

2/10/94

12-0-94

AN ORDINANCE

Establishing a New Evanston
Preservation Ordinance

WHEREAS, on June 14, 1993 the City Council approved the hiring of Clarion Associates, Inc., for consulting services for a comprehensive review and revision of the Preservation Commission Ordinance; and

WHEREAS, the City obtained a fifty-percent matching grant through the Grant-in-Aid program administered by the Illinois Historic Preservation Agency to fund the revision; and

WHEREAS, revision of the Preservation Commission Ordinance was necessary because the Ordinance had not been substantially updated since its enactment in 1975 and because it failed to address binding review of applications for alterations and demolitions of landmarks and review authority over subdivision of landmark sites, economic hardship, and special merit exceptions, among other important issues; and

WHEREAS, Clarion Associates, Inc., the Preservation Commission, and City Staff held numerous working meetings to develop a proposed new Ordinance; and

WHEREAS, the Planning and Development Committee met on January 3, 1994, January 15, 1994, and January 31, 1994 to consider recommendations for the proposed new Ordinance; and

WHEREAS, the City Council on February 14, 1994

conducted a public hearing on the proposed Evanston Preservation Ordinance, and

NOW THEREFORE, be it ordained by the City Council of the City of Evanston, Cook County, Illinois:

SECTION 1: That Title 2, Chapter 9 of the City Code of the City of Evanston, 1979, as amended, is hereby amended to read as follows:

SEE ATTACHED EXHIBIT A - TEXT.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: February 14, 1994

Adopted: March 21, 1994

Approved: March 22, 1994

Lorraine H. Morton
Mayor

ATTEST:

Kristen Davis
City Clerk

Approved as to form:

[Signature]
Corporation Counsel

EXHIBIT A

EVANSTON PRESERVATION ORDINANCE

ADOPTED MARCH 21, 1994

Prepared for:

Evanston Preservation Commission
City of Evanston, Illinois

Prepared by:

Clarion Associates, Inc.
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This ordinance was made possible thanks to a grant from the Illinois Historic Preservation Agency

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EVANSTON PRESERVATION ORDINANCE

ORDINANCE 12-0-94

ADOPTED MARCH 21, 1994

WHEREAS, the City of Evanston has played a major role in the history of northeastern Illinois. In 1853, Northwestern University, a Methodist affiliated educational facility, bought 380 acres of farmland along Lake Michigan. In 1855, amendment to the university's charter prohibited the sale of liquor within a four mile radius of the university. Evanston, named for the president of the board of trustees of Northwestern University, Dr. John Evans, was incorporated as a town in 1863, and as a village in 1872. In 1892, with a population of 15,967 Evanston and South Evanston were merged and incorporated as a city. In 1916 Evanston adopted an ordinance establishing multiple "Restricted Residence Districts" where development was limited to single-family dwellings. The first comprehensive zoning ordinance in Illinois, which restricted apartments to a clearly defined area of the city, was adopted by the City of Evanston in 1921. During the 1950s Evanston became known as the "headquarters city" because of the corporate headquarters that located in the city. In 1975, the City Council established the Evanston Preservation Commission to encourage the preservation and protection of its history and architecture; and

WHEREAS, movements and shifts of population and the changes in residential, commercial, and industrial uses and customs threaten the destruction of areas, places, structures, works of art, and other objects having special historic, community, architectural, or aesthetic interest or value and whose preservation and continued utilization are necessary and desirable for the enjoyment and beauty of the City of Evanston and for the welfare of the citizens of Evanston; and

WHEREAS, the City of Evanston contains certain structures and areas which embody a sense of time and place unique to the City, or which exemplify or reflect the cultural, social, economic, political or architectural history of the nation, the State, or the City; and

WHEREAS, the purposes of the Zoning Ordinance of the City of Evanston, Title 6, Chapter 1-2(J) and (K), include "Prohibiting uses, buildings, or structures that are incompatible with the character of established zoning districts" and "Encouraging the preservation and enhancement of natural resources, historic resources, natural features, and aesthetic amenities in the City;" and

WHEREAS, the City of Evanston, upon the recommendation of the Evanston Preservation Commission, has designated 829 properties, structures or objects; and

WHEREAS, the Evanston Preservation Commission was given advisory authority concerning demolition permit applications, building permit applications, and planned development applications affecting Evanston Landmarks and Evanston Historic Districts; and

WHEREAS, the Evanston Preservation Commission has successfully worked with property owners to heighten understanding of the history and architecture of Evanston and has recommended that improved protection of the historic and architectural character of Evanston Landmarks and Evanston Historic Districts be provided; and

WHEREAS, in 1980 the Evanston Lakeshore Historic District was listed on the National Register of Historic Places in recognition of its exceptionally well-preserved residential buildings of architectural, cultural, and historic significance; and

WHEREAS, in 1983 the Evanston Ridge Historic District was listed on the National Register of Historic Places in recognition of its exceptionally well-preserved residential buildings of architectural, cultural, and historic significance; and

WHEREAS, in 1984 the Suburban Apartment Buildings in Evanston, Illinois was listed as a thematic resources district on the National Register of Historic Places in recognition of its exceptionally well-preserved apartment buildings of architectural, cultural, and historic significance; and

WHEREAS, two National Historic Landmarks, the Frances E. Willard House and the Charles Gates Dawes House, are located in the City of Evanston; and

WHEREAS, the Illinois General Assembly, in 65 Illinois Compiled Statutes 5/11-48.2-1 et seq., has granted power to municipalities to provide for the official designation by ordinance of areas, places, buildings, structures, works of art and other objects having a special historical, community, or aesthetic interest or value; and in connection with such areas, places, buildings, structures, works of art and other objects so designated by ordinance, whether owned or controlled privately or by any public body, to provide special conditions, to impose regulations governing construction, alteration, demolition and use, and to adopt other additional measures; and

WHEREAS, the City of Evanston is a home rule municipality as defined in Article VII, Section 6(a) of the 1970 Constitution of Illinois; and

WHEREAS, the 1970 Constitution of Illinois grants to home rule municipalities the power to regulate for the protection of the public welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION ONE: That Title 2, Chapter 9 "Preservation Commission," of The Evanston City Code of 1979, as amended, is hereby repealed and a new Chapter 9 adopted, titled "Historic Preservation," so that hereafter Chapter 9 shall be and read as follows:

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2-9-1: **STATEMENT OF PURPOSE:** The purpose of this Chapter is to promote the educational, cultural, economic, and general welfare of the City of Evanston by:

- (A) Identifying, preserving, protecting, enhancing, and encouraging the continued utilization and the rehabilitation of such areas, properties, structures, sites, and objects having a special historical, community, architectural, or aesthetic interest or value to the City of Evanston and its citizens;
- (B) Safeguarding the City of Evanston's historic and cultural heritage, as embodied and reflected in such areas, properties, structures, sites, and objects determined eligible for designation by ordinance as Landmarks and Historic Districts;
- (C) Fostering civic pride in the beauty and noble accomplishments of the past as represented in such Landmarks and Districts;
- (D) Protecting and enhancing the attractiveness of the City of Evanston to homeowners, home buyers, tourists, visitors, businesses, and shoppers, and thereby supporting and promoting business, commerce, industry, and tourism, and providing economic benefit to the City of Evanston;
- (E) Fostering and encouraging preservation, restoration, and rehabilitation of areas, properties, structures, sites, and objects, including entire districts and

neighborhoods, and thereby preventing future urban blight and urban 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 Evanston of the protection of areas, properties, structures, sites, and objects as Landmarks and Districts;
- (H) Continuing the preparation of surveys and studies of Evanston's historical and architectural resources and maintaining and updating a register of areas, properties, structures, sites, and objects that may be worthy of landmark designation; and
- (I) Encouraging public participation in identifying and preserving historical and architectural resources through public hearings on proposed designations, work applications, and economic hardship and special merit applications.

2-9-2: **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.

- (A) "Alteration" Any act or process requiring a building permit or demolition permit, or any act or process included in Section 2-9-8(A)(2), that changes one or more of the historic, cultural, architectural or archaeological features of an area, property, structure, site or object, including, but not limited to, the erection, construction, reconstruction, or relocation of any property, structure or object, or any part of a property, structure or object, or land altering activities.
- (B) "Applicant" A person who submits an application for issuance of a Certificate of Appropriateness, Certificate of Economic Hardship or Certificate of Special Merit.
- (C) "Application" 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.
- (D) "Area" A specific geographic division of the City of Evanston.
- (E) "Business Day" A day on which the Department of Planning and Zoning is open for business.

- (F) "Certificate of Appropriateness" A certificate issued by the Commission indicating review and authorization of plans for alteration, construction, demolition or relocation of a Landmark, or property, structure, site or object within a District.
- (G) "Certificate of Economic Hardship" A certificate issued by the Commission after a determination by the Commission that the previous denial of a Certificate of Appropriateness has resulted in a denial of all reasonable use of and return from the property.
- (H) "Certificate of Special Merit" A certificate issued by the Council, after a Certificate of Appropriateness has previously been denied by the Commission, upon a determination by the Council that a proposed project meets the criteria and standards in Sections 2-9-11(B) and 2-9-11(C) of this Chapter.
- (I) "Commission" The Evanston Preservation Commission.
- (J) "Commissioners" Persons appointed, by the Mayor with the advice and consent of the Council, to the Evanston Preservation Commission.
- (K) "Construction" The act of adding an addition to a structure, or the erection of a new principal or accessory structure on a property or site, that requires a building permit.
- (L) "Contributing Significance" A classification applied to an area, property, structure, site or object within a District signifying that it contributes generally to the qualities that give the District historic, cultural, architectural or archaeological significance as embodied in the criteria for designating a District. An area, property, structure, site, or object can be contributing even if it has been altered, as long as it maintains the character defined for the District.
- (M) "Council" The City Council of the City of Evanston.
- (N) "Demolition" Any act or process that destroys all or any part of an exterior wall, foundation, interior or exterior column or load-bearing wall of a Landmark or a property, structure, site, or object within a District.
- (O) "Design Guideline" Any design standard specified by the Commission for alteration, construction or relocation that is unique to a particular Landmark or District to be used in conjunction with other design standards in this Chapter, and the Secretary of Interior's Standards for Rehabilitation of Historic Properties, as amended.

- (P) "Department of Building and Property Services" The Evanston Department of Building and Property Services.
- (Q) "Department of Planning and Zoning" The Evanston Department of Planning and Zoning.
- (R) "District" An identifiable area with definable boundaries designated as a "Historic District" by the Council and in which a significant number of the properties, structures, sites or objects have a high degree of historic, cultural, architectural, or archaeological significance and integrity. Many of the properties, structures, sites or objects included in the District may qualify as Landmarks and may or may not be contiguous. For purposes of this Chapter and unless otherwise expressly provided by Council in the ordinance for designation, all designations shall presumptively include the lot(s) of record associated with structures and objects located in the District.
- (S) "Exterior Architectural Appearance" The architectural character and general composition of the exterior of a property, structure or object, visible from a public street or public way, including but not limited to the kind and texture of the building material and the type, design and character of all architectural details and elements, including, but not limited to, windows, doors, light fixtures, trim, and signs.
- (T) "Land Altering Activity" Any act or process requiring a permit that changes one or more of the historic, cultural, architectural or archaeological features of an area, property or site, including but not limited to, berming, scraping, leveling, grading, pile driving, excavating, and compacting.
- (U) "Landmark" A property, structure, site or object designated as a "Landmark" by the Council that has a high degree of historic, cultural, architectural or archaeological significance to the City of Evanston. For purposes of this Chapter and unless otherwise expressly provided by Council in the ordinance for designation, all designations shall presumptively include the lot(s) of record associated with the structure or object designated as a Landmark.
- (V) "Lot of Record" Parcel of land that is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of Cook County, or a parcel of land, the deed to which has been recorded in the office of the Recorder of Deeds of Cook County.
- (W) "Members" Ex officio and associate members of the Commission.

- (X) "Nominator" A person or persons who submit a form for the designation of a Landmark or District.
- (Y) "Non-contributing" A designation applied to a property, structure, site or object within a District indicating that it is not a representation of the qualities that give the District historic, cultural, architectural or archaeological significance as embodied in the criteria for designating a District.
- (Z) "Object" Anything constructed, fabricated, or created, the use of which does not require permanent or semi-permanent location on or in the ground, and can be moved from one location to another, including without limitation ships, boats, railroad cars, automobiles, wagons, tractors, statues and works of art.
- (AA) "Owner of Record" For purposes of this Chapter, owner of record shall mean any person having a legal or equitable interest in a property. The owner of record shall be established by reference to the most current property tax assessment rolls as maintained by the Assessor of Cook County.
- (BB) "Person" An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other legal entity.
- (CC) "Plan Commission" The Evanston Plan Commission.
- (DD) "Project" Any alteration, construction, demolition or relocation of an area, property, structure, site or object.
- (EE) "Property" Land and structures or land and objects identified as a separate lot for purposes of the subdivision and zoning regulations of the City of Evanston.
- (FF) "Relocation" Any repositioning of a structure or object on its site or to another site.
- (GG) "Rules" The Rules and Procedures of the Evanston Preservation Commission.
- (HH) "Repair" Any change to an area, property, structure, site or object that is not alteration, construction, relocation or demolition.
- (II) "Site" The location of an event, activity, structure or object.
- (JJ) "Structure" Anything constructed or erected, the use of which requires, directly or indirectly, a permanent location on or in the ground, including without limitation buildings, garages, fences, gazebos, signs, billboards, antennas, satellite sending

or receiving dishes, swimming pools, walks, walls, steps, sidewalks, and works of art.

2-9-3: EVANSTON PRESERVATION COMMISSION

(A) Composition.

- (1) The Evanston Preservation Commission is hereby re-established, and the same shall consist of eleven (11) citizen members, each of whom shall reside in the City of Evanston, 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 Council. Each Commissioner shall have one vote.
- (2) Ex-Officio Members and Associate Members.
 - (a) In addition to the Commissioners appointed pursuant to Section 2-9-3(A), the following persons or their designee shall be deemed ex-officio members of the Commission.
 - (i) The Mayor.
 - (ii) A member of the Council.
 - (iii) A member of the Evanston Plan Commission.
 - (iv) The Director of the Department of Planning and Zoning.
 - (v) The City Manager.
 - (vi) The Director of the Department of Building and Property Services.
 - (vii) The Director of Public Works.
 - (b) The Commissioners may from time to time elect associate members to the Commission whose expertise and interest shall be deemed necessary or desirable to further the work of the Commission.

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

(ii) Associate members shall be residents of the City of Evanston.

(c) All Members shall be non-voting.

(B) Appointment, Terms, Vacancies and Relocation.

(1) Commissioners shall be appointed by the Mayor with the advice and consent of 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. When a vacancy is created by the 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.

(2) 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 or her term.

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

(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 (1) 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.

(E) Meetings, hearings, procedures, and decisions.

- (1) Regular meetings of the Commission shall be held no less frequently than monthly. 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 sub-committee structure to enhance efficiency in consideration of Commission business.
- (4) No motion shall be passed by the Commission which could in any manner deprive or restrict the owner of a property, structure, site or object in its use, alteration, maintenance, disposition or demolition until such owner shall first have had the opportunity to be heard at a public meeting of the Commission.

- (5) Every final decision of the Commission and every recommendation it makes to the 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 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.

No Commissioner or Member shall participate in the hearing or disposition of any matter before the Commission in which he or 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 The Evanston City Code.

(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 areas, properties, structures, sites, and objects.
- (2) To investigate and make recommendations to the Council or its duly authorized committee concerning the adoption of ordinances designating areas, properties, structures, sites, and objects as Landmarks and Districts.
- (3) To keep a register of all areas, properties, structures, sites, and objects that have been designated as Landmarks or Districts, 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.
- (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 areas, properties, structures, sites, and objects, including the National Register of Historic Places.

- (6) To nominate areas, properties, structures, sites, 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 upon request of the Council, 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.
- (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, resubdivision 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; to hold meetings and public hearings to review applications for planned developments affecting proposed or designated Landmarks and Districts; and to make advisory recommendations to the Plan Commission and the Council or its duly authorized committee regarding the planned development 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 Rehabilitation of Historic Properties, as amended.
- (15) To review proposed planned unit development applications, zoning amendments, applications for conditional uses, applications for zoning variances, or applications for fences that affect proposed or designated Landmarks and Districts.
- (16) To administer, on behalf of the City of Evanston, any property or full or partial interest in property, including preservation or conservation easements, that the City of Evanston may have or accept as a gift or otherwise, upon authorization and approval by the Council.
- (17) To accept and administer on behalf of the City of Evanston such gifts, grants, and money as may be appropriate for the purposes of this Chapter, upon authorization and approval by the Council.
- (18) To call upon available city staff members as well as other experts for technical advice.
- (19) To testify before all boards and commissions, including 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 General Plan of the City of Evanston.
- (22) To periodically review the Zoning Ordinance of the City of Evanston, 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 or his/her designee may issue Certificates of Appropriateness for certain routine kinds of work applications without formal review and approval by the Commission itself.
- (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 procedural regulations.
- (27) To file a petition with the Department of Building and Property Services requesting that the Department of Building and Property Services 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 of Evanston.
- (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 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.

2-9-4: 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 an area, property, structure, site or object for designation by ordinance as a Landmark or Historic District.

- (1) Its location as a site of a significant historic or prehistoric event or activity which may or may not have taken place within or involved the use of any existing improvements on the property;
- (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 of Evanston, State of Illinois, Midwest region, or the United States;
- (3) Its exemplification of an architectural type, style or design 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, or builder whose individual work is significant in the history or development of the City of Evanston, the State of Illinois, 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 or social aspects or events in the history of the City of Evanston, the State of Illinois, the Midwest region, or the United States;
- (7) Its location as a site of an important archaeological resource;
- (8) Its representation of a historic, cultural, architectural, archaeological or related theme expressed through distinctive areas, properties, structures, sites 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 of Evanston;

- (10) Its exemplification of a pattern of neighborhood development or settlement significant to the cultural history or traditions of the City of Evanston, whose components may lack individual distinction.

(B) Integrity of Landmarks and Districts.

Any area, property, structure, site or object that meets any one or more of the criteria in Section 2-9-4(A) shall also have sufficient integrity of location; design, materials and workmanship to make it worthy of preservation or restoration.

2-9-5: NOMINATION, CONSIDERATION, AND DESIGNATION OF LANDMARKS AND DISTRICTS

(A) Initiation of nomination.

Nomination of an area, property, structure, site or object for consideration and designation as a Landmark or District shall be submitted to the Commission on a form prepared by the Commission, and may be 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 of Evanston.
- (6) Any not-for-profit organization with its principal place of business in the City of Evanston.
- (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 Section 2-9-5(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 eight (8) 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 ten (10) business days of receipt of the nomination.
- (2) The Commission shall schedule a public hearing on the nomination within forty-five (45) days 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) 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 Sections 2-9-4(A) and 2-9-4(B), from any person who makes written submissions or appears at the public hearing. The owner of any nominated Landmark or of property, structure, site or object within a nominated District shall be allowed reasonable opportunity to present testimony or evidence concerning the applicability of the designation criteria in Sections 2-9-4(A) and 2-9-4(B).
- (E) Recommendation by Commission.

Within thirty-five (35) days following 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 Sections 2-9-4(A) and 2-9-4(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 non-contributing 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 Section 2-9-5(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 five (5) 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 2-9-7 shall no longer be enforceable and the nomination shall be deemed denied.

- (2) The designation of a nominated 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 five (5) business days following notification of the Department of Planning and Zoning. A copy of each designation ordinance shall be sent to the Commission, the Plan Commission, and the Department of Building and Property 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 Section 2-9-5(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 Section 2-9-5(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 2-9-4, is provided, and
- (2) The Commission votes by an affirmative vote of at least eight (8) Commissioners to reconsider the previously nominated Landmark or District.

2-9-6: 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 Section 2-9-5(A).
 - (2) Properly submitted petitions are referred to the Commission for public hearing as provided in Section 2-9-5(C).
 - (3) In the case of a rescission of a Landmark designation or part or all of a District designation, the Commission shall consider whether the Landmark or District no longer meets the criteria for designation, and make a recommendation to the Council or its duly authorized committee as provided in Section 2-9-5(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 2-9-4 .

2-9-7: INTERIM PROTECTION FOR NOMINATIONS

- (A) An area, property, structure, site, 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 2-9-14 shall apply to nominated areas, properties, structures, sites, and objects.
- (D) In reviewing applications for Certificates of Appropriateness affecting nominated Landmarks and areas, properties, structures, sites, and objects in Districts during the period of interim controls, the Commission shall review such applications based on the criteria set forth in Section 2-9-9.

2-9-8: CERTIFICATE OF APPROPRIATENESS

- (A) 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 of Evanston.
 - (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 of Evanston.
- (B) Applications for Certificate of Appropriateness.
 - (1) It shall be unlawful to undertake any of the work specified in Section 2-9-8(A) without first obtaining a Certificate of Appropriateness from the Commission. Applications for a Certificate of Appropriateness shall be made on a form prepared by the Commission, and shall be submitted to the Commission.
 - (2) Application forms shall be available from the Commission and the Department of Building and Property 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 Department of Building and Property Services within five (5) business days following receipt of a properly completed application. The

Department of Building and Property Services 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 Department of Planning and Zoning and Department of Building and Property Services 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 consider approval. 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 for certain routine or emergency kinds of work applications, 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 Section 2-9-8(C).

(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 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 appropriate standards included in Section 2-9-9.
- (6) Denial or grant by the Council or its duly authorized committee of a Certificate of Appropriateness is considered a final decision and may be appealed to the Circuit Court of Cook County.

2-9-9: STANDARDS FOR REVIEW OF APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS

(A) 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 Section 2-9-9(E). 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 when possible.
- (3) All properties, structures, sites, and objects shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance 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 or examples of skilled craftsmanship 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 structures and objects shall be undertaken with the gentlest means possible. Sandblasting shall not be undertaken, nor shall other cleaning methods that will damage the historic materials of the structure, site or object.
- (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.
- (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historic, cultural, architectural or archaeological material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
- (10) Wherever possible, new additions or alterations to structures and objects shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(B) Standards for review of construction.

In considering an application for a Certificate of Appropriateness for construction, 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 Section 2-9-9(E).

- (1) Height. Height shall be visually compatible with properties, structures, sites, public ways, objects, and places to which it is visibly related.
- (2) Proportion of front facade. The relationship of the width to the height of the front elevation shall be visually compatible with properties, structures, sites, public ways, objects, and places to which it is visually related.
- (3) Proportion of openings. The relationship of the width to height of windows and doors shall be visually compatible with properties, structures, sites, public ways, objects, and places to which the building is visually related.
- (4) Rhythm of solids to voids in front facades. The relationship of solids to voids in the front facade of a structure shall be visually compatible with properties, structures, sites, public ways, objects, and places to which it is visually related.

- (5) Rhythm of spacing and structures on streets. The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the properties, structures, sites, public ways, objects, and places to which it is visually related.
- (6) Rhythm of entrance porches, storefront recesses and other projections. The relationship of entrances and other projections to sidewalks shall be visually compatible with the properties, structures, sites, public ways, objects, and places to which it is visually related.
- (7) Relationship of materials and texture. The relationship of the materials and texture of the facade shall be visually compatible with the predominant materials used in the structures to which it is visually related.
- (8) Roof shapes. The roof shape of a structure shall be visually compatible with the structures to which it is visually related.
- (9) Walls of continuity. Facades and property and site structures, such as masonry walls, fences, and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street, to ensure visual compatibility with the properties, structures, sites, public ways, objects, and places to which such elements are visually related.
- (10) Scale of a structure. The size and mass of structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the properties, structures, sites, public ways, objects, and places to which they are visually related.
- (11) Directional expression of front elevation. A structure shall be visually compatible with the properties, structures, sites, public ways, objects, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.
- (12) The distinguishing original qualities or character of a property, structure, site or object and its environment shall not be destroyed. The alteration of any historic or material or distinctive architectural features should be avoided when possible.
- (13) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.
- (14) Contemporary 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.

- (15) 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 structure would be unimpaired.
- (16) In considering new construction, the Commission shall not impose a requirement for the use of a single architectural style or period, though it may impose a requirement for compatibility.
- (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 Sign Review and Appeals Board for consideration.

(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 Section 2-9-9(E).

- (1) The historic or urban design character and aesthetic interest the structure or object contributes to its present setting.
- (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 Section 2-9-9(E).

- (1) Whether the property, structure or object is of such historic, cultural, architectural or archaeological significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and the state.
 - (2) Whether the property, structure or object contributes to the distinctive historic, cultural, architectural or archeological character of the District as a whole and should be preserved for the benefit of the people of the city and the state.
 - (3) Whether demolition of the property, structure or object would be contrary to the purpose and intent of this Chapter and to the objectives of the historic preservation for the applicable District.
 - (4) Whether the property, structure or object is of such old, unusual or uncommon design, texture, and/or material that it could not be reproduced without great difficulty and/or expense.
 - (5) Except in cases where the owner has no plans for a period of up to five years to replace an existing Landmark or property, structure or object in a District, no Certificate of Appropriateness shall be issued until plans for a replacement structure or object have been reviewed and approved by the Commission.
- (E) In addition to the above standards, the Commission shall also consider the Secretary of Interior's Standards for Rehabilitation of Historic Properties, as amended.

2-9-10: **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 of Illinois or an appraiser certified by the State of Illinois of the market value of the property in its current condition; after completion of the proposed alteration, construction, demolition, or relocation; after any expenditures necessary to comply with the recommendations of the Commission for changes necessary for it to approve a Certificate of Appropriateness; and in the case of a proposed demolition, after renovation of the existing property for continued use.
- (4) In the case of a proposed demolition, any estimates, prepared by licensed architects, real estate consultants and appraisers or other real estate professionals licensed or certified by the State of Illinois and experienced in rehabilitation, as to the economic feasibility of restoration, renovation or rehabilitation of any existing structures or objects.
- (5) Any and all applicable zoning provisions and incentives.

(D) Information to be supplied by applicant.

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 two (2) years.
- (3) The amount paid for the property, structure, site or object by the owner, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased.
- (4) The current balance of any mortgages or any other financing secured by the property, structure, site or object, and the annual debt service, if any, for the previous two (2) years.
- (5) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, structure, site or object.
- (6) All listings of the property, structure, site or object for sale or rent, price asked and offers received, if any, within the previous four (4) years.
- (7) All studies commissioned by the owner as to profitable renovation, rehabilitation or utilization of any structures or objects on the property for alternative use.
- (8) For income producing property or structures, itemized income and expense statements from the property or structures for the previous two (2) years.
- (9) Estimates, prepared by general contractors licensed by the City of Evanston or licensed architects, of the cost of the proposed alteration, construction, demolition or relocation and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for it to approve a Certificate of Appropriateness.
- (10) Form of 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.
- (11) Any other information, documentation or evidence as the Commission determines to be necessary to its application of the standard in Section 2-9-10(B).
- (12) Where applicable, the information, evidence or documentation requested by the Commission or provided by the applicant shall bear the imprint of

the professional seal of the individual preparing such information, evidence or documentation.

- (E) Failure by applicant to submit requested information.

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

- (F) Public hearing.

The Commission shall hold a public hearing on the application for Certificate of Economic Hardship within 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, structure, site or object in a District; and
 - (b) By mailing of notification to the owners of record of all property within two hundred fifty (250) feet of the affected Landmark or property, structure, site or object in a District; and
 - (c) By 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 Section 2-9-10(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 the denial of all reasonable use of and return from the property shall be made within thirty-five (35) days following close of the public hearing and submission of all information, documentation or evidence requested by the Commission. The determination shall be accompanied by findings of fact and a report stating the reasons for the decision.

(H) Disapproval by Commission.

If the determination of the Commission is to disapprove the application for a Certificate of Economic Hardship, the applicant shall be notified within five (5) business days. The notice shall include a copy of the findings of fact.

(I) Determination of economic hardship.

- (1) If the determination of the Commission is that the denial of the Certificate of Appropriateness has resulted in the denial of all reasonable use of and return from the property, the Commission shall issue a Certificate of Economic Hardship no later than ninety (90) days following the date of the determination of economic hardship unless during that time the Council approves an Incentive Plan pursuant to Sections 2-9-10(J) and 2-9-10(K).
- (2) A copy of the determination of the Commission together with the findings of fact shall be mailed to the applicant and transmitted to the Council or its duly authorized committee within five (5) 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 of Evanston 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 Sections 2-9-10(J) and 2-9-10(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 2-9-9. 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.
- (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 Section 2-9-10 (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.

2-9-11: **CERTIFICATE OF SPECIAL MERIT**

- (A) 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) 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 of Evanston 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 of Evanston must substantially outweigh the loss of or the affect 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, site or object in a District resulting from such special merit use.

(D) Submission of application for Certificate of Special Merit.

Within five (5) 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 (250) feet of the Landmark or properties, structures, sites or objects 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 Section 2-9-11(E)(1)(b) of this Chapter.

(F) 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 Sections 2-9-11(B) and 2-9-11(C).

(G) Within (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.

(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 five (5) business days following the enactment of the ordinance. The Commission shall issue a Certificate of Appropriateness within five (5) 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 Section 2-9-9(B) of this Chapter, with the Commission for the proposed project.

(I) 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.

(J) 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 simultaneous to the issuance of a building permit for the replacement property, structure or object.

(K) 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.

2-9-12: **REVIEW OF APPLICATIONS FOR SUBDIVISION,
RESUBDIVISION OR CONSOLIDATION.**

(A) Prior to review of any subdivision, resubdivision or consolidation pursuant to Title 4, Chapter 13, Sections 1 through 3, "Subdivisions," 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 affect 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 areas, properties, structures, sites, 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 2-9-9.
- (C) Within thirty-five (35) days of the request of the report by Council or its duly authorized committee pursuant to Section 2-9-12(A), 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 Section 2-9-12(B).
 - (E) If Council finds that the proposed subdivision, resubdivision or consolidation is not consistent with the standards provided in Section 2-9-12(B) the Council may deny the application for subdivision, resubdivision or consolidation.

**2-9-13: 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 2-9-4 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.
- (B) 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 2-9-4 of this Chapter and is hereby designated as a Historic District under the provisions of this Chapter.
- (C) 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 2-9-4 of this Chapter and is hereby designated as a Historic District under the provisions of this Chapter.
- (D) 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 2-9-4 of this Chapter and is hereby designated as a Historic District under the provisions of this Chapter.

**2-9-14: 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 Department of Building and Property Services for the preservation of the public health or safety.
- (B) If the Department of Building and Property Services has ordered alteration, construction, demolition, or relocation of a Landmark or a property, structure or object located within a District, the Commission shall be notified of the proposed alteration, construction, demolition, or relocation. If the Commission disagrees with the plan, the Commission shall have the right to delay the proposal sixty (60) days by submitting a delay request. During the delay period, the Commission may develop alternative plans for consideration. If after sixty (60) days no such alternative plans can be developed, the proposed alteration, construction, demolition, or relocation may proceed as ordered.

2-9-15: **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) for each day on which a violation exists.

(B) Penalty for willful violation or gross negligence.

In addition to the fines authorized by Section 2-9-15(A), a person who willfully or through gross negligence violates the provisions of this Chapter by participating in alteration, construction, demolition or relocation affecting a property, structure, site or object nominated or designated as a Landmark or located in a nominated or designated District without complying with the required procedures in this Chapter for review of such alteration, construction, demolition and relocation, shall not be issued building permits, Certificates of Occupancy, licenses and curb cut permits for alteration, construction, demolition or relocation affecting such property, structure, site or object for a period of five (5) years following the date of the violation except to correct structural defects affecting the foundation, roof, walls, partitions, floor supports, ceilings, and chimneys of the nominated or designated Landmark or property, structure, site or object located in a nominated or designated District.

(C) Other remedies.

Notwithstanding the provisions of Sections 2-9-15(A) and 2-9-15(B), the City of Evanston may institute appropriate proceedings in law and equity to prevent or remedy any violation of the provisions of this Chapter. In the case of willful violation or gross negligence by any person, the City of Evanston may seek reversal of the prohibited work without regard to economic hardship.

2-9-16: **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.