

HIGHLAND PARK HISTORIC PRESERVATION COMMISSION  
ORDINANCE REVIEW

The following comments regarding specific areas of the HPC ordinances represent a compilation of suggestions by individual commissioners as well as of observations noted in other communities' codes.

As such, sometimes there will be conflicting suggestions/observations under each area.

These comments are offered to the commission in the hopes that they will spark productive discussion.

## PURPOSE OF ORDINANCE - 24.002

- Ordinance should *explicitly* state that one of the functions of the commission is to educate the residents of the value of living in a community that places a premium on historic preservation.

As a commission, 90% of our time is spent demolition permits. We feel this ignores our more important purpose, i.e. educating the community on the values of historic preservation

## CRITERIA FOR LANDMARK DESIGNATION - 24.015

- Eliminate #1

- In #2, code reads "it is the site of"; Lake Forest code reads, "Its association with". Is this different/better?

- Change #4 to read, "It is a particularly fine or unique example of an architectural and/or landscape style"

- #5 changes:

"It is the work of a notable builder, designer, or landscape architect whose body of work has influenced . . ."

- two criteria here: "notable builder" and "whose work has influenced"

- Remove "notable" as not always able to document the builder

- Lake Forest reads: "whose work is *significant* in the history or development . . ." (different/ better?)

". . . identifiable *either visually or with documentation or both* . . ."

- #6 reads, "It embodies, overall, elements of design, detailing, materials, and/or craftsmanship that renders it architecturally, visually, aesthetically, and/or culturally significant and/or innovative."

-Suggestion: remove "overall" and "renders it"

-Lake Forest's reads, "Its exemplification of an architectural type, style or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, or craftsmanship." Is this better/different?

- #9 - "history" seems different from the other factors here. Should it be eliminated?

- Lake Forest reads, "Its location as a site of important archaeological or *natural* significance." Better/different?

- Lake Forest requires that property/district meet "**one** or more criteria." HP requires 3 or more criteria and specifies numbers 2 and 5 are among the three. Issue: are our criteria too stringent? And by noting specific criteria, are we implying that some criteria are more important than others?

- Lake Forest commission can hire an outsider to document the house pedigree and the owner must pay for it

## HISTORIC DISTRICTS - 24.026

### E. Notification and Canvassing

- HP requires residents to vote
  - Lake Forest (51-9) holds public hearings. Within 60 days, commission determines significance. If so, forwards a recommendation to City Council for approval. Residents do not vote.
- In HP, lack of response constitutes a “no” vote. Suggest that all households are required to respond.

## APPROVING LANDMARK STATUS OVER OWNER OBJECTION - 24.025G3a

- Requires affirmative vote of 5 members. Was this written when the commission consisted of 9 members?
- If written after commission reduced to 7, why the need for a super majority?
  - Argument: if a property is deemed worthy of landmark with a willing owner by 4 commissioners, how is it not worthy of landmarking with the same vote when owner is unwilling? Issue is property is either deemed worthy of landmark status or it's not.
- Why are the specific criteria (or number of them) different from criteria for landmarking with a willing owner?

Question: can't find in ordinance where it tells how many yeas necessary for landmarking with owner's consent - and is it different from unwilling owner?

## DEMOLITION OF DWELLINGS - 170.40

- E2: Suggest we clarify the purpose of the delay - for possible landmark nomination AND/OR a sensitive buyer
- E6: Commission determines that applicant has made "a bona fide, reasonable, and unsuccessful effort to sell the structure."
  - Suggest that proof be demonstrated - e.g., owner presents to commission examples of marketing materials; show that advertising has run/how often/ where; proof that house has been actively shown
    - marketing efforts should be in appropriate venues
- H3 - If structure is purposely neglected, a fine is imposed in the amount of 90% of the value of repairs.
  - How do we determine purposeful neglect? Is there a need to be more specific? Have we ever used this power? Is there a mechanism in place to flag vacant houses? How can we establish a list of "at risk" properties?
  - In LF, owner is sent notice that it is a distressed property. They can write a citation, ultimately putting a lien on the property. They maintain a watch list of troubled properties. Police, neighbors, garbage removers report to commission. If note, for example, an unpaid water bill, it is reported to property development.
  - Suggestion: any applicant who elects to take advantage of the provision that permits a demolition delay to be truncated based on deterioration of the property due to neglect should pay an additional demolition fee equal to 10% of the assessed value of the property
    - Does this send wrong message, i.e., are we just selling demolition at a higher price?
- I1- Affordable Housing Tax
  - Is \$10,000 tax high enough? Should schedule of fines differ depending upon significance?
  - Should HPHPC receive some percentage for educational purposes?

PENALTIES FOR UNDERTAKING A REGULATED ACTIVITY WITHOUT A COA -  
24.040

- Punished by fine of not less than \$50 or more than \$5000

- Suggest that fine is too small to act as deterrent. Change to a percentage of the value of the property (e.g., Becker estate)

## ADDITIONAL THOUGHTS/ISSUES/QUESTIONS

- Why do commercial properties not come under HPHPC jurisdiction?
- Wilmette gives a "stewardship award" which goes to residents who have "kept up" houses and gardens. This is distinct from restoration awards, but is aimed at rewarding keeping up property values.
- Propose we count the number of houses in the survey which have been demolished and publicize them
- Some communities have "landmark status" printed on deeds. Can a mechanism be created which can inform prospective buyers/owners of the status of their homes?
- Lake Forest passes out materials to realtors that have to go to prospective buyers explaining the value of the city's cultural/architectural history
- Although "prophylactic" tear-downs are not legal (Section 170.040 C&D), the sanctions against them are not being enforced.
- Issue "landmark" plaques to be affixed to the outside of homes

