

6-11-3: - DESIGNATION OF LANDMARKS:

1. Procedure:

1.1. Any person or entity, including the Historic Preservation Commission may submit and application requesting a landmark designation for an improvement within the corporate limits of the City as prescribed herein. The consent of the owner of the improvement being considered shall not be required prior to filing the application for landmark designation. However, notification to the owner of the improvement shall be provided as set forth herein. An application requesting a landmark designation for an improvement that is less than fifty (50) years old shall not be accepted.

1.2. An application seeking a landmark designation for a certain improvement shall be in writing and shall include the following:

1.2.1. Contact information of the persons or entities seeking the landmark designation (applicant) including names, addresses, telephone numbers, email addresses and designation of one (1) person to serve as the primary point of contact.

1.2.2. The legal description and common address of the improvement in question.

1.2.3. The name and address of the current owner of the improvement in question.

1.2.4. An affidavit signed by the applicant certifying that notice of the application for landmark designation of the improvement in question has been sent to the current owner of the improvement by first class U.S. Postal mail, if the applicant is not the owner.

1.2.5. Written documentation signed by the owner of the improvement in question indicating whether the owner consents to the application for designation, or an affidavit by the applicant specifying why such documentation is unavailable, if the applicant is not the owner.

1.2.6. A written report containing: a) a description of the property; b) an analysis of the historic, architectural and aesthetic value of the proposed landmark in relation to the criteria set forth in Section 6-11-3:2 under standards for designation of landmarks; c) a list of significant exterior architectural features of the property; and d) other reasons in support of the proposed designation.

1.2.7. A plat of survey of the property if available and dated photographs of the improvement in question.

1.2.8. Any other information that the applicant deems relevant.

1.2.9. Such other information as the Historic Preservation Commission may request or prescribe from time to time.

1.3. An application for landmark designation shall be filed with the Zoning Administrator, who shall promptly review the application to determine whether it is complete.

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) 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%).

Upon written request of the owner, the Zoning Administrator may grant an extension of the thirty (30) 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) 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 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. Upon receipt of the completed application for landmark designation and any documentation included by the applicant and/or owner if the owner is not the applicant, the Commission may request additional information as necessary to form findings and recommendations to the City Council. Such information shall be promptly provided.

1.7. Within thirty (30) days after the completed application for landmark designation has been transmitted to the Commission, the Commission shall commence a public hearing on the application.

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 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.

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' × 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) feet, exclusive 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 of the City department where information concerning the application may be obtained.

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. The Commission shall conclude the public hearing on the application for landmark designation, and issue findings of fact and a recommendation to grant or deny the application, within sixty (60) days after the completed application for landmark designation has been transmitted to the Commission. It shall be within the discretion of the Commission to recommend denial of an application for designation of a landmark even if the criteria set forth in Section 6-11-3:2 are met. The Commission's findings of fact shall include the following:

1.10.1. Findings of fact related to the criteria set forth in Section 6-11-3:2;

1.10.2. A statement indicating whether the owner of the proposed landmark has responded to the application and the nature of the response pursuant to Section 6-11-3:3;

1.10.3. A description of evidence received by the Commission relative to the proposed landmark designation pursuant to Section 6-11-3:1:4; and

1.10.4. Any other facts that the Commission finds relevant.

1.11. The application for landmark designation, together with the Commission's findings of fact and recommendation, shall be forwarded to the City Council within thirty (30) days following issuance of the findings of facts and recommendation.

1.12. The City Council shall grant or deny the application for landmark designation using the criteria set forth in Section 6-11-3:2 or on such other bases as it deems appropriate, prior to the expiration date of the application as provided in Section 6-11-3:1.5 or within an extended timeframe approved by the City Council for up to an additional thirty (30) days.

If the City Council passes an ordinance approving the application for landmark designation, a copy of said ordinance shall be sent by the City Clerk to the applicant, the owner of the improvement in question, and the applicable Township Assessor's Office, and shall be recorded with the appropriate County Recorder.

1.13. From the date that a complete application for landmark designation is filed to the date that the application is granted, denied or expires, whichever comes first, no exterior architectural feature of the proposed landmark may undergo alteration, construction, or demolition if such alteration, construction, or demolition would be subject to the issuance of a certificate of appropriateness pursuant to the provisions of Section 6-11-6 after designation. Nothing in this paragraph shall prohibit any work that would not be subject to the issuance of a certificate of appropriateness or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition as described in Section 6-11-10:1.

1.14. Landmarks shall be designated by ordinance.

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) year 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: An application for landmark designation may be granted based on the findings that the improvement proposed to be designated as a landmark meets the following criteria:

2.1. That it is over fifty (50) years old, in whole or in part; and

2.2. That one or more of the following conditions exist:

2.2.1. That it was owned or occupied by a person of historic significance in national, State or local history;

2.2.2. That it has a direct connection to an important event in national, State or local history;

2.2.3. That it embodies the distinguishing characteristics of an architectural period, style, method of construction, or use of indigenous materials;

2.2.4. That it represents the notable work of a builder, designer or architect whose individual work has substantially influenced the development of the community; or

2.2.5. That it is included in the National Register of Historic Places.

3. Owner's Consent: The input, and preferably the consent, of the owner shall be considered by the Commission and the City Council in reaching a determination as to whether an improvement should be designated as a landmark. However, the owner's consent shall not be required as a condition to such designation.