

PREPARED BY:

CITY OF NAPERVILLE
LEGAL DEPARTMENT
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RETURN TO:

CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #19-1-059

ORDINANCE NO. 19 -

**AN ORDINANCE AMENDING CHAPTER 11 (HISTORIC PRESERVATION) OF TITLE 6
(ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE**

WHEREAS, the City of Naperville ("City"), as a municipal corporation and home rule unit of local government under the laws and the Constitution of the State of Illinois, has enacted the Naperville Municipal Code for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the City; and

WHEREAS, on April 16, 2019, the City Council directed City staff to revise sections of Chapter 11 (Historic Preservation) of the Naperville Municipal Code including public notice requirements for appeals of decisions rendered by the City's Historic Preservation Commission and a requirement for completion of an independent structural analysis for any proposed demolition of a structure in the City of Naperville Historic District ("Historic District"); and

WHEREAS, in addition, City staff reviewed Chapter 11 of the Naperville Municipal Code and identified key amendments to the Code to improve the processing of submittals for Certificate of Appropriateness (COA) requests in the Historic District as set forth herein; and

WHEREAS, the proposed text amendments were presented for review to the Naperville Historic Preservation Commission on May 23, 2019 and were thereafter referred to the Naperville Planning and Zoning Commission for a public hearing; and

WHEREAS, notice of the proposed text amendments was given by publication in the Daily Herald, a newspaper of general publication in the City of Naperville, that a public hearing would be conducted on June 5, 2019 before the City of Naperville Planning and Zoning Commission with respect to the proposed text amendments; and

WHEREAS, on June 5, 2019 the Planning and Zoning Commission conducted a public hearing regarding the proposed text amendments and recommended their approval.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:

SECTION 1: The recitals set forth above are incorporated herein and made part hereof as though fully set forth in this Section 1.

SECTION 2: Chapter 11 (Historic Preservation) of Title 6 (Zoning Regulations) of the Naperville Municipal Code, is hereby amended by deleting language which is stricken and adding the underlined language as follows:

CHAPTER 11 – HISTORIC PRESERVATION

6-11-1: - PURPOSE: - 6-11-2: - DEFINITIONS: * * *

6-11-3: - DESIGNATION OF LANDMARKS:

1. Procedure:

1.1. – 1.3. * * *

1.4. Non-owner applicant: If the applicant seeking to designate an improvement as a landmark is not the owner of the improvement, the Zoning Administrator shall transmit a copy of the completed application to the property owner by first class U.S. Postal mail.

Within ~~thirty (30)~~ sixty (60) days thereafter, the owner may submit a written response to any analysis or evidence presented in the application to the Zoning Administrator, and may also provide evidence in support of or in opposition to the proposed landmark designation. Such evidence may consist of, but is not limited to, reports prepared by experts or specialists in one or more areas of expertise, inspection reports, photographs, and bids for repair or restoration.

1.4.1. If the owner is opposed to the designation due to the physical condition of the improvement, the owner may submit evidence to show that the improvement has deteriorated and/or is subject to one or more adverse conditions such that the cost to restore or repair the improvement to a condition that complies with the standards for issuance of an occupancy permit under the provision of Title 5 would meet or exceed the assessed valuation of the ~~property and~~ improvement as shown on the most recent tax bill multiplied by one hundred fifty percent (150%). In the event that the property has been exempt from taxation, such that the foregoing calculation cannot be applied, the owner may submit evidence to demonstrate that the cost to restore or repair the improvement to a condition that complies with the standards for issuance of an occupancy permit under the provision of Title 5 would meet or exceed 50% of the replacement cost of such building or structure.

Upon written request of the owner, the Zoning Administrator may grant an extension of the ~~thirty (30)~~ sixty (60) day time limit to submit a written response for up to an additional thirty (30) days.

1.5. Upon receipt of the owner's response or at the conclusion of the ~~thirty (30)~~ sixty (60) day time limit or the extended time limit per Section 6-11-3:1.4 if no response is received, the Zoning Administrator shall transmit copies of the completed application and any documentation pertaining to the application to the Historic Preservation Commission.

Except as provided herein, an application for landmark designation shall be valid for a period of one hundred fifty (150) days from the date on which the completed application is transmitted by the Zoning Administrator to the Commission. Any application for landmark designation which is not granted or denied under the provisions of this Section within said one hundred fifty (150) day period shall automatically lapse and become null and void without further action by the City, except that the application may be extended for a period up to sixty (60) days upon the written request of the applicant or owner prior to the expiration date. If the applicant is not the property owner, a request for an extension of time shall require written documentation signed by the owner indicating consent to such extension.

1.6. - 1.7. * * *

1.8. Required Notices:

1.8.1. Written Notice To The Property Owners: If the applicant is not the owner(s) of the improvement nominated for landmark designation, the applicant shall give written notice of the public hearing to the owner(s) of record of the improvement proposed to be designated as a landmark as shown on the record of the applicable township assessor's office. The written notice shall be delivered by first class U.S. Postal mail, properly addressed and with sufficient prepaid postage affixed thereon,

not more than thirty (30) days nor less than fifteen (15) days in advance of the public hearing.

- 1.8.2. Publication: Notice of the public hearing shall be published by the City at least once in a newspaper of general circulation in the City, no more than thirty (30) days nor less than fifteen (15) days in advance of the public hearing. The cost of publication shall be paid for by the applicant.
- 1.8.3. Sign: The applicant shall post notice of the public hearing on a sign on the property being considered for designation as a landmark or at an alternate location approved by the Zoning Administrator, for a continuous period of not more than thirty (30) days and not less than fifteen (15) days in advance of the public hearing. Such sign shall:
 - 1.8.3.1. Be a minimum size of three feet by four feet (3' x 4').
 - 1.8.3.2. Include a title (i.e., "Notice of Public Hearing"); the case number assigned to the application; the place, the purpose, and the date and time of the public hearing; and the address and phone number of the City department where additional information may be obtained.
 - 1.8.3.3. Include red lettering a minimum of four inches (4") high in the title, and black lettering a minimum of two inches (2") high for all other text on a white background.The applicant shall remove the sign upon which the notice is posted within seven (7) days following the conclusion of the public hearing before the Historic Preservation Commission. Failure to remove the sign within said timeframe as provided herein may result in the imposition of a fine not to exceed fifty dollars (\$50.00) per day.
- 1.8.4. Written Notice To Surrounding Property Owners: The applicant shall give written notice of the public hearing to the property owners of record of all tax parcels, whether tax exempt or not, lying within ~~one hundred fifty (150)~~ three hundred (300) feet, exclusive inclusive of public right-of-way, of the property lines of the property on which the improvement proposed for landmark designation is located as shown on the record of the applicable Township Assessor's Office. Such written notices shall be properly addressed, delivered personally or sent by first class U.S. Postal mail, with sufficient prepaid postage affixed not more than thirty (30) days nor less than fifteen (15) days in advance of the public hearing.
- 1.8.5. All written notices shall contain the following information: the case number assigned to the application, the name and address of the applicant and property owner, the common address or location of the property on which the improvement sought to be designated as a landmark is located, location, date and time of the public hearing before the Historic Preservation Commission, a description of the nature and purpose of the public hearing, and the office address and telephone number of the City department where information concerning the application may be obtained.
- 1.8.6. Prior to commencement of the public hearing to consider the application, the applicant shall file a sworn affidavit, including a copy of the notices, with the City Clerk showing the names and addresses to which the written notices were sent or

delivered. Said affidavit shall create a presumption that the notices have been properly given.

1.9. The public hearing shall be conducted by the Historic Preservation Commission and minutes of such proceedings shall be made and maintained by the City of Naperville in accordance with the provisions of the Illinois Open Meetings Act.

1.10. – 1.14. * * *

1.15. In the event that an application for landmark designation is denied by the City Council or does not proceed for any reason, no application for landmark designation of the same Improvement shall be made within ~~one (1)~~ three (3) years of the date of final action on or expiration of the original application, unless the owner consents to such application and designation.

2. Criteria For Designation Of Landmarks: - 3. Owner's Consent: * * *

6-11-4: - DESIGNATION OF HISTORIC DISTRICTS:

1. Procedure:

1.1. - 1.6. * * *

1.7. Required Notices:

1.7.1. Written Notice To The Property Owners: The applicant shall give written notice of the public hearing to the current owner(s) of record of all tax parcels located within the area proposed to be designated as an historic district as shown on the record of the applicable township assessor's office. The written notice shall be delivered by first class U.S. Postal mail, properly addressed and with sufficient prepaid postage affixed thereon, not more than thirty (30) days nor less than fifteen (15) days in advance of the public hearing.

1.7.2. Publication: Notice of the public hearing shall be published by the City at least once in a newspaper of general circulation in the City, no more than thirty (30) days nor less than fifteen (15) days in advance of the public hearing. The cost of publication shall be paid for by the applicant.

1.7.3. Written Notice To Surrounding Property Owners: The applicant shall also give written notice of the public hearing to the property owners of record of all tax parcels, whether tax exempt or not, lying within ~~one hundred fifty (150)~~ three hundred (300) feet, exclusive-inclusive of public right-of-way, of the proposed boundaries of the area to be proposed for historic district designation as shown on the record of the applicable Township Assessor's Office. Such written notices shall be properly addressed, delivered personally or sent by U.S. Postal mail, with sufficient prepaid postage affixed thereon not more than thirty (30) days nor less than fifteen (15) days in advance of the public hearing.

1.7.4. All written notices shall contain the following information: the case number assigned to the application, the name and address of the applicant, a map delineating the boundaries of the area in question, the common addresses and PIN numbers of all tax parcels located within the proposed area, location, date and time of the public hearing before the Historic Preservation Commission, a description of

the nature and purpose of the public hearing, and the office address and telephone number of the City department where information concerning the application may be obtained.

1.7.5 Prior to commencement of the public hearing to consider the application, the applicant shall file a sworn affidavit, including a copy of the notices, with the Zoning Administrator showing the names and addresses to which the written notices were sent or delivered. Said affidavit shall create a presumption that the notices have been properly given.

1.8. - 1.15. * * *

2. Standards For Designation Of Historic Districts - 3. Owners' Consent:
* * *

6-11-5: - APPLICABILITY OF ZONING PROVISIONS:

1. Zoning Classifications And Permitted Uses: - 2. Relationship To Planning And Zoning Commission: * * *

3. ~~Conditional Uses, Rezoning, and Variances~~ Amendments To Zoning Title: For any conditional use, rezoning, or variance request that requires review by the Historic Preservation Commission, the Commission shall review said request to determine the effect, if any, that the proposal would have on the historic character of the landmark or historic district. Said review shall be completed by the Historic Preservation Commission within thirty (30) days after receipt of the applicable application, unless otherwise extended by the Zoning Administrator. The recommendation of the Historic Preservation Commission shall be forwarded to the Planning and Zoning Commission for its consideration. A copy of any application for a conditional use, a variance from the provisions of this Zoning Title, or any amendment to the map or text of the zoning ordinance shall be forwarded by the Planning and Zoning Commission to the Historic Preservation Commission, if such proposed change would affect any landmark or any properties within an historic district.

3.1 Conditional Uses and Rezoning: A copy of any application for a conditional use or rezoning for property located within a designated historic district or local landmark shall be reviewed by the Historic Preservation Commission and referred to the Planning and Zoning Commission for review and recommendation to the City Council.

3.2 Variances: A copy of an application for a variance for property located within a designated historic district or for a local landmark shall be reviewed by the Historic Preservation Commission and referred to the Planning and Zoning Commission for review and recommendation to the City Council if the improvement, which is the subject of the variance request, would require a certificate of appropriateness in accordance with Section 6-11-8:2 (Certificate of Appropriateness Required: Subject to Historic Preservation Commission Approval). A variance application for a request that does not require a certificate of appropriateness, in accordance with Section 6-11-7 hereof, or for which said certificate of appropriateness can be administratively approved in accordance with Section 6-11-8:1, is exempt from review by the Historic Preservation Commission.

~~Within a reasonable time after receipt of an application as set forth above, the Historic Preservation Commission shall review said application to determine the effect which the proposed conditional use, variance or amendment would have on the historic character of the landmark or historic district.~~

~~Within thirty (30) days after receipt of an application for a conditional use, a variance from the provisions of this Zoning Title, or any amendments to the map or text of the Zoning Ordinance, the Historic Preservation Commission shall forward any recommendations it desires to make to the Planning and Zoning Commission from which the copy of the application or amendment was received. Such recommendations shall be briefly summarized in any reports required to be submitted to the City Council by the Planning and Zoning Commission.~~

6-11-6: - CERTIFICATE OF APPROPRIATENESS: - 6-11-7: - CERTIFICATE OF APPROPRIATENESS NOT REQUIRED: * * *

6-11-8: - CERTIFICATE OF APPROPRIATENESS REQUIRED:

A certificate of appropriateness shall be required for the following may be approved administratively or by the Historic Preservation Commission as follows:

1. Certificate Of Appropriateness Subject To Administrative Approval: Minor work shall require a certificate of appropriateness subject to review and approval by the Zoning Administrator in accordance with Section 6-11-8:4.3 prior to commencement of such work. Minor work shall include the following work performed on the primary facade(s) of the principal building or structure, or driveways, or where projection of the work would be visible from a public street measured by a line of sight perpendicular to the primary facade(s). A public street shall not include alleys:
 - 1.1. Doors: In-kind replacement with use of wood or original material.
Windows: In-kind replacement with use of wood or aluminum clad wood.
 - 1.2. Roofs: In-kind replacement with use of asphalt or original material.
 - 1.3. Exterior Building Materials: In-kind replacement of fifty percent (50%) or more of the primary facade(s) with use of original material or fiber cement board in place of wood.
 - 1.4. Porches: In-kind replacement in whole or replacement of porch columns with use of wood, plaster or cement materials; porch flooring with use of wood or composite decking materials; or other porch components with use of wood or original material.
 - 1.5. Shutters And Awnings: In-kind replacement with use of original material.
 - 1.6. Reconstruction Of Principal Structures: The primary facade(s) of any exact duplication of the original structure with use of materials referenced in this Section 6-11-8.1.
 - 1.7 Additions: Any addition to the rear or side of the building that can be seen from the street but is set back, such that, it has no impact on the exterior architectural appearance of the primary facade as visible from the public street as determined by the Zoning Administrator.
2. Certificate Of Appropriateness Subject To Historic Preservation Commission Approval: Major work shall require a certificate of appropriateness subject to the review and approval by the Historic Preservation Commission in accordance with Section 6-11-8:4.4 before such work may commence. Major work shall include the following work performed on the primary facade(s) of the principal building or structure, fences, driveways or attached garages, or

where projection of the work would be visible from a public street measured by a line of sight perpendicular to the primary facade(s). A public street shall not include alleys:

- 2.1. Doors: Any work that will result in a new opening, a change in style or opening, or use of material that is not wood or original material.
 - 2.2. Windows: Any work that will result in a new opening, a change in style or opening or use of material other than wood or aluminum clad wood.
 - 2.3. Roofs: Any work that will result in a change in height or pitch; or use of material other than asphalt or original material.
 - 2.4. Exterior Building Materials: Any work that would result in a change in reveal or profile; or use of material that is not specified under Section 6-11-8:1.1.3.
 - 2.5. Porches: Any work that would result in new enclosure, a change in size or style, or use of material that is not listed under Section 6-11-8:1.1.4.
 - 2.6. Shutters And Awnings: Any work that will result in new shutters or awnings, a change in size or style, or use of material that is not original to the structure.
 - 2.7. Other Original Architectural Features Contributing To The Style Of The Principal Building Or Structure: Any work that will result in a change in size or style; or use of material that is not original.
 - 2.8. New Principal Structures: The primary facade(s) of any new principal structure.
 - 2.9. Modifications To Principal Structures: The primary facade(s) of any reconstruction of a principal structure that will not match the original improvement or result in use of material not listed under Section 6-11-8.1.
 - 2.10. Additions: Primary facade(s) of the addition when said addition has an impact on the exterior architectural appearance of the primary façade of the principal building or structure as determined by the Zoning Administrator.
 - 2.11. Demolition: Demolition of a principal structure in whole; removal without replacement of original architectural features contributing to the style of the principal building or structure except otherwise provided herein.
 - 2.12. Driveways: New driveway access from the front street (i.e. a street adjacent to the front yard of a lot).
 - 2.13. Fences: Open fences (as defined in Section 6-1-6) comprised of material other than wood or iron or solid fences of any material that abut or are nearest to a front yard or a corner side yard and are visible from a public street. Public streets do not include alleys.
 - 2.14. Attached Garages: New attached garages. Existing attached garages shall be regarded as part of the principal building or structure, subject to Section 6-11-8:1 and Section 6-11-8:2 of this Code.
 - 2.15. Solar panels and skylights on principal structures.
3. The Zoning Administrator shall review any work not listed in Sections 6-11-7, 6-11-8:1 and 6-11-8:2 to determine whether a certificate of appropriateness shall be required and whether it may be administratively reviewed. An appeal of the Zoning Administrator's decision shall be made in accordance with the procedure prescribed in Section 6-3-6:1 of this Code.

~~4. Procedures For Issuance Of Certificate Of Appropriateness:~~

~~4.1. Applications: The application for a certificate of appropriateness, when one is required, shall be in writing on a form provided by the Zoning Administrator and shall include the following information at a minimum:~~

~~4.1.1. Street address of the property involved.~~

~~4.1.2. Applicant and/or owner's name and address.~~

~~4.1.3. Architect's name if one is utilized.~~

~~4.1.4. Brief description of the present improvements situated on the property.~~

~~4.1.5. A detailed description of the construction, alteration, or demolition proposed together with any architectural drawings or sketches if those services have been utilized by the applicant and if not, a description of the construction, alteration, or demolition, sufficient to enable anyone to determine what the final appearance of the improvement will be.~~

~~4.1.6. Such other information as may be required by the Zoning Administrator.~~

~~4.2. Review Of Application: The application for a certificate of appropriateness shall be filed with the Zoning Administrator, who shall promptly review the application to determine completeness. The Zoning Administrator shall determine whether the proposed work is minor or major, in accordance with Sections 6-11-8:1, 6-11-8:2 and 6-11-8:3. If a review from the Historic Preservation Commission is required under this Section, the Zoning Administrator shall transmit a copy of the complete application to the Commission.~~

4. Procedures For Issuance Of A Certificate Of Appropriateness ("COA"):

4.1 An application for a certificate of appropriateness, when one is required, shall be in writing on a form provided by the Zoning Administrator, shall include the information set forth in Subsections 4.1.1 and 4.1.2 below (as applicable), and shall be filed with the Zoning Administrator. If the applicant is not the owner of the property in question, the application shall be signed by both the applicant and the property owner. The Zoning Administrator shall promptly review the application to determine completeness and to determine whether the proposed work is minor or major in accordance with Sections 6-11-8:1, 6-11-8:2 and 6-11-8:3 above. If review from the Historic Preservation Commission is required under this Section, the Zoning Administrator shall transmit a copy of the complete application to the Commission.

4.1.1. COA Applications (non-demolition):

4.1.1.1 Street address of the property involved.

4.1.1.2 Applicant and/or owner's name and address.

4.1.1.3 Architect's name if one is utilized.

4.1.1.4 Brief description of the present improvements situated on the property.

4.1.1.5 A detailed description of any proposed addition, construction, or alteration affecting the primary facade together with any architectural drawings or sketches if those services have been utilized by the applicant

and if not, a description of the addition, construction, or alteration sufficient to depict what the final appearance of the improvement will be.

4.1.1.6 Such other information as may be required by the Zoning Administrator.

4.1.2. COA Applications (demolition): An application for a certificate of appropriateness seeking demolition shall include the following at a minimum:

4.1.2.1. Street address of the property involved.

4.1.2.2. Applicant and/or owner's name and address.

4.1.2.3. Architect's name.

4.1.2.4. A detailed description of the present improvements situated on the property.

4.1.2.5. A detailed description of any proposed demolition affecting the primary façade, together with architectural drawings or sketches showing the remaining structure if a partial demolition is sought, sufficient to enable the Historic Preservation Commission to determine what the final appearance of the improvement will be post-demolition.

4.1.2.6. An acknowledgment that the applicant (and the owner, if the applicant is not the owner) is required to reimburse the City for the cost of the structural analysis described in Section 4.2. below, and that failure to make such payment shall authorize the City to file a lien against the property as provided herein. Such reimbursement shall not exceed \$5,000.00 for a single-family residential building and shall be paid in full for a non-residential building.

4.1.2.7. Such other information as may be required by the Zoning Administrator.

4.1.2.8 If the applicant also seeks construction of a new structure, addition, or alteration after demolition is complete, the applicant shall file a separate Certificate of Appropriateness application pursuant to Section 4.1 above.

4.2 If demolition is sought, a structural analysis, and an analysis of architectural and historical significance, shall be required as follows:

4.2.1 Structural Analysis. Any request to demolish a principal structure in whole, or for certain partial demolitions of the principal structure as determined by the Zoning Administrator, shall require an independent structural analysis. Said analysis shall be conducted by a licensed architect or structural engineer and contracted by the City. Said analysis shall include, but is not limited to, the following: detailed conditions of the existing structure, a list of improvements required to restore or repair the structure to a condition that complies with the standards for issuance of an occupancy permit under the provision of Title 5, and the estimated cost of said restoration or repairs.

4.2.2 Architectural and Historical Significance Analysis. Any request to demolish a principal structure in whole, or for certain partial demolitions of the principal structure

as determined by the Zoning Administrator, shall include an analysis, provided by the applicant, of the architectural and historical significance of the existing structure. Said analysis shall include whether the structure embodies the distinguishing characteristics of an architectural period, style, method of construction, or use of indigenous materials and the structures current architectural integrity. Said analysis shall also disclose, to the extent of information available to the applicant, if the existing structure was owned or occupied by a person of historic significance in national, State or local history; if the structure has a direct connection to an important event in national, State or local history; or if the structure represents the notable work of a builder, designer or architect whose individual work has substantially influenced the development of the community.

4.2.3. The owner, and applicant (if the applicant is not the owner), shall be jointly and severally responsible for reimbursement of the reasonable cost of the analysis described in Subsection 4.2.1 above up to a maximum of \$5,000.00 for a single-family residential building; and shall be entirely responsible for the reasonable cost of the analysis described in Subsection 4.2.1 above for a non-residential building. If reimbursement is not received by the City within sixty (60) days of issuance of an invoice therefor to the applicant (and owner, if applicable), the City shall be entitled to file a lien against the property in the amount of the costs of such analysis plus recording fees and interest.

4.3. Administrative Certificate Of Appropriateness Review Procedures:

4.3.1. Minor work set forth in this Section 6-11-8 may be administratively approved by the Zoning Administrator without the approval of the Historic Preservation Commission.

4.3.2. Appeals To The Historic Preservation Commission: Any denial of an application for certificate of appropriateness by the Zoning Administrator may be appealed to the Historic Preservation Commission only by the applicant or property owner in accordance with the following provisions:

4.3.2.1. A request for appeal must be filed with the Zoning Administrator within fourteen (14) days of the denial of the application.

4.3.2.2. Within sixty (60) days of the filing of the request for appeal, the Historic Preservation Commission shall meet to consider the appeal.

4.3.2.3. The applicant shall provide public notice in accordance with Section 6-11-8:4.4.3 and Section 6-11-8:4.4.4 below.

~~4.3.2.4.3.~~ The Zoning Administrator shall forward the Commission written findings of facts regarding the decision.

~~4.3.2.5.4.~~ On appeal, the Historic Preservation Commission shall consider the findings of fact of the Zoning Administrator and shall determine whether the certificate of appropriateness should be approved or denied.

4.4. Historic Preservation Commission Certificate Of Appropriateness Review Procedures:

4.4.1. Major work set forth in this Section 6-11-8 shall be reviewed by the Historic Preservation Commission at a public meeting in accordance with Section 6-11-8:4.4.2.

4.4.2. Public Meeting: A public meeting shall be held no more than sixty (60) days after a completed application for a Certificate of Appropriateness has been filed.

4.4.3. Written Notice: The applicant shall give written notice of the public meeting at which the proposed certificate of appropriateness will be considered to the current owners of record of all lots lying within ~~two~~ three hundred ~~forty~~ fifty feet (~~250~~300') of the property lines of the parcel of land on which the Improvement that is the subject of the request for a certificate of appropriateness is located, ~~exclusive~~ inclusive of public right-of-way. The written notices shall be delivered personally or may be sent by first class mail, properly addressed and with sufficient postage affixed ~~thereon~~ not more than thirty (30) days or less than later than ten fifteen (15-10) days in advance of the public meeting.

All written notices shall contain the following information: the assigned certificate of appropriateness case number; the name and address of the petitioner and property owner; the common address or the location of the subject property; location, date, and time of the public meeting; a description of the nature and purpose of the requested action; and the office address and telephone number of the City where information concerning the petition may be obtained.

4.4.3.1. Publication: Any COA application for demolition shall require notice by publication which shall be given by the City and paid for by the applicant. Publication shall be given at least once in a newspaper of general circulation in the City, no more than thirty (30) days nor less than fifteen (15) days in advance of the meeting.

- ~~• The case number assigned to the request by the City,~~
- ~~• The nature and the purpose of the request,~~
- ~~• The date, time and location of such meeting,~~
- ~~• The common address or location of the Improvement in question,~~
- ~~• The name and address of the applicant and of the Owner of the Improvement, and~~
- ~~• The administrative office of the City where more information may be obtained concerning the request.~~

~~The applicant shall file a sworn affidavit, including a copy of the notice, with the Zoning Administrator showing the names and addresses of the persons to whom the written notices have been sent or delivered, and that such notices were sent or delivered no less than ten (10) days in advance of the public meeting. Said affidavit shall constitute a presumption that the notices have been properly given.~~

4.4.4. Sign: The applicant shall post notice of the public meeting at which the proposed certificate of appropriateness will be considered on a sign visible from a public street (excluding alleys) upon the property for which the certificate of appropriateness is proposed. The sign on the property shall:

4.4.4.1. Include a title (i.e., "Notice of Historic Preservation Commission Meeting"); the case number assigned to the application; a brief description of the nature of the certificate of appropriateness request; the date, time and location of the public meeting; and the address and phone number of the administrative office of the City where additional information may be obtained.

4.4.4.2. Include lettering a minimum of three inches (3") high in the title, and a minimum of one inch (1") high for all other text.

4.4.4.3. Be posted on the property for a continuous period of not more than thirty (30) ~~twenty-one (21)~~ days and not less than fifteen (15) ~~ten (10)~~ days in advance of the public meeting, at which the proposed certificate of appropriateness will be considered.

The applicant shall remove the sign upon which the notice is posted within seven (7) days following the conclusion of the public meeting on the matter before the Historic Preservation Commission. Failure to remove the sign within the timeframe as provided herein may result in the imposition of a fine not to exceed fifty dollars (\$50.00) per day.

4.4.5. The applicant shall file a sworn affidavit, including a copy of the notice, with the Zoning Administrator showing the names and addresses of the persons to whom the written notices have been sent or delivered, and that such notices were sent or delivered not less than fifteen (15) days in advance of the public meeting. Said affidavit shall constitute a presumption that the notices have been properly given.

4.4.6.5. Public Comments: Except as provided in Section 6-11-8:4.3.2, the Historic Preservation Commission shall take public comments prior to rendering a decision to grant or deny a certificate of appropriateness.

4.4.7.6. Decision Rendered: The Commission shall render a decision to grant or deny an application for a certificate of appropriateness at the meeting at which it considers an application unless such deliberations are continued to a subsequent meeting for the purposes of obtaining additional information or in order to allow the applicant to submit revisions to the application.

4.5. Issuance Of Certificate: The Zoning Administrator shall issue the certificate of appropriateness within seven (7) business days of the approval of an application for a certificate of appropriateness by either the Zoning Administrator pursuant to Section 6-11-8:4.3 or by the Historic Preservation Commission pursuant to Section 6-11-8:4.4. The owner and/or applicant shall not perform any of the work requested until the owner and/or applicant is in receipt of the certificate and all other required permits.

A certificate of appropriateness shall not be valid unless the following conditions are met:

4.5.1. The work authorized by the certificate of appropriateness has been completed within three (3) years of the issuance of the certificate. Upon written request of the owner and/or applicant prior to the expiration date the Zoning Administrator may extend the effective period of the certificate of appropriateness for a period of up to two (2) additional years without reapplication to the Commission.

4.6. Appeals To City Council: The owner and/or applicant may appeal any denial of an application for a certificate of appropriateness as determined by the Historic Preservation Commission to the City Council in accordance with the following provisions:

4.6.1. A request for appeal must be filed with the Zoning Administrator within fourteen (14) days of the denial of the application.

- 4.6.2. The Zoning Administrator shall immediately notify the Commission of any appeal taken from the denial of an application for certificate of appropriateness.
- 4.6.3. The Commission shall forward a copy of its written findings of fact and its decision to the Zoning Administrator within fourteen (14) days of receipt of the notice of appeal. The Commission shall forward to the Zoning Administrator a copy of its minutes of the meeting at which it considered the application.
- 4.6.4. Within sixty (60) days of the filing of the request for appeal with the Zoning Administrator, the City Council shall consider the appeal.
- 4.6.5. Notice: The owner and/or applicant shall provide proper notice in accordance with the following provisions:

4.6.5.1: Written Notice: The applicant shall give written notice of the City Council meeting at which the appeal will be considered to the current owners of record of all lots lying within three hundred feet (300') of the property lines of the parcel of land on which the improvement that is the subject of the request for a certificate of appropriateness is located, inclusive of public right-of-way. The written notices shall be delivered personally or may be sent by first class mail, properly addressed and with sufficient postage affixed not more than thirty (30) days or less than fifteen (15) days in advance of the City Council meeting.

All written notices shall contain the following information: the assigned certificate of appropriateness case number; the name and address of the petitioner and property owner; the common address or the location of the subject property; location, date, and time of the meeting, a description of the nature and purpose of the requested action, and the office address and telephone number of the City where information concerning the petitioner may be obtained.

4.6.5.2: Sign: The applicant shall post notice for the City Council meeting at which the appeal will be considered on a sign visible from a public street (excluding alleys) upon the property for which the certificate of appropriateness is proposed.

Upon appeal of the case, the applicant shall update the posted Historic Preservation Commission sign in order to give notice of the appeal or may post a new sign. Said sign shall include the following information: a title (i.e., "Historic Preservation Commission"); the certificate of appropriateness case number; a brief description of the request (i.e. "Appeal to City Council"); the date, time and location of the City Council meeting at which the request to appeal will be heard; and the address and phone number of the administrative office of the City where additional information may be obtained. The sign on the property shall:

Include lettering a minimum of three inches (3") high in the title, and a minimum of one inch (1") high for all other text.

Be posted on the property for a continuous period of not more than thirty (30) days and not less than fifteen (15) days in advance of the City Council meeting, at which the proposed certificate of appropriateness will be considered.

The applicant shall remove the sign upon which the notice is posted within seven (7) days following City Council's decision with respect to the appeal. Failure to

remove the sign within the timeframe as provided herein may result in the imposition of a fine not to exceed fifty dollars (\$50.00) per day.

4.6.5.3. Affidavit: Prior to commencement of the meeting to consider the petition, the petitioner shall file a sworn affidavit with the Zoning Administrator verifying completion of all required notices. Such affidavit shall include a copy of the written notice and a list of all names and addresses to which the notices were provided, and shall specify by address whether such notice was mailed or personally delivered. Such affidavit shall create a presumption that the required notices have been properly given.

~~4.6.5.—The Zoning Administrator shall send notice to the applicant in writing at least seven (7) working days prior to the scheduled meeting of the date, time and place of the meeting at which the appeal is scheduled to be considered by the City Council.~~

4.6.6. On appeal, the City Council shall consider the minutes and findings of fact of the Historic Preservation Commission and shall determine whether the certificate of appropriateness should be approved or denied.

5. Factors For Consideration Of A Certificate Of Appropriateness Application:

5.1. Compatibility With District Character: The Commission and Zoning Administrator shall consider the compatibility of the proposed improvement with the character of the historic district in terms of scale, style, exterior features, building placement and site access, as related to the primary facade(s), in rendering a decision to grant or deny a certificate of appropriateness.

5.2. Compatibility With Architectural Style: The Commission and Zoning Administrator shall consider the compatibility of the proposed improvement with the historic architectural style of the building or structure to be modified by the certificate of appropriateness request.

5.3. Economic Reasonableness: The Commission and the Zoning Administrator shall consider the economic reasonableness of any recommended changes determined to be necessary to bring the application into conformity with the character of the historic district.

5.4. Energy Conservation Effect: In making its determinations, the Commission and Zoning Administrator shall consider the effect that any recommended changes may have on energy conservation.

5.5. Impact of Proposed Demolition: In evaluating any application for demolition of a principal structure in whole, or for certain partial demolitions as determined by the Zoning Administrator, the Commission shall balance the findings presented in the structural analysis, which includes an analysis of the improvements required to restore or repair the structure to a condition that complies with the standards for issuance of an occupancy permit under the provision of Title 5, and the estimated cost of said restoration or repairs, against the architectural and historical significance of the structure.

~~5.5.—Application Of Regulations: The Commission and Zoning Administrator shall not impose specific regulations, limitations, or restrictions as to the height and bulk of buildings, or the area of yards or setbacks, or other open spaces, density of population, land use, or location of buildings designed for conditional uses except as applicable for compliance with the underlying zoning district.~~

~~5.5.1. The Commission however, may consider the height and bulk of buildings and area of yards or setbacks within the context of existing neighborhoods in making its determinations. The Commission shall be permitted to deny a certificate of appropriateness on the basis of height and bulk of buildings and the area of yards or setbacks only upon finding that the approval of such a request would be detrimental to the existing or historical character of its surrounding neighborhood. The Commission may adopt procedural rules concerning the type of information that it considers necessary to make such a finding.~~

~~5.5.2. The Commission's consideration of height and bulk of buildings and area of yards or setbacks shall not exempt the applicant from compliance with the provisions of this Title 6 (Zoning Regulations).~~

5.6. The City's Historic Building Design and Resource Manual may be used as a resource in consideration of the above.

6-11-9: - MAINTENANCE AND REPAIR REQUIRED:

Neither the owner of nor the person in charge of an improvement designated as a landmark or an improvement located within an historic district shall permit such improvement to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce, in the judgment of the Zoning Administrator, a detrimental effect upon the character of the historic district as a whole or the life and character of the improvement in question, including, but not limited to:

1. The deterioration of exterior walls or vertical supports.
2. The deterioration of roofs or other horizontal members.
3. The deterioration of exterior chimneys.
4. The deterioration or crumbling of exterior plaster or mortar.
5. The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors.
6. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

Nothing in this Chapter shall exempt an improvement designated as a landmark or located within a historic district from compliance with the provisions of Section 5-1H (Property Maintenance Code) of this Code. Enforcement of this Section shall be pursuant to Section 6-3-104 and Section 5-1H of this Code as amended from time to time.

6-11-10: - REMEDYING OF DANGEROUS CONDITIONS:

1. In the event that a condition on property located within the historic district, or property designated as a landmark, presents an imminent danger to the public health, safety, or welfare or requires immediate construction, reconstruction, repair, alteration, or demolition as ordered by a court of competent jurisdiction or as determined by a representative of the City, then such work may be performed without a certificate of appropriateness. Work performed under such circumstances shall be the minimum necessary in order to render the improvement safe, after which any construction, reconstruction, alteration or demolition shall

be processed in accordance with the provisions of Sections 6-11-6, 6-11-7 and 6-11-8 of this Chapter.

2. Under the circumstances described in Section 6-11-10:1, the owner of the property shall notify the Zoning Administrator in writing prior to performing the work necessary to make the property safe. If advance notification is not practical due to the emergency nature of the situation, the Owner shall provide written notice to the Zoning Administrator within seven (7) calendar days of commencement of such work. In either case, the written notice shall include the following: (i) a detailed description of the dangerous condition in question; (ii) the timeframe needed to complete the work; and (iii) the specific actions to be taken in the performance of such work.

6-11-11: - DEMOLITION BY NATURAL CAUSES:

1. For the purposes of this Section, natural demolition shall occur when an improvement is damaged by fire, explosion, or other casualty or act of God.
2. In the case of natural demolition of all or part of a landmark or an improvement located within an historic district, the owner shall obtain a certificate of appropriateness prior to reconstruction when required under the provisions of this Chapter.

6-11-12: - FINES AND PENALTIES:

1. Illegal Demolition:
 - 1.1. Demolition occurring under the provisions of Section 6-11-10 and Section 6-11-11 shall not be considered illegal demolition for the purpose of this Chapter, provided that the Zoning Administrator is properly notified in writing as provided in Section 6-11-10:2.
 - 1.2. It shall be unlawful to demolish any portion of any landmark or any improvement located within the historic district unless specifically permitted through a certificate of appropriateness issued for that property.
 - 1.3. Property owners will be subject to a fine of no less than ten thousand dollars (\$10,000.00) and no greater than fifty thousand dollars (\$50,000.00) for any and all illegal demolition to any landmark or to any improvement located within an historic district.
2. Illegal Construction Or Alteration:
 - 2.1. It shall be unlawful to complete any construction or alteration to any landmark or any improvement located within an historic district unless specifically permitted through the certificate of appropriateness issued for that property.
 - 2.2. Property owners will be subject to the following fines and penalties for any and all illegal construction or alteration to any landmark or any improvement located within an historic district:
 - 2.2.1. A fine of no less than five hundred dollars (\$500.00) and no greater than one thousand dollars (\$1,000.00), per violation.
3. Other violations of the Naperville Municipal Code:
 - 3.1 Except as otherwise provided herein, property owners will be subject to the following fines and penalties, for violations of provisions of the Naperville Municipal Code, including but not limited to, the requirements in Section 6-11-9 hereof.

3.1.1. A fine of not less than five hundred dollars (\$500.00) and not greater than one thousand dollars (\$1,000.00), per violation.

4. Liens: If fines, penalties, and reimbursement to the City as provided in Section 6-11-8:4.2.3 above are not timely paid, the City shall be entitled to file a lien against the property on which the violation occurred in the amount of such fines, penalties, or reimbursement amounts due, plus recording fees and interest.

SECTION 3: This Ordinance shall be in full force and effect upon its passage and approval as required by law.

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk