

Evanston Preservation Plan

Prepared by the
Evanston Preservation Commission

September 1981



EVANSTON WATER WORKS

South Western University
 Presbyterian Church of New Hope
 M. E. Church of New Hope
 Christian Church
 Congregational Church
 Methodist Church
 Presbyterian Church
 Baptist Church

EVANSTON, ILL.

1879 POPULATION 5000.



EVANSTON HOUSE

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Preface

The Evanston Preservation Plan was developed to guide the effort toward protecting and maintaining the city's important structures and environmental resources. This plan discusses the quality of Evanston's natural and built environment, reviews the accomplishments of the Preservation Commission, and identifies long-range goals related to preservation and conservation.

In pursuit of these goals, the Commission has five recommendations for successful management of preservation/conservation activities:

1. The Commission should complete the survey of significant structures in the ten intensive study areas and establish new criteria for determining the most noteworthy landmarks through a second evaluation of the properties already designated.
2. The Commission should make recommendations to the City Council for the designation of local conservation and National Register districts.
3. The Commission should assist the Evanston Plan Commission and the City Council in developing a Lakefront Protection Ordinance.
4. The Commission should acquire binding, rather than advisory, powers of review.
5. The Commission should revise the existing Evanston Preservation Ordinance where necessary.

Introduction

Described as the "gem suburb" in the 1928 Reeling history of Evanston and the "City of Gracious Living" in the 1980 Chicagoland Community Guide, Evanston has maintained its distinctive charm and great appeal for decades. A rare blend of an outstanding natural setting and a charming built environment, Evanston continues to thrive after nearly 150 years of settlement.

While Evanston has aged with grace, it now faces a critical stage in its existence. Development pressures combined with a lack of vacant land and available space threaten the ambience that has been the source of Evanston's appeal and stability.

To protect and maintain those structures, environmental resources, and street settings that especially contribute to the character of Evanston, a comprehensive preservation/conservation plan has been developed. The primary aims of the plan are to develop a process to identify and designate the structures, landscapes, street elements, and environmental resources of impor-

tance, and to define the process for effectively conserving them. To accomplish these aims, the Commission must develop a structure for managing its work.

The mandate for an effective preservation program originates in Evanston's General Comprehensive Plan of 1974. The plan delineates many objectives and policies related to preservation and conservation: the objective for housing, for example, is to "protect and conserve the predominantly superior residential character of the community by continuously improving its residential areas." More specific policies articulated in the plan include encouragement of "the preservation of those homes which exhibit architectural and historical value" and help for "all residents in obtaining the basic knowledge and the legal and financial resources needed" for conservation.

A brief examination of Evanston's history, its national and local significance, and its unique character emphasizes the need for a strong, comprehensive preservation plan, an effective Preservation Commission, and mechanisms through which the plan will be carried out.



4A. Northeast corner, Chicago Avenue and Davis Street, late 19th century.



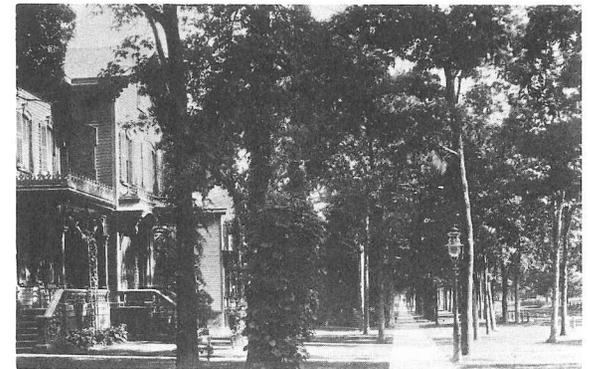
4B. Chicago Avenue near Clark Street.

History

Settlers began to arrive in Evanston after the signing of the Treaty of Chicago in 1833, which transferred all Indians who had been living in the area to lands west of the Mississippi River. Most of the early residents were farmers who settled along the Green Bay Trail, now Ridge Avenue, between 1836 and 1850. With the establishment of Northwestern University in 1853 and the concurrent construction of the railroad through Evanston, the population rapidly increased, tripling between 1860 and 1870. Another influx occurred following the Great Chicago Fire of 1871.

The continued growth of Evanston was inevitable; its proximity to Chicago, access to transportation, diversified commercial and industrial development, location on the lakefront, and concentration of educational facilities made it an extremely attractive place in which to live and work. The increasing number of Chicagoans moving to Evanston, in fact, was a factor in the extension of elevated train service.

The city charter was drawn up in 1892. From 1890 to 1900, the present pattern of residential, commercial, and industrial land uses developed, providing a foundation for the first formal city plan in 1917. In 1921, Evanston became the first Illinois community to develop a zoning ordinance. During the 1920s, the city became a regional shopping center. It experienced an apartment boom, resulting in the addition of 26,000 new residents, the largest single population increase of any decade. By 1930 the population had reached 63,000. During the 1940s and 1950s, a manufacturing base, primarily in steel, aluminum, and metal products, was established, and several organizations moved their national headquarters to Evanston.



5A. Chicago Avenue north of Church Street.



5B. Davis Street looking east from Benson Avenue.



5C. Davis Street near Fountain Square, c.1917.

National and Local Significance

Evanston enjoys a distinguished historical and architectural heritage encompassing more than 135 years of high quality building in a variety of styles. Six individual sites and one historic district are included on the National Register of Historic Places:

1. Frances E. Willard House, "Rest Cottage", 1730 Chicago Avenue
2. Charles Gates Dawes House, 225 Greenwood Street
3. Frederick B. Carter Jr. House, 1024 Judson Avenue
4. Grosse Point Lighthouse, 2535 Sheridan Road
5. George B. Dryden House, 1314 Ridge Avenue
6. 1703-13 Ridge Apartments
7. Evanston Lakeshore Historic District (roughly bounded by Northwestern University, Lake Michigan, Calvary Cemetery and Chicago Avenue)

Of these, the Willard House and the Dawes House are also National Historic Landmarks.

In addition to the already designated Evanston Lakeshore Historic District, a second district nomination is being prepared for central Evanston along Ridge and Asbury Avenues. As other areas of the city are evaluated, additional National Register sites and districts will be explored.

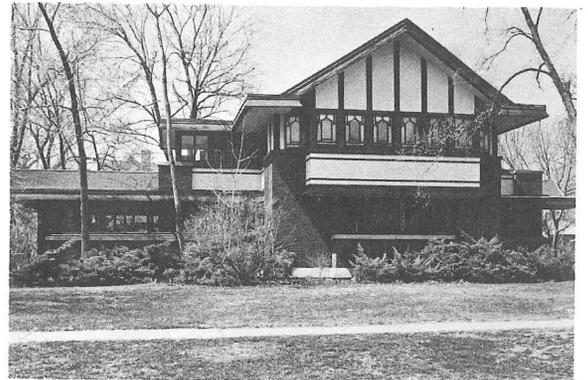
In contrast to many suburban areas which experienced major growth in the 1950s and 1960s, Evanston has a well-preserved housing stock from the late 19th and early 20th centuries. The Illinois Department of Conservation conducted the Historic Structures Survey in 1972 to identify structures of architectural significance and the Historic Landmarks Survey in 1975 to inventory sites of historical significance. These surveys identified 276 architecturally significant structures and 23 historically significant sites in Evanston.



6A. Frances E. Willard House.



6B. Charles Gates Dawes House.



6C. Frederick B. Carter Jr. House.



7A.



7B. George B. Dryden House.

Using these surveys as a base, the Evanston Preservation Commission began a more detailed survey of Evanston in 1976, evaluating the ten Evanston areas with the heaviest concentrations of structures identified in the state surveys. By the end of 1980, six of the ten intensive study areas had been studied; of the 1,200 buildings examined in detail, 555 were designated Evanston Landmarks according to the criteria developed by the Commission.

Character

Evanston, which Daniel Burnham described as "the most beautiful city in the world," derives its special ambience from an effective blending of natural and manmade environments. Distinctive homes, attractive landscapes, generous tree cover, and aesthetic street lighting have long been priorities in plans for Evanston's development. These priorities are still embraced throughout the community.

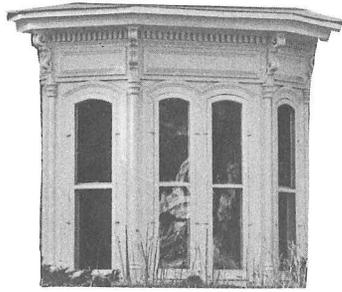


8A. Marshall Field and Company, Evanston store.



8B. Rowhouses, 1101-13 Maple Avenue.

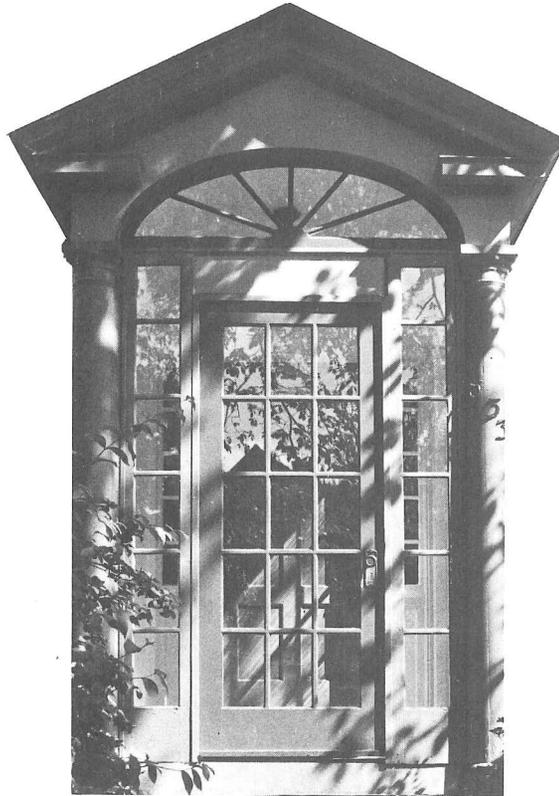
8B.



9A. Window detail.

Evanston's architectural heritage offers unique contrasts, from stately mansions to smaller-scaled vernacular houses on tree-lined streets. Open green areas and landscaping, which were given high priority in the early plans of Evanston, are still abundant throughout the community. Trees unify the city's diverse architecture and weave a lovely pattern of greenery throughout the city's neighborhoods. The proud Tallmadge streetlights lend a special charm to Evanston's streets.

The blending of these elements is so appealing and pervasive that it creates the pleasant image of Evanston shared by residents and non-residents alike.



9B. Doorway detail.



9C. Turret detail.



9D. 1144 Forest Avenue.



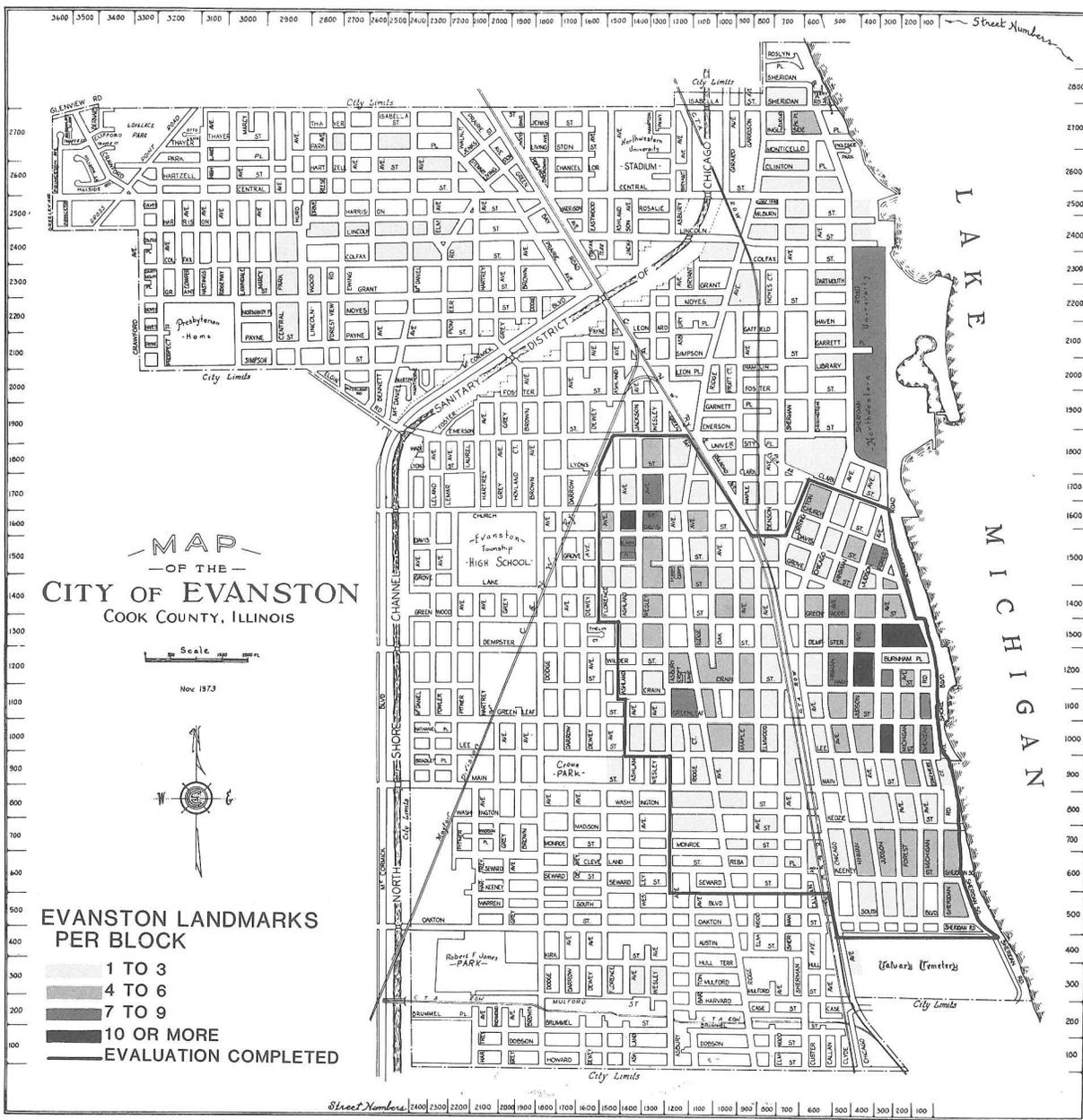
9E. 2236 Ridge Avenue.

Work of the Commission

History of Commission

The Evanston Preservation Commission was established in accordance with recommendations made by the Evanston Preservation Planning Conference, organized under the auspices of the Evanston Plan Commission in 1974 to study Evanston's architectural significance and heritage. The Conference examined Evanston's Comprehensive General Plan and its preservation policies and objectives. Its three-volume report included an assessment of those preservation policies and recommendations for the future. The City Council, upon accepting the report, created the Evanston Preservation Commission by ordinance in 1975. The powers stated in Section 2-207 of the Ordinance are:

- (a) To establish rules and regulations governing its operation not inconsistent with the provisions of this ordinance.
- (b) To establish subcommittees to deal with specific subareas under consideration.
- (c) To enlist special assistance in matters requiring particular expertise.
- (d) To conduct public hearings.
- (e) To prepare and issue publications.
- (f) To conduct public information programs to increase public awareness of the Commission's purpose, goals and work.
- (g) To assist officials of special districts and other units of local government by providing a preservation evaluation on matters affecting the development or redevelopment of the City.
- (h) To prepare and administer budgets and to seek and accept funds from sources private and public to pursue the goals of the Commission.
- (i) To employ such staff and to contract for such goods and services necessary to its goals as shall be approved by the City Council.
- (j) To perform such other acts as may be appropriate to the accomplishment of its purposes and goals.



Process

In its early years, the Commission attempted to handle every detail of every preservation issue. Recognizing its ineffectiveness, the Commission formed committees to distribute the workload. Even so, the five committees have not managed to effectively streamline the operational procedure. Meetings of the full Commission are still burdened with details which should have been reviewed by the appropriate committees.

The current committees and their responsibilities are:

1. Administration - handles Commission business, including meeting agendas, finances, and staff project assignments.
2. Legislation - assesses changes to the ordinance and other pertinent preservation legislation.
3. City - reviews public works programs and proposes revisions to city codes to encourage preservation.
4. Public - handles public relations, education programs, producing publications.
5. Evaluation - reviews and recommends structures or sites for landmark designation and maintains records.

Accomplishments

Since its formation in 1975, the Evanston Preservation Commission's work has included:

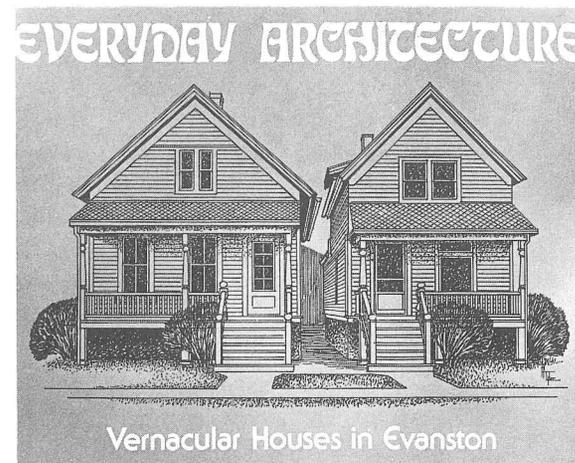
1. The identification and evaluation of 1,200 structures in six of the ten intensive study areas. One National Register Historic District, the Evanston Lakeshore Historic District, has been designated; other districts and nominations are being considered.
2. The designation of structures and sites as Evanston Landmarks. The City Council confers landmark designation based upon the Commission's recommendations. To date, 555 have been designated; an additional 100 may be recommended this year.

3. Advisory review of building and demolition permits forwarded from the Department of Inspections and Permits.
4. Advisory review of cases before the Zoning Board of Appeals which concern landmark structures.
5. Advisory review of public works programs in relation to preservation objectives.
6. Contributions to public education including a quarterly newsletter, slide presentations, tours for adults and schoolchildren, and publication of the following pamphlets:

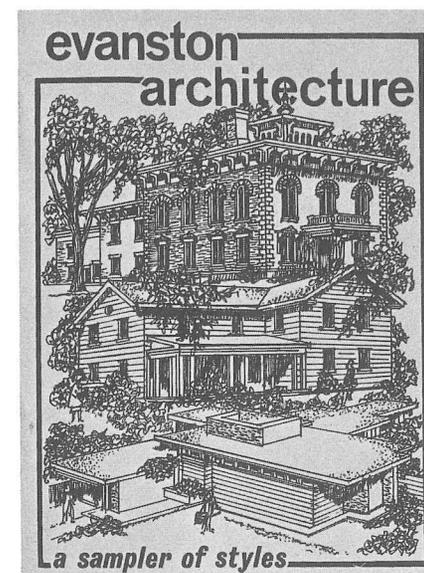
Evanston Architecture, a Sampler of Styles

Evanston Landmarks - Central Business District

Everyday Architecture - Vernacular Houses in Evanston



I2A. Evanston Preservation Commission publication.



I2B. Evanston Preservation Commission Publication.

Long-Range Goals



13A. Preservation in progress.

Simply stated, the goals of the Evanston Preservation Commission are:

Identification of the historic, architectural, and environmental resources of the community.

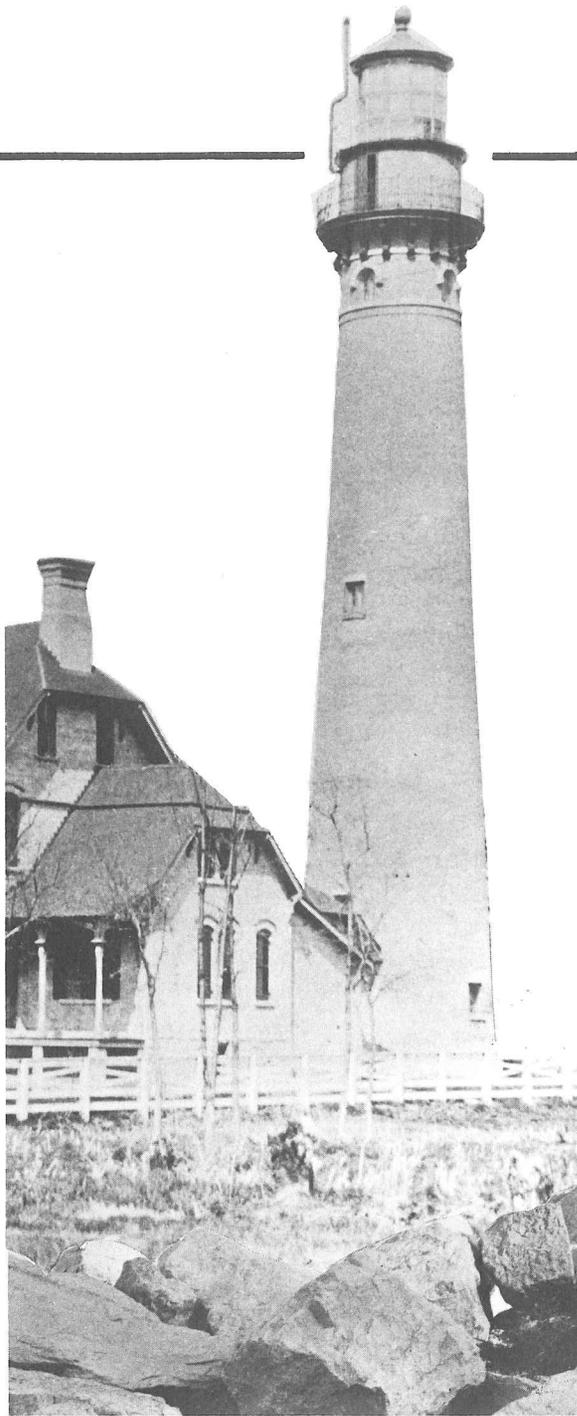
Designation of those resources as landmarks.

Conservation of those resources through use of the Commission's review powers, effective legislation, and interagency cooperation.

Continuation of public education and awareness programs.

The Commission should revise the ordinance and develop procedures to ensure that these goals are effectively executed.

Goal 1: Identification of Community Resources



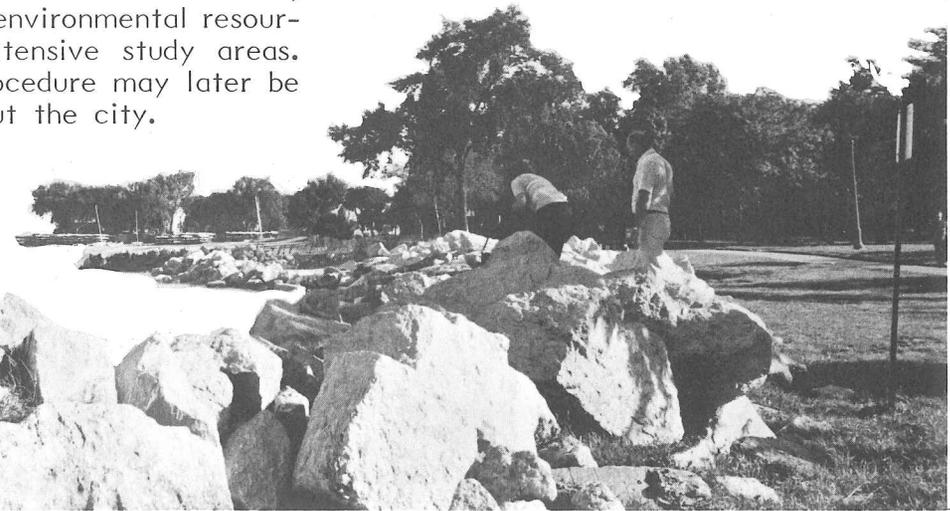
14A. 1703-13 Ridge Apartments.

In Section 2-206 of the Preservation Ordinance are criteria for determining which structures and sites are significant. According to these criteria, the Commission has designated 555 structures and sites listed in Schedule B of the ordinance. By the end of 1982, the Commission will have completed identification and evaluation of the historic, architectural, and environmental resources in the ten intensive study areas. This evaluation procedure may later be extended throughout the city.



14B. 1719 Hinman Avenue.

Once the Commission has completed its survey, more restrictive criteria should be established in order to identify those structures or sites that are of the very highest architectural, historic, or environmental significance. In so doing, different levels of significance and of protection should be developed.



Goal 2: Designation of Landmark Sites and Districts



15A. Streetscape on Asbury Avenue at Leonard Place.

The final designation of significant structures and sites as Evanston Landmarks is made by the City Council based upon Commission recommendations. Designation clearly identifies these structures and sites as the focus of Commission and civic concern.

The creation of districts is another means of clearly identifying the scope of the Commission's interest. Two major types of districts are generally recognized: the National Register of Historic Places, and locally designated conservation districts, each subject to different benefits and controls. Because locally designated conservation districts offer a greater opportunity for preser-

ving Evanston's resources, the benefits of such districts will be explained in detail. A description of the benefits of National Register districts is found in Appendix A.

Locally Designated Conservation Districts

Though a locally designated conservation district is not eligible for the tax benefits of a National Register district unless their boundaries coincide, it does offer an extremely important benefit: a community voice in development within

the district. Depending upon the powers stated in the ordinance, the Commission may be authorized to review and regulate any development, restoration, alteration, demolition, or civic improvements within a designated district.

Locally designated conservation districts can be areas of any size over which the Commission may review changes to the exterior appearance of both structures and streetscapes contained within the specified boundaries. Accompanying the designation of an area as a conservation district is the development of guidelines regulating construction, alterations, and demolition of structures within the district. The power of regulation usually extends only to the buildings' exteriors. As it is an "area" concept, district designation implies Commission control of all structures within the boundaries, not just those which are architecturally or historically significant.

Commonly listed purposes for establishing locally designated conservation districts include the preservation of the outward appearance and harmonious exterior relationships of groups of buildings and streetscapes; encouragement of new designs compatible with the characteristics of the district; and the maintenance and improvement of settings for specific significant structures.

An additional important purpose for designating conservation districts as a function of a comprehensive preservation plan is to avoid accusations of using "spot zoning" to protect structures and streetscape elements. In Evanston, conservation district designation would be an important tool in allowing and regulating the subdivision of large lots with older structures to ensure that changes are handled with sensitive regard for preservation goals.

Determining Boundaries

The two major steps involved in creating locally designated conservation districts are defining the boundaries and determining the level of control over the district.

Major factors to consider in defining district boundaries are the density of landmarks, the area's significance to the community as a whole, the presence of superior streetscape elements, the presence of compatible design relationships, the repetition of special features, the existing zoning, and the inclusion of a buffer zone.

As an example, the city of Aurora, Illinois developed criteria in its preser-

vation ordinance for two kinds of locally designated districts: historical and urban conservation. The criteria for historical districts are stricter than those for urban conservation districts. The Aurora ordinance lists the following standards for defining and determining the boundaries of its two types of districts:

Sec. 37-9 Historical Districts

The (Aurora) Commission shall consider the following in reviewing property and improvements for designation as Historical Districts:

- a) Any of the standards listed in Section 37-8 (criteria for designation of landmark structures).
- b) Homogeneity of architectural design or dates of construction throughout the area.
- c) Identifiable by clear and distinctive boundaries.
- d) Repetition of distinguishing architectural or land use characteristics throughout the area.

Sec. 37-10 Urban Conservation Districts

The Commission shall consider the following in reviewing property and improvements for designation as Urban Conservation Districts:

- a) Any of the standards listed in Sections 37-8 and 37-9.
- b) Identifiable as a traditional Aurora neighborhood, commercial area, or public activity center.
- c) Characterized by solid housing or by commercial buildings which are not necessarily significant or homogeneous in their architectural design.
- d) Threatened with deterioration, demolition or disharmonious alteration.

Developing a Process for Owner Notification and Designation

Section 2-206 of the existing Evanston preservation ordinance, which outlines the designation process for landmark structures, makes no mention of due process for designation. In the opinion of counsel, no due process is required since there is no "taking" under the present ordinance. The Commission, however, is developing a procedure for owner notification at least sixty days before the structure is to be recommended to the City Council for designation.

The Evanston Preservation Commission should expand this procedure to set forth a workable process for the formal designation of landmark structures and locally designated conservation districts. Basic steps in the process should include:

1. Application for Designation - An application to nominate a building or district for landmark designation could be filed by groups, individuals, or the Commission. The application will describe the nominated site or district and include a map of the appropriate boundaries, a statement justifying designation, and any other relevant information. Owners will be notified of potential designations if they were not responsible for filing for designation.
2. Preliminary Review - The Research and Evaluation Committee will review all materials relevant to the nominated structure or district and will make a recommendation of approval or denial of formal designation to the full Commission.
3. Final Review - The full Commission will approve or deny formal designations for buildings and districts based on the work of the committee.
4. Designation - The Commission's recommendations will be submitted to the City Council for approval and designation.



17A. Compatible houses on Sherman Avenue.



17B. 1707 Hinman Avenue.

Goal 3: Conservation of Resources

Protecting Evanston's landmark structures, locally designated conservation districts, and environmental resources involves the direct use of Commission powers, the use of Commission influence on other city agencies, and the active support and involvement of the citizens of Evanston.

Lakefront Protection Ordinance

Lake Michigan is generally considered to be the single most precious resource that Evanston has. The Evanston community has expressed very clearly its interest in protecting and enhancing the lakefront for the public good. In light of recent events affecting lakefront property, it is of the highest priority that the Commission act to bring about a Lakefront Protection Ordinance, similar to Chicago's, to ensure the regulation of development along the lakefront. The Commission will work with the Plan Commission and the City Council to enact such legislation as soon as possible. Major points to be included in the ordinance are:

1) Purposes - Promotion of the general welfare, conservation of natural resources, protection of public parks and land devoted to public use, provision for pedestrian movement along the shoreline, and control of major construction along the lake.

2) Definition of District Boundaries and Prohibitions - State the boundaries of the lakefront protection district and what is prohibited within those boundaries. The Chicago ordinance cites that "it shall be unlawful for any physical change, whether temporary or permanent, public or private, including, but not limited to, landfill, excavation, impoundment, mining, drilling, roadway building or construction of any kind" to be undertaken without the approval of the Chicago Plan Commission. The Chicago ordinance also defines an offshore zone, a public use zone, and a private use zone under Commission jurisdiction.

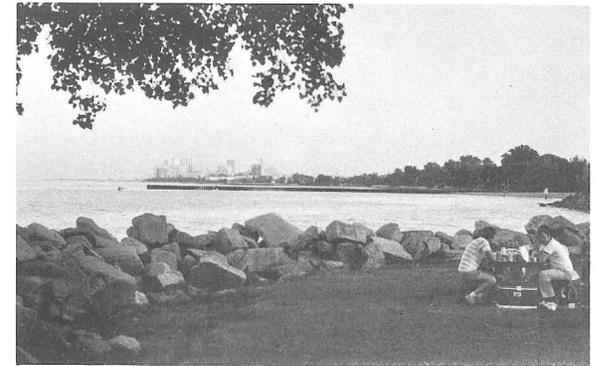
3) Powers and Process - The Chicago ordinance states that the Plan Commission's decision on an application for lakefront development "shall be deemed a final order and binding upon all parties."

4) Penalties - Develop fines and penalties for violating the ordinance.

The complete Lake Michigan and Chicago Lakefront Protection Ordinance is listed in Appendix B.



18A. Evanston Boat Club, c.1870.



18B. Evanston lakefront.

Binding Review

Many Illinois communities have granted their preservation commissions binding powers of review. To make the Preservation Commission truly effective, it must be granted binding review powers. With such powers, alterations, construction, or demolition of Council-designated noteworthy landmark structures or within specially designated local conservation districts may be performed only if the Commission grants a Certificate of Appropriateness approving the proposed change. Such a Certificate is issued by the Commission to authorize appropriate alterations, construction, or demolition of designated landmarks or structures in locally designated conservation districts.

Because of the wealth of landmark structures and special ambience in Evanston, the city demands a strong, dynamic Preservation Commission whose powers are equal to the task of conservation in Evanston. By assuming binding powers of review, the Commission will be able to effectively exert control over proposed changes to noteworthy landmark structures or within specially designated local districts. A legally sound designation process with adequate due process provisions will be essential. To provide precedents for justification of strong Commission review powers in Evanston, the ordinances of Aurora,

Rockford, Peoria, Lombard and Galesburg are cited in Appendix C with specific reference to review procedures. Aurora and Rockford represent ordinances with the strongest powers possible; Peoria, Lombard and Galesburg represent ordinances which are quite strong and similar to what should be achieved in Evanston.

Taking

The issue of taking and thus having to compensate an owner for losses incurred due to denial of a demolition permit may be of concern to the Commission with the assumption of binding review powers. Under the Illinois Historic Areas Preservation Act, commissions are authorized to deny an application for a building or demolition permit without this action constituting a taking unless all reasonable economic return is prevented. The appropriate section of the Act is cited in Appendix D.

In the courts, historic preservation has fared well. The 1978 decision in the landmark case of Penn Central vs. City of New York supported the constitutionality of landmark preservation laws. The Supreme Court compared the landmark designation process to traditional zoning and land use regulation devices. It ruled that if the landmark designation process leaves the owner with opportunities to continue receiving a reasonable return from the property,

there is no "taking" for which compensation need be paid.

Since the Penn Central case, 75% of recent Illinois ordinances grant commissions the power to deny demolition permits with an appeal process through the city council. The other 25% are either stricter by granting commissions the power to deny demolition without an appeals process or less strict by granting only advisory powers to commissions. In Evanston, an appeals process through the City Council is recommended so that an objective third party could resolve irreconcilable disputes between the Commission and permit applicants.

Review Process

With the assumption of binding review powers, a review process would be developed to comply with legal due process provisions and effectively further preservation goals. It will include the following steps:

- 1) Application for Certificate of Appropriateness - Applications will be filed with Commission staff and contain information describing the proposed change, plans, elevations, specifications, and any other necessary documents.
- 2) Preliminary Review - The Review and Technical Assistance Committee will review and evaluate the Application and work with the applicant to arrive at a mutually acceptable course of action. The committee will then report its recommendation to the full Commission.
- 3) Formal Decision - Based on the work and recommendations of the Review and Technical Assistance Committee, the full Commission will formally decide whether to approve or deny the application.

- 4) Appeal - If the Commission decision is contested, the Commission will conduct a public hearing for all interested parties. If no agreement can be reached, the work and recommendations of the Review and Technical Assistance Committee and the minutes of the public hearing will be submitted to the City Council, which will render the final judgement.

Criteria for Review

Criteria considered in the review process should be applicable to individual landmark structures as well as proposed changes in locally designated conservation districts. Criteria should be sufficient to deal with potential problems such as the subdivision of older buildings on large lots or insensitive changes to landmark structures. Criteria should stress that proposed changes highlight or positively enhance exterior features, that "improvements" harmonize with neighboring development, and that changes not detract from the essential character of a specific landmark structure or local conservation district.



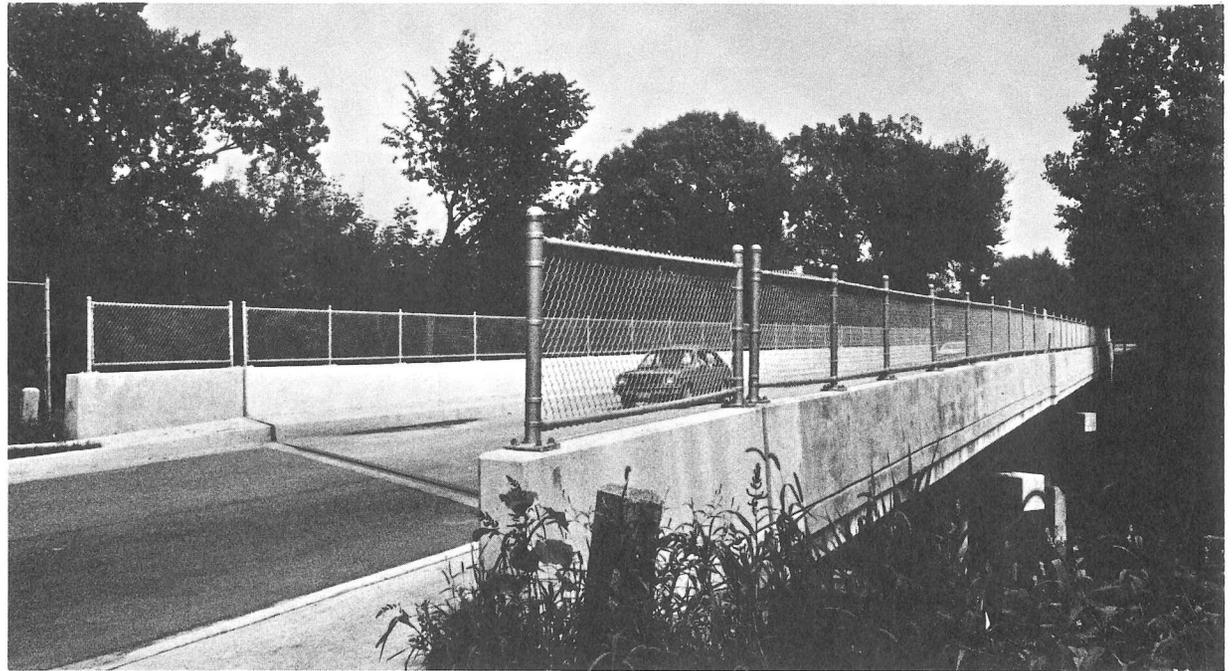
20A. Hereford Apartments,
1637 Chicago Avenue.



20B. Building site following 1978 demolition.

PUBLIC WORKS ACTIVITIES

Because public works activities can have a tremendous impact on street-scapes, the Liaison Committee of the Commission should keep informed of and evaluate City projects which would affect a locally designated conservation district or any other environmental resources of concern to the Commission. The Liaison Committee will report its findings and recommendations on City projects to the full Commission, which will then issue a formal statement to the City Council and the city department involved expressing its opinion of the proposed work.



21A. Lincoln Street Bridge over the Metropolitan Sanitary District Canal.

Goal 4: Continuation of Public Education Programs



22A. Evanston Preservation Commission conducting guided tour, Fall 1980.

No preservation program or commission can succeed without strong community support. The Commission has made considerable progress in raising the public consciousness of the need for and the benefits of preservation and ways to successfully achieve preservation/conservation objectives.

The Public Education Committee will continue to issue publications, conduct educational tours, present slide shows and perform related activities to educate the public about preservation/conservation. Good public relations between the Commission and the public, the media and the City will be maintained.

The Review and Technical Assistance Committee will provide technical assistance to property owners.

EVANSTON PRESERVATION NEWS

DECEMBER, 1980

2100 RIDGE AVENUE, EVANSTON, ILLINOIS 60204

Bulk Rate
U.S. POSTAGE
PAID
Evanston, Illinois
Permit No. 21



Inside... Low-cost energy improvements to save you money this winter...
New Landmark Owner Advisory Service... Restoration of stained glass,
concrete, wood... Casement storm windows...

ITALIANATE (1860-1874)

Italianate architecture borrowed heavily upon the Italian country home as its model. Italianate homes were the first residences in Evanston of any size and ornamentation. A part of the picturesque movement, this was the practical style of the day. It was not an ecclesiastical or governmental style, but a domestic and a commercial one.

CHARACTERISTICS

PLAN:
generally symmetrical, but can also sometimes be L-shaped and wrapped around a square three story tower; balustraded balconies are common.

ROOF:
gently sloping hipped or gabled roofs; distinctive wide eaves with brackets sometimes grouped in pairs around the roof overhang; frequent use of polygonal or square belvederes or cupolas atop the roof.

WINDOWS:
frequently windows have hoodmolds or pediments, and sometimes they are rounded at the top; bay windows are common.

MATERIALS:
clapboard, brick, stone or smooth stucco.

DECORATIVE DETAILS:
eaves and cornices are decorated with over-scaled brackets; there are often columns or pilasters (flat representations of columns) which appear to support an entablature (a group of horizontal beam-like elements).



5

QUEEN ANNE (1882-1900)

The popular success of the Queen Anne style in America dates from the Philadelphia Centennial Exposition of 1876, at which the British government erected two Queen Anne buildings to provide living quarters and offices for the British Executive Commissioner and his staff. Richard Norman Shaw was the English architect credited with first developing the Queen Anne style which dates from 1888 in England. Another of the picturesque styles, the Queen Anne style was popular in Evanston and the Midwest through the 1890's.

CHARACTERISTICS

PLAN:
very asymmetrical or irregular plan with elaborate turrets, towers and multiple gables; a variety of surface textures, roofs and wall projections.

ROOF:
roofs are steep and multiple with many intersecting gables; hipped roofs are uncommon, making the open gable end the main contribution to the overall effect; may have turrets with "candle snuffer" roofs.

WINDOWS:
windows are of many shapes and sizes; bay windows are frequently employed as are rounded or polygonal corner towers.

MATERIALS:
wood, brick or stone, often in combination which contributes to an overall variety of surface textures.

DECORATIVE DETAIL:
details are frequently classical and tend to be small in scale, overwhelmed by the building itself; tall thin chimneys with brick and occasionally tile are used in unusual and intricate design patterns making them an outstanding design feature.



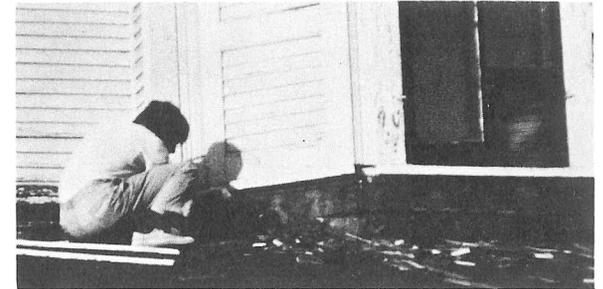
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23A, B, C. Evanston Preservation Commission publications.

Development of Effective Operational Procedures

Commission meetings have been characterized by lengthy, detailed discussions of a variety of topics from streetlights to designation of landmarks to review of proposed alterations to landmarks. Meetings of the full Commission should be devoted to policy formulation and decision-making and not to the deliberation of topics which should have been handled by committee. In addition, rules and procedures should be developed for homeowner presentations so that they are conducted in a dignified manner outside of meetings of the full Commission.

To better organize and carry out preservation activities in Evanston, an operational procedure should be devised which fully utilizes committees, staff, technical advisers and associate members to do the review and research on preservation activities and make recommendations to the full Commission for final decision-making. Committees composed of Commission members will be formed as needed to handle specific issues. Technical advisers should be appointed as needed by individual committees and may be granted associate member status. Such a procedure will minimize the full Commission's need to get involved with every aspect of every issue, thus allowing Commission meetings to concentrate on policy making.



24A. Roof repair.

Staff Preapproval Authority

The Commission recently adopted a resolution giving powers of blanket preapproval to staff. The resolution allows staff to approve "appropriate and non-controversial work" if the proposed repair and maintenance work "exactly reproduces the existing design and is executed in the existing material," or if it reproduces "the original design in the original material." Such authority for staff has streamlined the operational procedure for managing preservation activities.

Revising the Ordinance

Because a preservation commission derives its power from the community's preservation ordinance, a good ordinance is essential to commission effectiveness. The following basic revisions would considerably strengthen Evanston's ordinance to facilitate better management of the Commission's work.

1. Cite home rule legislation as the statutory authority. Of the three legal sources for preservation ordinances in Illinois - the Illinois Historic Areas Preservation Act, the Illinois Zoning Enabling Act, and the Home Rule section of the Illinois constitution - home rule legislation offers the greatest flexibility for granting powers to the Commission.

Home rule legislation, found in Article 7, Section 6 of the 1970 Illinois Constitution, states that home rule communities may "exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare." This language allows the freedom to enact preservation ordinances which supersede the detailed enabling legislation which must be followed in the Historic Areas Preservation Act

and avoids the shortcomings of the Zoning Enabling Act.

Briefly, the Historic Areas Preservation Act empowers commissions to designate historic landmarks and districts, regulate changes in designated landmarks or districts, control the use of surrounding properties, and issue revenue bonds. The language is specific and fairly restrictive. The Zoning Enabling Act can only be used to protect landmarks in districts, not those which may be scattered outside of designated districts, and must be used in conjunction with the zoning ordinance. Each of these acts would be more useful in a community smaller than Evanston or one which has one or two obvious historic areas.

2. Define more clearly the composition of the Commission. A balanced Commission membership composed of persons with professional or technical expertise as well as dedicated individuals without any specific expertise will make the Evanston Preservation Commission most effective. Section 2-201 of the existing ordinance should be revised to state that Commission membership should include at least one architect, a local historian, an architectural historian, and an attorney, as well as members chosen

without specific professional or technical expertise but a strong interest in preservation.

3. Compose a clearly stated purpose. Major emphasis should be on protecting and enhancing individual structures as well as the special ambience of Evanston; fostering civic pride in Evanston's past while creating an environment that is dynamic and vital; and promoting private initiative in maintenance and improvements to individual structures and the streetscape. The "Purpose and Goals" section (2-203) of the existing ordinance lists powers, not purposes.
4. Group all "Powers and Duties" under one heading. The current ordinance has Commission powers scattered among four different sections: 2-203, 2-204, 2-205, and 2-207. All powers should be listed together to define clearly at the outset of the ordinance just what the Commission is empowered to do.

Recommendations



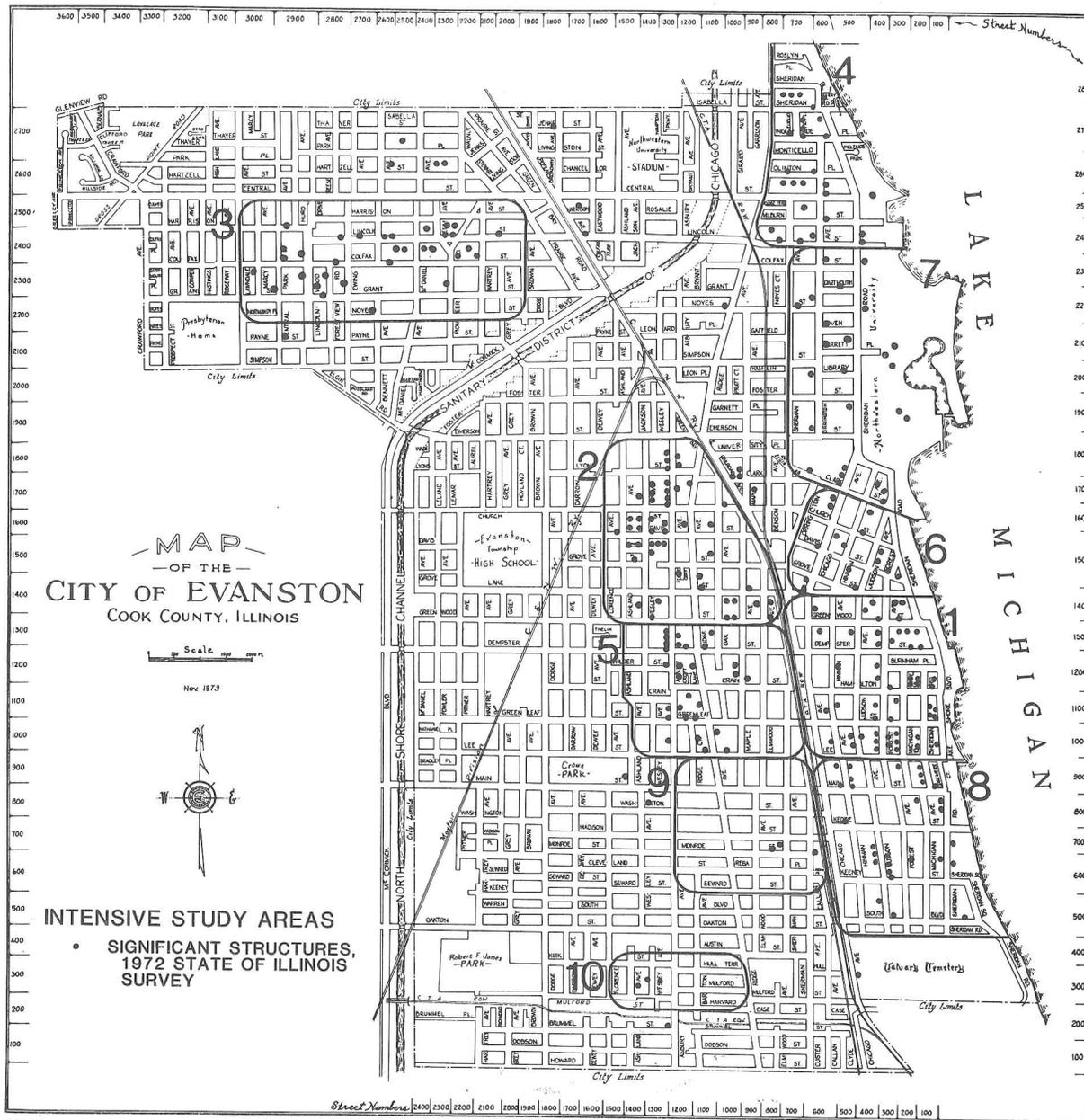
26A. Grosse Point Lighthouse.

Recommendations are put forth in this plan to provide a basis for the successful management of preservation activities in Evanston. These recommendations will serve as a strong foundation for the ongoing assessment of the Commission's work and effectiveness. The basic recommendations are:

1. Complete the survey of significant structures in the ten intensive study areas and establish new criteria for determining the most noteworthy landmarks through a second evaluation of the landmarks already designated.
2. Identify and designate conservation and National Register districts.
3. Assist in developing a Lakefront Protection Ordinance.
4. Acquire binding review powers.
5. Revise the ordinance where necessary.

The Commission should develop procedures to ensure that these goals are effectively executed.

1. Survey



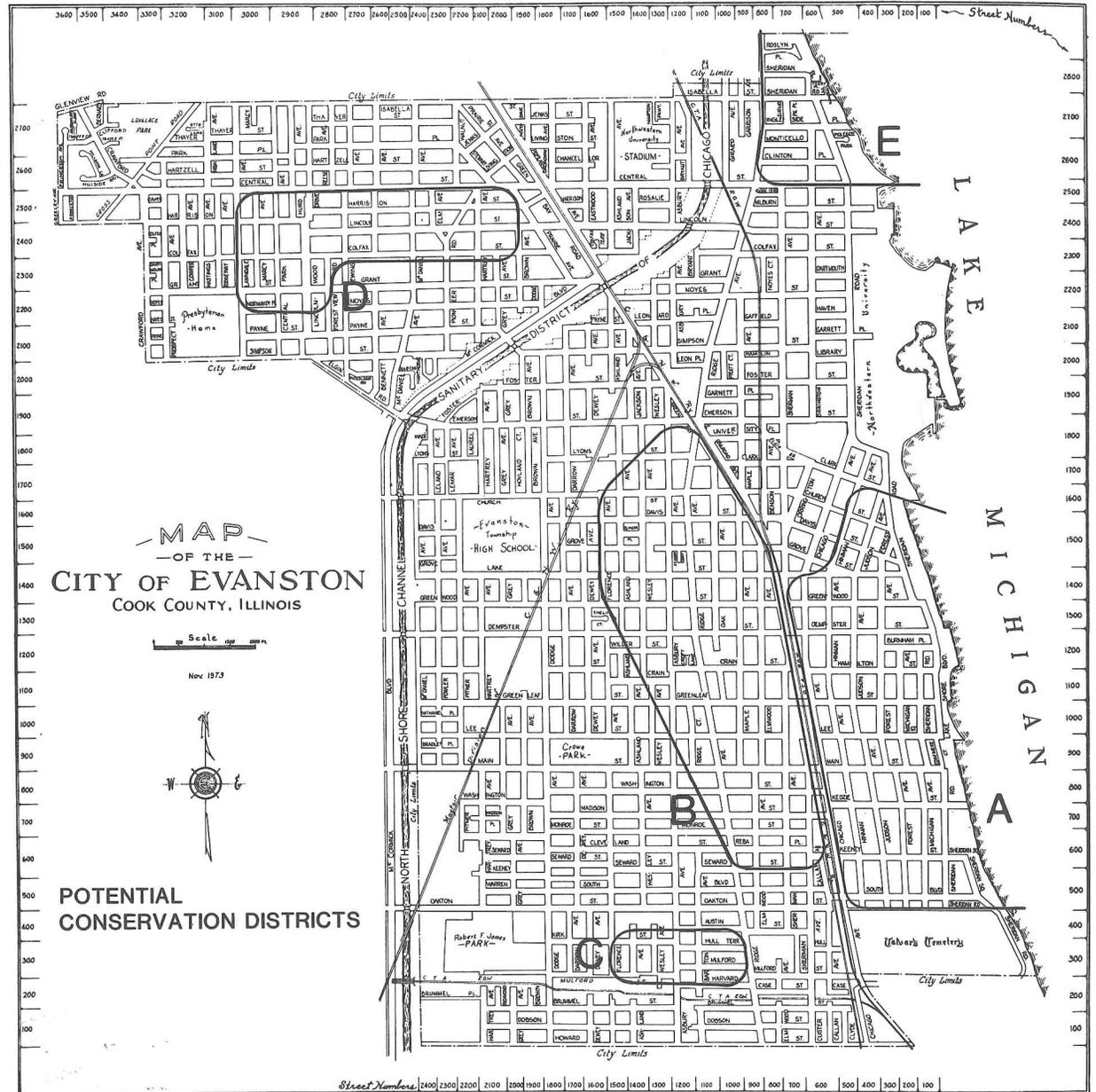
The Commission should finish the identification and evaluation of significant structures in the remainder of the intensive study areas. Upon completion of this survey, new criteria should be established to determine the most noteworthy landmarks through a second evaluation of the landmarks already designated. In so doing, different levels of protection could be developed to respond to different levels of significance.

2. Districts

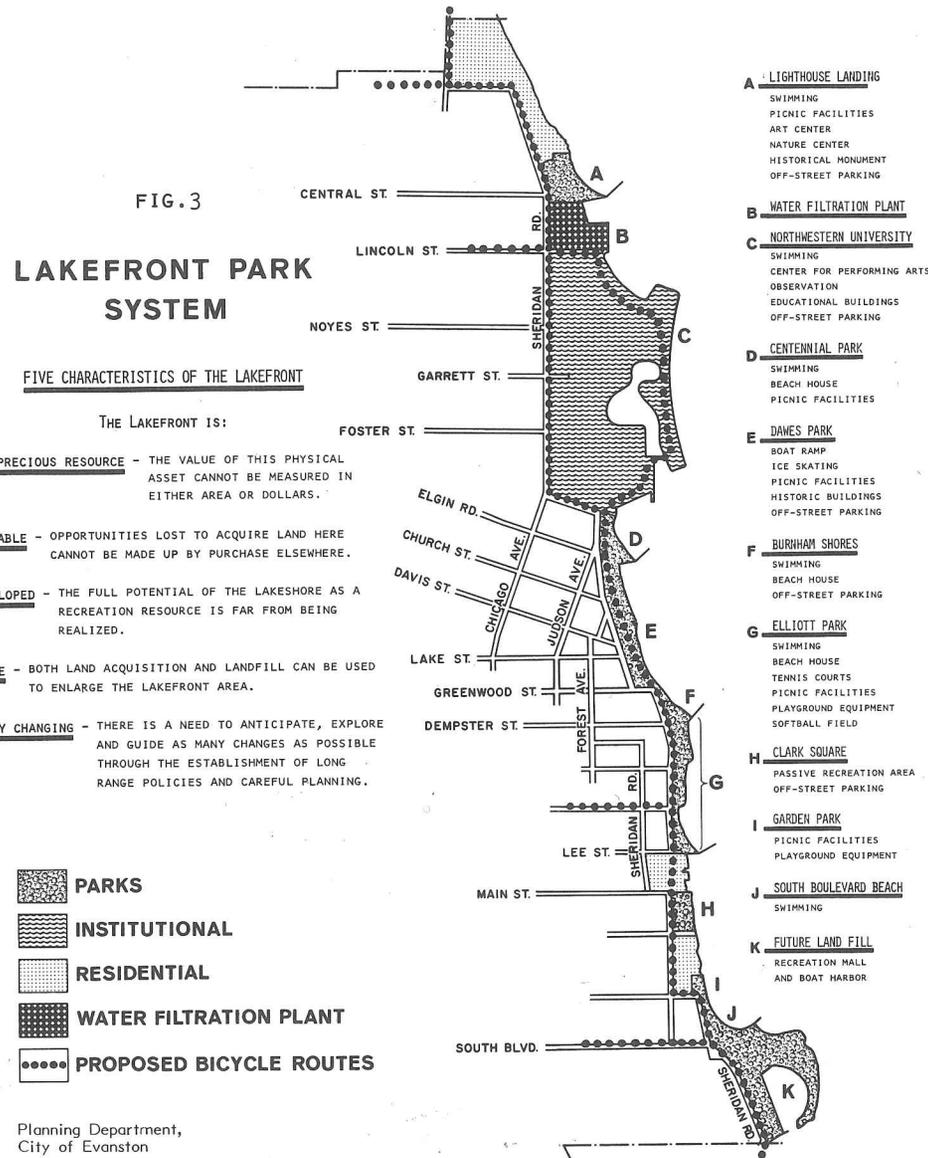
It is recommended that the Commission identify and designate local conservation and National Register districts as well as individual landmark structures and sites. The Commission should develop detailed criteria for the designation of districts.

At this time, the Evanston Lakeshore Historic District has been officially designated a National Register Historic District. The Evanston Ridge Historic District may soon be nominated to the National Register. These two districts should also be designated as local conservation districts, with boundaries roughly coterminous with the National Register boundaries.

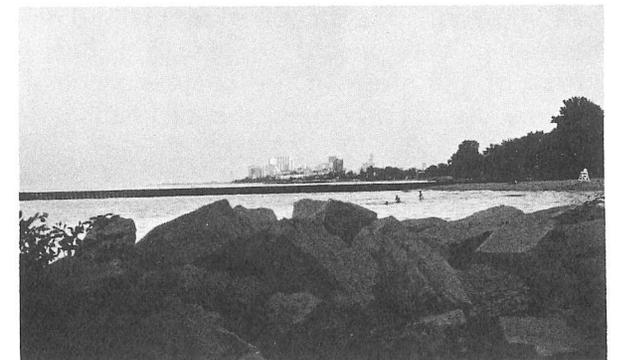
In addition to these two districts, three other potential locally designated conservation districts are located in northeast Evanston, northwest Evanston, and south central Evanston respectively. Boundaries should be defined on the basis of the concentration of landmark quality buildings, existing zoning, the character of surrounding structures and the provision of a buffer zone.



3. Lakefront



The Commission should assist the Evanston Plan Commission and the City Council in developing a Lakefront Protection Ordinance similar to that of Chicago, which is cited in Appendix B. The Commission should be attentive to activities in U-2 zoning districts to detect early on any potential conflicts between Northwestern University development interests and preservation objectives.



29B. Lake Michigan lakefront in Evanston.

4. Binding Review

It is recommended that the Commission acquire binding rather than advisory review powers to make it truly effective. There is considerable precedent in Illinois for acquiring such powers. Because Evanston has such an abundance of landmarks and a special ambience, the city demands a Commission with powers equal to the task of conservation in Evanston. The acquisition of binding review powers would require a redefinition of the steps in the review process as well as a change in the ordinance.



30A. Redevelopment can threaten historic structures.

Evanston fails to save NU buildings

By Gil Reid

Two vacant lots on Sheridan Road and some hard feelings are all that remain following Evanston's unsuccessful effort to save two historical homes from a wrecker's ball.

The nine-month effort to reach a compromise with Northwestern University ended Sept. 15 and 16, when NU officials ordered two university-owned houses demolished to make way for new dormitories.

City and university officials agree that feelings of frustration and anger are harbored by some of those involved.

"There are some hard feelings, but I don't think there's been any lasting damage to the university's relationship with the city," NU spokesman Jack O'Dowd said this week.

"There are a lot of residents who perceive Northwestern University as a large, non-caring institution and that's not the truth," O'Dowd adds.

Although city officials say the university co-operated during talks on the matter, ill feelings remain toward NU.

"Everybody in this whole thing is frustrated and upset," said James McWilliams, chairman of the Evanston Preservation Commission. "There were no real winners-in this situation."

The structures at 1818 and 1822 Sheridan Rd. were among five wood-frame and brick buildings on the same block that constituted a city historical district. NU razed the other three homes at 1830, 1834 and 1840 Sheridan Rd. about a month ago to make way for the project.

The city nominated the houses at 1818 and 1822 Sheridan Rd. for listing in the National Register of Historic Sites. The city would have been eligible for federal restoration funds if the houses had been listed, said Preservation Commission co-ordinator Cynthia Lynch.

Both homes were historically significant because they were among the few remaining examples of work by famous Chicago-area architects, McWilliams said. The brick house at 1822 Sheridan Rd. was designed in 1911 by Dwight Perkins and the wood-frame structure at 1818 Sheridan Rd. was designed in 1889 by the architectural firm of Holabird and Roche, McWilliams said.

The demolition clears the approximately 2½ acres for the construction of three four-story buildings that will house 380 undergraduates. The \$13 million project is scheduled to start next spring and completion is scheduled for September, 1982.

"Even this isn't going to answer our housing needs completely," O'Dowd said. "We'll still have a housing shortage."

University officials late last year took their housing plans to the city council for its approval. Council members expressed dismay at the proposal and voiced concern for the historical structures and residential character of the area.

Spokesmen for the city and citizens group said this week their organizations are not considering court action against the university.

30B. Recent newspaper article.

5. Ordinance



31A. 1039 Forest Avenue.

Because the Commission derives its ultimate power from the preservation ordinance, a good ordinance is essential to Commission effectiveness. The following recommended revisions would strengthen the ordinance and thus the Commission.

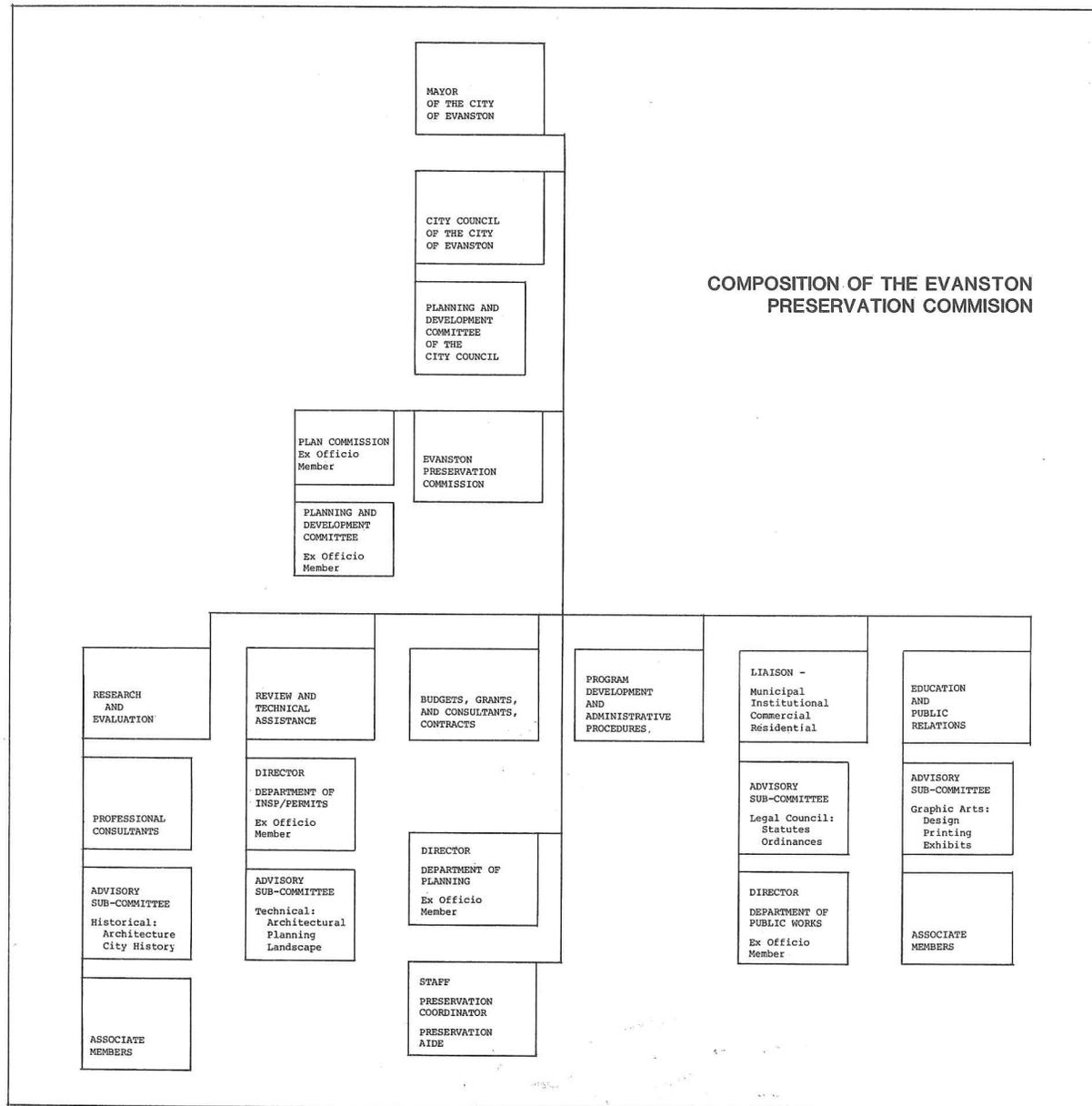
1. Cite home rule legislation as the statutory authority.
2. Define more clearly the composition of the Commission.
3. Compose a clearly stated purpose.
4. Group all "Powers and Duties" under one heading.
5. Develop detailed criteria and the process for the designation of districts.
6. Grant binding rather than advisory review powers on construction, demolition, and alterations of noteworthy landmark properties and within specially designated local districts.
7. Establish legally sound due process provisions.
8. Establish penalties for ordinance violations. (See Appendix E)

Operational Procedure

The Commission must develop a mechanism whereby the details of preservation activities are worked out prior to meetings of the full Commission so that Commission meetings are devoted primarily to policy making. To achieve this, it is recommended that Commission members continue to belong to committees which deal with specific sets of responsibilities but that the committee structure be strengthened and much greater use be made of staff, associate members, and technical advisers. In this manner, the full Commission will not have to deal with every aspect of every issue but will make decisions based on information that has been previously evaluated in detail.

At this time, it seems reasonable to organize Commission members into six committees: Research and Evaluation; Review and Technical Assistance; Liaison; Program Development and Procedures; Budget and Grants; and Public Education. The committee structure may always be changed as future needs dictate, but the essence of doing the bulk of Commission work at committee level should be maintained. Listed below are descriptions of the specific kinds of responsibilities of each of the six committees.

1. Research and Evaluation Committee - Create and maintain a historic resource data base through research, photography, and maps; survey and evaluate structures in remaining intensive study areas; explore continuing survey in remainder of city; recommend designation of landmarks and districts to the Commission for approval by the City Council; consider deletions from the landmark list for inappropriate exterior alterations or demolition; recommend National Register nominations for structures or districts and prepare nominations where appropriate; develop and apply an evaluation system to determine a scale of relative importance for landmarks.
2. Review and Technical Assistance Committee - Establish review criteria for evaluating the impact of alterations on landmark structures; develop review procedures compliant with existing or proposed preservation ordinances; conduct reviews of applications with staff and/or an advisory subcommittee; establish standards to develop a framework for providing technical assistance; develop procedures by which technical assistance can be dispensed through close interaction of city staff and a technical assistance subcommittee; assist staff in developing a technical information data base accessible to the public.
3. Liaison Committee - Create and maintain channels of communication between the Preservation Commission and the City, business community, citizenry and institutional community; keep informed of the activities and actions of these groups in matters that could have a bearing on preservation issues; make preservation Commission positions clear to these groups through formal or informal presentations; inform the Commission of possible areas of concern or opportunity with these groups or agencies.
4. Program Development and Procedures Committees - Develop and articulate the Commission's short-range and long-range goals and programs, in cooperation with other committees; establish administrative standards and operational procedures to guide the efforts of the Commission.
5. Budget and Grant Committee - Review budget proposals prepared by staff, make appropriate suggestions for modification, and present budget information to the Commission; monitor budget hearings as necessary; report on approved budget, reviews of expenses and expense projections to the Commission on at least a semi-



annual basis; review consultant contracts, performance reports, and payments and report to the Commission when appropriate; review grant application proposals prepared by staff and report on them to the Commission; coordinate formal presentations before Grantor Organizations; investigate and assist staff in development of fund-raising mechanisms when requested by the Commission.

6. Public Education Committee - Sensitize the community to the value of preservation and foster an appreciation of Evanston's rich historical and architectural heritage through publications, tours, lectures, and school programs; inform citizens of preservation issues affecting the community; provide a source of information to assist in restoration and rehabilitation projects; organize and present special events when necessary to further preservation goals.

Appendix A

The National Register of Historic Places

The National Register of Historic Places is the federal government's official list of historic buildings and other cultural resources worthy of preservation. Listing on the National Register makes property owners eligible to be considered for federal grants-in-aid for historic preservation and provides limited protection through the Advisory Council in Washington, D.C., which comments on the effects of federally financed, assisted, or licensed undertakings on historic property.

If a property is depreciable and listed on the National Register, or is listed in and contributes to a district listed on the Register, certain provisions of the Tax Reform Act of 1976 may apply. Section 2124 of the act encourages the preservation of historic depreciable structures by allowing favorable tax treatments for rehabilitations. In addition, the act discourages the destruction of historic buildings by eliminating certain otherwise available federal tax benefits both for demolition and for new construction on the site of demolished historic buildings.

Appendix B

CHAPTER 194B

Lake Michigan and Chicago Lakefront

Protection Ordinance

BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF CHICAGO:

ARTICLE I—DECLARATION OF INTENT

ARTICLE II—TITLE

ARTICLE III—PURPOSES

ARTICLE IV—RULES AND DEFINITIONS

ARTICLE V—LAKE MICHIGAN AND
CHICAGO LAKEFRONT
PROTECTION DISTRICT

ARTICLE VI—ADMINISTRATION

ARTICLE VII—PENALTIES AND REMEDIES

ARTICLE VIII—SEVERABILITY

ARTICLE IX—DISTRICT MAPS

SECTION 1.

Pursuant to the provisions of the Constitution of the State of Illinois of 1970, the Municipal Code of Chicago is hereby amended by adding a new chapter thereto, to be numbered 194B and known as the Lake Michigan and Chicago Lakefront Protection Ordinance, as follows:

ARTICLE I—DECLARATION OF INTENT.

194B-1. Lake Michigan and the Lakefront of the City of Chicago are hereby designated a district having special environmental, recreational, cultural, historical, community, and aesthetic interests and values. It is the express legislative intention of this Ordinance to insure the preservation and protection of that district and of every aspect of its interest and value.

ARTICLE II—TITLE.

194B-2. This chapter 194B, Sections 194B-1 through 194B-9.2, shall be entitled and referred to as "The Lake Michigan and Chicago Lakefront Protection Ordinance".

ARTICLE III—PURPOSES.

194B-3. This Ordinance is adopted for the following purposes:

(a) To promote and protect the health, safety, comfort, convenience, and the general welfare of the people, and to conserve our natural resources;

(b) To identify and establish the Lake Michigan and Chicago Lakefront Protection District and to divide that District into several zones wherein any and all development or construction, as specified in Article V hereinafter, shall be specifically restricted and regulated;

(c) To maintain and improve the purity and quality of the waters of Lake Michigan;

(d) To insure that construction in the Lake or modification of the existing shoreline shall not be permitted if such construction or modification would cause environmental or ecological damage to the Lake or would diminish water quality; and to insure that the life patterns of fish, migratory birds and other fauna are recognized and supported;

(e) To insure that the Lakefront Parks and the Lake itself are devoted only to public purposes and to insure the integrity of and expand the quantity and quality of the Lakefront Parks;

(f) To promote and provide for continuous pedestrian movement along the shoreline;

(g) To promote and provide for pedestrian access to the Lake and Lakefront Parks from and through areas adjacent thereto at regular intervals of one-fourth mile and additional places wherever possible, and to protect and enhance vistas at these locations and wherever else possible;

(h) To promote and provide for improved public transportation access to the Lakefront;

(i) To insure that no roadway of expressway standards, as hereinafter defined, shall be permitted in the Lakefront Parks;

(j) To insure that development of properties adjacent to the Lake or the Lakefront Parks is so designed as to implement the above-stated purposes, provided, however, that with respect to property located within the Private Use Zone as established by Articles V, VI, and IX of this Ordinance, the permitted use, special use, lot area per dwelling unit, and floor area ratio provisions of The Chicago Zoning Ordinance, Chapter 194A of the Municipal Code of Chicago, shall govern except where such provisions are in substantial conflict with the purposes of this Ordinance or the Fourteen Basic Policies of the Lakefront Plan of Chicago;

(k) To achieve the above-stated purposes, the appropriate public agency should acquire such properties or rights as may be necessary and desirable;

(l) To define and limit the powers and duties of the administrative body and officers as provided herein;

(m) Nothing contained in the Lake Michigan and Chicago Lakefront Protection Ordinance shall be deemed to be a waiver or consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity which may be otherwise required by law.

ARTICLE IV—RULES AND DEFINITIONS.

194B-4.1. Rules. In construing this Ordinance, the rules and definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise;

(a) Words used in the present tense shall include the future; the words used in the singular number shall include the plural number, and the plural the singular.

(b) The word "shall" is mandatory and not discretionary.

(c) The word "may" is permissive.

(d) Where the regulations imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable regulations imposed by any other provision of this Ordinance or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.

(e) In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum

requirements for the promotion of the public health, safety and welfare.

(f) This Ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that, where the regulations of this Ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

(g) "Him", "he", or "his" means and includes both the male and female gender.

194B-4.2. Definitions.

(a) **Accessory Building** — An accessory building is one which is subordinate to and serves in principal building; and which is subordinate in area, extent, or purpose to the principal building; and which contributes to the comfort, convenience or necessity of occupants of the principal building; and which is located on the same zoning lot as the principal building.

(b) **Applicant** — An applicant is the owner of the subject property or a duly authorized representative.

(c) **Expressway** — An expressway is any primary highway constructed as a freeway which has complete control of access and is designed for speeds in excess of 45 miles per hour.

(d) **Public Agency** — A public agency is any agency of the United States Government, State of Illinois, any county, township, district, school, authority, municipality, or any official, board, commission, or other body politic or corporate or subdivision of the State of Illinois, now or hereafter created, whether herein specifically mentioned or not.

(e) **Public Open Space** — A public open space is any publicly owned open area including, but not limited to, parks, playgrounds, beaches, waterways, parkways, and streets.

(f) **Public Way** — A public way is any sidewalk, street, alley, highway, or other public thoroughfare.

(g) **Use** — The use of property is the purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner or performance of any activity which is regulated by any other provision of the Municipal Code of Chicago.

(h) **Zoning Lot** — A zoning lot is a single tract of land located within a single block, which (at the time of filing

for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a zoning lot may or may not coincide with a lot of record.

ARTICLE V—LAKE MICHIGAN AND CHICAGO LAKEFRONT PROTECTION DISTRICT.

194B-5.1. Prohibitions. It shall be unlawful for any physical change, whether temporary or permanent, public or private, to be undertaken, including, but not limited to, landfill, excavation, impoundment, mining, drilling, roadway building or construction of any kind, within the Lake Michigan and Chicago Lakefront Protection District, as hereinafter set forth in sub-paragraphs 194B-5.2 and 194B-5.3, or for any acquisition or disposition of real property by a public agency, whether by sale or lease, or other means, to be consummated within the Lake Michigan and Chicago Lakefront Protection District, as hereinafter set forth in subparagraphs 194B-5.2 and 194B-5.3, without first having secured the approval therefor from the Chicago Plan Commission as provided in Article VI of this chapter; provided, however, that the following shall be exempt from the prohibition aforesaid: improvements on any property subject to a Planned Development Ordinance adopted prior to the effective date of this Ordinance; accessory buildings; repairs and rehabilitation which do not exceed fifty (50) percent of the total cost of replacement of the existing structure; additions which do not increase the site coverage or the height of the structure; and residential structures containing not more than three dwelling units.

194B-5.2. District. The Lake Michigan and Chicago Lakefront Protection District shall be comprised of all of that part of Lake Michigan that lies within the State of Illinois south of the northern limits of the City of Chicago as extended eastward; all the shoreline of the City of Chicago including all harbors, piers, breakwaters, and the locks of the Chicago River; all the system of public open space and public ways which comprises the Lakefront Parks; and all lands contained within the Private Use Zone set forth in the District maps illustrated in Article IX of this Ordinance, attached hereto and made a part hereof.

194B-5.3. Zones. The Lake Michigan and Chicago Lakefront Protection District shall be divided into three zones:

(a) The Off-Shore Zone shall include all surface, sub-surface and air-rights areas of Lake Michigan to a distance eastward to the east line of the State of Illinois lying in Lake Michigan.

(b) The Public Use Zone shall include all public open space and public ways irrespective of configuration which are adjacent to the Shoreline of Lake Michigan as set forth in the District maps illustrated in Article IX of this Ordinance.

(c) The Private Use Zone shall include all zoning lots contained within the Private Use Zone set forth in the District maps illustrated in Article IX of this Ordinance, attached hereto and made a part hereof.

ARTICLE VI—ADMINISTRATION.

194B-6.1. The Chicago Plan Commission shall be the agency responsible for the administration of the Lake Michigan and Chicago Lakefront Protection Ordinance and shall have the following powers and duties in addition to those powers and duties presently contained within the Municipal Code of Chicago:

(a) To receive from any applicant or public agency an application, on such forms as the Commission may provide, to undertake any landfill, excavation, impoundment, mining, drilling, roadway building or construction regulated by this Ordinance and receive from any public agency an application, on such forms as the Commission may provide, to acquire or dispose of property regulated by this Ordinance; to review, approve or disapprove said application, provided that (1) a public hearing is noticed and held in accordance with the provisions of subparagraphs (b), (c), (d) and (e) hereof, and (2) a written report is prepared and filed with the Commission by the Commissioner of the Department of Planning, City and Community Development in accordance with the provisions of paragraph 194B-6.2 hereof. The forms provided by the Commission shall not require detailed working drawings or plans.

(b) Within seven (7) days from the date of receipt of said application, the Commission shall schedule a public hearing on the question of same setting forth a date within sixty (60) days thereof, time and place and causing written notice to be given the transmitting public agency and the applicant. The Commission shall cause a legal notice to be published in a newspaper of general circulation in the City of Chicago setting forth the nature of the hearing, the property involved and the date, time and place of the scheduled public hearing. Said public hear-

ing shall be scheduled on a date not less than fifteen (15) days nor more than thirty (30) days from the date of publication of notice.

(c) In addition to the notice requirements hereinabove provided, each applicant subject to the provisions hereof shall, not more than thirty (30) days before filing said application, serve written notice, either in person or by certified or registered mail, return receipt requested, on the owners of all property within 250 feet in each direction of the lot line of the subject property, said owners being such persons or entities which appear from the authentic tax records of Cook County; provided, that the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement; provided, further, that in no event shall this requirement exceed 400 feet. Said notice shall contain the address of the subject property, a brief statement of the nature of the application, the name and address of the applicant and the statement that the applicant intends to file said application on an approximate date. If, after a bonafide effort to determine such address by the applicant, the owner of the property on which the notice is served cannot be found at his or its last known address, or the mailed notice is returned because the owner cannot be found at the last known address, the notice requirements of this provision shall be deemed satisfied. In addition to serving the notice herein required, at the time of filing application, the applicant shall furnish to the Commission a complete list containing the names and last known addresses of the owners of the property required to be served, the method of service employed and the names and addresses of the persons so served and said applicant shall also furnish a written statement to the Commission certifying that the requirements hereof have been complied with. The Commission shall hear no application unless the applicant furnishes the list and certificate herein required.

(d) The Commission shall conduct the public hearing as provided by subparagraph (b) hereof and shall provide a reasonable opportunity for all interested parties to express their opinions under such rules and regulations as the Commission shall adopt for the purpose of governing the applications and proceedings of the Commission. Each speaker at any hearing shall be fully identified as to name, address and interests which he represents. Said public hearings shall be concluded within thirty (30) days after commencement thereof; provided, however, that the Commission may grant such extensions of time as the applicant may request, said extensions of time to be

deemed a waiver of the thirty (30) day period herein provided to the extent of the continuance granted.

(e) The Commission shall make a determination with respect to the proposed application, plan, design or proposal in writing within thirty (30) days after the hearings are concluded and shall notify the forwarding public agency and the applicant of the Commission's approval or disapproval thereof, setting forth findings of fact constituting the basis for its decision. The decision of the Chicago Plan Commission shall be made in conformity with the purposes for which this Ordinance is adopted as set forth in Article III hereof, as well as the Fourteen Basic Policies contained in the Lakefront Plan of Chicago adopted by the City Council on October 24, 1973. The decision of the Chicago Plan Commission shall be deemed a final order and binding upon all parties. Failure of the Commission to make a determination within the time hereinabove prescribed shall be deemed a disapproval.

(f) Whenever possible and practicable any hearings required by law to be held by the Commission affecting the same property shall be held concurrently. (Amend. Coun. J. 12-21-77, p. 7000.)

194B-6.2. The Commissioner of the Department of Planning, City and Community Development shall have the following duties and responsibilities:

(a) To forward every proposal or application submitted to the Chicago Plan Commission under the provisions of this Ordinance to the Department of Environmental Control and to any other public agency he shall deem appropriate.

(b) To receive from the Commissioner of Environmental Control, and any other public agency, a report of comments or recommendations.

(c) To make such investigation relative to each application or proposal as he deems necessary.

(d) To prepare and forward to the Chicago Plan Commission a written report which shall include his findings and recommendations on each application or proposal no less than five (5) days prior to the scheduled hearing.

(e) To forward within five (5) days to the Chicago Plan Commission certain applications for a permit, as specified in Section 194B-5.1 of this Ordinance, in any Planned Development located within the Lake Michigan and Chicago Lakefront Protection District.

(f) To forward within five (5) days to the Chicago Plan Commission such applications for permit not exempted in Section 194B-5.1 of this Ordinance and not in any Planned Development located within the Lake Michigan and Chicago Lakefront Protection District, and to return to the Commissioner of Buildings such applications as are exempted by Section 194B-5.1 of this Ordinance.

(g) To receive the decision of the Chicago Plan Commission prior to the issuance of any permit and to consider that decision binding.

(h) To approve all applications for permits as specified in Section 194B-5.1 of this Ordinance when said permits conform to the decision of the Chicago Plan Commission.

(Amend. Coun. J. 12-21-77, p. 7000.)

194B-6.3. The Commissioner of Buildings shall have the following duties and responsibilities:

(a) To forward within five (5) days to the Chicago Plan Commission and the Commissioner of Planning, City and Community Development any application for a permit in the Lake Michigan and Chicago Lakefront Protection District, together with a statement of zoning considerations by the Zoning Administrator, at any location within the Lake Michigan and Chicago Lakefront Protection District.

(b) To receive the decision of the Chicago Plan Commission, and the approval of the Commissioner of Planning, City and Community Development, prior to the issuance of any permit and to consider that decision binding.

(Amend. Coun. J. 12-21-77, p. 7000.)

194B-6.4. The Commissioner of Environmental Control shall, upon receipt of any proposal or application as hereinabove provided, conduct an investigation of the ecological and environmental impact of said proposal and forward his findings to the Commissioner of Planning, City and Community Development in writing within the earliest feasible period of time after receipt thereof. (Amend. Coun. J. 12-21-77, p. 7000.)

194B-6.5. Any public agency that proposes to acquire or dispose of any real property whether by sale or lease, or other means, or proposes a physical change including but not limited to landfill, excavation, impoundment, mining, drilling, roadway building or construction of any kind, whether permanent or temporary, within the Lake Michigan and Chicago Lakefront Protection District, shall forward that proposal to the Chicago Plan Commission not less than ninety (90) days, nor more than 365 days prior to the initiation of the action proposed.

ARTICLE VII — PENALTIES AND REMEDIES

194B-7.1. Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this chapter, except when otherwise specifically provided, upon conviction thereof shall be punished

by a fine of not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) for the first offense and not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) for the second and each subsequent offense in any 180-day period; provided, however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Civil Practice Act (Ill. Rev. Stat. 1971, ch. 110, pars. 1 et seq.). Repeated offenses in excess of three (3) within any 180-day period may also be punishable as a misdemeanor by incarceration in the county jail for a term not to exceed six (6) months under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code (Ill. Rev. Stat. 1971, ch. 24, par. 1-2-1.1) and under the provisions of the Illinois Code of Criminal Procedure (Ill. Rev. Stat. 1971, ch. 38, pars. 100-1, et seq.), in a separate proceeding. A separate and distinct offense shall be regarded as committed each day upon which each person shall continue any such violation, or permit any such violation to exist after notification thereof.

194B-7.2. Notwithstanding the provisions of subparagraph 7.1 hereof, in the event any structure or building, landfill, excavation, impoundment, mining or drilling has been undertaken in violation of this chapter, the City of Chicago may institute appropriate legal or equitable proceedings to prevent the completion or maintenance of said unlawful undertaking.

ARTICLE VIII — SEVERABILITY

194B-8. If any provision, clause, sentence, paragraph, section, or part of this chapter, or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this chapter and the application of such provision to other persons, firms, corporations, public agencies, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, public agency, or circumstances involved. It is hereby declared to be the

legislative intent of the City Council that this chapter would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.

ARTICLE IX — DISTRICT MAPS

194B-9.1. The location and boundaries of the District and its three zones established by this Lake Michigan and Chicago Lakefront Protection Ordinance are shown upon the following District maps which are hereby incorporated into this Lake Michigan and Chicago Lakefront Protection Ordinance. The said District maps, together with everything shown thereon and all amendments thereto, shall be as much a part of this Lake Michigan and Chicago Lakefront Protection Ordinance as is fully set forth and described herein.

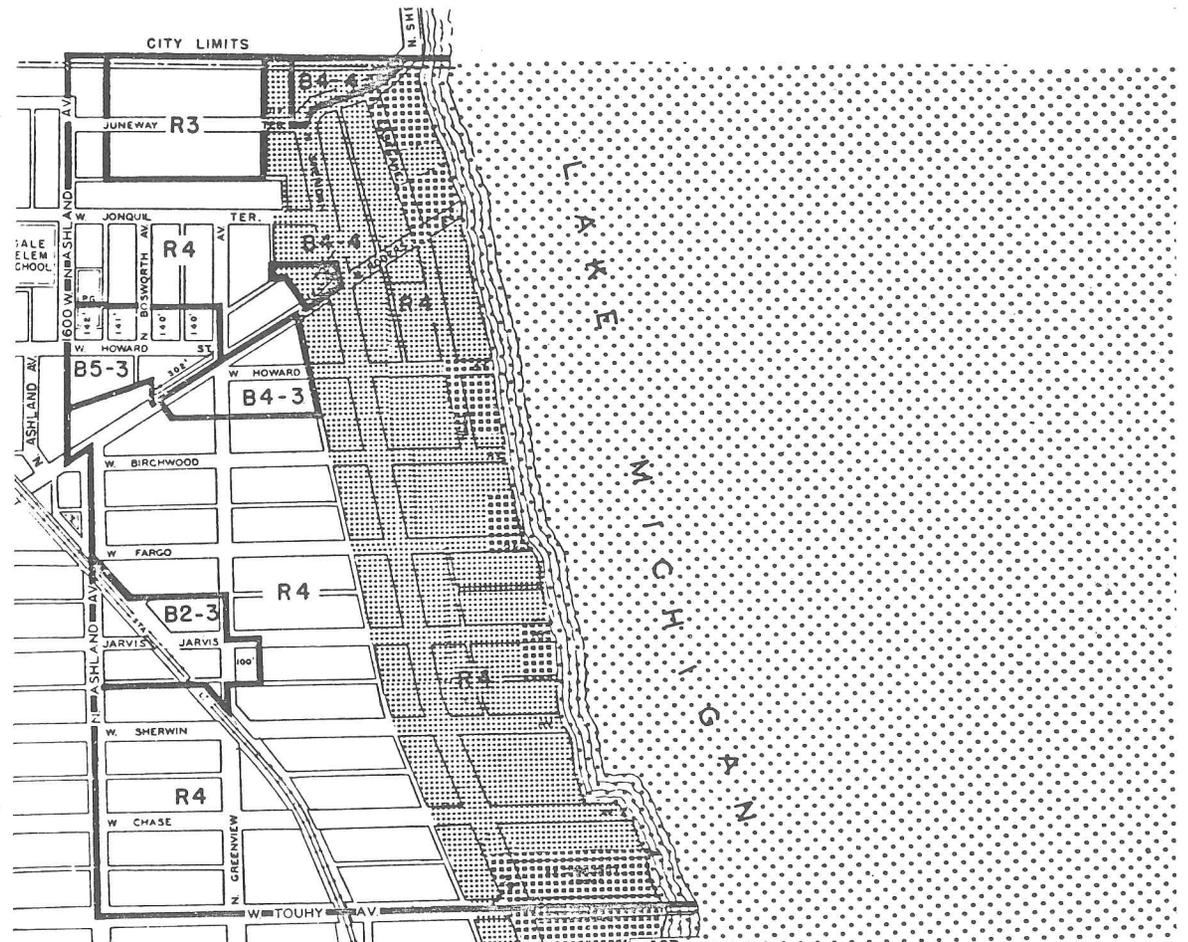
194B-9.2. (1) Where District boundary lines are indicated as following streets or alleys or extensions thereof, such boundary lines shall be construed to be the center lines of said streets or alleys or extensions thereof.

(2) Where District boundary lines are indicated as adjoining railroads, such boundary lines shall be construed to be the boundary lines of the railroad rights of way, unless otherwise dimensioned.

(3) Where District boundary lines are indicated as adjoining expressways such boundary lines shall be construed to be the boundary lines of the expressway rights of way, unless otherwise dimensioned.

(4) Dimensioned District boundary lines shown on the maps are intended usually to coincide with lot lines. Where a dimensioned boundary line coincides approximately but not exactly with a lot line which existed on the effective date of incorporation of such boundary line into the map(s), the said boundary line shall be construed to include the said lot affected.

(Passed. Coun. J. 10-24-73, p. 6488.)



LAKE MICHIGAN AND CHICAGO LAKEFRONT PROTECTION DISTRICT

- OFF SHORE ZONE
- PUBLIC USE ZONE
- PRIVATE USE ZONE

Appendix C

Ordinances of Other Illinois Communities

Illinois communities have developed many kinds of preservation commissions with a variety of powers and duties relative to specific community needs. Perhaps the single element which determines a preservation commission's ultimate effectiveness is the ability to review and regulate proposed changes to landmark structures or within locally designated districts. Strong preservation commissions have binding powers of review so that proposed changes can only be undertaken with the approval of the commission.

Depending upon the specific preservation ordinance, a commission with binding review powers may be authorized to make the final decision about approving or denying proposed changes to landmarks. No appeal process for a contested decision is provided. In most cases, however, a third party such as the City Council or Village Board of Trustees generally makes the final judgement in contested commission decisions.

To provide precedents for attaining binding powers of review for the Evanston Preservation Commission, the ordinances of Aurora, Rockford, Peoria, Lombard, and Galesburg are cited. Aurora and Rockford represent ordinances with no appeal process for

contested decisions about proposed changes; Peoria, Lombard, and Galesburg represent ordinances which do provide an appeal process.

According to Aurora's ordinance, passed in 1979,

the Commission shall render a decision to issue, deny or modify the requested Certificate of Appropriateness ... within thirty days after the public hearing. The Commission's decision shall be in writing and shall include findings of fact in support thereof. Copies of the decision shall be mailed to the applicant and all owners of property within the subject designation. The decision of the Commission shall be the final administrative decision.

Following a denial, the application shall not be resubmitted within the next twelve months except upon the written request of an applicant indicating the incorporation of changes in plans and specifications as may have been recommended by the Commission.

After the issuance of a Certificate, no change may be made in the proposed work without resubmittal of an application.

Rockford's ordinance, passed in 1968, also gives its commission the final decision-making power in granting or denying Certificates. The ordinance, which addresses both landmarks and districts, cites "The Secretary of the Interior's Standards for Rehabilitation," Section 36, Code of Federal Regulations, Part 67 as the major source of criteria for review. Following the application procedure,

the Commission shall review all applications presented to it for Certificates of Appropriateness at its regular monthly meeting, and shall grant or deny at said meeting a Certificate. The denial of a Certificate shall be accompanied by a written statement indicating the reasons for denial.

Decisions of the Commission in the granting, denying or reviewing of Certificates of Appropriateness shall be final administrative decisions, as defined in the "Administrative Review Act," Chapter 110, Section 264, of the Illinois Revised Statutes. Appeals to said decisions of the Commission shall be had directly to a court of competent jurisdiction in the manner prescribed in the "Administrative Review Act".

Three examples of ordinances for strong commissions with binding review powers but an appeal process through the local government body are Peoria, Lombard, and Galesburg. The Peoria ordinance, passed in 1976, states that if the commission denies a Certificate,

the applicant for said permit may appeal to the City Council. Such appeal must be filed with the City Council within fourteen (14) days after the decision of the Board. The Council shall hold a public hearing and shall vote on said appeal within ninety (90) days of its receipt.

Lombard's ordinance also provides for an applicant appeal through the local government. Passed in 1979, this ordinance empowers the Commission

to review all proposed alterations regardless of whether or not they require a building permit.

If the Commission finds that the proposed work does not meet the criteria, a certificate of appropriateness will not be issued. Written notice of the denial... together with the reasons therefor shall be given to the applicant.

Any person aggrieved by a decision of the Commission may, within thirty (30) days after receipt by

certified mail of the notice of denial, apply to the Board of Trustees of the Village of Lombard for a review of the Commission's decision. He shall file with the Village Manager a written notice requesting the Board to review said decision. Should the Village Board agree with the aggrieved and decide to override the Historical Commission recommendation, their action would constitute an automatic removal of the "landmark site" designation.

Galesburg's preservation ordinance of 1979 directs appeals to the City Council. An appeal must be filed with the City Clerk within fifteen (15) days after the decision of the commission. The City Council will then hold a public hearing and vote on the appeal within forty-five (45) days of its receipt.

A simple majority vote of the City Council in opposition to the denial must be recorded in order for a denial by the Landmark Commission to be overturned. The City Council transmits its decision in writing to the Building Inspector and the applicant.

Appendix D

The Taking Issue

The issue of taking and thus having to compensate an owner for denial of a demolition permit is discussed in the Illinois Historic Areas Preservation Act. According to this act, preservation commissions are authorized to deny applications for building permits without such actions constituting takings and thus requiring just compensation to property owners. The pertinent section of the act reads as follows:

11-13.2-5 Acts constituting taking or damage for public use. The denial of an application for a building demolition permit by reason of the operation of this Division, or the denial of an application for a building permit to add to, modify or remove a portion of any building by reason of the operation of this Division, or the imposition of any regulation solely by reason of the provisions of this Division which requires, directly or indirectly, an alteration or cessation in the use to which the interior space in any building is put, or which requires any addition or modification in or to any building, or which requires any unusual or extraordinary provision for upkeep and maintenance of any building, shall not constitute a taking or damage for a public use of such property for which just

compensation shall be ascertained and paid unless the denial of a permit application or imposition of a regulation, as the case may be, deprives the owner of all reasonable beneficial use or return.

As an example of the way one preservation commission deals with taking, the Aurora ordinance defines it in terms of economic hardship and has developed criteria to assess hardship. These criteria include:

- a) The amount paid for property, the date of purchase and the party from whom purchased (including a description of the relationship, if any, between the owner and the person from whom the property was purchased).
- b) The assessed value of the land and all improvements thereon according to the two most recent assessments.
- c) Real estate taxes for the previous two years.
- d) Annual debt service, if any, for the previous two years.
- e) All appraisals obtained within the two previous years by the owner or applicant in connection with his purchase, financing or ownership of the property.

- f) Any listing of the property for sale or rent, price asked and offers received, if any.
- g) Any consideration by the owner as to profitable adaptive uses for the property.
- h) If the property is income-producing, the annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the previous two years, and annual cash flow, if any, during the same period.

If the Aurora Preservation Commission finds that, without approval of the proposed work, the property and improvements cannot be put to a reasonably beneficial use or the owner cannot obtain a reasonable economic return, the application shall be delayed six months while the Commission investigates plans to allow for a reasonably beneficial use or a reasonable economic return, or to otherwise preserve the subject property and improvements. Such plans may include, but are not limited to, a relaxation of the economic hardship provisions.

If by the end of this six-month period the Commission finds that the property and improvements cannot be put to a reasonably beneficial use or the owner

Appendix E

cannot obtain a reasonable economic return, the Commission shall issue a Certificate of Economic Hardship approving the proposed work. If the Commission finds otherwise, it shall issue, deny or modify the requested Certificate of Appropriateness.

Penalties for Ordinance Violations

Fines and penalties for violation of the Evanston Preservation Ordinance should be developed and enforced. Other Illinois preservation ordinances generally impose fines ranging from \$100 to \$1,000 for violation of a preservation ordinance. Washington, D.C.'s ordinance goes so far as to say that violators of its ordinance "shall be required to restore the building or structure and its site to its appearance prior to the violation."

Acknowledgements

1980 - 1981 Evanston Preservation Commission

Marcia Baum
Joseph Blake
Barbara Buchbinder-Green
Anne O. Earle
Hans Friedman (Chairman, 1981)
Phyllis T. Horton
James D. McWilliams (Chairman, 1980)
Frank S. O'Donnell
Judith Pigozzi
Jon S. Pohl
Roger M. Seitz
Harold K. Skramstad

Skidmore, Owings & Merrill

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