section 9(G), for a period of two (2) years from the date of Commission action or the close of the public hearing, whichever is applicable.

(E) Designation by City Council.

- (1) The Council shall not act upon a proposed Landmark or District until it has received a written report and recommendation 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 or District shall be by amendment to this Ordinance and shall require an affirmative vote of a simple 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 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 Section 8(F), for a period of two (2) years from the date of the City Council's consideration.

(F) Reconsideration of Previously Nominated Landmarks and Districts.

The Commission may reconsider previously nominated Landmarks and Districts within a period of two (2) years of previous action that occurred in accordance with Sections 9(D) and 9(E) only under the following conditions:

- (1) Significant new information concerning the previously nominated Landmark or District relating to the criteria for designation in Section 8 is provided, and,
- (2) The Commission votes by an affirmative vote of at least three (3) Commissioners to reconsider the previously nominated Landmark or District.

Sec. 51-10: AMENDMENT AND RECISSION OF DESIGNATION.

(A) Designation may be amended or rescinded only after a period of two (2) 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 Section 9(A).

(2) Properly submitted petitions are referred to the Commission for public hearing as provided in Section 9(B) and Section 9(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 Section 9(D).

(B) The Council shall rescind or amend a designation only after all of the above procedures have been followed. The Council shall rescind a designation only upon a finding that the designated Landmark or District no longer meets the criteria for designation in Section 8.

Sec. 51-11: 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 Section 4 of this Chapter based on reports submitted to Council in support of said designation and are hereby designated under the provisions of this Chapter:

(A) The area of the 1857 plat of the City of Lake Forest Lake Forest Historic District, listed in the National Register of Historic Places in 1976, is found to meet the criteria for designation in Section 4 of this Chapter and is hereby designated as a Historic District under the provisions of this Chapter.

(B) The Vine-Oakwood-Green Bay Road Historic District listed in the National Register of Historic Places in 1980, is found to meet the criteria for designation in Section 4 of this Chapter and is hereby designated as a Historic District under the provisions of this Chapter.

(C) The Green Bay Road Historic District listed in the National Register of Historic Places in 1995, is found to meet the criteria for designation in Section 4 of this Chapter and is hereby designated as a Historic District under the provisions of this Chapter.

(D) "Ragdale" at 1230 North Green Bay Road, 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 Section 4 of this Chapter and is hereby designated as a Landmark under the provisions of this Chapter.

(E) The J. Ogden Armour House and Gardens, located at Lake Forest Academy, listed in the National Register of Historic Places in 1982, is found to meet the criteria for designation in Section 4 of this Chapter and is hereby designated as a Landmark under the provisions of this Chapter.

(F) The Noble Brandon Judah House at 111 West Westminster, listed in the National Register of Historic Places in 1990, is found to meet the criteria for designation in Section 4 of this Chapter and is hereby designated as a Landmark under the provisions of this Chapter.

(G) The Deerpath Inn at 255 East Illinois was listed in the National Register of Historic Places in 1992, is found to meet the criteria for designation in Section 4 of this Chapter and is hereby designated as a Landmark under the provisions of this Chapter.

(H) Robert P. Lamont House at 810 South Ridge, listed in the National Register of Historic Places in 1993 is found to meet the criteria for designation in Section 4 of this Chapter and is hereby designated as a Landmark under the provisions of this Chapter.

(I) Edward H. Bennett House and Studio, "Bagatelle," at 89 East Deerpath, listed in the National Register of Historic Places in 1995, is found to meet the criteria for designation in Section 4 of this Chapter and is hereby designated as a Landmark under the provisions of this Chapter.

(J) The Clifford Milton Leonard Farm, "Meadowood Dairy" at 1190 Inverlieth, 550, 561, 565, 570, 575 and 579 Hathaway Circle, listed in the National Register of Historic Places in 2000, is found to meet the criteria for designation in Section 4 of this Chapter and is hereby designated as a Landmark under the provisions of this Chapter.

(K) The Garden Features of the Villa Turicum Estate, located at 595 Circle Lane, is found to meet the criteria for designation in Section 8 of this Chapter and is hereby designated as a Landmark under the provisions of this Chapter.

(L) The Lake Forest Cemetery, located at 1525 North Lake Road, is found to meet the criteria for designation in Section 8 of this Chapter and is hereby designated as a Landmark under the provisions of this Chapter.

(P) The properties located at 365 E. Westleigh and 436 S. Green Bay Road, known as Twin Doors, is found to meet the criteria for designation in Section 8 of this Chapter and is hereby designated as a Landmark under the provisions of this Chapter.

(Q) The property located at 251 King Muir is found to meet the criteria for designation in Section 8 of this Chapter and is hereby designated as a Landmark under the provisions of this Chapter.

(S) The property located at 955 Melody Road is found to meet the criteria for designation in Section 8 of this Chapter and is hereby designated as a Landmark under the provisions of this Chapter.

(T) The property located at 404 Green Bay Road is found to meet the criteria for designation in Section 8 of this Chapter and is hereby designated as a Landmark under the provisions of this Chapter.

(U) The Westmoreland Estate Entrance Gates, located at 870 W. Deerpath, are found to meet the criteria for designation in Section 8 of this Chapter and is hereby designated as a Landmark under the provisions of this Chapter.

(V) The property located at 104 Atteridge Road is found to meet the criteria for designation in Section 8 of this Chapter and is hereby designated as a Landmark under the provisions of this Chapter.

(W) The property located at 1701 W. Kennedy Road is found to meet the criteria for designation in Section 8 of this Chapter and is hereby designated as a Landmark under the provisions of this Chapter.

(X) The property located at 525 Broadsmoore Drive is found to meet the criteria for designation in Section 8 of this Chapter and is hereby designated as a Landmark under the provisions of this Chapter.

(Y) The property located at 580 Broadsmoore Drive, Lot 2 of the Walgreen Subdivision, containing the James Ward Thorne Estate Gardener's Cottage and Pump House is found to meet the criteria for designation in Section 8 of this Chapter and is hereby designated as a Landmark under the provisions of this Chapter.

Sec. 51-12: PENALTIES

(A) Fines for violation.

Failure to perform any act required by this Chapter or performance of any act prohibited by this Chapter shall constitute a violation. Any person violating any of the provisions of this Chapter shall be subject to a fine of up to seven hundred fifty dollars (\$750) for each day on which a violation exists.

(B) Penalty for willful violation or gross negligence.

In addition to the fines authorized by Section 51-12(A), 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 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 (5) 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 or property, structure, site or object located in a nominated or designated District.

(C) Other remedies.

(1) Notwithstanding the provisions of Sections 51-12(A) and 51-12(B), the City of Lake Forest may institute appropriate proceedings in law and equity to prevent or remedy any violation of the provisions of this Chapter. In the case of willful violation or gross negligence by any person, the City of Lake Forest may seek reversal of the prohibited work without regard to economic hardship.

(2) In addition, any cost of collection of fines or other amounts due to the City under this Section may be assessed in accordance with Section 1-9(b) of this code. (Ord. No. 03-37, Sec. 25)

Sec. 51-13: 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.

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