CHAPTER 8 - HISTORIC PRESERVATION

SECTION:

2-8-1. - STATEMENT OF PURPOSE.

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

(A) Identifying, preserving, protecting, enhancing and encouraging the continued utilization and the rehabilitation of such districts, sites, buildings, structures, and objects having a special historical, community, architectural or aesthetic interest or value to the City and its citizens, as described in 65 ILCS 5/11-48.2-1.

(B) Safeguarding the City's historic and cultural heritage, as embodied and reflected in such districts, sites, buildings, structures, 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 to everyone - homeowners, home buyers, tenants tourists, visitors, students, employers, employees, and businesses, and thereby supporting and promoting business, commerce, industry and tourism, and providing economic benefit to the City;

(E) Fostering and encouraging preservation, restoration and rehabilitation of districts, sites, buildings, structures, and objects, including entire districts and neighborhoods, and thereby preventing future urban blight and neighborhood deterioration;

(F) Fostering the education, pleasure, and welfare of the people of Evanston through the designation of landmarks and districts;

(G) Encouraging orderly and efficient development that recognizes the special value to the City of the protection of districts, sites, buildings, structures, and objects as landmarks and districts;

(H) Continuing surveys and studies of Evanston's historical and architectural resources and maintaining and updating a register of districts, sites, buildings, structures, and objects that may be worthy of landmark designation; and

(I) Encouraging public participation in identifying and preserving historic and architectural resources through public hearings on proposed designations, certificates of appropriateness (COA) applications, economic hardship, and special merit applications.

(Ord. No. 12-0-94; Ord. No. 8-0-12, (47-0-11(exh. B, § 2-8-1)), 1-23-2012)

2-8-2. - DEFINITIONS.

In the event of a conflict between the following definitions and the definitions included in any other ordinance of the City of Evanston, the following definitions shall control:

<p>| ALTERATION. | Any act or process requiring a building permit or demolition permit, or any act or process included in Subsection 2-8-8(A)2 of this Chapter, that changes one or more of the historic, cultural, architectural, or archaeological features of a district, property, structure, site or object, including, but not limited to, the erection, construction, reconstruction, relocation, land altering activity, or subdivision of any site, building, structure, or object, or any part of a site, building, structure, or object. |
| <strong>APPLICANT.</strong> | A person or entity who submits an application for issuance of a certificate of appropriateness, certificate of economic hardship or certificate of special merit; recommendation for planned development, subdivision, re-subdivision, or consolidation; appeals; or landmark and district nominations. |
| <strong>APPLICATION.</strong> | A form submitted for approval of alteration, construction, demolition, or relocation that requires issuance of a certificate of appropriateness, certificate of economic hardship, or certificate of special merit; recommendation for planned development, subdivision, re-subdivision, consolidation; appeals; or landmark and historic district nominations. |
| <strong>AREA.</strong> | A specific geographic division of the City of Evanston. |
| <strong>BUSINESS DAY.</strong> | A day on which the Division of Planning and Zoning or successor City division or department is open for business. |
| <strong>CERTIFICATE OF APPROPRIATENESS.</strong> | A certificate issued by the Preservation Commission indicating review and authorization of plans for alteration, construction, demolition, or relocation of a landmark, or site, building, structure, or object within a district. |
| <strong>CERTIFICATE OF ECONOMIC HARDSHIP.</strong> | A certificate issued by the Preservation 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 site, building, structure, or object or property per the current Ordinance. |
| <strong>CERTIFICATE OF SPECIAL MERIT.</strong> | A certificate issued by the City Council, after the Commission’s previous denial of a certificate of appropriateness, upon a determination by the City Council that the proposed project meets the criteria and standards in Subsections 2-8-11(B) and (C) of this Chapter. |
| <strong>COMMISSION.</strong> | The Evanston Preservation Commission. |
| <strong>COMMISSIONER.</strong> | A person appointed by the Mayor, with the advice and consent of the City Council, to the Evanston Preservation Commission. |
| <strong>CONSTRUCTION.</strong> | The act of adding to a structure or the erecting a new principal or accessory structure on a property or site that requires a building permit. (Will refine the definition of Construction in Policies and Procedures update.) |
| <strong>CONTRIBUTING.</strong> | A classification applied to a site, building, structure, or object within a local historic 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. A site, building, structure, or object can be contributing even if it has been altered, as long as it maintains the character defined for the local district. |
| <strong>COUNCIL.</strong> | The City Council of the City of Evanston, Illinois. |
| <strong>DEMOLITION.</strong> | Any act or process that destroys all or any structural or visible architectural part of an exterior wall, foundation, interior or exterior column or load-bearing wall, roof structures, or any structural or visible architectural part of a landmark or a site, building, structure, or object, located within a local district. |
| <strong>DESIGN GUIDELINE.</strong> | 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 standards for review in this Chapter (Sections XX), and the Secretary of Interior's Standards for the Treatment of Historic Properties, as amended. |
| <strong>DEVELOPMENT PLAN.</strong> | A comprehensive plan, approved by the City Council, for the development of a specific site, which includes a written description of the structure or structures to be constructed on the site and the intended use of the structures. A development plan includes, but is not limited to, any plan approved as a &quot;planned development&quot; (as defined in the City's Zoning Ordinance), and a plan approved by City Council (Carlos will double check about the Research Park). |
| <strong>LOCAL HISTORIC DISTRICT.</strong> | An identifiable area with definable boundaries designated as a &quot;Historic District&quot; by the City Council and in which a significant number of the sites, buildings, structures, or objects have a high degree of historic, cultural, architectural, or archaeological significance and integrity. Many of the sites, buildings, structures, 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 district designations shall presumptively include all of the lot(s) of record associated with sites, buildings, structures, and objects located in the district. |
| <strong>DIVISION OF BUILDING AND INSPECTION SERVICES.</strong> | The Evanston Division of Building and Inspection Services, a division of the Department of Community Development, or its successor division or department. |
| <strong>DIVISION OF PLANNING AND ZONING.</strong> | The Evanston Division of Planning and Zoning, a division of the Department of Community., or its successor division or department. |
| <strong>ENTITY</strong> | A corporation, governmental agency, business trust, estate, trust, partnership, association having a single or joint or common interest. |
| <strong>EXTERIOR ARCHITECTURAL APPEARANCE.</strong> | The architectural character and general composition of the exterior of a site, building, 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, roof, eaves, windows, walls, doors, stairs, balustrades, railings, light fixtures, trim and signs. |
| <strong>LAND ALTERING ACTIVITY.</strong> | Any act or process requiring a permit that changes one or more of the historic, cultural, architectural, or archaeological features of an area, district, property, or site, including but not limited to, berming, scraping, leveling, grading, pile driving, excavating, paving, hard scape, and compacting. |
| <strong>LOCAL LANDMARK.</strong> | A site, building, structure or object designated as a &quot;landmark&quot; by the City Council that has a high degree of historic, cultural, architectural, or archaeological significance to the City of Evanston. For purposes of this Chapter and unless otherwise expressly provided by Council in the ordinance for designation, all designations shall presumptively include all of the lot(s) of record associated with the site, building, structure, or object designated as a landmark. City Council designated landmarks are subject to the Evanston Preservation Ordinance. |
| <strong>LOT OF RECORD.</strong> | Parcel of land, a parcel of land, parcel that is part of a subdivision, or parcel that is part of a resubdivision, the plat or deed of which has been recorded in the office of the Recorder of Deeds of Cook County. |
| <strong>MEMBERS.</strong> | Ex officio and associate members of the Commission. |</p>
<table>
<thead>
<tr>
<th><strong>NOMINATOR.</strong></th>
<th>A person, or persons or entity who submit a form for the designation of a local landmark or local historic district.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NONCONTRIBUTING.</strong></td>
<td>A designation applied to a site, building, structure 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.</td>
</tr>
<tr>
<td><strong>OBJECT.</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>OWNER OF RECORD.</strong></td>
<td>For purposes of this Chapter, owner of record shall mean any person or entity 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 Cook County.</td>
</tr>
<tr>
<td><strong>PERSON.</strong></td>
<td>One or more individuals having a single joint or common interest, or entity: a corporation, governmental agency, business trust, estate, trust, partnership, association having a single or joint or common interest.</td>
</tr>
<tr>
<td><strong>PLAN COMMISSION.</strong></td>
<td>The Evanston Plan Commission.</td>
</tr>
<tr>
<td><strong>PROJECT.</strong></td>
<td>Any alteration, construction, demolition or relocation of an area, SITE, building, structure or object.</td>
</tr>
<tr>
<td><strong>PROPERTY.</strong></td>
<td>A site, building, structure or object and any associated land lot of record.</td>
</tr>
<tr>
<td><strong>RELOCATION.</strong></td>
<td>Any repositioning of a building, structure, or object on its site or to another site.</td>
</tr>
<tr>
<td><strong>REPAIR.</strong></td>
<td>Any change, repair, restoration to an area, site, building, structure, or object that is not alteration, construction, relocation or demolition.</td>
</tr>
<tr>
<td><strong>RULES.</strong></td>
<td>The rules and procedures of the Evanston Preservation Commission.</td>
</tr>
<tr>
<td><strong>SITE.</strong></td>
<td>The location of a building, structure, object, activity, or event.</td>
</tr>
<tr>
<td><strong>STRUCTURE.</strong></td>
<td>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, fountains, solar panels, water features, mechanical equipment, signs, billboards, antennas, satellite sending or receiving dishes or towers, swimming pools, walks, walls, steps, sidewalks and works of art.</td>
</tr>
</tbody>
</table>
2-8-3. - EVANSTON PRESERVATION COMMISSION.

(A) Composition.

1. The Evanston Preservation Commission is hereby reestablished, and the same shall consist of eleven (11) citizen members, each of whom shall reside in the City, and shall have demonstrated interest, knowledge, ability and 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 City Council. Each Commissioner shall have one vote.

2. Ex Officio Members and Associate Members.

   (a) In addition to the Commissioners appointed pursuant to Subsection 2-8-3(B), the following persons or their designee shall be deemed ex officio members of the Commission.

      (1) The Mayor.

      (2) A member of the Council.

      (3) A member of the Evanston Plan Commission.

      (4) The Director of the Community Development Department.

      (5) The City Manager.

      (6) The Director of Public Works Agency, or successor agency.

   (b) The Commissioners may from time to time elect associate members of the Commission whose expertise and interest shall be deemed necessary or desirable to further the work of the Commission.

      (1) Associate members shall serve for a period of one year, and shall be eligible for re-election.

      (2) Associate members shall be residents of the City.

   (c) All Ex Officio and Associate members shall be nonvoting. Does this refer to Associate and/or Ex Officio members? Need to clarify. (Associate members only)

(B) Appointment, Terms, Vacancies and Relocation.

1. Commissioners shall be appointed by the Mayor with the advice and consent of City Council for terms of three (3) years. Appointments shall be staggered so that the terms of not more than four (4) Commissioners shall expire in any calendar year. A Commission member may be reappointed only once.

2. When a vacancy is created by the removal, resignation or death of a member prior to the expiration of that member’s term, the member appointed to fill this vacancy shall be appointed to a Full Term. This seems to contradict 3 below.

3. Commissioners shall not be eligible to serve more than two (2) consecutive full terms. Each commissioner serving on the commission at the time of the adoption of this chapter shall be allowed to continue to serve through the end of his/her term.

4. 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.

(C) **Compensation.** Commissioners and members shall serve without compensation.

(D) **Officers.**

1. Officers of the commission shall consist of a chair, vice chair, and secretary elected by the commissioners at the January meeting of the Commission.

2. The chair, vice chair and secretary and any other officers of the Commission shall be elected by the Commission and shall serve a term of one year and shall be eligible for re-election. The secretary shall keep the minutes and a permanent record of all resolutions, motions, transactions and determinations. Such records, unless exempt from disclosure by legislation, shall be public records open to inspection during working hours upon reasonable notice. The secretary shall publish and distribute copies of the minutes, reports and decisions of the Commission to commissioners and members and to others that have been approved by the Commission. The duties of the secretary may be delegated to the City Manager or his/her designee by the chair, vice chair or a majority of the commissioners.

3. In the absence of the chair, the vice chair shall act as chair and shall have all the powers of the chair. The vice chair shall have such other powers and duties as may from time to time be provided by the rules of the Commission. New officers with term expirations between elections.

4. If an officer’s term expires prior to the annual January election, a new officer will be elected by the commissioners to serve until the annual election of officers.

(E) **Meetings, Hearings, Procedures And Decisions.**

1. Regular meetings of the Commission shall be held no less frequently than monthly (unless the lack of a quorum or applications for review). Special meetings may be called by the chair or any three (3) commissioners. All meetings, hearings and deliberations shall be open to the public except as may be provided for in 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 secretary to 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 subcommittee 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 or their representative shall first have had the opportunity to be heard at a public meeting of the Commission.

5. Every final decision of the Commission and every recommendation it makes to the City Council or its duly authorized committee shall include written findings of fact, and shall specify the reason or reasons for such decision or recommendation.

6. The secretary or designated staff shall mail notice of any decision of the Commission to the applicant and any designated interested parties within five (5) business days of such decision.

7. A quorum shall consist of six (6) commissioners for any regular or special meeting. A meeting of the Commission cannot be called to order without establishment of a quorum

(F) **Conflicts Of Interest.** Conflicts Of Interest: No commissioner or member shall participate in the hearing or disposition of any matter before the Commission in which he/she has a pecuniary interest. Further, commissioners and members of the commission are subject to the Evanston
code of ethics, as amended, Title 1, Chapter 10 of this Code.

(Ord. No. 12-0-94)

(G) **Powers And Duties.** The Commission shall have the following powers and duties:

1. To conduct an ongoing survey to identify historically, culturally, architecturally and archaeologically significant districts, sites, buildings, structures, and objects.

2. To investigate and make recommendations to the City Council or its duly authorized committee concerning the adoption of ordinances designating districts, sites, buildings, structures, and objects as landmarks and districts.

3. To keep a register of all districts, sites, buildings, structures, and objects that have been designated as landmarks or districts by City Council and by ordinance, including all information required as part of each designation.

4. To create an appropriate system of plaques for identification of individual landmarks and make recommendations for the design and implementation of specific marking of streets and routes leading from one landmark or district to another, or marking the limits of districts.

5. To advise and assist owners of landmarks and properties, structures, sites or objects within districts on technical aspects of preservation, renovation, rehabilitation and reuse, and for procedures for listing in other registers of significant districts, sites, buildings, structures, and objects, including the National Register of Historic Places.

6. To nominate districts, sites, buildings, structures, and objects to the National Register of Historic Places and to the Illinois Register of Historic Places, and to guide owners in the processes of nominating their properties to the National Register of Historic Places and the Illinois Register of Historic Places.

7. To participate in the "Certified Local Government" program of the National Historic Preservation Act, as amended, and the Illinois Historic Preservation Agency; and carry out any responsibilities delegated to the Commission under that program, including review and comment on any National Register nominations submitted to the Commission attendance at informational and educational programs sponsored by the Illinois Historic Preservation Agency, and preparation of an annual report of the activities of the Commission.

8. To inform and educate the citizens of Evanston concerning the historic, cultural, architectural and archaeological heritage of the City by publishing appropriate maps, newsletters, brochures and pamphlets, and by sponsoring programs and seminars.

9. To prepare and distribute application forms for the review of proposed alterations, constructions, demolitions or relocations; 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; and to submit written findings regarding any project that is the subject of an appeal from a Commission decision to the Council or its duly authorized committee. Exceptions processes such as Design and Appearance Review (DAPR). To prepare comments on preservation related projects to applications for DAPR or other city internal design review processes.

10. 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 submit written findings regarding any project that is the subject of an appeal from a Commission decision to the Council or its duly authorized committee.

11. To review applications for certificates of special merit; to hold meetings and public hearings to review applications for certificates of special merit affecting proposed or designated landmarks and districts; and to submit written findings regarding any project that is the subject of an application for a certificate of special merit to the Council or its duly authorized committee.

12. To consider applications for subdivision, re-subdivision or consolidation of areas, properties or
sites affecting proposed or designated landmarks and districts; to hold meetings and public hearings to review such applications; and to make advisory recommendations to the council or its duly authorized committee regarding such applications.

13. To review applications for planned developments, major zoning variances, and special uses that affect the exterior of designated landmarks or structures in historic districts and that are visible from the public way; to hold meetings and public hearings and/or joint meetings and public hearings with the Plan Commission and/or Zoning Board of Appeals to review applications for planned developments, major zoning variances, and special uses affecting proposed or designated landmarks and districts; and to make advisory recommendations to the Zoning Board of Appeals, Plan Commission and/or the Council or its duly authorized committee regarding the planned development, major zoning variance, or special use application.

14. To develop a description of critical features for review of alteration, construction or relocation of landmarks or properties, structures, or objects in districts consistent with the Secretary of Interior's "Standards for the Treatment of Historic Properties", as amended.

15. To review proposed planned development applications, zoning amendments, applications for conditional uses, applications for zoning variances, or applications for fences that affect proposed or designated landmarks or districts.

16. To review and consider applications for landmark rescissions and to submit written findings regarding landmark rescission. The Commission shall consider whether the landmark or district no longer meets the criteria for designation, and make a recommendation to the Council or its duly authorized committee as provided in Subsection 2-8-5(E), including a report concerning whether the landmark or district does or does not continue to retain significance and integrity.

17. To administer, on behalf of the City, any property or full or partial interest in property, including preservation or conservation easements, that the City may have or accept as a gift or otherwise, upon authorization and approval by the Council.

18. To apply for, accept, and administer on behalf of the City such gifts, grants and money as may be appropriate for the purposes of this Chapter, upon authorization and approval by the City Council.

19. To call upon available City staff members as well as other experts for technical advice. To testify before all boards and commissions, including DAPR, the Plan Commission and the Zoning Board of Appeals, on any matter affecting historically, culturally, architecturally or archaeologically significant areas, sites, structures and objects.

20. To confer recognition upon the owners of landmarks or properties, structures, sites, or objects within districts or other historic preservation efforts by means of certificates, plaques, markers or awards.

21. To assist in the development, review or amendment of a preservation component in the Comprehensive Plan of the City.

22. To periodically review the zoning ordinance of the City, and to make recommendations to the Council concerning any amendments appropriate for the protection and continued use of landmarks or properties, structures, sites or objects within districts.

23. To review and comment to the appropriate department or agency concerning City projects or activities affecting landmarks or districts or areas, properties, structures, sites or objects eligible for designation as landmarks or districts.

24. To provide by rules for circumstances under which the City Manager City Manager? (yes) or his/her designee (Preservation Coordinator/City staff) may administratively review and issue certificates of appropriateness for certain applications for minor kinds of work without formal review and approval by the commission itself, in accordance to the Commission's rules and procedures.
25. To prepare a list of areas, properties, structures, sites or objects eligible for designation as a landmark or district.

26. To adopt its own policies and procedural regulations.

27. To file a petition with the Community Development Department requesting that the Community Development Department proceed to take action against any owner of record or any other appropriate person or persons in connection with a landmark or property, structure, site or object within a district that is reasonably believed to be in violation of the building code of the City.

28. To consider applications for signs affecting proposed or designated landmarks and districts; to hold meetings and public hearings to review such applications; and to make advisory recommendations to the Sign Review and Appeals Board or successor board or commission regarding such applications.

29. 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.

(Ord. No. 60-0-07)

(Ord. No. 12-0-94; Ord. No. 60-0-07; Ord. No. 8-0-12, (47-0-11(exh. B, § 2-8-3)), 1-23-2012)

2-8-4. - CRITERIA FOR DESIGNATION.

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

(A) The Commission shall limit their consideration to the following criteria in making a determination on a nomination of a district, site, building, structure or object for designation by ordinance as a landmark or historic district:

1. Its location as a site of an event or activity that is significant to the broad patterns of history of the City, State, Midwest region or the United States; which may or may not have taken place within or involved the use of any existing improvements on the property;

2. Its identification with a person or persons who significantly contributed to the historic, cultural, architectural, archaeological, or related aspect of the development of the City, State, Midwest region or the United States;

3. Its exemplification of an architectural type, style, design or type of construction distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship;

4. Its identification as the work of an architect, designer, engineer, developer or builder whose individual work is significant in the history or development of the City, the State, the Midwest region or the United States;

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

6. Its association with important cultural, social, political or economic aspects or events in the history of the City, the State, the Midwest region or the United States;

7. Its location as a site of an important historic or prehistoric archaeological resource;

8. Its representation of an historic, cultural, architectural, archaeological or related theme expressed through distinctive districts, sites, buildings, structures or objects that may or may not be contiguous;

9. Its unique location or distinctive physical appearance or presence representing an established and familiar visual feature of a neighborhood, community or the City;

10. Its exemplification of a pattern of neighborhood development or settlement significant to the cultural history or traditions of the City, whose components may lack individual distinction.
(B) Integrity of Landmarks and Districts. Any district, site, building, structure or object that meets any one or more of the criteria in Subsection 2-8-4(A) shall also possess sufficient integrity of location, design, setting, materials, workmanship, feeling, and association to convey its historic significance.

(Ord. No. 12-0-94; Ord. No. 8-0-12, (47-0-11(exh. B, § 2-8-4)), 1-23-2012)

2-8-5. NOMINATION, CONSIDERATION AND DESIGNATION OF LANDMARKS AND DISTRICTS.

(A) Initiation of Nomination. Local nomination of a district, site, building, structure 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 submitted by any of the following:

1. A Commissioner or member of the Commission.
2. A member of the Plan Commission.
3. A member of the Council.
4. The Mayor.
5. Any resident of the City.
6. Any not-for-profit organization with its principal place of business in the City.
7. An owner of record.

(B) Withdrawal of Nomination. A nomination may be withdrawn by the person or persons who submitted the nomination form at any time prior to the Commission scheduling a public hearing under Subsection 2-8-5(C). Requests for withdrawal of a nomination after the Commission schedules a public hearing shall be granted only upon an affirmative vote of at least six (6) Commissioners.

(C) Notification of Nomination and Public Hearing.

1. Owners of record shall be notified, by regular mail, of completion and submission of a nomination form within fifteen (15) business days of receipt of the nomination.
2. The Commission shall schedule a public hearing on the nomination within forty-five (45) days similar format/with or without hyphen throughout following receipt of the completed nomination form. Notice of the time, place and purpose of such hearing shall be given by the Commission at least five (5) business 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 a property, structure, site or object in a nominated district; and
   (b) By mailing of notification to every association of residents or owners that has registered with the Commission for this purpose.

(D) Procedure. The hearing shall be conducted in accordance with the pertinent Section of the rules of the Commission. The Commission shall consider all testimony or evidence relating to the designation criteria in Subsections 2-8-4(A) and (B), from any person who makes written submissions or appears at the public hearing. The owner of any nominated landmark or of a building, structure, site, lot of record or object within a nominated district shall be allowed reasonable opportunity to present testimony or evidence concerning the applicability of the designation criteria in Subsections 2-8-4(A) and (B).

(E) Recommendation by Commission. Within thirty five (35) days following the close 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 Subsections 2-8-4(A) and (B). If the Commission determines that the nominated landmark or district does meet the criteria for designation, the Commission shall direct the City Manager or his/her designee to transmit its recommendation to the Council or its duly authorized committee. Such a recommendation shall be passed by a resolution of the Commission and shall be accompanied by
a report to the Council or its duly authorized committee containing the following information:

1. Explanation of the significance or lack of significance of the nominated landmark or district as it relates to the criteria for designation;

2. Explanation of the integrity or lack of integrity of a nominated landmark or district;

3. Identification of critical features of the nominated landmark or areas, properties, sites and objects in a nominated district to provide guidance for review of alteration, construction, demolition or relocation;

4. Proposed design guidelines, if any, for review of alteration, construction, demolition or relocation;

5. A map showing the location of the nominated landmark or the boundaries of the nominated district; and

6. A list, including the address, of every property, structure, site and object in each nominated district classifying each as being of contributing significance or noncontributing significance based on their degree of historic, cultural, architectural or archaeological significance.

If the Commission fails to make its recommendation within thirty five (35) days following the close 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 thirty five (35) days following the close of the public hearing or if the Commission votes not to recommend a proposed designation to the Council or its duly authorized committee, the Commission may not reconsider the proposed designation, except as provided in Subsection 2-8-5(H), for a period of two (2) years from the date of the passage of the thirty five (35) days from the close of the public hearing or the date of the negative Commission vote, whichever is applicable.

(F) Notification of Commission Recommendation. Notice of the recommendation of the Commission, including a copy of the report, shall be transmitted to the Council or its duly authorized committee and sent by regular mail to the owner of record of a nominated landmark and to all owners of record within a nominated district, and to the nominator within fifteen (15) business days following adoption of the resolution and report.

(G) Designation by Council.

1. The Council shall, within one hundred twenty (120) days after receiving the recommendations of the Commission regarding the nominated landmark or district, and without further required public hearing, either designate the landmark or district by ordinance or reject designation by resolution. In reaching its decision the Council shall review the evidence and testimony presented to the Commission together with any comment from subsequent public hearings.

   Should Council fail to reach a decision within one hundred twenty (120) days after receiving the recommendations from the Commission, the interim protection provided under Section 2-8-7 shall no longer be enforceable and the nomination shall be deemed denied.

2. The designation of a nominated local landmark or district shall require the affirmative vote of a simple majority the members of Council.

3. Notice of the Council’s approval of the designation ordinance and effective date of the action of the Council shall be provided by regular mail to the nominator, the owner of record of the nominated landmark, or owners of record of all properties within the nominated district. The notice shall include a copy of the designation ordinance and shall be sent within fifteen (15) business days by the Division of Planning and Zoning or its successor department. A copy of each designation ordinance shall be sent to the Commission, the Plan Commission and the Division of Building and Inspection Services.

4. If the Council has refused to designate a proposed landmark or district, the Commission may
not reconsider the proposed designation, except as provided in Subsection 2-8-5(H), for a period of two (2) years from the date of the Council's refusal to designate.

(H) **Reconsideration of Previously Nominated Landmarks and Districts.** The Commission may reconsider previously nominated landmarks and districts within a period of two (2) years of the Commission's failure to make its recommendation within thirty five (35) days of the close of the public hearing under Subsection 2-8-5(C) or of the Commission's finding that the nominated landmark or district does not meet the criteria for designation or of the Council's refusal to designate the proposed landmark or district only where:

1. Significant new information concerning the previously nominated landmark or district relating to the criteria for designation, under Section 2-8-4, is provided.

   -(Ord. No. 12-0-94; Ord. No. 8-0-12, (47-0-11(exh. B, § 2-8-5)), 1-23-2012)

2-8-6. - **AMENDMENT AND RESCISSION OF DESIGNATION.**

(A) Designation may be amended or rescinded, only after a period of two (2) years following the designation, upon 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 Subsection 2-8-5(A). Petitions for amendment or rescission of a designation shall clearly identify those irreversible alterations occurring subsequent to the date of designation that have affected the significance or integrity of the landmark or district. Petitions shall also identify the new information obtained since the date of designation that has affected the understanding of the significance of the landmark or district.

2. Petitions shall not use the following as justification for amendment or rescission:
   a. Alterations made in accordance with a Certificate of Appropriateness;
   b. Alterations made following appeal to the Council;
   c. Alterations made in accordance with an administrative approval.

3. Properly submitted petitions are referred to the Commission for public hearing as provided in Subsection 2-8-5(C).

4. 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 or its duly authorized committee as provided in Subsection 2-8-5(E), including a report concerning whether the landmark or district does or does not continue to retain significance and integrity.

(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 2-8-4

   -(Ord. No. 12-0-94; Ord. No. 8-0-12, (47-0-11(exh. B, § 2-8-6)), 1-23-2012)

2-8-7. - **INTERIM PROTECTION FOR NOMINATIONS.**

(A) A district, site, building, structure, or object nominated but not yet designated as a landmark or district shall be subject to all the protection provided by this Chapter at the time of submission of a completed nomination to the Commission. A certificate of appropriateness shall be required and obtained for any alteration, construction, demolition or relocation affecting the exterior architectural appearance of a nominated landmark, in the same manner as required for designated landmarks. A certificate of appropriateness shall be obtained for every demolition or relocation of a structure in a nominated district in the same manner as required for designated
districts.

(B) Alteration, construction, demolition or relocation commenced pursuant to a permit properly issued prior to submission of a nomination to the Commission shall not require a certificate of appropriateness unless such permit has expired, been cancelled or revoked, or the work is not diligently proceeding to completion.

(C) The exceptions to the effects of designation found in Section 2-8-14 shall apply to nominated sites, buildings, structures, and objects.

(D) In reviewing applications for certificates of appropriateness affecting nominated landmarks and sites, buildings, structures, and objects in districts during the period of interim controls, the Commission shall review such applications based on the criteria set forth in Section 2-8-9

(Ord. No. 12-0-94; Ord. No. 8-0-12, (47-0-11(exh. B, § 2-8-7)), 1-23-2012)

2-8-8. - CERTIFICATE OF APPROPRIATENESS.

(A) Actions requiring certificate. A certificate of appropriateness shall be required before the following actions affecting the exterior architectural appearance of any landmark or property, structure, site or object within a district may be undertaken:

1. Any alteration, construction or relocation requiring a building permit from the City.
2. Any alteration, construction or relocation that involves the following:
   (a) Replacement of windows or doors.
   (b) Addition or replacement of storm windows or doors
3. Any demolition in whole or in part or land altering activities requiring a permit from the City.

(B) Applications for certificate of appropriateness.

1. It shall be unlawful to undertake any of the work specified in Subsection (A) of this Section 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 Commission and the Division of Building and Inspection Services. 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.

3. The Commission shall transmit a copy of the application to the Division of Building and Inspection Services within five (5) business days following receipt of a properly completed application. The Division of Building and Inspection Services or its successor Department 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 forty five (45) days following receipt of the application. The time to consider the application may be extended with the consent of the applicant. The secretary 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 five (5) 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, its action shall be the final administrative decision upon the application. The certificate of appropriateness shall be issued to the applicant within five (5) business days following the decision of the Commission. Upon receipt of the certificate of appropriateness the applicant may complete an application to the Division of Planning and Zoning and Division of Building and Inspection Services or its successor Department to obtain necessary permits, if any. The certificate of appropriateness shall be valid
for a period of one hundred eighty (180) days 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 five (5) business days and the notice shall be accompanied by recommendations to the applicant concerning what changes, if any, in the plans and specifications for the proposed alteration, construction, relocation or demolition would protect the distinctive character of the landmark or district and that would cause the Commission to reconsider the application. 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 based upon the recommendations of the Commission.

(F) Administrative approvals. Certificates of appropriateness related to applications for certain routine or emergency kinds of work or minor zoning variances, as specified by the Commission in its rules, shall be provided upon review and approval by the City Manager or his/her designee. If the City Manager or his/her designee disapproves the proposed work, the applicant may apply to the Commission for review of the application for the certificate of appropriateness under Subsection (C) of this Section.

(G) Appeals.

1. Any applicant, following a denial of a certificate of appropriateness by the Commission, may, within thirty (30) days of the denial apply for appeal to the Planning and Development Committee of the Council. Is P&D still the right Committee? Impact of any consolidations on Council committees? Do we need to specify that this is a Council committee to clarify the process? (Will ask Law Department)

2. An application for appeal shall be submitted to the Commission on a form prepared by the Commission. Within five (5) business days of submission of an application for appeal by the applicant to the Commission, the Commission shall transmit the application to the Planning and Development Committee. (or City Council).

3. If no motion to accept the application for appeal is made and adopted at the meeting of the Planning and Development Committee immediately following receipt of the findings and decision of the Commission and the application for appeal, the decision of the Commission shall be final and may be appealed to the Circuit Court of Cook County.

4. If a motion to accept the application for appeal is made and adopted at the meeting of the Planning and Development Committee held immediately following receipt of the findings and decision of the Commission and the application for appeal, the Planning and Development Committee must affirm, modify or reverse the decision of the Commission within forty five (45) days of the date of approval of the motion to accept the appeal.

5. The Planning and Development Committee shall review the appeal solely on the basis of the record and application of the appropriate standards included in Section 2-8-9 of this Chapter.

6. Denial or grant by the Planning and Development Committee of a certificate of appropriateness is considered a final decision and may be appealed to the Circuit Court of Cook County.

7. The authority to review, grant, and/or deny appeals of certificates of appropriateness pursuant to this Subsection (G) shall vest in the Planning and Development Committee so long as the membership of said Committee consists of all seated Aldermen. Otherwise, said authority rests with the Council or its duly authorized committee. The answer to your question on 1. Is this paragraph.

(Ord. No. 12-0-94; Ord. No. 117-0-06; Ord. No. 55-0-11, § 1, 6-27-2011; Ord. No. 8-0-12, (47-0-
11(exh. B, § 2-8-8)), 1-23-2012)

2-8-9. - STANDARDS FOR REVIEW OF APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS.
Standards for review of alteration. In considering an application for a certificate of appropriateness for alteration 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 Subsection (E) of this Section. Nothing in this Chapter shall be construed to prevent ordinary maintenance or repairs that do not involve a change of design, material, or the exterior architectural appearance of a property, structure, site or object as long as the proscribed review procedures are followed:

1. Every reasonable effort shall be made to adapt the property, structure, site or object in a manner that requires minimal alteration of the property, structure, site or object and its environment.

2. The distinguishing original qualities or character of a property, structure, site or object and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided whenever possible or when retention represents a hazardous or dangerous condition.

3. All properties, structures, sites and objects shall be recognized as products of their own time. Alterations that have no historical basis on sites, buildings, structures or objects shall be discouraged.

4. Changes that may have taken place in the course of time are evidence of the history and development of a property, structure, site or object and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Distinctive stylistic features, materials, finishes, examples of skilled craftsmanship, or examples of distinctive construction techniques that characterize a property, structure, site or object shall be treated with sensitivity.

6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects.

7. The surface cleaning of buildings, structures or objects shall be undertaken with the gentlest means possible. Treatment methods that cause damage to the historic materials of the structure, site, or object shall not be used.

8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

9. Any design for alterations to existing properties shall not be discouraged when such alterations do not destroy significant historic, cultural, architectural or archaeological material, and such design is compatible with the features, size, scale, proportion, massing, color, material and character of the property, neighborhood or environment.

10. Wherever possible, alterations to structures and objects shall be done in such a manner that if such alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. The wording of this is so antiquated at this point in time. Can we do anything about it? So many great additions blend in with the existing structure. This argument can so readily be used to support bad additions because they ignore the existing structure.

Standards for review of construction. This should include both additions and free-standing buildings. (I guess this is the answer to my question above) In considering an application for a certificate of appropriateness for new construction and additions to existing buildings, 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 Subsection (E) of this Section:

Regarding additions. With attention to horizontal alignment of architectural features, including roof forms and cornice/trim datums, and rhythm of wall openings and proportions of window and door openings.

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

2. **Proportion of facades.** The relationship of the width to the height of the facades 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 facades.** The relationship of solids to voids in the facades 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 and the setback from the public ways 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 facades shall be visually compatible with the predominant materials used in the existing structures to which it is visually related.

8. **Root shapes and roof mounted equipment.** The roof shape of a structure including any roof mounted equipment 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 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 facades.** 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 non-directional character.

12. **Original qualities.** For additions to existing structures, the distinguishing original qualities or character of a property, structure, site or object and its environment should be preserved. The alteration of any historic or material or distinctive architectural features should be avoided.
when possible.

13. Archaeological resources. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.

14. Innovative design. Innovative design for additions to existing properties shall not be discouraged when such additions do not destroy significant historic, cultural or architectural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment. Innovative new construction shall comply with the standards in this section 2-8-9 (B).

15. New additions. Wherever possible, new additions to structures or objects shall be done in such a manner that if such additions were to be removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

16. New construction. In considering new construction (i.e. free standing structures), 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.

17. Signs. Any sign that is readily visible from a public street shall not be incongruous to the historic character of the landmark or the district. Recommendations regarding signs are advisory only and may be referred to the DAPR or its successor committee.

(C) Standards for review of relocation. In considering an application for a certificate of appropriateness for relocation, 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 Subsection 2-8-9(E):

1. Whether the historic or urbanistic character of the existing site or setting would be negatively impacted by the relocation of the structure or object.
2. Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area.
3. Whether the relocation of the structure or object can be accomplished without significant damage to its physical integrity.
4. Whether the proposed relocation area is compatible with the historic, cultural or architectural character of the structure or object.

(D) 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 and the standards included in Subsection 2-8-9(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 relates to the distinctive historic, cultural, architectural or archaeological 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 distinctive design, texture, and/or material that it could not be reproduced without great difficulty and/or expense.
5. Whether the property, structure or object is of such physical condition that it represents a danger and imminent hazard condition to persons or property and that retention, remediation
or repair are not physically possible or require great difficulty and/or expense.

6. Except in cases where the owner has no plans for a period of up to five (5) 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.

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

(Ord. No. 12-0-94; Ord. No. 8-0-12, (47-0-11(exh. B, § 2-8-9)), 1-23-2012)

2-8-10. - 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 or an appraiser certified by the State of the market value of the property in its current condition; after completion of the proposed alteration, construction, demolition or relocation; after any expenditures necessary to comply with the recommendations of the Commission for changes necessary for it to approve a certificate of appropriateness; and in the case of a proposed demolition, after renovation of the existing property for continued use.

4. For applications for Certificates of Economic Hardship proposing demolition, any estimates, prepared by licensed architects, real estate consultants and appraisers or other real estate professionals licensed or certified by the State and experienced in rehabilitation, as to the economic feasibility of restoration, renovation or rehabilitation of any existing structures or objects. Compare with demolition language in Economic Hardship section L4.

5. Any and all applicable zoning provisions and incentives.

(D) Information to be Supplied by Applicant. The applicant shall submit by affidavit 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 three (3) 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 three (3) years.

5. All appraisals obtained within the previous three (3) 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 three (3) years.

9. For other non-residential properties, itemized income and expense statements, as well as grants, endowments and other assets or funding sources. (changed numbers below)

10. Estimates, prepared by general contractors licensed by the City 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.

11. Form of 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.

12. Any other information, documentation or evidence as the Commission determines to be necessary to its application of the standard in Subsection 2-8-10(B).

13. 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 thirty five (35) 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 less than five (5) business 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, site, building, structure or object in a district; and

   (b) By mailing of notification to the owners of record of all property within two hundred fifty feet (250') of the affected landmark or property, site, building, structure or object in a district; and

   (c) By mailing of notification to every association of residents or owners who have registered an association name with the Commission for this purpose; and

   (d) By publication in a manner available City-wide to cover either a newspaper or the city website.

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 Subsection 2-8-10(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 for such additional time as it reasonably takes an applicant, any other interested person or the Commission to comply with a request for additional information, documentation or evidence.

(G) Determination by the Commission. The determination by the Commission of whether the denial of the certificate of appropriateness has or has not resulted in economic hardship or the denial of all reasonable use of and return from the property shall be made within thirty five (35) days following the 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 five (5) business days. The Commission’s report will be provided within 35 days following the closing of the public hearing.

(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 Subsections2-8-10 (J) and (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 thirty five (35) 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 alteration or 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 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.
   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 Subsections 2-8-10(J) and (K), the Commission shall issue a certificate of economic hardship to the applicant within five (5) 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 2-8-9. The certificate of economic hardship shall be valid for a period of one hundred eighty (180) days 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. The Department of Building and Property Services shall be notified of the decision to issue a certificate of economic hardship within five (5) business days of issuance.

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

4. 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. Shall be issued? Is this the best terminology? Compare to Standard for Demolition #5.

(M) Appeals.

1. Any applicant or other interested party, following a denial of a certificate of economic hardship by the Commission, may, within thirty (30) days of the denial apply for appeal to the Council or its duly authorized committee.

2. An application for appeal shall be submitted to the Commission on a form prepared by the Commission. Within five (5) business days of submission of an application for appeal by the applicant to the Commission, the Commission shall transmit the application to the Council or its duly authorized committee.

3. If no motion to accept the application for appeal is made and adopted at the meeting of Council or its duly authorized committee immediately following receipt of the findings and decision of the Commission and the application for appeal, the decision of the Commission shall be final and may be appealed to the Circuit Court of Cook County.

4. If a motion to accept the application for appeal is made and adopted at the meeting of Council or its duly authorized committee held immediately following receipt of the findings and decision of the Commission and the application for appeal, the Council or its duly authorized committee must affirm, modify or reverse the decision of the Commission within forty five (45) days of the date of approval of the motion to accept the appeal.

5. Council or its duly authorized committee shall review the appeal solely on the basis of the record and application of the standards included in Subsection 2-8-10(B).

6. Denial or grant by the Council or its duly authorized committee of a certificate of economic hardship is considered a final decision and may be appealed to the Circuit Court of Cook County.

(Ord. No. 12-0-94; Ord. No. 8-0-12, (47-0-11(exh. B, § 2-8-10)), 1-23-2012)

2-8-11. - CERTIFICATE OF SPECIAL MERIT.

(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 special merit on a form prepared by the Commission and submitted to the Commission. Application forms shall be available from the Commission.

(B) Council Determination. A project shall not receive a certificate of special merit unless the Council determines that:
1. The project is consistent with the Comprehensive Plan of the City; and
2. The project is necessary and in the public interest and will provide public and civic benefits, including but not limited to social or other benefits that are significant to the community and particularly desirable at the location proposed. Such benefits that further the general welfare of the residents of the City must substantially outweigh the loss of or the effect upon the affected landmark or property, structure, site or object in a district. Such benefits shall not consist solely of monetary or economic benefits to the City or other parties arising from economic development, property taxes, or other financial returns.

(C) Standard to be Applied. A certificate of special merit shall be approved only on a showing by the applicant that:
1. There is no feasible and prudent alternative site for the proposed project; and
2. Use of the existing landmark or area, property, structure, site or object located in a district for the special merit use is not financially and physically feasible; and
3. The proposed project includes all possible planning to minimize harm to the existing landmark or area, property, structure, size or object in a district resulting from such special merit use.

(D) Public Hearing. Submission of Application for Certificate of Special Merit: Within thirty five (35) business days of submission of an application for certificate of special merit the Commission shall transmit the application to the Council or its duly authorized committee.

(E) The Council or its duly authorized committee shall hold a public hearing on the application for certificate of special merit within thirty five (35) days following receipt of the completed application form in accordance with the pertinent Section of its rules and procedures.

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 less than five (5) business 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 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 feet (250’) of the landmark or properties, structure, site or object in a district; and
   (c) By mailing of notification to every association of residents or owners who have registered an association name with the Commission for this purpose; and
   (d) 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 Subsection 2-8-11(E)1(b) of this Chapter.

(F) Findings. The Commission shall present written findings at the public hearing addressing the significance of the landmark or area, property, structure, site or object in a district affected by the proposed structure, and the standards for issuance of a certificate of special merit included in Subsections 2-8-11(B) and (C).

(G) Council Action. Within ninety (90) days of the close of the public hearing the Council may approve or deny the application of certificate of special merit. If the certificate of special merit is not acted upon by Council within ninety (90) days of the close of the public hearing, the application for certificate of special merit shall be deemed denied.

(Ord. No. 12-0-94)

(H) Approval of Certificate of Special Merit. Council shall transmit a copy of the ordinance approving a certificate of special merit to the Commission within fifteen (15) business days following the enactment of the ordinance. The Commission shall issue a certificate of appropriateness within
thirty five (35) business days after the applicant:

1. Provides the Commission with appropriate documentation completed by a preservation professional of any landmark or property, structure or object in a district that is proposed for demolition, and

2. Completes the review process for construction, under Subsection 2-8-9(B) of this Chapter, with the Commission for the proposed project, or submits to the Commission evidence that the site of the landmark or property, structure, or object in a district is subject to new development as part of a development plan.

(Ord. No. 126-0-94)

(I) Validity. The certificate of special merit shall be valid for a period of one hundred eighty (180) days from issuance by the Council. Certificates of special merit shall not be transferable, without the consent of Council, from the applicant to another subsequent owner of the same property.

(Ord. No. 12-0-94)

(J) Demolition of Landmark. Notwithstanding approval of a certificate of special merit, no permit for demolition of a landmark or a property, structure or object in a district shall issue except for projects that are part of a development plan or simultaneous to the issuance of a building permit for the replacement property, structure or object. Is this consistent between Standard for Demolition #5 and with Economic Hardship language? (Not necessarily, there could be a landmark that is in the way of progress or new development that the City could greatly benefit from when compared to the benefit to the City if the landmark is spared from demolition)

(Ord. No. 126-0-94)

(K) Denial of Certificate of Special Merit. Denial or grant by the Council of a certificate of special merit is considered a final decision and may be appealed to the Circuit Court of Cook County.

(Ord. No. 12-0-94)


2-8-12. - REVIEW OF APPLICATIONS FOR SUBDIVISION, RESUBDIVISION OR CONSOLIDATION.

(A) Prior to review of any subdivision, resubdivision or consolidation pursuant to Title 4, Chapter 13 "Subdivisions," Sections 1 through 3, of any landmark, area, property, structure or site in a district, Council or its duly authorized committee shall request a report by the Commission regarding the effect of the proposed subdivision, resubdivision or consolidation on the landmark or district. Review by the Commission shall be advisory.

(B) The Commission shall review the application for subdivision, resubdivision or consolidation based on the following standards:

1. The design of the subdivision, resubdivision or consolidation shall:

   (a) Preserve, adaptively use, or otherwise protect the landmark, or area, property, structure, site or object in the district; and

   (b) Provide the location, and design of new structures and objects that are visually compatible with the landmark or sites, buildings, structures, and objects in the district; and

   (c) Not result in blocking or otherwise obstructing, as viewed from a public street or public way, the critical features of the landmark or area, property, structure, site or object in the district; and

   (d) Preserve and protect the critical features of the streetscape associated with the landmark, or area, property, structure, site or object in the district; and

   (e) Not adversely affect traffic patterns, Municipal services, adjacent property values, or the general harmony of the District.
2. Alteration, construction, demolition and relocation shall be consistent with Section 2-8-9.

(C) Within thirty five (35) days of the Commission’s review, the Commission shall prepare written findings and, by majority vote, issue to the Council or its duly authorized committee a recommendation on the suitability of creating the proposed subdivision, resubdivision or consolidation.

(D) Based on the recommendations received by Council or its duly authorized committee, Council shall consider whether the proposed subdivision, resubdivision or consolidation is consistent with the standards provided in Subsection 2-8-12(B).

(E) If Council finds that the proposed subdivision, resubdivision or consolidation is not consistent with the standards provided in Subsection 2-8-12(B), the Council may deny the application for subdivision, resubdivision or consolidation.

(Ord. No. 12-0-94; Ord. No. 8-0-12, (47-0-11(exh. B, § 2-8-12)), 1-23-2012)

2‐8‐13. ‐ REDESIGNATION OF PREVIOUSLY DESIGNATED LANDMARKS AND DESIGNATION OF EXISTING DISTRICTS LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES.

(A) Any areas, properties, structures, sites or objects designated by Council in previous ordinances and resolutions are found to meet the criteria for designation in Section 2-8-4 of this Chapter based on findings of fact submitted to Council in support of said previous designation ordinances and resolutions and are hereby redesignated as landmarks under the provisions of this Chapter. (See Schedule B, "List of Evanston Landmarks," at end of this Chapter.)

(B) ADD HISTORIC AND MAP

(C) The Evanston Lakeshore Historic District listed in the National Register of Historic Places on September 29, 1980, is found to meet the criteria for designation in Section 2-8-4 of this Chapter and is hereby designated as an historic district under the provisions of this Chapter. (See Schedule A, "Map," at end of this Chapter.)

(D) The Evanston Ridge Historic District listed in the National Register of Historic Places on March 3, 1983, is found to meet the criteria for designation in Section 2-8-4 of this Chapter and is hereby designated as an historic district under the provisions of this Chapter. (See Schedule A, "Map," at end of this Chapter.)

(E) The Suburban Apartment Buildings in Evanston, Illinois, Thematic Resources Historic District listed in the National Register of Historic Places in 1984 is found to meet the criteria for designation in Section 2-8-4 of this Chapter and is hereby designated as an historic district under the provisions of this Chapter. (See Schedule B, "List of Evanston Landmarks," at end of this Chapter.)

(F) The Local Northeast Evanston Historic District, designated by City Council on May 22, 2000; Ordinance 56-O-00.

(G) The Woman’s Temperance Christian Union (WCTU) Historic District, designated by City Council on April 13, 2010; Ordinance 18-O-10.

(Ord. No. 12-0-94; Ord. No. 8-0-12, (47-0-11(exh. B, § 2-8-13)), 1-23-2012)

2‐8‐14. ‐ EXCEPTIONS TO ISSUANCE OF CERTIFICATE OF APPROPRIATENESS.

(A) The limitations upon the issuance of demolition permits or building permits in any district or affecting any landmark, shall not apply when alteration, construction, demolition or relocation involved in the permit has been ordered by the Division of Building and Inspection Services for the preservation of the public health or safety.

(B) If the Division of Building and Inspection Services has ordered alteration, construction, demolition or relocation of a landmark or a property, structure or object located within a district, the
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.

(Ord. No. 12-0-94; Ord. No. 8-0-12, (47-0-11(exh. B, § 2-8-14)), 1-23-2012)

2-8-15. - 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 five hundred dollars ($500.00) for each day on which a violation exists.

(B) Penalty For Willful Violation Or Gross Negligence. In addition to the fines authorized by Subsection (A) of this Section, 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.

What about a penalty for pre-purchasing materials in advance of COA application? Can that be a violation? (I don’t think on e can be prevented from purchasing what individual would want, the violation exists when work is done without a COA or a building permit). Maybe there is room to add that one is responsible for purchasing materials at their own risk. (Will ask Law Department)

(C) Other Remedies. Notwithstanding the provisions of Subsections (A) and (B) of this Section, the City 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 may seek reversal of the prohibited work without regard to economic hardship.

(Ord. No. 12-0-94; Ord. No. 8-0-12, (47-0-11(exh. B, § 2-8-15)), 1-23-2012)

2-8-16. - FEES.

Persons who file applications for review by the historic preservation Commission shall pay an application fee or fees as determined by the type of application(s).

(A) Minor Work On Existing Primary And Accessory Structures: Applicants shall pay a fee of twenty five dollars ($25.00) for applications for minor work on existing primary and accessory structures, including, but not limited to, the following projects:

1. Roof replacement;
2. Replacement of existing windows and doors;
3. Replacement of existing storm windows and storm doors;
4. Replacement of garage/coach house doors;
5. New window and door openings on accessory buildings;
6. New installation or replacement of fences;
7. Repair, restoration and replacement of existing exterior finish materials when such work
affects less than twenty five percent (25%) of the finish materials on exterior walls or facades;

8. Replacement of existing exterior stairs and/or steps;
9. Installation of antennas or satellite dishes;
10. Porches: replacement of roof, columns, decks, railings, stairs;
11. Installation of air conditioning units;
12. Installation of arbors and trellises;
13. Installation of exterior lighting fixtures; and

(B) Construction Of Garages And Accessory Structures: Applicants shall pay a fee of thirty dollars ($30.00) for applications for construction of garages and accessory structures, including, but not limited to, the following projects:
1. New garages and coach houses/barns;
2. Porte-cochères;
3. Storage sheds;
4. New decks and stairs;
5. Freestanding solar panels;
6. Swimming pools;
7. Tennis courts;
8. Basketball courts; and

(C) Major Work; Alterations And Construction: Applicants shall pay a fee of thirty five dollars ($35.00) for applications for major alterations and construction, including, but not limited to, the following projects:
1. Alterations to the existing primary structures (e.g., new dormers; new window or door openings; changing or altering roof design or pitch; balconies);
2. Construction of additions not greater than twenty five percent (25%) of the building’s square footage;
3. Enclosure of existing open porches;
4. Installation of solar panels on existing buildings;
5. Repair, restoration and replacement of existing exterior materials when affecting more than twenty five percent (25%) of the exterior walls or facades;
6. Construction of new driveways;
7. Construction of terraces at grade;
8. Construction of gazebos;
9. Installation of awnings, canopies and signs; and
10. Construction of off street parking.

(D) Construction Of Additions Greater Than Twenty Five Percent Of The Existing Building Square Footage: Applicants shall pay a fee of fifty dollars ($50.00) for applications for construction of new additions greater than twenty five percent (25%) of the existing building square footage, including additions of one or more stories and additions over the existing footprint of buildings.

(E) Construction Of New Primary Structures: Applicants shall pay a fee of seventy five dollars
($75.00) for applications for construction of new primary buildings.

(F) Demolition Of A Landmark Structure: Applicants shall pay a fee of five hundred dollars ($500.00) for applications for the demolition of a landmark structure. Should this be higher? Not a deterrent.

(G) Demolition Of Significant Or Contributing Structure: Applicants shall pay a fee of three hundred fifty dollars ($350.00) for applications for the demolition of a significant or contributing structure. Should this be higher? Not a deterrent.

(H) Demolition Of Nonsignificant Or Noncontributing Structure: Applicants shall pay a fee of two hundred fifty dollars ($250.00) for applications for the demolition of a nonsignificant or noncontributing structure. Increase to conform to other City fees? Should this be $500 to match F? (Are garages in this category? There is already a demolition fee under permit applications)

(I) Rescission Of Landmark Designation: Applicants shall pay a fee of two hundred fifty dollars ($250.00) for applications for the rescission of a landmark designation when the landmark is not demolished. Should this be higher? Not a deterrent.

(J) Post approval Amendments: Applicants shall pay a fee of twenty five dollars ($25.00) for applications for review of proposed amendments to previously approved projects. Is this enforced? Should it be higher?

(Ord. No. 30-0-08; Ord. No. 8-0-12, (47-0-11(exh. B, § 2-8-16)), 1-23-2012)

2-8-17. - 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.

(Ord. No. 12-0-94; Ord. No. 30-0-08; Ord. No. 8-0-12, (47-0-11(exh. B, § 2-8-17)), 1-23-2012)
Add Landmark list later.